

## CHAPTER 13: AREA PLANS

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### 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- 13.3.1.** All plans, policies, and regulations in the Regional Plan and this Code shall remain in effect unless superseded by the provisions of an Area Plan. The extent and nature of the superseded requirements of the TRPA Code shall be identified in the Area Plan.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 <del>4 stories</del> (56 ft) max. [1]	Up to <del>6 stories</del> (95 ft) max. [1]	Up to 197' max. [2]
Density SFD	Sec. 31.3										
Density MFD [3]	N/A	Sec. 31.3							With adoption of an Area Plan: - Residential: 25 units/acre (max.) - Tourist: 40 units/acre (max.)		
Land Coverage	Sec. 30.4 or Alternative Comprehensive Coverage Management System [See 13.5.3.B.1]										
Complete Streets	Sec. 36.5								[4]		
<p>[1] With adoption of an Area Plan. To ensure compatibility with adjacent uses and viewshed protection, the findings in Sec. 37.7.16 shall apply.</p> <p>[2] Limited to replacement structures, provided, the structures to be demolished and replaced are an existing casino hotel, with existing structures of at least eight stories, or 85 feet of height as measured from the lowest point of natural grade. Such structures shall also comply with Sec. 37.7.17.</p> <p>[3] Areas of Community Plans outside of Centers shall not be eligible for the alternative height and density allowances authorized in Area Plans for Centers. Any existing project density approved pursuant to Section 31.4.3 may be retained in an Area Plan.</p> <p>[4] Plan for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within Centers, as applicable, and incorporating the Regional Bike and Pedestrian Plan.</p>											

#### 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*.

**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.
- 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**

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

- a. Buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes.
- b. The scale of structures should be compatible with existing and planned land uses in the area.
- c. Viewsheds should be considered in all new construction. Emphasis should be placed on lake views from major transportation corridors.
- d. Area Plans shall include design standards for building design and form. Within Centers, building design and form standards shall promote pedestrian activity.

**4. Landscaping**

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**

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

- a. 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.
- b. Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light.
- c. Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well-placed, low-intensity lights.
- d. 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, and 14, 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:

1. Include building and site design standards that substantially enhance the appearance of existing buildings in the High-Density Tourist District;
2. Provide pedestrian, bicycle and transit facilities connecting the High-Density Tourist District with other regional attractions; and
3. Demonstrate that all development activity within the High-Density Tourist District will provide for 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.

#### **C. 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.



## CHAPTER 30: LAND COVERAGE

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### 30.1. PURPOSE

This chapter sets forth regulations for the permissible amount of land coverage in the region. It implements provisions of the Goals and Policies concerning the land capability system, land capability districts, prohibition of additional land coverage in certain land capability districts, and transfer and mitigation of land coverage.

### 30.2. APPLICABILITY

#### 30.2.1. General

All land coverage shall be regulated pursuant to the provisions of this chapter, except as provided in subsection 30.2.2.

#### 30.2.2. Individual Parcel Evaluation System

For proposed single-family dwellings on vacant parcels, and parcels originally developed under IPES, Chapter 53: *Individual Parcel Evaluation System*, also contains standards that affect the determination of allowable land coverage.

### 30.3. LAND CAPABILITY SYSTEM

The land coverage limitations set forth in this chapter are based on the land capability system established in *Land Capability Classifications of the Lake Tahoe Basin*, Bailey, R. G., 1974 ("Bailey report").

#### 30.3.1. Implementation of Land Capability System

The land capability system shall be implemented through land capability districts depicted on land capability overlay maps referred to in subsection 30.3.2. The accuracy of the land capability districts is subject to field verification pursuant to subsection 30.3.3. A land capability challenge pursuant to subsection 30.3.4 may be initiated to reclassify lands inaccurately mapped. The land capability overlay maps may also be amended by an amendment of the Regional Plan pursuant to subsection 30.3.5 or by demonstration pursuant to subsection 30.3.6 that the land has been man-modified.

#### 30.3.2. Establishment of Land Capability Districts

The land capability districts and the geomorphic groups established by the Bailey report are made part of this ordinance. For purposes of this land capability system, stream environment zones, as defined in Chapter 90: *Definitions*, are treated as Land Capability District 1b. The boundaries of each land capability district are established on the TRPA Land Capability Overlays, (January, 1987), as amended. Subject to the provisions of subsections 30.3.3, 30.3.4, 30.3.5, and 30.3.6, all land shall be classified as to land capability in accordance with the land capability districts depicted on the overlays.

#### 30.3.3. Land Capability Verification

Field verifications of land capability shall be conducted and regulated as follows:

**A. Classifications Subject to Field Verification**

Land capability classifications are subject to field verification by TRPA, or a TRPA-Certified Contractor

**B. Procedure for Site Visit**

At the request or with the permission of the owner, TRPA shall inspect the pertinent parcel.

**C. Report**

Upon completion of the inspection, TRPA shall prepare a report that identifies the observed slopes of the parcel, the field-located boundary of any stream environment zone, and any other information pertinent to the proper land capability classification of the parcel.

**D. Results of Field Verification**

As a result of the report prescribed by subparagraph 30.3.3.C, TRPA may take one or more of the following actions:

1. Verify that the parcel is accurately classified pursuant to subsection 30.3.2;
2. Make a minor boundary line adjustment of land capability districts within the parcel;
3. Determine the boundary of a stream environment zone within the parcel, whether previously mapped or not;
4. Reclassify all or part of the parcel to a different land capability district, if the reclassification can be based solely upon percentage of slope;
5. Determine that the land capability district cannot be verified, in which event a land capability challenge shall be completed pursuant to subsection 30.3.4 prior to the approval of any project on the parcel.

**E. Supersession of Actions Under Subparagraph 30.3.3.D**

Any of the actions authorized by subparagraph 30.3.3.D may be superseded by an action pursuant to subsections 30.3.4, 30.3.5, or 30.3.6. Any action by TRPA pursuant to subparagraph 30.3.3.D shall not commit or be construed as committing TRPA to approve any project on the pertinent parcel.

**F. Procedure After Verification**

A verification completed pursuant to subparagraph 30.3.3.D shall supersede the TRPA land capability overlays with respect to the pertinent parcel, except as determined by a land capability challenge or man-modified determination. Once TRPA has completed its action under subparagraph 30.3.3.D, it shall:

1. Give written notification to the owner of the parcel of the action taken;
2. Include the information set forth in the report prepared pursuant to subparagraph 30.3.3.C and the action pursuant to subparagraph 30.3.3.D in TRPA's data base for purposes of Chapter 6: *Tracking, Accounting, and Banking*; and

3. Affix a symbol to the land capability overlays denoting the action pursuant to subparagraph 30.3.3.D as applicable to the pertinent parcel.

**G. Special Procedure for TRPA-Designated Land Banks**

TRPA-designated land banks may perform field verifications on parcels owned by the land bank. Field verifications shall be performed by qualified personnel pursuant to the requirements of this subsection. A report pursuant to subparagraph C above shall be submitted to TRPA with a recommendation for action pursuant to subparagraph D. TRPA shall take the proper action and complete the verification process as set forth in subparagraph F.

**30.3.4. Land Capability Challenge**

In the event TRPA or the owner of a parcel believes such parcel is not properly classified pursuant to subsection 30.3.2, the agency or owner may initiate a land capability challenge pursuant to this subsection. The person or entity initiating the challenge shall bear the cost of the challenge.

**A. Team of Experts**

A team of experts retained by TRPA shall evaluate the land capability challenge. Depending on the nature of the challenge, the team may include, but need not be limited to, a geomorphologist, soil scientist, geologist and hydrologist, selected by TRPA. Such persons shall be recognized as possessing special qualifications to evaluate soils, land forms, hydrology, and other characteristics of land in the Tahoe region. TRPA shall consider data provided by experts retained by the owner, and TRPA's team of experts shall comment on the accuracy of the owner's data. No expert retained by the owner shall be a member of TRPA's team.

**B. Land Capability Report**

TRPA shall prepare a land capability report analyzing the land capability challenge. The report shall include:

1. A description of the parcel;
2. Identification of the soil series, geomorphic unit, slopes, and any SEZ found on the parcel;
3. A soil profile description of the site, based on one or more test pits, auger holes, or cut banks;
4. A contour map prepared by a registered surveyor or engineer on sites with complex topography, if necessary to determine land capability; and
5. A recommendation and map of the proper land capabilities for the parcel.

**C. Review and Approval of Report**

The TRPA-designated Hearings Officer shall review the land capability report. If the report recommends no change in land capability, the Hearings Officer may deny the land capability challenge, subject to an appeal to the Governing Board. If the report recommends a change in land capability, the change shall be approved or denied by the Hearings Officer. The challenge may be approved if the Hearings Officer finds that



the pertinent land, due to natural characteristics specifically identified, properly belongs in a land capability district(s) other than that in which it is presently classified.

**D. Procedure for Notification of Appeal**

An appeal to the Governing Board of the Hearings Officer's denial of a land capability challenge shall notice to affected property owners in accordance with TRPA's Rules of Procedure.

**E. Procedure After Action on Land Capability Challenge**

Once TRPA has completed its action on the land capability challenge, the agency shall follow the procedure set forth in subparagraph 30.3.3.F as though it applied to a land capability challenge pursuant to subsection 30.3.4.

**F. Special Procedure for TRPA-Designated Land Banks**

TRPA-designated land banks may initiate a land capability challenge on any parcel owned by the land bank. A team of experts pursuant to subparagraph A above, accepted by TRPA and the land bank, may be retained by the land bank. The team shall prepare a report pursuant to subparagraph B above. The TRPA Hearings Officer shall review the land capability report and approve or deny the proposed change in land capability. Upon completion of its action, TRPA shall follow the procedure set forth in subparagraph E.

**30.3.5. Amendment of Land Capability Overlays by Amendment of the Regional Plan**

The TRPA Land Capability Overlays may be amended through an amendment of the Regional Plan in the manner set forth in this subsection. The amendment may be initiated by TRPA.

**A. Minimum Area of Land**

An amendment of the Regional Plan pursuant to this subsection shall be limited to an area of land five or more acres in size.

**B. Team of Experts**

An amendment of the Regional Plan pursuant to this subsection shall be evaluated by the team of experts referred to in subparagraph 30.3.4.A under the conditions set forth in that subparagraph.

**C. Land Capability Report**

The reviewing expert(s) shall prepare a land capability report analyzing the proposed plan amendment. The report shall contain information concerning the environmental and use capacity of the pertinent land, as well as detailed information concerning topography, soils capabilities and limitations, surface and ground water conditions, geomorphology, vegetation characteristics, and related environmental factors pertinent to the land.

**D. Amendment**

An amendment of the Regional Plan pursuant to this subsection shall be processed, both procedurally and substantively, in the manner of amendment to the Regional Plan generally. The amendment may be approved if TRPA finds that the pertinent

land, due to natural characteristics specifically identified, properly belongs in a land capability district other than that in which it is presently classified.

**E. Other Matters Considered Plan Amendments**

The following actions shall be considered amendments to the Regional Plan pursuant to this subsection, and applications for such actions shall be processed accordingly:

**1. Line Adjustments**

Line adjustments of land capability district boundaries, other than minor adjustments pursuant to subsections 30.3.3 or 30.3.4; and

**2. Creation of New Land Capability Districts or Geomorphic Units**

Creation of a new land capability district with five contiguous acres or more in area, or creation of a new geomorphic unit with one square mile or more in area, unless smaller, more precise mapping units are adopted by TRPA, in which event the smaller units may be used.

**F. Procedure After Amendment**

Once TRPA has completed its action on an amendment to the Regional Plan pursuant to this subsection, the agency shall follow the procedure set forth in subparagraph 30.3.3.F as though it applied to an amendment to the Regional Plan pursuant to this subsection.

**30.3.6. Amendment of Land Capability Overlays for Man-Modified Areas**

The TRPA Land Capability Overlays may be amended for man-modified areas through an amendment of the Regional Plan in the manner set forth in this subsection. The amendment may be initiated by TRPA or the owner of the pertinent land, provided there is sufficient information demonstrating a reasonable possibility the requirements of this subsection can be met.

**A. Team of Experts**

An amendment of the Regional Plan pursuant to this subsection shall be evaluated by the team of experts referred to in subparagraph 30.3.4.A under the conditions set forth in that subparagraph.

**B. Man-Modified Report**

The team of expert(s) shall prepare a report analyzing the proposed plan amendment. The report shall contain information showing that the land in question was modified by man's placement of fill, dredging, or grading in so substantial a fashion as to generally exhibit the characteristics of a land capability district other than the one depicted for said land on the TRPA Land Capability Overlays. In addition to the above information, the report shall contain the following concerning the pertinent land:

- 1.** A statement of geomorphic characteristics;
- 2.** An analysis of surface and subsurface hydrology;
- 3.** A statement of physical and chemical soil characteristics;

4. An analysis of erosion hazard;
5. An analysis of vegetation;
6. A statement identifying the land capability characteristics resulting from the modification and an opinion by the team identifying the land capability district generally exhibiting those characteristics; and
7. Additional information reasonably required by TRPA to properly assess the merits of the application.

**C. Action on Amendment**

An amendment of the Regional Plan pursuant to this subsection shall be processed, both procedurally and substantively, in the manner of amendments to the Regional Plan generally. The amendment may be approved if TRPA finds that:

1. The land was modified prior to February 10, 1972;
2. Further development will not exacerbate the problems resulting from the modification of the land and will not adversely impact sensitive lands adjacent to or nearby the man-modified area;
3. The land no longer exhibit the characteristics of land bearing the same, original land capability classification;
4. Restoration of the land is infeasible because of factors such as the cost of restoration, a more positive cost-benefit ratio would be achieved by offsite restoration, onsite restoration would cause environmental harm, restoration onsite would interfere with an existing legal use, or the land is not identified for restoration by any TRPA program;
5. Further development can be mitigated onsite and/or offsite; and
6. Mitigation to offset the losses caused by modification of the land and pertinent land capability district, shall be as follows:
  - a. Onsite and/or offsite mitigation;
  - b. Pursuant to a maintenance program, including schedule of maintenance, proposed by the owner and approved by TRPA; and
  - c. Collection of a security, if deemed necessary by TRPA, to guarantee mitigation.

**D. Effect of Approval**

If the amendment is approved, the land coverage limitations of the land capability district, whose characteristics are exhibited by the pertinent land, shall apply to the land.

**E. Conditions Upon Amendment**

Approval of an amendment of the Regional Plan pursuant to this subsection may be granted subject to reasonable conditions in addition to those otherwise referred to in this subsection.

**F. Procedure After Amendment**

Once TRPA has completed its action on an amendment to the Regional Plan pursuant to this subsection, the agency shall follow the procedure set forth in subparagraph 30.3.3.F as though it applied to an amendment to the Regional Plan pursuant to this subsection including, but not limited to, the report prepared for and action on the amendment.

**30.4. LAND COVERAGE LIMITATIONS**

No person shall create land coverage in excess of the limitations set forth in this chapter. The means to determine base land coverage, the manner to transfer land coverage, and prohibitions of certain land coverage are set forth in this section.

**30.4.1. Base Allowable Land Coverage**

**A. Base Allowable Land Coverage Coefficients**

The base allowable land coverage shall be determined by using the coefficients set forth in *Land Capability Classifications of the Lake Tahoe Basin*, Bailey, R. G. 1974. These coefficients are:

TABLE 30.4.1-1: BASE ALLOWABLE LAND COVERAGE COEFFICIENTS	
Lands Located in Land Capability District*	Base Allowable Land Coverage
1a, 1b, 1c	1%
2	1%
3	5%
4	20%
5	25%
6, 7	30%

\* Lands located in Geomorphic Group I are classified Land Capability District 1 and are permitted one percent coverage.

**B. General Rule and Exceptions**

The coefficients shall be applied to the project area in accordance with subparagraph C, except as provided below.

**1. Parcels in TRPA-Approved Subdivisions in Conformance with the Bailey Coefficients**

In TRPA-approved subdivisions where TRPA applied the coefficients on a subdivision-wide basis and allowable coverage was assigned to individual parcels, the assigned coverage shall be the base allowable land coverage for those parcels. The list of TRPA-approved subdivisions in conformance with Bailey coefficients is provided in Attachment D to the Goals and Policies.

**2. Parcels in Existing Planned Unit Developments (PUDs) Not in Conformance with the Bailey Coefficients**

To determine the base allowable land coverage for parcels within an existing PUD, the coefficients shall be applied to the entire PUD. This total allowable coverage, minus the existing common area facilities coverage, shall be divided among the individual parcels in proportion to their respective sizes, whether developed or not. Public rights-of-way shall not be included in the calculation. Accordingly, the method of calculation is as follows: first, the area of public rights of-way is not to be counted; second, base allowable land coverage for the remaining area in the PUD is calculated; third, the amount of existing coverage in common areas is subtracted; fourth, the remaining coverage is divided among the individual parcels, in proportion to size. In no case shall parcels of individual ownership be assigned an allowable base coverage of less than zero.

### Example of Calculation – PUD

Project is a five-acre PUD (not including public rights-of-way) with ten individual 50' x 50' parcels located in Land Capability District 4. Existing common area improvements such as parking, tennis court, and recreation center equal 30,000 square feet of land coverage

**Step 1:** Zero land in public rights-of-way, so nothing subtracted from 5 acres (217,800 sf).

**Step 2:** PUD size (217,800 sf) x coverage coefficient (20%) = base allowable land coverage (43,560 sf).

**Step 3:** Base allowable land coverage (43,560 sf) - existing improvements (30,000 sf) = remaining base allowable land coverage (13,560 sf).

**Step 4:** Remaining base allowable land coverage (13,560 sf) ÷ number of parcels (10) = base allowable land coverage per parcel (1,356 sf)

### 3. Relationship to IPES

Except as set forth in 1 and 2 above, the Individual Parcel Evaluation System ("IPES") ratings shall be used to determine allowable coverage for single family houses subject to IPES pursuant to Chapter 53: *Individual Parcel Evaluation System*.

### C. Method of Calculating Base Allowable Land Coverage

Base allowable land coverage shall be determined by application of the base land coverage percentages set forth in subparagraph A above to the project area. Determination of the project area and the method of applying the percentage coverage figures to the project area shall be as set forth below.

#### 1. Calculation of Base Allowable Land Coverage Under IPES

Calculation of permissible land coverage for parcels subject to IPES shall be in accordance with Chapter 53.

#### 2. Determination of the Project Area

The project area shall be calculated as follows:

##### a. Boundaries or Area of Land Involved

###### (i) Single Parcel up to 20 Acres

For a project on a single parcel of up to 20 acres, the project area shall be the area of the parcel.

###### (ii) Single Parcel in Excess of 20 Acres, or No Parcel

For a project on a single parcel in excess of 20 acres, or on an area of land not consisting of a parcel, TRPA shall determine the project area based upon the following factors, among others, appropriate for this purpose: the area impacted by or the sphere of influence of the project; the area to be actually used for the project; whether the project is located in one or more hydrologically related areas; and the extent of land coverage and land disturbance for the project.

**(iii) Two or More Contiguous Parcels**

For a project on or comprising two or more contiguous parcels, the project area shall be the total combined square footage of the parcels, provided the parcels are permanently consolidated. If the parcels are not permanently consolidated, the owner shall record against the parcels a deed restriction or other covenant running with the land permanently assuring that the land coverage calculations for the parcels shall always be made as if the parcels had been legally consolidated.

**(iv) Proposed Accessory Use**

Where the proposed activity or project for which land coverage is to be calculated is an accessory use to an existing primary use located on one or more adjacent parcels, the project area for the accessory use shall be the total combined square footage of all of said parcels owned or controlled by the same person, provided the parcels are permanently consolidated through a recorded deed restriction or other covenant running with the land permanently assuring that the coverage calculations for the parcels shall always be made as if the parcels had been legally consolidated. If the parcels are not permanently consolidated, the owner shall do so by means of one of the above methods.

**(v) Noncontiguous Parcels**

For a project on noncontiguous parcels pursuant to Chapter 13: *Redevelopment Plans*, or Chapter 15: *Environmental Improvement Program*, the project area of two or more noncontiguous parcels shall consist of the total combined square footage of the parcels, provided the owner(s) of the parcels record against the parcels a deed restriction or other covenant running with the land permanently assuring that the coverage and density calculations for the parcels shall always be determined as if the parcels had been legally consolidated.

**b. Land Not Included in the Project Area**

The project area shall not include the following:

- (1) Lands lakeward of the high-water lines of bodies of water, such as lakes and ponds;
- (2) Lands underlying covered surfaces associated with existing linear public facilities;
- (3) Highways, streets, and roads referred to in subparagraph 30.4.2.A.3; and
- (4) Easements or rights-of-way allowing potential land coverage for linear public facilities, highways, streets, and roads.

Land coverage associated with existing linear public facilities, highways, streets, and roads shall not be considered in the calculation of land coverage, except as pertinent to the review by TRPA of the facilities, highway, streets, or roads, or as required pursuant to subparagraph 30.4.1.C.3.e.

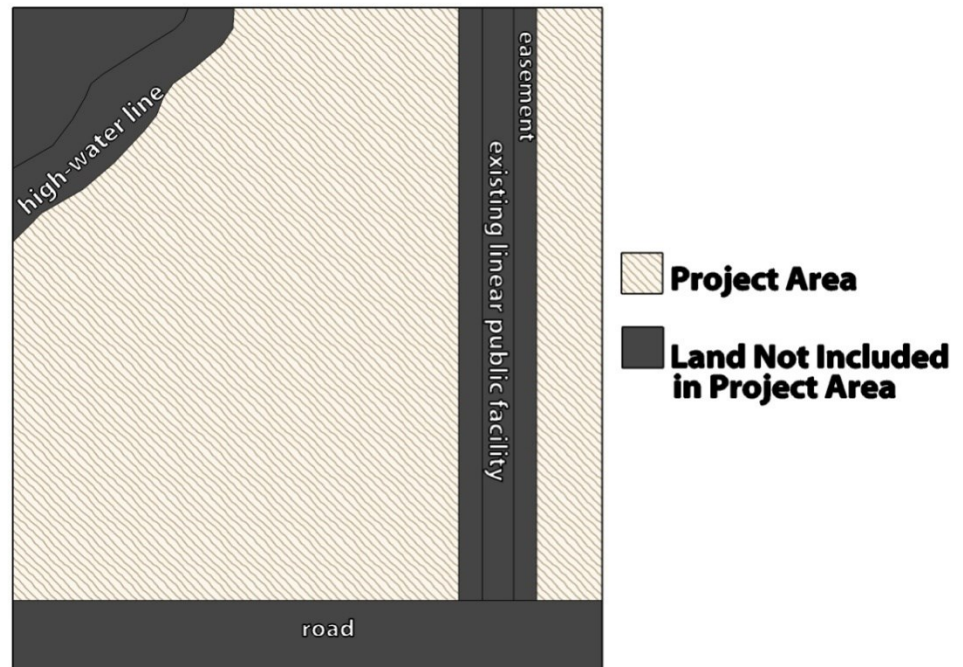


Figure 31.4.1-A: Land Not Included in Project Area

c. **Separate Calculation for the Area Within Each Land Capability District**

With the exception of land coverage for IPES pursuant to Chapter 53, base allowable land coverage shall be calculated by reference to the square footage area of each, separate land capability district located within the project area, applying the applicable land coverage percentage set forth in subparagraph 30.4.1.A to the square footage within each respective land capability district.

3. **Application of Percentage Coverage Figures to the Project Area**

The percentage coverage figures shall be applied to the project area as follows:

a. **Amount of Base Allowable Land Coverage**

The maximum amount of base land coverage on the parcel or project area shall be equal to the cumulative allowed base coverage of all land capability district(s), determined by applying the land coverage percentage for each district set forth in subsection 30.4.1 to the parcel or project area, as determined by subparagraph 2 above. The placement of this base land coverage is subject to the restrictions in subparagraph b below.



**b. Parcel or Project Area of One-Third Acre or Less**

For a parcel or project area of one-third acre or less, the following rules apply:

All base allowable land coverage attributable to land in Land Capability Districts 1 through 3 may be aggregated and placed on any location within Land Capability Districts 4 through 7, inclusive, but not within Land Capability Districts 1 through 3; and

All base allowable land coverage attributable to land in Land Capability Districts 4 through 7 may be aggregated and placed anywhere within Land Capability Districts 4 through 7; however, such base coverage shall not be placed in Land Capability Districts 1 through 3.

Any base allowable land coverage from Land Capability Districts 1 through 3 placed in Land Capability Districts 4 through 7 shall not reduce the maximum base coverage allowed in Land Capability Districts 4 through 7.

Base coverage shall only be used in Land Capability Districts 1 through 3 if the use meets an exception in subsection 30.5.1 or 30.5.2, or any other code section that provides a specific exception.

**c. Parcel or Project Area Greater than One-Third Acre**

For a parcel or project area greater than one-third of an acre, the landowner may choose one of the two below options apply to base coverage.

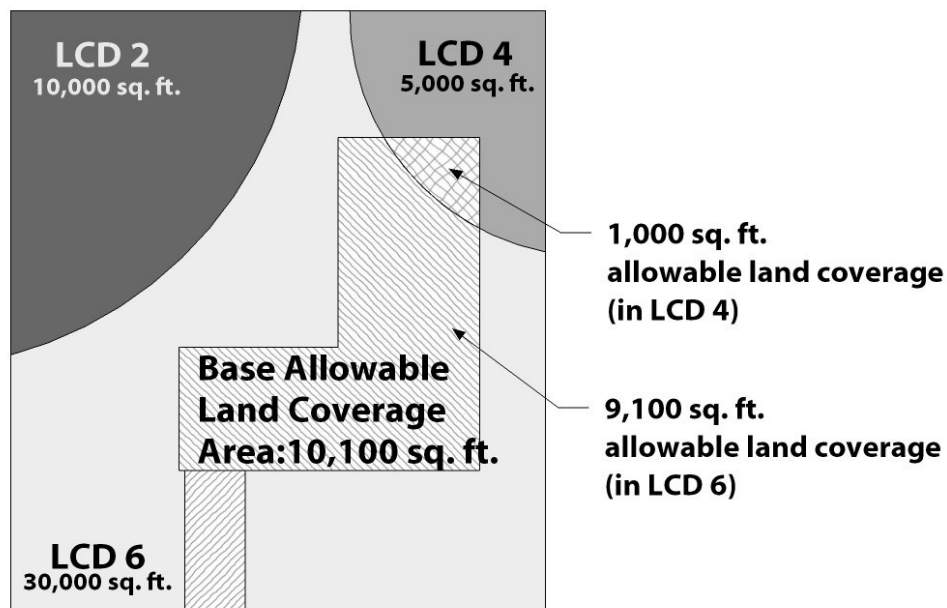
**(i) Option 1**

- (1) All base allowable land coverage attributable to land within Land Capability Districts 4 through 7, inclusive, shall only be placed within each corresponding Land Capability District 4 through 7 area up to the maximum amount of land coverage determined by applying the land coverage percentages of each respective land capability district; and
- (2) All base allowable land coverage attributable to land within Land Capability Districts 1 through 3 may be aggregated and placed within any Land Capability District 4 through 7 location.
- (3) No base allowable land coverage shall be placed on any land in Land Capability District 1 through 3, inclusive, except as provided in subsections 30.4.1, 30.5.1, 30.5.2, or any other Code section that provides a specific exception.

**Example: Option 1 (Base Allowable Land Coverage – Greater Than 1/3 Acre)**

For a project area that is 45,000 square feet in size, with 10,000 square feet in Land Capability District 2, 5,000 square feet in Land Capability District 4, and 30,000 square feet in Land Capability District 6, the maximum base allowable land coverage would be 10,100 square feet, calculated as follows:

Land area of Land Capability District (LCD) ×	Base Coverage =	Maximum Base Allowable Land Coverage
10,000 sq. ft. (LCD 2)	1%	= 100 sq. ft.
5,000 sq. ft. (LCD 4)	20%	= 1,000 sq. ft.
30,000 sq. ft. (LCD 6)	30%	= 9,000 sq. ft.
		<b>TOTAL: 10,100 sq. ft.</b>



**Figure 30.4.1-B: Option 1: Base Allowable Land Coverage in Multiple Land Capability Districts (LCDs)**

**(ii) Option 2**

The percentage coverage figure corresponding to the lowest district number of Land Capability Districts 4 through 7 may be applied to the total area encompassed by Land Capability Districts 4 through 7, to which amount may be added the aggregate of base coverages attributable to land within Land Capability Districts 1 through 3. No base allowable land coverage may be placed within Land Capability Districts 1 through 3, except as provided in subsection 30.4.1.

**Example: Option 2 (Base Allowable Land Coverage – Greater Than 1/3 Acre)**

Using the same example project in Option 1 above, Option 2 would be calculated as follows:

**Given that:**

- The parcel contains Land Capability Districts 2, 4, and 6;
- Land Capability District 4 is the lowest capability district within the 4 through 7 range; and
- The total area encompassed by Land Capability Districts 4 through 7 is 35,000 sq. ft. ( 5,000 + 30,000); and
- 20% is the percentage coverage figure for Land Capability District 4;

**Then:** The base allowable land coverage area for Land Capability District 4 is  $35,000 \times .20 = 7,000$  sq. ft.

**Finally:** Add the aggregate base land coverage of all land in Land Capability Districts 1 through 3 (100 sq. ft.) to the Land Capability District 4 base land coverage (7,000 sq. ft.), which results in a final base allowable land coverage of 7,100 sq. ft., which may be placed in any location within the Land Capability Districts 4 and 6.

**d. Transferred Coverage**

In the event additional land coverage is permitted by transfer pursuant to subsection 30.4.2, the amount of total allowable land coverage shall be calculated by applying the percentage coverage figures set forth in subsection 30.4.2 to the project area determined pursuant to subparagraph 30.4.1.C.2.

**e. Land Coverage in Right-Of-Way**

Existing or proposed land coverage in a public street or highway right-of-way shall be attributable to the owner of the right-of-way. Transfer of such coverage shall be pursuant to the requirements of subsection 30.4.3. The owner of the right-of way may arrange the transfer of land coverage with the person, if any, benefiting from the proposed land coverage in the right-of-way.

**30.4.2. Transferred Land Coverage Requirements**

In addition to the base land coverage prescribed by subsection 30.4.1, land coverage may be transferred to a parcel pursuant to subsection 30.4.3. Parcels and uses eligible for transfer of land coverage are identified in this subsection. For purposes of this subsection, the “maximum land coverage” equals the base land coverage plus the transferred land coverage. Land coverage shall not exceed base land coverage for parcels and uses that are not identified in this subsection. The aggregate of base land coverage and transferred land coverage shall not exceed the limits set forth in this subsection.

**A. General Standards Applicable in All Locations**

**1. Residential Facilities (One to Four Units)**

The maximum land coverage allowed on a parcel for residential facilities of four units or less shall be the land coverage allowed pursuant to the coefficients in Table 30.4.1-1, or as follows, whichever is greater:

a. **Maximum Parcel Coverages**

TABLE 30.4.2-1: MAXIMUM PARCEL COVERAGE	
Project Area (Sq. Ft.)	Maximum Land Coverage
0 - 4,000	Base Land Coverage Only
4,001 - 9,000	1,800 sq. ft.
9,001 - 14,000	20% of Project Area
14,001 - 16,000	2,900 sq. ft.
16,001 - 20,000	3,000 sq. ft.
20,001 - 25,000	3,100 sq. ft.
25,001 - 30,000	3,200 sq. ft.
30,001 - 40,000	3,300 sq. ft.
40,001 - 50,000	3,400 sq. ft.
50,001 - 70,000	3,500 sq. ft.
70,001 - 90,000	3,600 sq. ft.
90,001 - 120,000	3,700 sq. ft.
120,001 - 150,000	3,800 sq. ft.
150,001 - 200,000	3,900 sq. ft.
200,001 - 400,000	4,000 sq. ft.

b. **Planned Unit Developments**

For parcels in planned unit developments, the maximum coverage allowed shall be 100 percent of the proposed building envelope or 2,500 square feet, whichever is less. Parcels in PUDs with five or more units per parcel are considered multi-residential and regulated pursuant to subparagraph 30.4.2.B.3.

c. **Special Transfer Programs**

Parcels in subdivisions with TRPA-approved transfer programs may be permitted the coverage specified by that approval. The only subdivision with such a program, as of the effective date of the Regional Plan, is Cave Rock Estates, Unit No. 3. The Cave Rock Estates, Unit No. 3 transfer program is set forth in the TRPA March 23, 1978, approval of that subdivision.

d. **Driveways**

The maximum limits in Table 30.4.2-1 may be increased by a transfer of land coverage for a driveway built in accordance with the standards in Chapter 34: *Driveway and Parking Standards*, which is to be created in connection with the construction of a single-family house on an existing parcel, provided TRPA finds that:

The construction will not result in a residential structure with land coverage greater than that permitted in Table 30.4.2-1 minus 400 square feet; and

The single-family house, as a direct result of the increased land coverage, will be located on the parcel in such a manner that it shall cause the least harm to the natural environment through minimization of land alterations, grading, removal of vegetation, hydrological impacts, and preservation of trees and other flora.

**2. Linear Public Facilities and Public Health and Safety Facilities**

The maximum land coverage for linear public facilities and public health and safety facilities is limited to the minimum amount needed to achieve their public purpose, except as provided for non-motorized public trails in subsection 30.4.6.D.3. Such transfer may be permitted, provided TRPA makes the following findings:

- a. The project complies with required findings for additional public service facilities if required pursuant to Section 50.8;
- b. There is no feasible alternative that would reduce land coverage;
- c. The project, because of its unusual configuration or service requirement, requires special consideration; and
- d. The facility primarily serves the needs of persons other than those who are or will be residents of the lands in question, or the owners of the land in question.

**3. Highways, Streets, and Roads**

Transfer of land coverage for highways, streets, and roads may be permitted, provided TRPA, in addition to the findings in subparagraph 2 above, makes the following additional findings:

- a. The highway, street, or road is required to provide access to property other than that owned by the applicant; and
- b. The highway, street, or road will be constructed or maintained by a public agency, or is required to be so constructed or maintained by the terms and in accordance with the boundaries of a lawfully created easement recorded prior to February 10, 1972, or is required or approved by TRPA for a project approved after the effective date of the Regional Plan.

**4. Facilities for Public Safety and Access of the Disabled**

For receiving parcels with legally existing development and insufficient available or banked coverage, transfers of land coverage may be permitted for the addition of facilities for access of disabled persons for compliance with the American Disabilities Act (ADA) and other public safety requirements that do not qualify for a coverage exemption under subparagraph 30.4.6.

**a. Transfer Standards**

The maximum land coverage transferred shall be consistent with the following standards:

- (1) Transferred coverage shall be the minimum amount necessary to meet the public safety and access requirements;

- (2) Coverage shall not be transferred to sensitive land unless there is no feasible alternative on the receiving parcel.
- (3) Pervious decking shall be used where feasible.
- (4) Receiving parcels shall have installed and maintained BMPs meeting TRPA requirements and the transferred coverage shall also have BMPs installed and maintained to meet TRPA requirements.
- (5) This provision shall not be used in conjunction with any project that adds coverage for purposes not related to public safety or access of the disabled.
- (6) When feasible alternatives exist, TRPA may require the relocation of on-site coverage for some or all of the coverage needed. On-site coverage relocation is appropriate for parcels with non-essential coverage areas that can be reduced in size or replaced with pervious alternatives without significant structural modifications or significant impacts to the usability of the parcel. This subparagraph shall not be interpreted to require the removal of existing living area, garage space, vehicle access routes, pedestrian access routes, the first 1,000 square feet of driveway or the first 1,000 square feet of decking/patio space on each parcel.

**b. Eligible Improvements**

Eligible improvements include:

- (1) Facilities for access of disabled persons for compliance with the American Disabilities Act (ADA).
- (2) Utility improvements including boxes, vaults, poles and electric vehicle chargers.
- (3) The minimum driveway necessary to provide two off-site parking spaces for each residential parcel.
- (4) Other property improvements that the executive director determines are necessary for public safety or access of the disabled.

c. Land coverage transferred for public safety and access shall be classified exempt in accordance with subparagraph 30.4.6.H.

**5. Water Quality Control Facilities**

Transfers of land coverage for water quality control facilities, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities, may be permitted the minimum amount of land coverage needed to achieve their purpose provided there is not a reasonable alternative, including relocation, that avoids or reduces the land coverage.

**B. Location-Specific Standards**

**1. Facilities Within Centers**

Unless otherwise provided in subparagraph A, the maximum land coverage (base plus transferred coverage) allowed on a parcel within a Center of a Conforming Area Plan shall be:

- a. Within 300 feet of the High Water Line of Lake Tahoe (excluding those areas landward of State Highways in the Tahoe City and Kings Beach Town Centers), maximum land coverage shall be 50 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive.
- b. Further than 300 feet from the High Water Line of Lake Tahoe and those areas landward of State Highways in the Tahoe City and Kings Beach Town Centers, maximum land coverage shall be 70 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive.

**2. Commercial Facilities Within Community Plans**

Unless otherwise provided in subparagraph A, the maximum land coverage (base land coverage plus transferred coverage) allowed on a parcel for commercial and mixed-use facilities located within community plans approved pursuant to Chapter 12, but not within a Center of a Conforming Area Plan is as follows:

- a. For parcels upon which there is no development legally existing as of July 1, 1987, and for areas at least 300 feet from the high Water Line of Lake Tahoe (excluding those areas landward of State highways in the Tahoe City and Kings Beach Town Centers), maximum land coverage shall be 70 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive; and
- b. For parcels upon which there legally exists development as of July 1, 1987, maximum land coverage shall be 50 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive.

**3. Tourist Accommodation Facilities, Multi-Residential Facilities (Five or More Units), Public Service Facilities, and Recreation Facilities Within Community Plans**

The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for tourist accommodation facilities, multi-residential facilities of five units or more, public service facilities, and recreation facilities shall be limited to 50 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive, provided the parcel is located within a community plan approved pursuant to Chapter 12. Subdivisions into parcels of four or fewer residential units are not eligible for the maximum land coverage permitted under this subparagraph unless a deed restriction requiring maintenance of the units as affordable or moderate income housing, as defined by TRPA, is approved by TRPA and recorded against the property.

**4. Public Service Facilities Outside Community Plans and Centers**

The maximum land coverage for other public service facilities located outside of an approved community plan, or Centers within a Conforming Area Plan pursuant to Chapter 13, is 50 percent of the project area. Transfer of land coverage for public service facilities located outside a community plan is limited to projects for which TRPA has made the following findings:

- a. The project complies with required findings for additional public service facilities if required pursuant to Section 50.8;
- b. There is no feasible alternative that would reduce land coverage; and
- c. There is a demonstrated need and requirement to locate the facility outside a community plan.

**5. Affordable, Moderate, and Achievable Housing outside Centers**

The maximum land coverage allowed on a parcel for multi-residential developments, mixed-use developments with a residential component as described in subsection 36.13, or accessory dwelling units, provided they are 100 percent deed-restricted affordable, moderate, or achievable and utilize bonus units, shall be limited to 70 percent of the project area that is located within Land Capability Districts 4 through 7, subject to the following standards:

- a. All runoff from the project area must be treated by a stormwater collection and treatment system if a system is available for the project area. The stormwater collection and treatment system must meet applicable TRPA requirements, a county or city, a utility, a community service or improvement district, or similar public entity with a sustainable funding source must assume perpetual responsibility for operation and maintenance; and the system must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located), as required to be included as a component of the TMDL pollutant load reduction measures credited to the entity or entities where the system is located; or
- b. If a stormwater collection and treatment system is not available for the project area, water quality treatment consistent with Chapter 60 of the TRPA Code of Ordinances may be approved by TRPA, provided that local jurisdictions with a sustainable funding source verify and are responsible for ongoing BMP maintenance of the project area through a deed restriction running with the land.
- c. To transfer in coverage above the base allowable coverage, the project shall not construct any parking spaces above the parking minimums set by local or state standards, except when required to meet Americans with Disabilities Act requirements or to provide parking for bicycles.



d. The project is exempt from the density maximums per section 31.4.1.A and subject to the parking standards specified in Section 34.4.1, unless an area plan specifies alternative standards per Section 13.5.3.I.C.1.

e. The additional coverage for accessory dwelling units is limited to 1,200 square feet or 70 percent of the project area, whichever is less, that is located within Land Capability Districts 4 through 7 or on parcels that are buildable based on their IPES score. Additional land coverage shall be used only for the accessory dwelling unit, and includes decks and walkways associated with the accessory dwelling unit. This coverage shall not be used for parking.

**6. Stormwater Collection and Treatment Systems for Affordable, Moderate, and Achievable Housing**

Multi-residential developments, mixed-use developments with a residential component, as described in subsection 36.13, or accessory dwelling units, provided the units are 100 percent deed-restricted affordable, moderate, and achievable, utilize bonus units and are located in Land Capability Districts 4 through 7 and within an approved area plan, may increase maximum land coverage above 70 percent in centers, subject to the following standards:

a. All runoff from the project area must be treated by a stormwater collection and treatment system if a system is available for the project area. The stormwater collection and treatment system must meet applicable TRPA requirements, a county or city, a utility, a community service or improvement district, or similar public entity with a sustainable funding source must assume perpetual responsibility for operation and maintenance; and the system must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located), as required to be included as a component of the TMDL pollutant load reduction measures credited to the entity or entities where the system is located.

b. To transfer in coverage above 70 percent, the project shall not construct any parking spaces above the parking minimums set by local or state standards, except when required to meet Americans with Disabilities Act requirements or to provide parking for bicycles.

c. The project is exempt from the density maximums per section 31.4.1.A and subject to the parking standards specified in Section 34.4.1, unless an area plan specifies alternative standards per Section 13.5.3.I.C.1.

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**C. Transfer of Nonconforming Land Coverage**

Notwithstanding subparagraphs A and B above, when existing development is relocated to a Center and the sending site is restored and retired, the nonconforming land coverage (as measured in square feet) may be maintained with the relocation provided both of the following conditions are satisfied:

1. The receiving site shall be developed in accordance with all applicable TRPA ordinances. If necessary to comply with applicable ordinances, land coverage shall be reduced; and
2. The receiving site shall be either the same size or larger than the prior site, or, if the new project area is smaller than the prior site, the amount of nonconforming coverage to be transferred shall be reduced on a proportionate basis and the balance of nonconforming coverage may be banked or transferred elsewhere.

**30.4.3. Method of Transferring Land Coverage**

Land coverage may be transferred to eligible parcels for eligible uses, in accordance with the percentage limitations set forth in subsection 30.4.2 and the requirements of this subsection. A transfer of land coverage shall be from one parcel or project area to another and shall only be transferred in conjunction with a project approved by TRPA. Land coverage banks may be designated by TRPA pursuant to Section [Error! Reference source not found.6-9](#), to provide land coverage for transfer purposes.

**A. Land Coverage Transfer Ratios**

Land coverage transferred from one parcel ("sending parcel") to another parcel ("receiving parcel") shall be in accordance with the following ratios:

**1. General**

Except for transfers relating to uses within approved community plans or Centers, the transfer of one square foot of land coverage to a receiving parcel shall require the retirement of one square foot of land coverage on the sending parcel (1:1 transfer ratio). Higher transfer ratios may be required pursuant to subparagraph A.2 below.

**2. Uses Within Approved Community Plans or Centers**

Receiving parcels within an approved community plan or Center eligible for the maximum 70 percent land coverage prescribed by subparagraph 30.4.2.A.2, shall be eligible to receive transferred land coverage at the following ratios:

**a. Transfers from Sensitive Lands**

From sensitive lands, land coverage shall be transferred at a ratio of 1:1, until the total land coverage reaches the maximum allowed.

**b. Transfers from Non-Sensitive Lands**

From non-sensitive lands, land coverage shall be transferred at a ratio of 1:1 up to 50 percent, and shall be transferred at the ratio set forth in Table 30.4.3-1 for projects with coverage in excess of 50 percent until the

total land coverage reaches the maximum allowed except as provided in subparagraph c. below:

TABLE 30.4.3-1: TRANSFER RATIOS	
Maximum Percent of Final Coverage	Transfer Ratio
>50 – 51	1.05:1
> 51 – 52	1.1:1
> 52 – 53	1.15:1
> 53 – 54	1.2:1
> 54 – 55	1.25:1
> 55 – 56	1.3:1
> 56 – 57	1.35:1
> 57 – 58	1.4:1
> 58 – 59	1.45:1
> 59 – 60	1.5:1
> 60 – 61	1.55:1
> 61 – 62	1.6:1
> 62 – 63	1.65:1
> 63 – 64	1.7:1
> 64 – 65	1.75:1
> 65 – 66	1.8:1
> 66 – 67	1.9:1
> 67 – 68	1.95:1
> 68 – 70	2:1

### Example of Land Coverage Transfer from Non-Sensitive Sending Parcel

#### Receiving Parcel:

Five-acre parcel = 217,800 sq. ft.

Allowable base coverage (30%) =  $0.3 \times 217,800 = 65,340$  sq. ft.

Proposed project coverage (60%) =  $0.6 \times 217,800 = 130,680$  sq. ft.

#### Total Land Coverage Needed for Transfer from Non-Sensitive Sending Parcel:

**Step 1:** For first 0% - 30% of coverage:

(No transfer necessary)      Then: 0 to 30% =      **0 sq. ft.**

**Step 2:** For >30% to 50% (i.e., 20%) of coverage:

[Required ratio is 1:1]      Then:  $20\% \times 217,800$  sq. ft.      =      43,560 sq. ft.

So: 43,560 sq. ft.  $\times 1$       =      **43,560 sq. ft.**

**Step 3:** For >50% to 60% (i.e., 10%) of coverage:

[Required ratio is 1.5:1]      Then:  $10\% \times 217,800$  sq. ft.      =      21,780 sq. ft.

#### c. Transfer for Multi-Residential Facilities of Five Units or More, Public Service Facilities, and Recreation Facilities

Land coverage shall be transferred at a ratio of 1:1, until the total land coverage reaches the maximum allowed.

#### B. Types of Land Coverage Eligible for Transfer

The following types or classes of legally established land coverage are eligible for transfer to receiving parcels in accordance with the provisions of this chapter:

##### 1. Hard Land Coverage

Hard land coverage may be transferred in all cases.

##### 2. Soft Land Coverage

Soft land coverage may be transferred in all cases; however, transfers to commercial, mixed-use, or tourist accommodation uses or facilities shall not be permitted, except for the following:

- a. Soft coverage may be transferred to commercial parcels within both the South Y Industrial Tract Community Plan and the Upper Truckee River Hydrologic Transfer Area for service, light industrial, and wholesale/storage uses in accordance with subsection 30.4.3 and provided that the findings in subparagraph 30.4.3.F below are made. See, however, subsection 30.4.3.B.6 below for legally existing soft coverage transfer allowances between hydrologically related areas.
- b. Soft coverage may be transferred from Land Capability Class 1b (Stream Environment Zones) to Centers for all use types.

**3. Base Land Coverage**

Unused allowable base land coverage (i.e., potential coverage) referred to in subsection 30.4.1 may be transferred in all cases, except for transfers relating to commercial, mixed-use, or tourist accommodation uses or facilities. Land coverage transferred as mitigation for excess coverage associated with commercial, mixed-use, and tourist accommodation projects shall be existing hard coverage except as provided in subparagraph 2 above.

**a. General Rule for Transfer Amounts**

The amount of coverage that may be transferred from a parcel having an IPES score shall be the amount of potential base coverage allowed under IPES. Potential base coverage under the Bailey system may be transferred only when an IPES score has not been established for the sending parcel.

**b. Exceptions to the General Rule:**

Bailey coverage, not IPES coverage, shall be used to determine the amount of potential coverage to be transferred in the following situations:

- (1) When an IPES score has been assigned to a sending parcel that is subsequently developed under the Bailey system; or
- (2) When the sending parcel has a current TRPA approval under the Bailey system.

**4. Land Coverage for Single-Family House**

Land coverage transferred for a single-family house, including, but not limited to, a house to be constructed pursuant to IPES, shall be from a sending parcel as environmentally sensitive as or more environmentally sensitive than the receiving parcel. If both sending and receiving parcels have not received IPES rating scores, relative environmental sensitivity shall be determined by comparing the land capability classification of each parcel. If both parcels have IPES rating scores, sensitivity shall be determined by comparing the scores of each. If one parcel has an IPES rating score and the other does not, sensitivity shall be determined based on Table 30.4.3-2.

TABLE 30.4.3-2 POTENTIAL COVERAGE TRANSFERS BETWEEN BAILEY AND IPES LOTS								
			Receiving Parcel					
			Bailey Land Classifications				IPES Score	
			1a, 1b, 1c, 2, 3*	4	5	6	7	Above 725      At or Below 725
Sending Parcel	IPES Score	At or Below 725	N*	E	E	E	E	See Subparagraph 30.4.3.B.4

		Above725	N*	E	E	E	E		
Bailey Classification	7	See Subparagraph 30.4.3.B.4	E	N					
	6		E	N					
	5		E	N					
	4		E	N					
	3		E	E					
	2		E	E					
	1c		E	E					
	1b		E	E					
	1a		E	E					
E – Eligible for Transfer									
N – Not Eligible for Transfer									
* - New coverage is generally not allowed on residential lots with Bailey classifications 1-3. Exceptions shall be consistent with the TRPA Code of Ordinances.									

**5. Land Coverage for Water Quality Control Facilities**

Land coverage transferred for water quality control facilities pursuant to subparagraph 30.4.2.A.5 shall be in accordance with 1 through 3 above, or shall be mitigated through restoration in accordance with subsection 30.5.3, in the amount of 1.5 times the area of land covered or disturbed for the project beyond that permitted by the coefficients in Table 30.4.1-1.

**6. Land Coverage Transfers Across Hydrologically Related Areas**

Hard and soft land coverage may be transferred across hydrologically related areas pursuant to the following requirements:

- a. The sending site is sensitive land defined as lands with IPES scores at or below 725; or for lands without IPES scores, those lands identified as Land Capability Districts 1 through 3. The hard and soft land coverage must be transferred from sensitive land.
- b. The receiving site is non-sensitive land defined as lands with IPES scores above 725; or for lands without IPES scores, those lands identified as Land Capability Districts 4 through 7. The area receiving transferred coverage must be non-sensitive land.
- c. The receiving site is further than 300 feet from the High Water Line of Lake Tahoe, or on the landward side of Highway 28 or 89 in the Tahoe City or Kings Beach Town Centers.

**C. Sending Parcels Classified as Sensitive Lands**

If land coverage is transferred from a sending parcel, or a portion thereof, that is defined as a sensitive land, the coverage transferred shall be permanently retired as

set forth in subparagraph 30.4.3.G below and may not be returned to the sending parcel.

**D. Sending Parcels Classified as Non-Sensitive Lands**

If land coverage is transferred from a sending parcel, or a portion thereof, that is defined as a non-sensitive land, the land coverage transferred shall be retired as set forth in subparagraph 30.4.3.G below, but the land coverage may be returned to the sending parcel subject to the limitations of subsections 30.4.1 and 30.4.2.

**E. Hydrologically Related Area Transfer Limitation**

For all land coverage transfers, the receiving parcel and the sending parcel shall be in the same hydrologically related area except as allowed in subsection 30.4.3.B.6 above. The hydrologically related area boundaries are depicted in the TRPA Plan Area Layers and are incorporated herein. Transfer across said boundaries is prohibited except as allowed in subsection 30.4.3.B.6 above. See, however, subparagraph 30.5.3.B for requirements regarding off-site restoration credits that may be used in different hydrologically related areas.

**F. Inadequate Supply of Land Coverage**

If TRPA, after conducting a review of the cost of land coverage available at the land bank, finds there is an inadequate supply of hard land coverage for commercial or tourist accommodation uses at a reasonable cost within a given hydrologically related area, TRPA may authorize an increase in the supply of land coverage for transfer in the order of priority set forth below. In determining "reasonable cost," TRPA shall consider: whether there is no market for the coverage due to its cost, limited supply or simple absence of transactions; and other pertinent factors. Prior to authorizing an increase in supply of land coverage, TRPA also shall consider the effect of the increase on the inventory in the land bank and the value of investments made by the bank in hard or soft land coverage. If TRPA authorizes an increase in the supply of land coverage, it shall do so in the following order of priority:

1. Existing soft coverage as described in the definition of "land coverage."
2. Unused base coverage, referred to in the Goals and Policies as "potential coverage."
3. Through redefinition of the boundaries of the hydrologically related area to increase the supply of coverage.

**G. Restoration and Retirement of Land Coverage**

Land coverage shall be restored and retired pursuant to Section [Error! Reference source not found.](#)~~51.6~~ and the following:

**1. Transfers**

TRPA shall ensure that land coverage transferred pursuant to subsection 30.4.3 shall be retired permanently pursuant to the following requirements:

- a. In the event land coverage is removed from the sending parcel, the applicant or a public agency shall restore the sending parcel to a natural or near natural state;

- b. Provisions for future maintenance and protection of the parcel from further soil disturbance shall be made, whether or not the parcel is undisturbed or subject to restoration; and
- c. For parcels in private ownership, deed restrictions, or other covenants running with the land, permanently assuring the accomplishment of the requirements of subparagraphs a and b above shall be recorded by the owner. For parcels in public ownership, TRPA shall obtain binding assurance from the public agency that the requirements of subparagraphs a and b above are permanently met.

**2. Removal of Land Coverage for Credit**

In the event land coverage is removed on one parcel, but is not proposed for immediate transfer to another parcel, the applicant shall comply with subparagraphs 30.4.3.G.1.a and b, to assure credit for the removed coverage in accordance with Chapter 6.

**H. Land Bank**

Land coverage transfers and land coverage retirement programs may use a land bank pursuant to Chapter 6: *Tracking, Accounting, and Banking*.

**30.4.4. Relocation of TRPA-Verified Existing Land Coverage**

TRPA-verified existing land coverage may be relocated on the same parcel or project area if TRPA finds that:

- A.** The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the following factors:
  - 1. Whether the area of relocation already has been disturbed;
  - 2. The slope of and natural vegetation on the area of relocation;
  - 3. The fragility of the soil on the area of relocation;
  - 4. Whether the area of relocation appropriately fits the scheme of use of the property;
  - 5. The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore;
  - 6. The project otherwise complies with the land coverage mitigation program set forth in Section 30.6.
- B.** The area from which the land coverage was removed for relocation is restored in accordance with subsection 30.5.3.
- C.** The relocation shall not be to Land Capability Districts 1a, 1b, 1c, 2, or 3, from any higher numbered land capability district.
- D.** If the relocation is from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone.



“Net environmental benefit to a stream environment zone” is defined as an improvement in the functioning of the stream environment zone and includes, but is not limited to:

1. Relocation of coverage from a less disturbed area to a more disturbed area or to an area further away from the stream channel or water body, as applicable;
2. Retirement of land coverage in the affected stream environment zone in the amount of 1.5:1 of the amount of land coverage being relocated within a stream environment zone; or
3. For projects involving the relocation of more than 1,000 square feet of land coverage within a stream environment zone, a finding, based on a report prepared by a qualified professional, that the relocation will improve the functioning of the stream environment zone and will not negatively affect the quality of existing habitats, considering factors such as, but not limited to, soil function, hydrologic function, vegetation, and wildlife habitat.

#### **30.4.5. Conversion of Turf Grass Coverage to Synthetic Turf Coverage for Public Athletic Fields**

Turf grass public athletic fields may be converted to synthetic turf fields as provided below.

##### **A. Eligibility**

TRPA shall find that the turf grass field meets all of the following criteria:

1. The turf grass field shall be composed of non-native turf grasses and receive regular fertilization and periodic irrigation.
2. At least 50 percent of the condition of the turf grass field shall be substantially compacted by repeated pedestrian traffic so as to reduce saturated hydraulic conductivity by 50 percent or more when compared to natural conditions for the same soil type.

##### **B. Construction Standards**

The synthetic turf field shall be constructed and maintained to meet all of the following standards:

1. The synthetic turf design shall include a subsurface drainage system that discharges to a water quality treatment area. The subsurface drainage system shall comply with groundwater interception regulations pursuant to subsection 33.3.6 and shall not adversely affect water levels within a stream environment zone;
2. The synthetic turf shall be limited to team playing fields and player staging areas only;
3. Synthetic turf components and fields shall not contain or utilize materials for construction or maintenance that could leach into the ground water, present a health hazard to people, or adversely affect flora or fauna; and

4. The synthetic turf shall not receive runoff or overflow from adjacent lands, except under extraordinary circumstances, such as 20 year or greater storm events.

**C. In-Lieu of Excess Coverage Mitigation and Water Quality Mitigation**

In order to approve synthetic turf for public athletic turf fields, the coverage shall be mitigated either by:

1. Restoration of an equal area of highly compacted turf grass to native vegetation so as to achieve a saturated hydraulic conductivity of greater than 50 percent of natural conditions for the same soil type; or
2. Payment of a fee equal to five percent of the structural cost of the synthetic turf construction as specified in subparagraph 30.6.1.C.3. Except for the synthetic turf carpet, all other construction costs, including materials and labor, shall be included in the structural cost.

**D. Synthetic Turf Coverage Transfer or Conversion Limitations**

Synthetic turf coverage is intended only for public athletic fields and shall not be transferred to a different parcel and cannot be converted to hard coverage.

**30.4.6. Exemptions and Partial Exemptions from Calculation of Land Coverage**

**A. Exemption for Non-Permanent Structures and Small Utility Installations**

Up to 120 square feet of land coverage underlying non-permanent structures and small utility installations are exempt from the calculation of land coverage, subject to the following limitations:

1. For purposes of this provision only, non-permanent structures are those with no permanent foundation, do not exceed 120 square feet in aggregate size, and do not require a permit from TRPA. Non-permanent structures may include emergency power generators, hot tubs, sheds, greenhouses, and similar improvements when installed without a permanent foundation. Non-permanent structures with sanitary sewer service do not qualify
2. For purposes of this provision only, small utility installations may include up to 30 square feet of coverage for any combination of the improvements listed below.
  - a. Emergency power generators;
  - b. HVAC installations;
  - c. Electric vehicle chargers;
  - d. Active solar energy systems with panel reflectivity ratings of 11 percent or less; and
  - e. Utility improvements including boxes, vaults, and poles that are included in the definition of land coverage.

3. Any existing installations that were legally established as coverage count as coverage and shall only qualify for this exemption if consistent with all approval criteria.
4. In addition, the following limitations apply:
  - a. Exempted installations shall be on non-sensitive land;
  - b. Exempted installations shall not exceed two percent of the total amount of non-sensitive land on a parcel.
  - c. This exemption shall apply only to parcels with installed and maintained BMPs meeting TRPA requirements and the exempted non-permanent coverage shall also have BMPs installed and maintained to meet TRPA requirements; and
  - d. This exemption shall not apply to structures or facilities used for access, parking, or storage of motorized vehicles.
  - e. Total coverage exempted for non-permanent structures and small utility installations shall not exceed 120 square feet total.

**B. Overhang Allowance**

For every three feet an overhang structure, such as a deck or roof eave, is elevated above the ground surface, one foot of the perimeter horizontal dimension of the structure shall be excluded from land coverage calculations. The remainder of the overhang shall be counted.

**C. Americans with Disability Act (ADA) Compliance**

Land coverage underlying building access ramps and other facilities that are required to be installed by the ADA are exempt from the calculation of land coverage, subject to the following limitations:

1. This exemption shall apply only to ADA facilities that are constructed on or after January 1, 2013 to serve buildings that were constructed before January 1, 2013; and
2. The ADA facilities shall be constructed with the minimum amount of new coverage necessary to provide required access to buildings;
3. Where new coverage is required, pervious decking or other pervious surfaces shall be used wherever possible;
4. Facilities shall be constructed on non-sensitive land wherever possible;
5. This exemption shall not apply to land coverage associated with vehicle use, such as parking spaces;
6. This exemption shall not apply to single-family dwellings or multiple-family dwellings with three or fewer units; and
7. Parcels shall have a BMP Certificate to qualify for this exemption.

**D. Partial Exemptions from Calculation of Land Coverage**

**1. Pervious Coverage**

For pervious coverage on non-sensitive lands, 25 percent of the size of the improvement shall not count towards the calculation of land coverage, subject to the following design and maintenance requirements:

- a. The coverage shall comply with all applicable BMPs, including those relating to installation and maintenance.
- b. Pervious asphalt is not eligible for credit under this provision.
- c. This exemption shall apply only to parcels with installed and maintained BMPs meeting TRPA requirements.
- d. This exemption shall apply only to locations with low sediment loads (e.g., locations that do not receive road abrasives, locations that are not tributary to runoff that may contain road abrasives, locations that are not tributary to runoff associated with erodible surfaces) unless a redundant infiltration BMP is in place.
- e. Applications to use pervious land coverage shall be consistent with one of the following design options to be approved:
  - (i) Ungrouted stone or paver walkways meeting all of the following criteria shall be considered pervious:
    - (1) Individual stones or pavers do not exceed 1 foot in width and three feet in length;
    - (2) 10 percent minimum open surface;
    - (3) 4 inch minimum layer of well-draining base material; and
    - (4) Plan sheet notes for maintenance (inspect and clean or replace as needed) every 10 years.
  - (ii) Ungrouted metal grates and similar hard surface walkways meeting all of the following criteria shall be considered pervious:
    - (1) Perforations spaced no more than 8 inches apart;
    - (2) 10 percent minimum open surface;
    - (3) 4 inch minimum layer of well-draining base material; and
    - (4) Plan sheet notes for maintenance (inspect and clean or replace as needed) every 10 years.
  - (iii) Plans for alternative pervious coverage installations shall include details of the proposed pervious coverage (pavers or concrete), including the manufacturer's instructions for installation and maintenance to ensure the installation allows at least 75 percent of precipitation to directly reach and infiltrate the ground throughout the life of the surface.

- f. Any existing pervious coverage that was legally established as coverage without exemptions count as coverage without exemptions and shall only qualify for this exemption if consistent with all approval criteria.

**2. Pervious Decks**

- a. Partial exemption from the calculation of land coverage is available for new residential pervious decks on non-sensitive lands provided the decks meet all applicable requirements of this Code, including installation of BMPs.

- b. The following exemptions are available:

Applicable to the first 500 square feet of decking: 100 percent exemption

Applicable to decking above the first 500 square feet:

- (1) 1 – 125 square feet decking: 80 percent exemption
- (2) 126 – 250 square feet decking: 60 percent exemption
- (3) 251 – 375 square feet decking: 40 percent exemption
- (4) 376 – 500 square feet decking: 20 percent exemption

**Example of Calculation for Pervious Deck Land Coverage Exemption (Sec. 30.4.6.D.2.b)**

**Step 1:** First 500 sq. ft. of pervious decking is exempt = **500 sq. ft. exempt maximum**

**Step 2:** Next 125 sq. ft. of pervious decking is 80% exempt = **100 sq. ft. exempt maximum**

**Step 3:** Next 125 sq. ft. of pervious decking is 60% exempt = **75 sq. ft. exempt maximum**

**Step 4:** Next 125 sq. ft. of pervious decking is 40% exempt = **50 sq. ft. exempt maximum**

**Step 5:** Next 125 sq. ft. of pervious decking is 20% exempt = **25 sq. ft. exempt maximum**

**Step 6:** All pervious decking over 1,000 is not exempt

**Example 1: 800 sq. ft. pervious deck = 695 sq. ft exemption** (500 + 100 + 75 + 20 (50 x .4))

- c. Existing decks that were legally established as of January 1, 2013, count as coverage and shall only qualify for this partial exemption if consistent with all approval criteria.
- d. This exemption shall apply only to residential parcels with installed and maintained BMPs meeting TRPA requirements.
- e. A deck shall be considered pervious if it has gaps that allow water to pass freely and in a distributed fashion consistent with the criteria below to deck armoring underneath the deck meeting BMP requirements in the BMP Handbook.
  - (1) Decks surfaced with dimensional boards shall use boards not exceeding 8 inches in width installed with ¼ inch minimum gaps between each board.

- (2) Decks surfaced with metal grates or similar hard surfaces shall have perforations spaced no more than 8 inches apart and a 10 percent minimum open surface.
- (3) Decks surfaced with dimensional blocks shall use blocks not exceeding 8 inches in width installed with ¼ inch minimum gaps between each block.
- (4) Decks surfaced with other materials shall have perforations spaced no more than 8 inches apart and a 10 percent minimum open surface.
- (5) Any deck covering (roofing, trellis, etc) shall meet the same standards for gaps that allow water to pass freely, except for those areas that are excluded from coverage in accordance with the overhang allowance in subparagraph 30.4.6.B.
- f. This exemption shall not exempt more than five percent of the total amount of non-sensitive land on a parcel or project area, or 750 square feet per parcel, whichever is less, provided that the pervious deck meets BMP requirements and is located on non-sensitive land.
- g. If decking qualifies for a partial exemption, applicants may determine which portion of the deck is exempt and which portion is not.
- h. Any existing decks that were legally established as coverage without exemptions count as coverage without exemptions and shall only qualify for this exemption if consistent with all approval criteria.

### **3. Non-Motorized Public Trails**

Non-motorized public trails are exempt from the calculation of land coverage, subject to the following siting and design requirements and limitations.

#### **a. Accessibility**

The trail shall be open to the public in perpetuity at no cost, through dedication of a public easement or other means acceptable to TRPA.

#### **b. Trail Route Design**

Trail routes shall be designed to minimize disturbance of sensitive lands and removal of large trees and riparian vegetation. Particular areas to minimize disturbance of in the routing of trails are (in order of preference):

- (1) Federal jurisdictional wetlands as mapped by the Army Corps of Engineers;
- (2) Other areas in Land Capability District 1b (Stream Environment Zones);
- (3) Other areas in Land Capability Districts 1 and 2;
- (4) Areas in Land Capability District 3; and
- (5) Areas requiring the removal of trees that are larger than 14 inches DBH.

In designing trail routes, the protection of sensitive areas, trees, and vegetation shall be balanced with consideration of the following:

- (6) Trail routes shall generally be consistent with trail networks identified in Map 5 of the Regional Plan, "Bicycle and Pedestrian Facilities," or adopted federal, state, tribal, or local government plans;
- (7) Detours in trail design to protect sensitive resources should avoid significant additions to trail length; and
- (8) Routes shall be designed to promote safety for trail users (e.g., by minimizing road/driveway crossings and providing buffers between trail users and roadways).

**c. Trail Design**

In addition to the requirements of the Army Corps of Engineers and other public agencies, trail designs shall comply with the following:

- (1) Trail design shall comply with the AASHTO Guide for the Development of Bicycle Facilities or other industry standard design criteria for the appropriate trail type, as determined by TRPA.
- (2) Except for unpaved single-track trails, bridges, boardwalks, and/or other elevated over-stream crossings shall be provided.
- (3) Except for unpaved single-track trails, all trails through SEZ areas shall allow periodic surface flows to pass under the trail and to maintain the natural function of the SEZ lands.
- (4) The trail shall be designed in accordance with the BMP handbook.
- (5) The trail shall be designed to minimize disruptions to or crossings of sensitive wildlife habitat.

**d. Limit on Exemption**

The maximum amount of allowable exempted coverage under this exemption shall be limited to the trail networks identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan (TMPO 2010 as amended) and other necessary trail connections to the trails identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan.

**e. Existing Trails Do Not Qualify**

Trails constructed prior to January 1, 2013 do not qualify for this coverage exemption.

**E. Limit on Aggregate of Coverage Exemptions and Credits on Parcels or Project Areas**

The total amount of coverage exemptions and credits on parcels or project areas applies only to non-permanent structures, pervious decks, pervious coverage, and

small utility installations and shall not exceed in aggregate ten percent of the total amount of non-sensitive land on a parcel.

**F. Restriction on Parcels with Illegal or Excess Coverage**

Prior to approval of any coverage credit or exemption for previous coverage, previous decks or non-permanent structures, TRPA shall verify that existing coverage on the parcel was legally established or will be removed in conjunction with permitted improvements; and any legally existing excess coverage has been fully mitigated in accordance subsection 30.6.1.

**G. Fire Defensible Space**

Gravel and similar non-previous groundcover that is used for defensible space within 5 feet of a structure is exempt from the calculation of land coverage. Any existing installations that were legally established as coverage count as coverage and shall only qualify for this exemption if consistent with all approval criteria.

**H. Facilities for Public Safety and Access of the Disabled**

Coverage transferred to a parcel for public safety and access facilities in accordance with subparagraph 30.4.2.A.4 shall be exempted from calculations of land coverage.

**I. Relocating or Banking Exempted Coverage**

When TRPA authorizes exemptions for existing verified coverage, the exempted coverage may be relocated onsite or banked for future use or transfer in accordance with Chapter 51.

**30.4.7. Off-Site Land Coverage**

For purposes of this section, off-site coverage is coverage that is located in the public right-of way, but used for private purposes. Most developed properties have off-site driveway coverage.

**A. General Standards**

1. Off-site driveway coverage shall be the minimum necessary to provide safe property access.
2. Off-site walkway coverage is allowed for connections between on-site walkways and sidewalks, trails or roads.
3. When projects decrease off-site coverage, the off-site coverage shall be retired.
4. When projects increase off-site coverage, the additional coverage shall be fully mitigated in accordance with the applicable Hydrologic Area Mitigation fee listed in the fee schedule.

**30.5. PROHIBITION OF ADDITIONAL LAND COVERAGE IN LAND CAPABILITY DISTRICTS 1a, 1c, 2, 3, AND 1b (STREAM ENVIRONMENT ZONES)**

No additional land coverage or other permanent land disturbance shall be permitted in Land Capability Districts 1a, 1c, 2, 3, and Land Capability District 1b (Stream Environment Zone), except as follows:



### **30.5.1. Exceptions to Prohibition in Land Capability Districts 1a, 1c, 2, and 3**

The following exceptions apply to the prohibition of land coverage and disturbance in Land Capability Districts 1a, 1c, 2, and 3:

#### **A. Individual Parcel Evaluation System (IPES)**

Land coverage and disturbance for single-family houses may be permitted in Land Capability Districts 1a, 1c, 2 and 3 when reviewed and approved pursuant to IPES in accordance with Chapter 53: *Individual Parcel Evaluation System*.

#### **B. Public Outdoor Recreation Facilities**

Land coverage and disturbance for public outdoor recreation facilities, including public recreation projects on public lands, private recreation projects through use of public lands, and private recreational projects on private lands that are depicted or provided for on a public agency's recreational plan, may be permitted in Land Capability Districts 1a, 1c, 2, or 3 if TRPA finds that:

1. The project is a necessary part of a public agency's long-range plans for public outdoor recreation;
2. The project is consistent with the Recreation Element of the Regional Plan;
3. The project by its very nature must be sited in Land Capability Districts 1a, 1c, 2, or 3, such as a ski run or hiking trail;
4. There is no feasible alternative that avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2, or 3; and
5. The impacts of the coverage and disturbance are fully mitigated through means including, but not limited to, the following:
  - a. Application of best management practices; and
  - b. Restoration, in accordance with subsection 30.5.3, of land in Land Capability Districts 1a, 1c, 2, 3, and 1b (Stream Environment Zone) in the amount of 1.5 times the area of land in such districts covered or disturbed for the project beyond that permitted by the coefficients in Table 30.4.1-1.

#### **C. Public Service Facilities**

Land coverage and disturbance for public service facilities may be permitted in Land Capability Districts 1a, 1c, 2, and 3 if TRPA finds that:

1. The project is necessary for public health, safety, or environmental protection;
2. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2, or 3; and
3. The impacts of the coverage and disturbance are fully mitigated in the manner prescribed by subparagraph 30.5.1.B.5.

**D. Water Quality Control Facilities**

Land coverage and disturbance may be permitted in Land Capability Districts 1a, 1c, 2, and 3 for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects, and similar projects, programs, and facilities if TRPA finds that:

1. The project, program, or facility is necessary for environmental protection;
2. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2, or 3; and
3. Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to subparagraph 30.4.3.B.5 are met.

**30.5.2. Exceptions to Prohibition in Land Capability District 1b (Stream Environment Zone)**

The following exceptions shall apply to the prohibition of land coverage and disturbance in Land Capability District 1b (Stream Environment Zone):

**A. Stream Crossings**

Land coverage and disturbance for projects to provide access across stream environment zones to otherwise buildable sites, if such projects otherwise comply with applicable development standards in Chapter 32: *Basic Services*, may be permitted in Land Capability District 1b (Stream Environment Zone) if TRPA finds that:

1. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in the stream environment zone, or that encroachment shall be necessary to reach the building site recommended by IPES; and
2. The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in subparagraph 30.5.1.B.5, with the exception that the restoration requirement in such subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

**B. Public Outdoor Recreation**

Land coverage and disturbance for public outdoor recreation facilities may be permitted in Land Capability District 1b (Stream Environment Zone) if TRPA finds that:

1. The project is a necessary part of a public agency's long-range plans for public outdoor recreation;
2. The project is consistent with the Recreation Element of the Regional Plan;
3. The project by its very nature must be sited in a stream environment zone, such as bridges, stream crossings, ski run crossings, fishing trails, and boat launching facilities;

4. There is no feasible alternative that would avoid or reduce the extent of encroachment in the stream environment zone; and
5. The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in subparagraph 30.5.1.B.5, with the exception that the restoration requirement in such subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

**C. Public Service**

Land coverage and disturbance for public service facilities may be permitted in Land Capability District 1b (Stream Environment Zone) if TRPA finds that:

1. The project is necessary for public health, safety, or environmental protection;
2. There is no reasonable alternative, including a bridge span or relocation, that avoids or reduces the extent of encroachment in the stream environment zone; and
3. The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in subparagraph 30.5.1.B.5, with the exception that the restoration requirement in such subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

**D. Water Quality Control Facilities**

Land coverage and disturbance may be permitted in Land Capability District 1b (Stream Environment Zone) for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects, and similar projects, programs, and facilities if TRPA finds that:

1. The project, program, or facility is necessary for environmental protection;
2. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in the stream environment zone; and
3. Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to subparagraph 30.4.3.B.5 are met.

**E. Vegetation**

Indigenous vegetation shall not be removed or damaged in Land Capability District 1b (Stream Environment Zone) unless otherwise authorized under TRPA permit pursuant to subsections 30.5.2, 30.4.4, 61.1.6, 61.3.3, Sections 85.7, 61.2, 64.3, or Chapter 64: *Livestock Grazing*. Species used for revegetation or landscaping shall be species appropriate for the stream environment zone type (e.g., meadow, marsh).

**30.5.3. Restoration Credit Requirements**

The following requirements apply to restoration:

- A. The restoration requirements of subparagraphs 30.4.3.B.5 and 30.5.1.B.5, may be accomplished onsite and/or offsite by the applicant or another agency approved by TRPA. Such restoration requirements shall be in lieu of any land coverage transfer requirement or water quality mitigation fee pursuant to Chapter 60: *Water Quality*.
- B. Only land that has been disturbed or consists of hard or soft land coverage shall be eligible for restoration credit. Restoration shall result in the area functioning in a natural state and shall include provisions for permanent protection from further disturbance. Lands disturbed by the project and then restored shall not be eligible for credit. Provisions for permanent protection from further disturbance shall include, but are not limited to, recordation by the owner of deed restrictions or other covenants running with the land on a form approved by TRPA, against parcels in private ownership, permanently assuring that the restoration requirements of subparagraphs 30.4.3.B.5 or 30.5.1.B.5 are satisfied, as applicable. On public lands, TRPA shall obtain appropriate assurance from the public agency that the requirements of subparagraph 30.4.3.B.5 or 30.5.1.B.5, as applicable, are met.

## **30.6. EXCESS LAND COVERAGE MITIGATION PROGRAM**

This section applies to projects, and certain qualified exempt activities pursuant to subsection 2.3.6, where the amount of TRPA-verified land coverage existing in the project area prior to the project exceeds the base land coverage prescribed by subsection 30.4.1. Land coverage in excess of the base allowable land coverage shall be mitigated by the transfer of land coverage pursuant to subsection 30.4.3 or the land coverage mitigation program set forth in this section.

### **30.6.1. Implementation of Program**

Except as otherwise provided by subsection 30.6.2, all projects on parcels or other project areas with unmitigated excess land coverage are subject to the land coverage mitigation program set forth in this section. Projects subject to the program shall reduce land coverage by the amounts specified in subparagraphs 30.6.1.A and B.

#### **A. Excess Coverage Calculation**

Excess land coverage equals the amount of TRPA-verified existing land coverage, less the total of the following: the maximum allowable amount of base coverage, the amount of coverage approved by transfer, and the amount of coverage previously mitigated under this section.

#### **Summary of Excess Land Coverage Calculation**

Excess Land Coverage (sq. ft.) = Existing land coverage (sq. ft.) – [Maximum base allowable land coverage (sq. ft.) + Approved transferred land coverage (sq. ft.) + Previously mitigated land coverage (sq. ft.)]

**B. Excess Land Coverage Mitigation Program Options**

In the event land coverage reduction is required, the applicant may choose any of the following options, or combinations thereof, to comply with the requirements of this section.

**1. Reduce Land Coverage Onsite**

Coverage may be reduced onsite as part of the project approval. Land subject to reductions shall be restored pursuant to subsection 30.5.3.

**2. Reduce Land Coverage Offsite**

Coverage may be reduced offsite as part of the project approval. Coverage may be reduced in a different hydrologically related area provided the restoration occurs on more sensitive land than the project area. Land subject to reductions shall be restored pursuant to subsection 30.5.3.

**3. Land Coverage Mitigation Fee**

A land coverage mitigation fee may be paid to TRPA in lieu of reducing land coverage pursuant to subparagraphs 1 or 2 above. The fee may be used outside of the hydrological related area from which it is collected to achieve more strategic environmental benefits. The fee shall be forwarded by TRPA to a land bank to provide land coverage reduction. The nonrefundable fee shall be calculated pursuant to subparagraph 30.6.1.C.

**4. Parcel Consolidation or Parcel Line Adjustment**

The amount of excess land coverage may be reduced by parcel consolidation or parcel line adjustment with a contiguous parcel as part of the project approval.

**5. Projects Within Community Plans**

Projects that are located within an adopted community plan may rely on the community plan to mitigate excess land coverage provided TRPA makes findings a and b, below. In lieu of findings a and b being made, TRPA may determine that a project complies with the requirements of this subparagraph by making finding c, below:

- a. The project is located within an area for which a community plan, as originally adopted or subsequently amended, includes a program to mitigate the excess land coverage within the area. Such a program shall ensure that coverage mitigation, when measured for individual parcels affected by the program, meets the standards set forth in subparagraphs 30.6.1.A through C. The options available for mitigating excess land coverage under any such program shall be any combination of those options set forth in subparagraphs 1, 2, 3, or 4 above.
- b. There is an irrevocable commitment for the funding necessary to implement the program for mitigating excess land coverage. For purposes of this subparagraph, "irrevocable commitment" shall mean the following:

The public entity funding the measure or, when necessary, the electorate has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and that only ministerial acts necessary to the issuance of any such bonded indebtedness and the receipt of funds therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure;

The application for state and federal grant monies has received approval, and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for the excess land coverage mitigation program in accordance with the approved community plan;

Where the funding of the program is the responsibility of a person or persons, TRPA shall ensure that the public entity has received sufficient funds or an acceptable security to fully fund the program;

The public entity funding the program has received a funded commitment from another public entity as described in a or b above; or

Any combination of (i) through (iv) above.

- c. As a condition of approval, the permittee for the project shall post a security with TRPA, in accordance with Section 5.9, in an amount equal to the excess coverage mitigation fee otherwise required under Section 30.6. If a program to mitigate excess land coverage within the community plan has not been adopted by TRPA and an irrevocable commitment made by the time of final inspection of the project by TRPA, or three years after commencement of construction, whichever is sooner, the security shall be forfeited to TRPA. Securities forfeited to TRPA under this subparagraph shall be forwarded to a land bank to provide land coverage reduction.

**C. Determination of Excess Land Coverage Mitigation**

The required excess land coverage reduction mitigation shall be calculated as follows:

**1. Coverage Reduction Mitigation**

For purposes of calculating the square footage reduction of excess coverage to be credited the parcel pursuant to Chapter 6: *Tracking, Accounting, and Banking*; the land coverage reduction square footage shall be calculated by determining the reduction percentage from Table 30.6.1-2 below, based on the amount of TRPA-verified existing excess land coverage on the parcel or project area. The reduction percentage from Table 30.6.1-2 shall be multiplied by the estimated coverage mitigation construction cost of the project and then divided by the mitigation factor of eight.

$\text{Land Coverage Reduction (Sq. Ft.)} = \text{Fee Percentage} \times \text{Land Coverage Mitigation Construction Cost (\$)} / \text{Mitigation Factor of 8.}$
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**2. Excess Land Coverage Mitigation Fee**

The excess coverage mitigation fee shall be calculated by determining the amount of required land coverage reduction (sq. ft.), in accordance with subparagraph 1 above. The land coverage reduction square footage shall then be multiplied by the appropriate Mitigation Fee Coverage Cost Factor to determine the Excess Land Coverage Mitigation Fee. The Mitigation Fee Land Coverage Cost Factor(s) shall be established by TRPA staff using an Annual Percentage Growth Rate (APGR) calculation (or best available alternate methodology) based on the best available residential sales information for the Tahoe Region. The APGR shall be calculated regularly, at least every 4 years. The fee shall be updated utilizing the most recently calculated APGR. Fee adjustments are limited to increases, even in instances when the APGR calculation may result in a negative percentage growth, to preserve the intent of the Excess Land Coverage Mitigation Fee program, and maintain consistency with the land bank's cost to acquire and restore land coverage under this program. The current excess land coverage fee shall be included within the fee schedule.

The excess land coverage fee shall be as follows:

Mitigation Fee (\$) = Land Coverage Reduction Sq. Ft. x Mitigation Fee Sq. Ft. Land Coverage Cost Factor.

**3. Land Coverage Mitigation Construction Cost**

"Land coverage mitigation construction cost" is defined as a cost estimate prepared by a registered engineer, licensed architect, or other qualified professional acceptable to TRPA, of the cost to construct the structural elements of a structure. This includes, without limitation: pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete. Land coverage mitigation construction cost shall not include non-structural elements such as painting, shingles and other non-bearing roofing materials, siding (except siding necessary to brace or provide shear strength), doors overlays upon existing paved surfaces, HVAC systems, sewer systems, water systems, electrical systems, furniture, and similar decorations and fixtures.

TABLE 30.6.1-2: EXCESS COVERAGE REDUCTION SQ. FT. FACTOR	
Square Feet of Excess Coverage	Reduction % Factor
>400 or less	0.06
>400 – 600	0.12
>600 - 1,000	0.25
>1,000 - 1,500	0.50
>1,500 - 2,000	0.75
>2,000 - 2,800	1.00
>2,800 - 3,800	1.25
>3,800 - 5,000	1.50
>5,000 - 6,400	1.75
>6,400 - 8,000	2.00
>8,000 - 11,000	2.25
>11,000 - 15,000	2.50
>15,000 - 18,000	2.75
>18,000 - 21,780	3.00
>21,780 - 43,560	3.25
>43,560 - 65,340	3.50
>65,340 - 87,120	3.75
>87,120 - 108,900	4.00
>108,900 - 130,680	4.25
>130,680 - 152,460	4.50
>152,460 - 174,240	4.75
>174,240	5.00

### 30.6.2. Exemptions From the Excess Land Coverage Mitigation Program

#### A. Parcels With Mitigated Land Coverage

Parcels or project areas that contain land coverage in excess of base land coverage prescribed by subsection 30.4.1, provided such excess coverage has been fully mitigated pursuant to subsection 30.6.1, shall not be subject to the land coverage mitigation program.

#### B. Repair and Reconstruction of Buildings Damaged or Destroyed by Fire or Other Calamity

Repair and reconstruction of buildings damaged or destroyed by fire or other calamity pursuant to Chapter 2: *Applicability of the Code of Ordinances* shall not be subject to the excess land coverage mitigation program.

#### C. Work Not Requiring a Permit

An activity not requiring a permit pursuant to Chapter 2 shall not be subject to the excess land coverage mitigation program.



**D. TRPA Requirements**

Projects and modifications, or portions thereof, required by TRPA and that are directly related to attainment of the environmental thresholds, such as best management practices and stream environment zone restoration, shall not be subject to the excess land coverage mitigation program. The following categories of projects, if not carried out in conjunction with another type of project, may be exempt from the excess land coverage mitigation program:

- 1. Installation of erosion control facilities;
- 2. Restoration of disturbed areas;
- 3. SEZ restoration;
- 4. Underground storage tank removal, replacement, or maintenance;
- 5. Hazardous waste spill control or prevention facilities; and
- 6. Sewage pump-out facilities for RVs or boats.

**E. Repair of Linear Public Facilities**

Repair of linear public facilities is not subject to the excess land coverage mitigation program.

**F. Minor Utility Projects**

Activities that involve the replacement, repair, undergrounding, or interconnection of existing utilities or that extend local distribution, and that are located within a right-of-way where the applicant is not the primary right-of-way user, are considered minor utility projects and shall not be subject to the excess land coverage mitigation program. The construction of roads is not a minor utility project. The primary right-of-way user shall be the owner or controlling party of the right-of-way.

**G. Synthetic Turf Coverage**

Public athletic fields converted from turf grass to synthetic turf pursuant to subsection 30.4.5 shall not be subjected to the excess land coverage mitigation program. This exemption shall not apply to synthetic turf that is lawfully approved for hard coverage.

**30.6.3. Onsite Removal and Retirement of Excess Coverage in Centers**

- A. Before utilizing this subsection, excess coverage shall be mitigated pursuant to Section 30.6.
- B. Onsite removal and retirement of remaining excess coverage in Centers may earn multi-residential bonus units, tourist accommodation bonus units, and/or commercial floor area, pursuant to the conversion ratios in the following table:

**TABLE 30.6.3-1: CONVERSION RATIOS FOR EXCHANGE OF COVERAGE FOR RESIDENTIAL BONUS UNITS, CFA, AND TAUS**

Land Capability District 1b (SEZ)	Coverage Reduced (sq. ft.)	Bonus Units Earned <sup>1</sup>
1b (SEZ)	700	1
1a, 1c, 2, or 3	1400	1
4, 5, 6, or 7	2100	1

<sup>1</sup> One unit is equivalent to one residential bonus unit, one TAU, or 1,000 square feet of CFA. Rounding shall not be used to round up to whole numbers of bonus units.

**Example:** Site has 1,000 sq. ft. of excess land coverage in an SEZ.

Step 1: Applicant must mitigate excess coverage according to Section 30.6.

Thus, if 200 sq. ft. of coverage is mitigated under Section 30.6, then the applicant would have 800 sq. ft. (1,000 sq. ft. – 200 sq. ft. = 800 sq. ft.) of remaining excess coverage to apply under Step 2.

Step 2: Apply options of Table 30.6.3-1 to determine the number of bonus units earned.

Thus, if an additional 700 sq. ft. of coverage is reduced, then the applicant would earn one bonus unit because the reduced coverage is in an SEZ. This would leave 100 sq. ft. (800 sq. ft. – 700 sq. ft. = 100 sq. ft.) of excess coverage on the site.

*Land Coverage Reduction (Sq. Ft.) = Fee Percentage x Land Coverage Mitigation Construction*

## CHAPTER 31: DENSITY

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### 31.1. PURPOSE

The purpose of this chapter is to establish maximum densities, set forth methods for calculating maximum densities, and distinguish development rights from density.

### 31.2. APPLICABILITY

The provisions of this chapter are applicable to all projects and activities, including residential, tourist accommodations, developed campgrounds, recreational vehicle parks, and group recreation facilities uses.

### **31.3. MAXIMUM DENSITY**

#### **31.3.1. Maximum Density by Use Type**

Increases in density up to the maximum allowed shall be subject to the following provisions:

##### **A. Residential Uses**

On parcels where residential uses are permissible, each parcel shall be entitled to one residential unit. Higher densities, up to the limits in Table 31.3.2-1 or as established in the applicable area plan, plan area statement or adopted plan, whichever is most restrictive, may be developed by conversion of development rights, transfer of development rights, transfer of allocations or a potential residential unit of use, or multi-residential incentives in accordance with Chapter 50: *Allocation of Development*, Chapter 51: *Banking, Conversion, and Transfer of Development Rights*, and Chapter 52: *Bonus Unit Incentive Program*.

##### **B. Tourist Accommodation Uses**

On parcels where tourist accommodation uses are permissible, density up to the limits in the Table 31.3.2-1 or as established in the applicable area plan, plan area statement or adopted plan, whichever is most restrictive, may be developed by conversion of development rights or transfer of existing development in accordance with Chapter 51 or by obtaining tourist accommodation bonus units in accordance with Chapter 52.

##### **C. Recreation Uses**

On parcels where developed campgrounds, recreational vehicle parks, or group facilities are permissible, density up to the limits in Table 31.3.2-1 or as established in the applicable area plan, plan area statement, or adopted plan, whichever is most restrictive, may be developed through utilization of recreational development allocations in accordance with Chapter 50: *Allocation of Development*, or by transfer of existing development in accordance with Chapter 51. For other types of recreational uses, maximum densities or intensities shall be determined by the standards in the Site Development division (Chapters 30 through 39) and other applicable provisions of this Code.

##### **D. Density of Commercial, Public Service, and Resource Management Uses**

On parcels where commercial, public service, or resource management uses are permissible, the density or intensity shall be determined by the site development standards in the Site Development division (Chapters 30 through 39) and other applicable provisions of this Code.

#### **31.3.2. Table of Maximum Densities**

Except where a TRPA plan area statement or adopted plan sets a more restrictive standard, no person shall create a density that exceeds the limits set forth in Table 31.3.2-1, except as provided in Section 31.4, *Increases to Maximum Density*.

TABLE 31.3.2-1: MAXIMUM DENSITIES	
Use	Maximum Density
<b>Residential Uses</b>	
<u>California</u> Single-family dwelling	1 unit per parcel, excluding ADUs
<u>Nevada</u> Single-family dwelling (parcels less than one acre) Single-family dwelling (parcels greater than or equal to one acre) Summer home	1 unit per parcel 2 units per parcel, provided one unit is an authorized Accessory Dwelling Unit 1 unit per parcel or lease site
Multiple-family dwelling	15 units per acre
Mobile-home dwelling	8 units per acre
Multi-person dwelling, nursing and personal care, and residential care	25 persons per acre
<b>Tourist Accommodation Uses</b>	
Bed and breakfast	10 units per acre
All other - If less than 10 percent of the units have kitchens - If greater than or equal to 10 percent of the units have kitchens	40 units per acre 15 units per acre
<b>Recreational Uses</b>	
Developed campgrounds	8 sites per acre
Recreation vehicle parks	10 sites per acre
Group facilities	25 persons per acre

### 31.3.3. Conversion Factors

For residential uses set forth in Table 31.3.2-1, including multi-person dwellings, nursing and personal care, and residential care, 2.5 persons shall be equivalent to one residential unit. For recreational uses, four persons (PAOT) shall be equivalent to one recreation site.

## 31.4. INCREASES TO MAXIMUM DENSITY

### 31.4.1. Affordable, ~~Moderate~~, and ~~Achievable~~ Housing

#### ~~A. Affordable Housing~~

~~Affordable housing projects meeting TRPA requirements may be permitted to increase the maximum density established in Section 31.3 by up to 25 percent, provided TRPA finds that:~~

- ~~1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; and~~

~~2. The additional density is consistent with the surrounding area.~~

~~**B. Affordable Housing within Kings Beach Commercial Community Plan**~~

~~Affordable housing projects meeting TRPA requirements and located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the maximum density established in Section 31.3 by 100 percent, provided TRPA finds that:~~

~~1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing;~~

~~2. The additional density is consistent with the surrounding area; and~~

~~The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.~~

**A. Affordable, Moderate, and Achievable Housing**

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

~~3.~~

**31.4.2. Timeshare Uses (Residential Design)**

A timeshare use (residential design) in an adopted community plan area may increase the permitted density by a factor of two, or a timeshare use (residential design) in an adopted TRPA Redevelopment Plan Area may increase the permitted density by a factor of 2.5, provided TRPA makes the following findings:

- A. The special use findings in subsection 21.2.2 are satisfied;
- B. The project provides transit service for its patrons directly or by contract with a transit provider;
- C. The project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and
- D. If the project area contains excess land coverage, the land coverage will be reduced to no more than 75 percent of the project area.

**31.4.3. Density in Special Height Districts**

The maximum densities established in Section 31.3 may be exceeded for projects located in designated Special Height Districts as defined in subsection 37.5.4. The amount of deviation from the density standards shall be established by a density analysis report approved by TRPA; however, the deviation shall not exceed the maximum densities established in Section 31.3 by a factor of three. To approve any project relying on the increase in density specified in the density analysis report, TRPA shall make the findings pursuant to subparagraphs 31.4.2.A through D.

#### **31.4.4. Density in Area Plan Overlays**

The maximum densities established in Section 31.3 may be exceeded for project located in the Town Center, Regional Center, and High-Density Tourist District Overlays in approved Area Plans pursuant to Section 13.5.3.

#### **31.4.5. Tourist Accommodation to Residential Conversion**

Existing tourist accommodation developments that change the use of or redevelop the existing structures to a multi-residential use pursuant to Section 21.2, Permissible Uses, and convert the units pursuant to Section 51.4, Conversion of Development Rights may maintain existing densities. If the density exceeds the maximum allowed density for a multi-residential use, the multi-residential use will be considered a legally existing non-conforming use for density purposes. Such conversions shall be subject to the following standards:

- A.** The tourist accommodation units shall have been legally established prior to July 1, 1987.
- B.** Additional units that result from the conversion shall be banked onsite provided all applicable requirements of Section 51.3, Banking of Development Rights are met.

#### **31.4.6. Legal, Non-Conforming Tourist and Residential Density**

Tourist accommodation or residential developments may maintain existing densities as part of onsite redevelopment. If the resulting density exceeds the maximum allowed density, the use will be considered a legally existing non-conforming use for density purposes. Tourist accommodation and residential uses with legal non-conforming density shall be subject to the following standards:

- A.** The units shall have been legally established prior to July 1, 1987.
- B.** Residential units shall be maintained as a residential use.
- C.** Tourist accommodation uses may be converted to a residential use, in accordance with Subsection 31.4.5.
- D.** Units that are banked onsite and which resulted from development that was legally established on that parcel prior to July 1, 1987 may be counted toward the existing density.
- E.** If a transfer of development from the site occurs to make the project area more conforming, it cannot be transferred back to result in non-conforming density.

#### **31.4.7. Calculation of Density with Accessory Dwelling Units**

Accessory dwelling units shall not be considered in the calculation of density.

## 31.5. CALCULATION OF MAXIMUM DENSITY

The maximum density that may be permitted within a project area shall be calculated as set forth in this section.

### 31.5.1. Single Uses

For a single use, the maximum density established in Section 31.3 shall be applied to the project area.

### 31.5.2. Mixed Uses

For two or more uses, the maximum densities shall be established through the following process: (1) determine the category or categories of mixed use on the parcel or project area, pursuant to subsection A below; and (2) determine the rules applicable to that category of mixed use pursuant to subsection B below.

#### A. Categories of Mixed Use

The category of the mixed use shall be determined from the following table. Select the first proposed use from the left-hand column and the second proposed use from the top-level row. Any other combination of uses not shown in the table, including three or more uses in any project area, is assigned to Category F.

TABLE: 31.5.2-1: CATEGORIES OF MIXED USE								
	Single-Family Dwelling Summer Home	Multi-family Dwelling Mobile Home Dwelling Multi-person Dwelling Nursing and Personal Care Residential Care Bed and Breakfast				Other Tourist Accommodation (less than 10% kitchens) Other Tourist Accommodation (greater than or equal to 10% kitchens)	Developed Campgrounds Recreation Vehicle Parks Group Facilities	Commercial use Public Service Use Other Recreational Use Resource Management
Single-Family Dwelling Summer Home		A				A	A	D
Multi-Family Dwelling Mobile Home Dwelling Multi-Person Dwelling Nursing and Personal Care Residential Care Bed and Breakfast	A	B				B	B	E
								F
								E
								F
Other Tourist Accommodation (less than 10% kitchens) Other Tourist Accommodation (greater than or equal to 10% kitchens)	A	B				C	B	E
Developed Campgrounds Recreation Vehicle Parks Group Facilities	A	B				B	B	F
Commercial Use Public Service Use Other Recreational Use Resource Management	D	E	F	E	F	E	F	G



**B. Maximum Density for Mixed-Use Categories**

Depending upon the category of the mixed uses, as determined from Table 31.5.2-1, maximum density shall be calculated as follows:

**1. Category A**

In Category A, a single-family dwelling or summer home shall be treated as equivalent to another residential unit, tourist unit, or campsite. Maximum densities for all other residential units, tourist accommodation units, or campsites shall be in accordance with Table 31.3.2-1. Conversion factors set forth in subsection 31.3.3 shall be applied as appropriate.

**2. Category B**

In Category B, the maximum density shall be calculated as a proportional share of the maximum densities for the combined uses, rounded to the next lowest whole number.

**CATEGORY B: EXAMPLE DENSITY CALCULATIONS**

**Example 1**

A proposed project that contains an equal number of multi-family dwellings and other tourist accommodation units without kitchens.

$$\text{Maximum Density} = \frac{\text{Density of Multi-Family Dwelling (15)} + \text{Density of Other Tourist w/o Kitchens (40)}}{2} = \frac{55}{2} = 27.5 \text{ units/acre} (= 27 \text{ units/acre})$$

On a hypothetical two-acre project, a maximum 55 units would be allowed.

**Example 2**

A proposed project will contain 2/3 multi-family dwellings and 1/3 other tourist units without kitchens.

$$\text{Maximum Density} = \frac{(2) \times \text{Density of Multi-Family Dwelling (15)} + (1) \times \text{Density of Other Tourist w/o Kitchens (40)}}{3} = \frac{45 + 40}{3} = \frac{85}{3} = 28.3 \text{ units/acre} (= 28 \text{ units/acre})$$

**3. Category C**

In Category C, if ten percent or more of the other tourist units have kitchens, the maximum density is 15 units per acre. If less than ten percent of the other tourist units have kitchens, then the maximum density is 40 units per acre.

**4. Category D**

In Category D, the maximum residential density is one unit per project area, provided that residential units are allowed by the local plan, except for mixed-use project proposing to subdivide multi-family units, which is subject to Category E below.

**5. Category E**

In Category E, the maximum density for a multi-family dwelling, multi-person dwelling, or other tourist accommodation use shall be the maximum density for the given residential or tourist accommodation use, as determined by Table 31.3.2-1, multiplied by the ratio of the floor area of that use to the total floor area in the project area (see Examples 1 and 2), subject to the exceptions below.

- a. If another use with which the residential or tourist accommodation use is to be combined does not lend itself to a calculation of floor area, such as a park or golf course, then the maximum residential or tourist accommodation density shall be calculated as for Category F, below.
- b. If multi-person dwellings are proposed in the primary campus area of an accredited college located in the Lake Tahoe Basin, then the maximum density for the project area shall be that prescribed by the applicable local plan.

**6. Category F**

**a. Applicability**

Category F applies in the following cases:

When a mobile-home dwelling, bed and breakfast, developed campground, recreational vehicle park, and/or group facilities use is combined with a commercial use, public service use, other recreational use, or resource management use;

When more than two uses are combined;

When there is a combination of uses not listed in the Table 31.3.2-1; and/or

When another use with which a residential or tourist accommodation use is to be combined, such as a park or golf course, does not lend itself to a calculation of floor area the maximum residential or tourist density shall be calculated per this subsection.

**b. Density Calculation**

**(i) Uses Subject to Density Calculation**

The project proponent shall designate, as part of the project application, the portion of the project area to be devoted to a residential, tourist accommodation, or developed recreational use. The maximum density established in Section 31.3 shall be applied to that portion of the project area.

**(ii) Uses Not Subject to Density Calculation**

The maximum densities for uses that are not subject to the density calculations of Category F, such as commercial, public service, other recreational, and resource management uses, shall be determined by other sections of the Code that address land coverage, building height, parking, and other development standards.

**7. Category G**

In Category G, mixed uses shall be permitted if they otherwise conform to this Code and applicable local plan.

## CATEGORY E: EXAMPLE DENSITY CALCULATIONS

### Example 1: Vertical Mixed-Use— Density Calculation for Multi-Family Dwelling

For a proposed building that contains a commercial establishment on the ground floor and multi-family dwellings on the second floor, and where each floor has a floor area of 10,000 square feet, the maximum residential density is 7.5 units per acre, calculated as follows:

$$\frac{\text{Floor Area of Multi-Family Dwelling (10,000)}}{\text{Total Project Floor Area (20,000)}} \times \text{Density of Multi-Family Dwelling (15)} = 7.5 \text{ persons/acre}$$

On a hypothetical two-acre parcel, a maximum of 15 dwelling units would be allowed.

### Example 2: Vertical Mixed-Use in Two-Story Structure — Density Calculation for Multi-Person Dwelling

For a proposed project that contains a public service use of 3000 square feet on ground floor and a multi-person dwelling of 750 square feet on the second floor, the maximum residential density is 5 persons per acre, calculated as follows:

$$\frac{\text{Floor Area of Multi-Person Dwelling (750)}}{\text{Total Project Floor Area (3750)}} \times \text{Density of Multi-Person Dwelling (25)} = 5 \text{ persons/acre}$$

On a hypothetical two-acre project area, a maximum of 10 persons would be allowed.

### Example 3: Horizontal Mixed-Use in Detached Single-Story Structures — Density Calculation for Multi-Family Dwelling

For a proposed project that contains multi-family dwellings and a commercial use in separate structures, the maximum residential density is determined by applying the maximum density in the table in Section 31.3 to the portion of the project area to be devoted to the multi-family use. Thus, if a landowner proposes to use 10,000 square feet of a 50,000-square foot lot for multi-family dwellings, and the remaining 40,000 square feet is proposed for commercial uses, the maximum multi-family dwelling density is 3 units per acre, calculated as follows:

$$\frac{\text{Land Area of Multi-Family Dwelling (10,000)}}{\text{Total Project Floor Area (50,000)}} \times \text{Density of Multi-Family Dwelling (15)} = 3 \text{ units/acre}$$

On the hypothetical 50,000-square foot lot, a maximum of 3 multi-family dwellings would be allowed.

On a hypothetical 45,000-square foot lot, a maximum of 1 multi-family dwelling would be allowed.

## CATEGORY F: EXAMPLE DENSITY CALCULATIONS

### Example 1: One Use Requires Density Calculation

For a proposed project on a two-acre lot in which one-half acre of the lot area is dedicated to a bed and breakfast use, one acre is dedicated to commercial uses, and one-half acre is dedicated to public service uses, the maximum number of bed and breakfast units is five, calculated as follows:

Density of Bed & Breakfast (**10/acre**) X Land Area of Bed and Breakfast (**0.5 acre**) = **5 units**

### Example 2: More Than One Use Requires Density Calculation

For a proposed project on a five-acre lot in which one-half acre of the lot area is dedicated to a bed and breakfast use, one acre to other tourist accommodation (greater than 10% with kitchens) uses, 1.2 acres to multi-family dwellings, and 2.3 acres to commercial uses, the maximum number of bed and breakfast, tourist, and multi-family units is calculated as follows:

Maximum Density of Use x	Area Dedicated to Use =	Maximum Number of Units
Bed and Breakfast (10 units/acre)	0.5 acre	5 units
Other Tourist (> 10% kitchen) (15 units/acre)	1 acre	15 units
Multi-family dwelling (15 units/acre)	1.2 acre	18 units
		<b>TOTAL: 38 units</b>

### 31.5.3. Redevelopment

Special provisions for density calculations for redevelopment areas were set forth in Chapter 13: Redevelopment Plans (prior to December 12, 2012 amendments). Prior to adoption of a Conforming Area Plan for the South Lake Tahoe Redevelopment Area, applicable provisions of Chapter 13 (Redevelopment Plans) that were in effect prior to December 12, 2012, shall remain in effect.

### 31.5.4. Subdivisions

Nothing in this chapter shall be construed to permit the subdivision of land.

## 31.6. EXISTING DENSITY

The requirements in this section apply to density that was legally commenced and in existence as of the effective date of the Regional Plan, July 1, 1987.

### 31.6.1. Conforming Density

Existing density that complies with the limits prescribed in this chapter shall be conforming, and may be increased, so long as the limits in this chapter are not exceeded.

### 31.6.2. Nonconforming Density

Existing density that does not comply with the limits prescribed in this chapter shall be nonconforming and shall not be increased.

## CHAPTER 34: DRIVEWAY AND PARKING STANDARDS

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### 34.1. PURPOSE

This chapter sets forth minimum standards for driveways and parking facilities to minimize interference with traffic flow on the streets and highway system of the Tahoe region.

### 34.2. APPLICABILITY

This chapter is applicable to all development that requires or uses vehicular access or parking, except as noted below.

#### 34.2.1. Douglas County Substitutions

The *Douglas County Community Plans, Design Standards and Guidelines*, August 1993, shall apply within the Round Hill Community Plan until such time as it may be superseded by standards in an approved Area Plan. The Tahoe Area Plan Regulations (Chapter 20.703) of the Douglas County Development Code and the South Shore Design Standards and Guidelines (September 2013 and as amended) shall apply to the South Shore Area Plan. Any additional

approved Area Plans that include Design Standards and Guidelines may also be substituted in locations covered by that Area Plan.

#### **34.2.2. Placer County Substitutions**

The Placer County Tahoe Basin Area Plan, Implementing Regulations, Area-Wide Standards and Guidelines, Section 3.07, Parking and Access (January 2017), and as amended, shall apply to the entire portion of Placer County within the Tahoe Region.

#### **34.2.3. City of South Lake Tahoe Substitutions**

The City-Wide Design Standards found in Chapter 6.10 and 6.55 of the City of South Lake Tahoe Municipal Code shall apply to the entire City of South Lake Tahoe, except for the Tourist Core Area Plan and Tahoe Valley Area Plan, where the Development and Design Standards (Appendix C) of the Area Plans shall apply, or until such time as the City-Wide Design Standards are superseded by a newly approved Area Plan or Area Plans.

#### **34.2.4. Washoe County Substitutions**

*Tahoe Area Plan Design Standards and Guidelines*, May 2021, shall apply to the Crystal Bay Tourist, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch districts.

#### **34.2.5. El Dorado County**

The *Meyers Area Plan Design Standards and Guidelines*, February 2017, shall apply to the Meyers Area Plan. Any additional approved Area Plans that include Design Standards and Guidelines may also be substituted in those locations covered by the Area Plan.

### **34.3. DRIVEWAYS**

To ensure organized and well-designed ingress and egress of vehicles from driveways, TRPA shall review the design of driveways according to the standards and procedures in this section.

#### **34.3.1. Compliance Program**

The standards set forth in subsections 34.3.2 through 34.3.5, inclusive, shall be conditions of approval for projects with driveways, and for projects for which TRPA finds that the driveways are not in compliance with the standards set forth in subsections 34.3.2 through 34.3.5, inclusive, and are causing significant adverse impacts on traffic, transportation, air quality, water quality, or safety. If TRPA finds that driveways associated with existing development are causing such impacts, TRPA may implement corrective measures pursuant to Section 5.12 Remedial Action Plans.

#### **34.3.2. General Standards**

Driveways shall comply with the following standards:

##### **A. New Driveways**

New driveways shall be designed and located so as to cause the least adverse impacts on traffic, transportation, air quality, water quality, and safety.

**B. Shared Driveways**

In the application of subsections 34.3.3 through 34.3.5, inclusive, TRPA shall encourage shared driveways if TRPA finds that the effect is equal or superior to the effect of separate driveways.

**C. Role of Community Plans**

Approved community plans may replace the standards in subsections 34.3.3 through 34.3.5, inclusive, with alternative specific provisions, provided such provisions are more appropriate to the situation and provide equal or superior measures to satisfy the environmental thresholds. See also subparagraph 12.6.3.C.

**D. Standards of Caltrans and Nevada Department of Transportation**

On state and federal highways, the ingress/egress standards of the California or Nevada Department of Transportation shall apply, as appropriate, in addition to the standards in subsections 34.3.3 through 34.3.5, inclusive. Where the state standards conflict with subsections 34.3.3 through 34.3.5, inclusive, the state standards shall control.

**E. Slope of Driveways**

Slopes of driveways shall not exceed the standards of the county or city in whose jurisdiction the driveway is located. Driveways shall not exceed ten percent slope, unless TRPA finds that construction of a driveway with a ten percent or less slope would require excessive excavation and that the runoff from a steeper driveway shall be infiltrated as required in Section 60.4. In no case shall the driveway exceed 15 percent slope.

**F. Best Management Practices**

Driveways shall be managed in accordance with Section 60.4.

**34.3.3. Numbers of Driveways**

Projects generating up to 1,300 vehicle miles travelled shall be served by a single driveway with no more than two points of ingress/egress from the public right-of-way or other access road. Additional or transferred development that generates more than 1,300 vehicle miles travelled shall conform to the ingress/egress provisions necessary to mitigate all transportation and air quality impacts under subsection 65.2.4.



#### 34.3.4. Width of Driveways

Driveway widths shall conform to the following standards:

##### A. Other Residential Uses

Two-way driveways serving residential uses other than single-family homes shall have a minimum width of 20 feet and a maximum width of 24 feet. One-way driveways serving other residential uses shall have a minimum width of ten feet and maximum width of 12 feet.

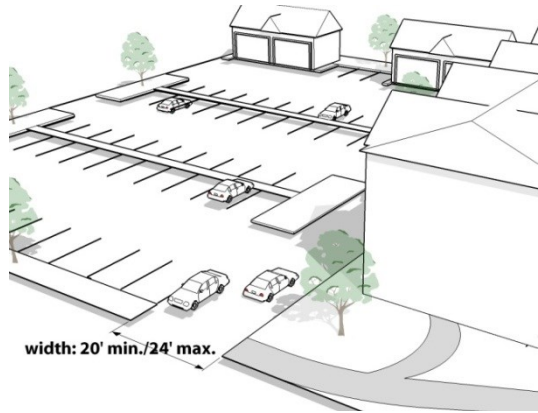


Figure 34.3.4-A: Example Width of Driveway For Other Residential Uses

##### B. Commercial, Tourist Accommodation, Recreation, and Public Service Uses

Two-way driveways serving commercial, tourist accommodation, recreation, and public service uses shall have a minimum width of 20 feet and a maximum width of 30 feet. One-way driveways serving such uses shall have a minimum width of ten feet and a maximum width of 15 feet. For two-way driveways with median dividers serving such development, each direction shall have a minimum width of ten feet and a maximum width of 17 feet.

#### 34.3.5. Service Drives

Uses other than single-family homes that do not require vehicle miles travelled (VMT) analysis pursuant to subparagraph **Error! Reference source not found.65.2.3.D.2** may be permitted an additional service driveway for maintenance and garbage removal. The service driveway shall be at least ten feet wide and no more than 12 feet wide. Uses that do require VMT analysis pursuant to subparagraph **Error! Reference source not found.65.2.3.D.2** may be permitted an additional service driveway or driveways for maintenance and garbage removal provided the transportation and air quality impacts of such driveways shall be mitigated under subsection 65.2.4.

### 34.4. PARKING

**{Reserved}**

#### 34.4.1 Parking for Deed-Restricted Affordable, Moderate, or Achievable Housing

No vehicle parking minimums shall apply to residential or mixed-use developments made up of 100 percent deed-restricted affordable, moderate, or achievable housing units, as described in subsection 36.13 if located within a Town Center, Regional Center, or High-Density Tourist District as defined in the Regional Plan. Outside of centers, parking minimums shall be no greater than .75 spaces per unit, on average. In either case, in order to deviate from existing local parking minimums, the project applicant shall demonstrate that parking demand generated by the project, as determined by a parking analysis or information from similarly situated projects, will be accommodated. The applicant may demonstrate compliance through parking management strategies, including but not limited to executed shared parking agreements, unbundling parking

and rent, or contributing to alternative transportation methods. Mixed-use projects shall meet local parking requirements for the non-residential portion of the development.

## CHAPTER 36: DESIGN STANDARDS

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### 36.1. PURPOSE

The purpose of this chapter is to ensure that projects are designed and constructed consistent with the Community Design Subelement of the Land Use Element and related elements of the Goals and Policies.

### 36.2. APPLICABILITY

#### 36.2.1. General

All projects shall comply with the standards set forth in this chapter, except as noted below. In addition, exempt activities, as identified in Chapter 2: *Applicability of the Code of Ordinances*, shall comply with Sections 36.6 (*Building Design Standards*), 36.9 (*Water Conservation Standards*), and 36.10 (*Standards for Combustion Appliances*).

#### 36.2.2. Substitute Standards

TRPA may adopt equal or superior substitute design standards pursuant to an Area Plan, community plan, redevelopment plan, specific plan, or master plan. Substitute design standards shall not apply to the review procedures and standards for projects in the shoreland. Appropriate provisions of TRPA's Design Review Guidelines and Scenic Quality Improvement Program may be considered as conditions of project approval. Substitute standards adopted by TRPA are listed below.

##### A. Douglas County Substitutions

The *Douglas County Community Plans, Design Standards and Guidelines*, August 1993, shall apply within the Round Hill Community Plan. The Douglas County South Shore Design Standards and Guidelines (August 2013) shall apply within the South Shore Area Plan.

##### B. Placer County Substitutions

The Placer County Tahoe Basin Area Plan, Implementing Regulations, Area-Wide Standards and Guidelines (January 2017), and as amended, shall apply to the entire portion of Placer County within the Tahoe Region.

**C. City of South Lake Tahoe Substitutions**

The *City of South Lake Tahoe Standards and Guidelines for Design, Signage, Parking, Driveway, and Loading Spaces*, June 1994, shall apply to the entire City of South Lake Tahoe, except for the Tourist Core Area Plan and Tahoe Valley Area Plan, where the Development and Design Standards (Appendix C) of the Area Plans shall apply.

**D. Washoe County Substitutions**

The *Tahoe Area Plan Design Standards and Guidelines*, May 2021, shall apply to the Crystal Bay Tourist, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch districts.

**36.3. DESIGN REVIEW GUIDELINES**

Design and site planning methods and techniques shall be set forth in the *Design Review Guidelines*, except that Design Standards and Guidelines for the Meyers Area Plan are set forth in the adopted Meyers Area Plan.

**36.4. SCENIC QUALITY IMPROVEMENT PROGRAM**

Additional design guidelines applicable to specific areas shall be set forth in a document called the Scenic Quality Improvement Program. Provisions of that program shall be required by TRPA, as appropriate, as conditions of project approval.

**36.5. SITE DESIGN STANDARDS**

**36.5.1. General Standards**

- A.** Existing natural features outside of the building site shall be retained and incorporated into the site design to the greatest extent feasible. Projects shall be designed to avoid disturbance to rock outcrops and stream environment zones and to minimize vegetation removal and maintain the natural slope of the project site and be consistent with Section 36.12.
- B.** Projects shall be designed to use existing disturbed areas rather than undisturbed areas for the siting of all improvements except when:
  - 1.** The disturbed area is precluded from development by setbacks or other such limitations;
  - 2.** The disturbed lands are classified as sensitive lands and alternative sites classified as nonsensitive lands exist on the parcel;
  - 3.** The use of the disturbed lands would require more total disturbance than use of undisturbed lands;

4. Avoidance of other development impacts are of more importance than the preservation of undisturbed areas; and/or
5. The degree of existing disturbance is minor and the area shall be restored as part of the project.

**36.5.2. Standards for Commercial, Tourist Accommodation, Public Service, and Multi-Residential Projects**

In addition to the other standards in this section, the standards for commercial, tourist accommodation, public service, and multi-residential projects shall be:

- A. Onsite parking areas shall be provided with landscaped perimeters. Onsite parking areas greater than one-quarter acre in size shall be provided with landscaped islands designed in accordance with TRPA's Design Review Guidelines;
- B. An active transportation circulation system shall be incorporated into the site plan to assure that all active transportation users can move safely and easily both on the site and between properties and activities within the neighborhood year-round.
- C. Adequate access shall be provided for emergency vehicles and for those persons attempting to render emergency services;
- D. Screening of service yards, maintenance yards, warehousing, outdoor storage and trash and refuse collection areas shall be accomplished by the use of walls, fencing, landscape plantings, or some combination thereof. Screening shall be effective in both winter and summer; and
- E. Service yards, maintenance yards, warehousing, and outdoor storage areas shall be located in areas that are not highly visible from major transportation corridors, scenic turnouts, public recreation areas, or the waters of lakes in the region.

**36.5.3. Standards for Snow Storage**

The standards for snow storage shall be:

- A. Parking areas shall be sloped at least two percent to prevent ponding and icing; and
- B. Commercial, tourist accommodation, public service, recreation and multi-residential projects shall provide, within the project area, snow storage areas of a size adequate to store snow removed from parking, driveway and pedestrian



Figure 36.5.2-B: Example of Refuse Area Screening

Figure 36.5.2-A: Example of Landscaped Perimeters

access areas or have arrangements by means of recorded easements or equivalent arrangements to remove and store accumulated snow offsite.

#### **36.5.4. Setback Standards**

The setback standards shall be:

- A.** For parcels abutting roadways rated in TRPA's Scenic Resources Inventory, the minimum building setback from the right-of-way of such roadways shall be 20 feet.
  - 1.** Decks (except decks for off street parking), stairs, canopies, building, or roof overhangs shall not intrude into the 20-foot setback established in this subparagraph.
  - 2.** TRPA may approve building setbacks less than 20 feet if the reduced setback is approved by the appropriate local jurisdiction and TRPA finds that the project shall not cause a decrease in the numerical ratings assigned to the roadway unit, including the scenic quality rating of the individual resources within each unit, as recorded in the 1982 Scenic Resources Inventory and shown in Tables 13-3 and 13-8 of the *Study Report for the Establishment of Environmental Threshold Carrying Capacities*, October 1982. The criteria for rating scenic quality as identified in the study report cited herein shall be used to determine if a project will cause a decrease in the numerical rating.
- B.** Buildings, other structures, and land coverage shall be set back from SEZs in accordance with Chapter 53: *Individual Parcel Evaluation System*.
- C.** Other setback requirements are set forth in Section 33.3: *Grading Standards*.

#### **36.5.5. Bicycle and Pedestrian Facility Maintenance Plan**

Entities responsible for the construction and maintenance of all projects containing active transportation facilities are required to submit a Maintenance Responsibilities Chart and Plan prior to permit issuance. These plans must clearly identify responsibilities for capital improvements and annual infrastructure operation and maintenance, and identify funding needs and sources. This information must be included in approved permits. TRPA shall make a Maintenance Responsibilities Chart and Plan Template available to applicants and all members of the public.

### **36.6. BUILDING DESIGN STANDARDS**

#### **36.6.1. General Standards**

##### **A. Screening Elements**

The architectural design of a project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, electrical transformer pads and vaults, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings, or the ground.

**B. Roof Finishes and Colors**

Roofs, including mechanical equipment and skylights, shall be constructed of non-glare finishes and earthtone colors that minimize reflectivity. For this subparagraph, non-glare earthtone colors are defined as Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines, that have a value and chroma of 0-4 or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G. Vegetated roof materials complying with applicable fire defensible space requirements meet the intent of this subparagraph and are encouraged.

**C. Alternative Energy Production**

Solar panels or other alternative energy equipment may be exempted from the requirements of 36.6.1.A and B if a project level assessment demonstrates that scenic threshold standards will not be adversely impacted.

**D. Color of Structures**

1. For all structures visible from the Scenic Threshold Travel Routes and from Public Recreation Area and Bicycle Trails identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation, subdued colors of earthtone ranges shall be used for the primary color of structures.
2. Colors shall be within a range of natural colors that blend, rather than contrast, with the existing backdrop vegetation and soils color.
3. For this subparagraph, earthtone colors shall be medium to dark and shall meet the Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G.
4. TRPA may grant exceptions to this provision pursuant to Section 67.7, for scenic roadway corridors designated as urban, for unique situations such as site characteristics, or as set forth in subparagraph 83.11.1. Structures in the shoreland that were constructed prior to January 1, 1950, may maintain their historic colors when doing exempt maintenance and repair.

**36.6.2. Building Heights**

See Chapter 37: *Height*, for building height standards.

**36.7. LANDSCAPING STANDARDS**

**36.7.1. Plant Species Permitted**

Plant species on the TRPA Recommended Native and Adapted Plant List shall be used for lawns and landscaping.

**36.7.2. Minimum Plant Sizes and Spacing**

For projects other than single-family home projects, the following sizes and spacing shall be required for woody plant materials at time of planting in compliance with state and local defensible space requirements:

- A. Trees shall be a minimum six feet tall or one-inch caliper size or diameter at breast height;
- B. Shrubs shall be a minimum three-gallon pot size, such that upright shrubs shall have a minimum height of 18 inches and minimum spread of 18 inches, and spreading shrubs shall have a minimum spread of 18 to 24 inches; and
- C. Groundcovers shall be a minimum four-inch pot size or one gallon container and shall be a maximum 24 inches on center spacing.

### **36.7.3. Accent Vegetation**

Plant species not found on the TRPA Recommended Native and Adapted Plant List may be used for landscaping as accent plantings. Such plants shall be limited to borders, entryways, flower-beds, and other similar locations to provide accents to the overall native or adapted landscape design. Species identified as invasive plant species in the TRPA BMP Handbook shall never be used.

## **36.8. EXTERIOR LIGHTING STANDARDS**

### **36.8.1. General Standards**

- A. Exterior lights shall not blink, flash, or change intensity. String lights, building or roofline tube lighting, reflective, or luminescent wall surfaces are prohibited.
- B. Exterior lighting shall not be attached to trees except for the Christmas season.
- C. Parking lot, walkway, and building lights shall be directed downward.
- D. Fixture mounting height shall be appropriate to the purpose. The height shall not exceed the limitations set forth in Chapter 37.
- E. **Outdoor Lighting.**
  - 1. Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display.
  - 2. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited, except as set forth in Subparagraph E.3, below.
  - 3. Within the veterans' section of an existing cemetery, the United State flag may be illuminated subject to the following limitations:
    - a. Where it may not be possible to reliably or consistently illuminate with downward lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the flag.
    - b. Lighting shall be the minimum necessary to properly illuminate the flag. In no case shall any lighting source exceed 2,500 lumens in output.
- F. The commercial operation of searchlights for advertising or any other purpose is prohibited.

- G. Seasonal lighting displays and lighting for special events that conflict with other provisions of this section may be permitted on a temporary basis pursuant to Chapter 22: *Temporary Uses, Structures, and Activities*.

### **36.9. WATER CONSERVATION STANDARDS**

The following appliances and fixtures shall be installed in new facilities or when replaced in existing facilities: low-flow flush toilets; low-flow showerheads (3 gpm rated maximum flow); faucet aerators; and water-efficient appliance (e.g., washing machines and dishwashers).

### **36.10. STANDARDS FOR COMBUSTION APPLIANCES**

All natural gas, oil, or propane-fired water heaters and space heaters, and all wood heaters, installed within the region in new facilities, or when replaced in existing facilities, shall meet the standards set forth in Section 65.1: *Air Quality Control*.

### **36.11. OUTDOOR ADVERTISING**

The standards for outdoor advertising are set forth in Chapter 38: *Signs*.

### **36.12. SOIL AND VEGETATION PROTECTION DURING CONSTRUCTION**

To reduce soil disturbance and damage to vegetation, the area of disturbance during the construction of a structure shall be limited to the area between the footprint of the building and the public road. For the remainder of the site the disturbance area shall not exceed 12 feet from the footprint of the structure, parking area, or cut/fill slope. These limits shall be shown on the submitted plan. For structures not adjacent to a public road access, reasonable construction and staging area shall be identified. These limits shall be fenced according to Section 33.6. Exceptions require prior TRPA approval and may include:

- A. When it is demonstrated that equipment will need to access an area;
- B. When other site characteristics require a larger area, such as rock outcrops and topography;
- C. When a landscaping or utility plan clearly demonstrates the need for soil disturbance beyond the 12-foot boundary; or
- D. Storage of construction materials in areas of existing disturbed lands.

### **36.13. MIXED-USE WITH AFFORDABLE, MODERATE, AND ACHIEVABLE HOUSING**

- A. Mixed-use developments with a residential component that is 100 percent deed-restricted as affordable, moderate, or achievable housing and utilizes bonus units shall be subject to the coverage and height standards for affordable, moderate, and achievable housing set forth in sections 13.5.3.I, 30.4.2.B.5, 30.4.2.B.6, 31.4.1.C, and 37.5.5, respectively, provided the



commercial component is no greater than fifty percent of the total development square footage.

**B. Mixed-use developments shall meet the definition of mixed-use in Chapter 90 and the following design standards:**

- a. Mixed-use developments accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum average depth of 40 feet and a minimum depth of 25 feet covering a minimum of 60 percent of the ground floor area;
- b. Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage;
- c. The ground floor and street frontage shall be designed to promote pedestrian accessibility, including but not limited to, transparent façade, ground floor ceiling height no less than 10 feet, pedestrian-oriented street-facing entry, sidewalks, and other pedestrian improvements.

# CHAPTER 37: HEIGHT

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## 37.1. PURPOSE

This chapter establishes height standards to ensure visually compatible development as required under Goal 2, Policy 1.B, of the Community Design Subelement, Land Use Element, of the Goals and Policies. “Visual compatibility” is determined by compliance with the requirements of this chapter.

## 37.2. APPLICABILITY

Except for structures located lakeward of high water, which are regulated under the Shorezone division of this Code (Chapters 80 through 86), and signs, which are regulated under Chapter 38: *Signs*, all buildings and other structures shall comply with the height standards set forth in this chapter.

## 37.3. DEFINITIONS

For purposes of this chapter, the following terms are defined:

### 37.3.1. Height

The height of a building, or building segment pursuant to Subparagraph [Error! Reference source not found.37.4.2.A](#), is the difference between the point of lowest natural ground elevation along an exterior wall of the building, or building segment pursuant to Subparagraph [Error! Reference source not found.37.4.2.A](#), and the elevation of the coping of the highest flat roof, the highest point of a mansard roof or the ridge of the highest hip, gable, gambrel, shed or other pitched roof, whichever is highest (see Figure 37.3.1-A below). The maximum height of a structure other than a building is the difference between the point of lowest natural ground elevation along the exterior foundation of the structure and the elevation of the highest point of the structure. Maximum height for buildings in Special Projects within adopted Ski Area Master Plans shall be measured as provided in subsection 37.5.9.

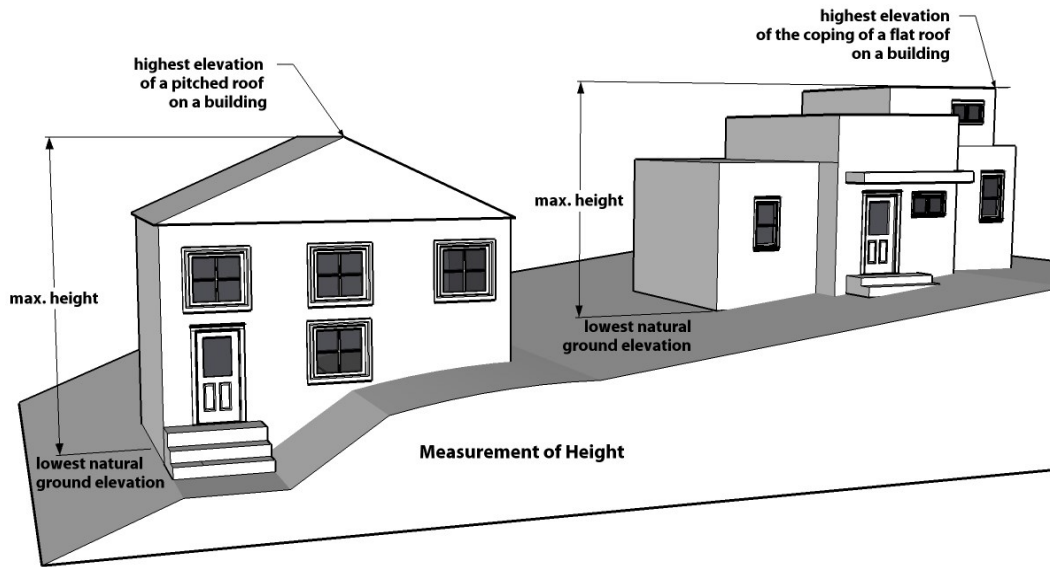


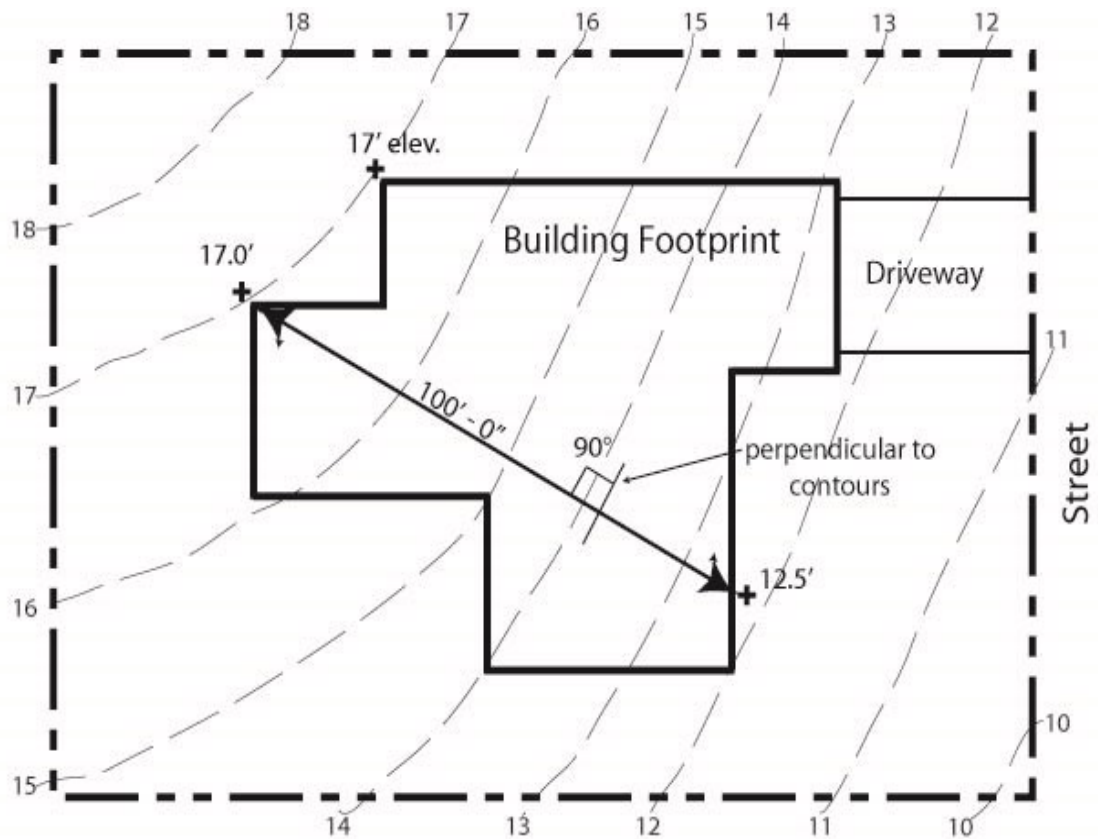
Figure 37.3.1-A: Measurement of Height

### 37.3.2. Natural Ground Elevation

The natural ground elevation is the elevation of the existing ground surface prior to any disturbance of the site resulting from construction of the proposed improvements.

### 37.3.3. Percent Cross Slope Retained Across Building Site

The percent cross slope shall be the gradient, in percent, of the terrain measured perpendicular to the contours through the middle of the building site (see Figure 37.3.3-A). The building site shall include all that area counted as land coverage associated with each detached building. The cross slope shall be considered retained across the building site only if TRPA finds that the building complies with the limitations on excavation set forth in subsection 33.3.6. Percentages of cross slope shall be rounded to the nearest even percentage.



### Cross Slope Calculation

$$(17.0' - 12.5') \div 100' - 0'' = \mathbf{4.5\%}$$

Figure 37.3.3-A: Measurement of Height

#### 37.3.4. Roof Pitch

- A. Buildings with a single roof pitch shall not exceed the maximum height permitted in Section 37.4.
- B. For buildings with multiple roof pitches, maximum height shall be determined as follows:
  1. A roof pitch that constitutes more than 50 percent of the total roof area shall be the majority roof pitch used to determine maximum height in accordance with Section 37.4. The remaining roofs, if of a shallower pitch, may be constructed up to the maximum height based on the majority roof pitch. Portions of the roof which have a steeper pitch than the majority roof pitch, may be constructed up to the maximum height permitted for that roof pitch.
  2. When no roof pitch constitutes more than 50 percent of the total roof area, all roofs must independently conform to the maximum height for that roof pitch in accordance with Section 37.4.

- C. Height measurements for each roof pitch shall be taken from the same lowest natural ground elevation for the building; or for each building segment established in accordance with Section 37.4.2.

## 37.4. HEIGHT STANDARDS FOR BUILDINGS

### 37.4.1. Maximum Heights for Buildings

Outside of Centers and except as provided in Section 37.5, the maximum heights for buildings are set forth in the following table.

TABLE 37.4.1-1: MAXIMUM HEIGHTS FOR BUILDINGS											
Percent Slope Retained Across Building Site	Roof Pitch										
	0:12	1:12	2:12	3:12	4:12	5:12	6:12	7:12	8:12	9:12	≥10:12
0	24'-0"	25'-2"	26'-5"	27'-7"	28'-9"	30'-0"	31'-2"	32'-5"	33'-7"	34'-9"	36'-0"
2	24'-6"	25'-8"	26'-11"	28'-1"	29'-3"	30'-6"	31'-8"	32'-11"	34'-1"	35'-3"	36'-6"
4	25'-0"	26'-2"	27'-5"	28'-7"	29'-9"	31'-0"	32'-2"	33'-5"	34'-7"	35'-9"	37'-0"
6	25'-6"	26'-8"	27'-11"	29'-1"	30'-3"	31'-6"	32'-8"	33'-11"	35'-1"	36'-3"	37'-6"
8	26'-0"	27'-2"	28'-5"	29'-7"	30'-9"	32'-0"	33'-2"	34'-5"	35'-7"	36'-9"	38'-0"
10	26'-6"	27'-8"	28'-11"	30'-1"	31'-3"	32'-6"	33'-8"	34'-11"	36'-1"	37'-3"	38'-6"
12	27'-0"	28'-2"	29'-5"	30'-7"	31'-9"	33'-0"	34'-2"	35'-5"	36'-7"	37'-9"	39'-0"
14	27'-6"	28'-8"	29'-11"	31'-1"	32'-3"	33'-6"	34'-8"	35'-11"	37'-1"	38'-3"	39'-6"
16	28'-0"	29'-2"	30'-5"	31'-7"	32'-9"	34'-0"	35'-2"	36'-5"	37'-7"	38'-9"	40'-0"
18	28'-6"	29'-8"	30'-11"	32'-1"	33'-3"	34'-6"	35'-8"	36'-11"	38'-1"	39'-3"	40'-6"
20	29'-0"	30'-2"	31'-5"	32'-7"	33'-9"	35'-0"	36'-2"	37'-5"	38'-7"	39'-9"	41'-0"
22	29'-6"	30'-8"	31'-11"	33'-1"	34'-3"	35'-6"	36'-8"	37'-11"	39'-1"	40'-3"	41'-6"
≥24	30'-0"	31'-2"	32'-5"	33'-7"	34'-9"	36'-0"	37'-2"	38'-5"	39'-7"	40'-9"	42'-0"

**Note:** Cells shaded in grey are considered "additional height" and subject to additional approval criteria in Sec. 37.4 through 37.7.

**Example: Calculation of Height from Table 37.4.1-1**

A house with:

Percent slope retained across building site (subsection 37.3.3) = **16%**, and  
Proposed roof pitch = **10:12**,

**37.4.2. Maximum Height for Buildings on Slopes**

For a building located on a sloping site with a percent cross slope retained across the building site of 10% or greater, the provisions of subsection 37.4.1 may be modified as follows:

- A.** For purposes of measuring height, the building may be divided into up to three distinct, attached segments (e.g., steps or terraces);
- B.** Each segment of the building shall comply with the base maximum height permitted by Table 37.4.1-1, except that the ground floor segment (the building segment closest to the street providing primary access to the building) shall not exceed 28 feet in height, including any additional height approved under Section 37.5; and
- C.** The total maximum height of the building as measured from the lowest point of the structure to the highest point on the structure shall not exceed 150% of the average maximum height of each of the building segments.
- D.** When building segments are used for maximum height calculations, the ground slope and roof pitch calculations shall be completed separately for each building segment as if it was a separate building.
- E.** Building segments shall be consistent with all of the following standards.
  - 1.** Segment boundaries shall correspond with structural elements of the building such as support walls or distinct roof planes.
  - 2.** Segments shall have 120 square feet or more covered by a roof.
  - 3.** Segments shall be at least one story in height.

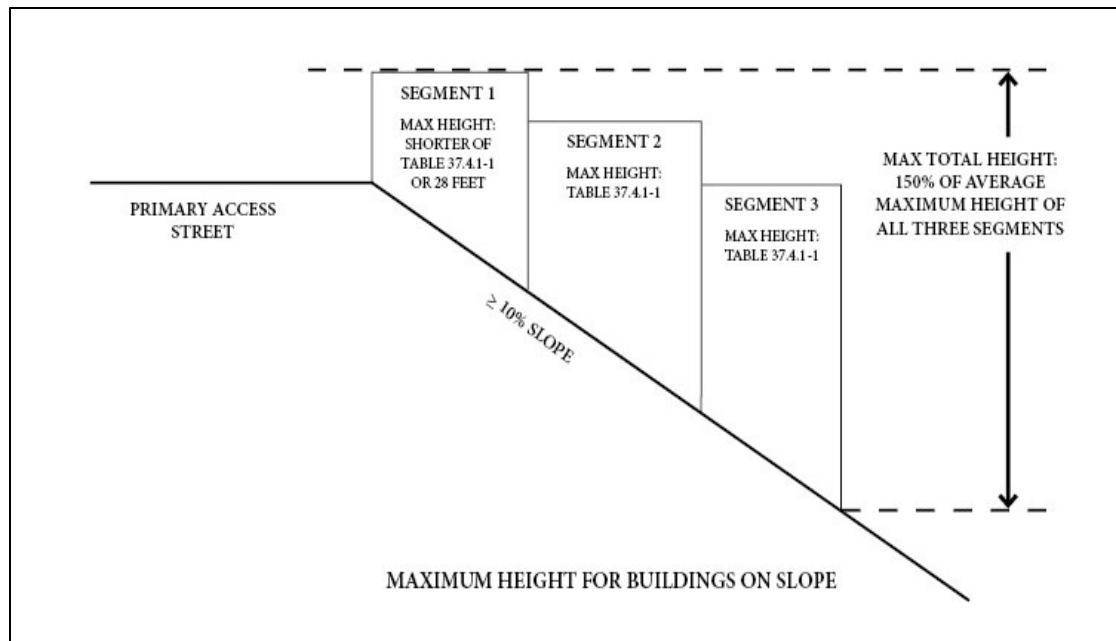


Figure 37.4.2-A: Maximum Height for Buildings on Slope

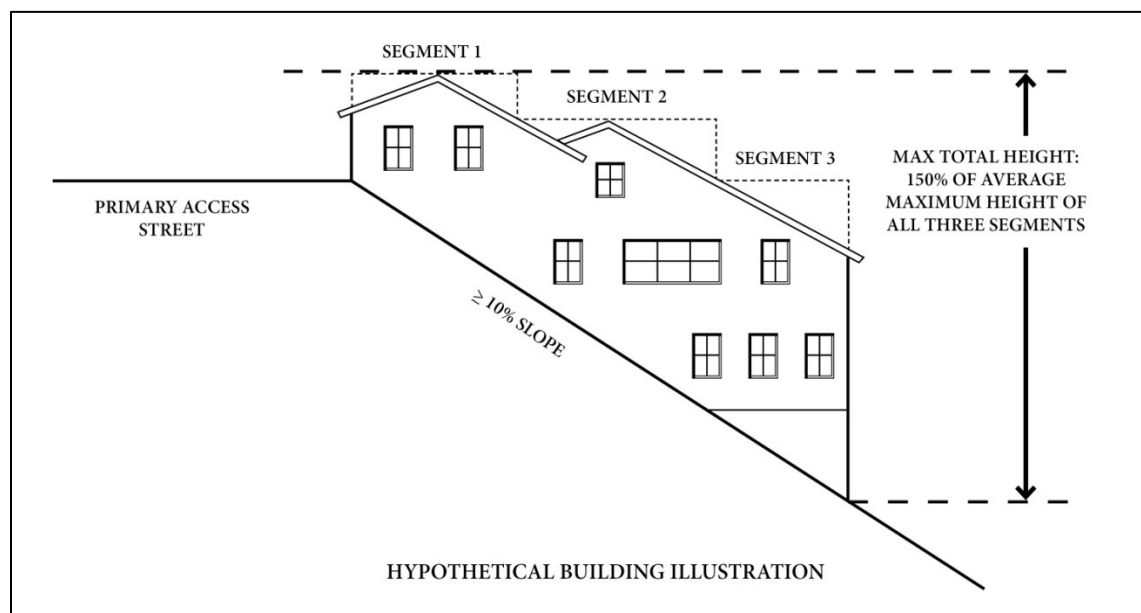


Figure 37.4.2-B: Hypothetical Building Illustration

### 37.4.3. Exceptions

Notwithstanding the maximum height limits in subsection 37.4.1, the following projections and appurtenances may extend above the height limits of Table 37.4.1-1, subject to the standards provided.

**A. Chimneys and Other Rooftop Appurtenances**

Chimneys, flues, vents, antennas, and similar appurtenances may be erected to a height ten percent greater than the otherwise permissible maximum height of a building, or a height of six feet, whichever is less.

**B. Flagpoles**

One flagpole per building may be permitted as an appurtenant structure, not to exceed 15 percent of the otherwise permissible maximum building height, or 30 feet, whichever is less, provided that:

1. The flagpole shall be of a dark color and shall not have a shiny reflective finish.
2. The flagpole shall be used for non-commercial displays only; and
3. For purposes of this subsection, structures housing gaming referenced in Article VI(e) of the Compact shall be deemed to comply with site development provisions related to height.

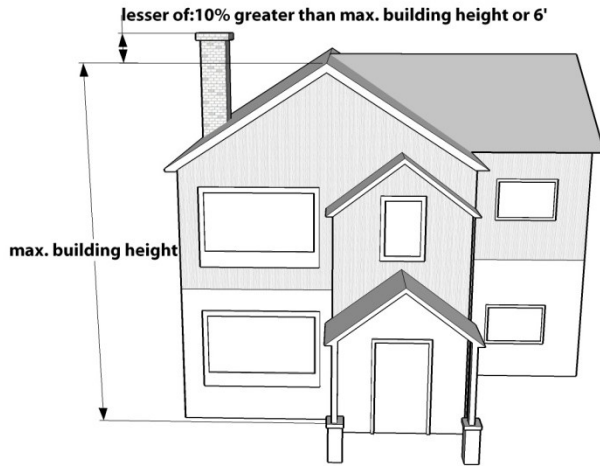


Figure 37.4.2-A: Example Chimney Exception Measurement

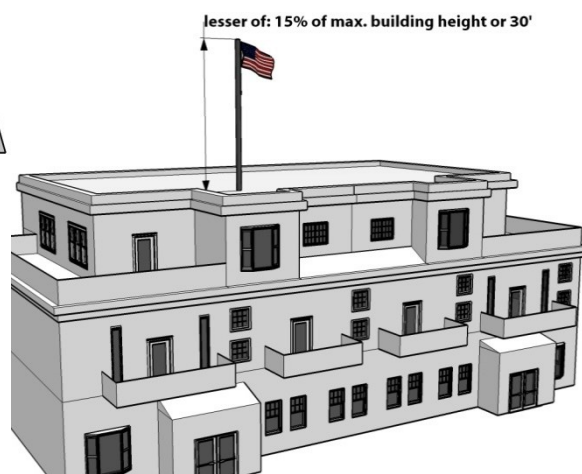


Figure 37.4.2-B: Example Flagpole Exception Measurement

## 37.5. ADDITIONAL HEIGHT FOR CERTAIN BUILDINGS

TRPA may approve building heights greater than those set forth in Section 37.4 in accordance with the following provisions and provided that TRPA makes the applicable findings in Section 37.7.

**37.5.1. Approval of Building Heights Greater Than 26 Feet**

Building heights greater than 26 feet may be approved if the project is in compliance with the standards in Section 66.1: *Scenic Quality Standards*, and TRPA makes the findings specified below. If, in any case, the TRPA is unable to make the required findings, maximum building height shall be limited to that height for which the required findings can be made.



**A. Additional Height for Roof Pitch of Up to 5:12**

Building height greater than 26 feet, up to the maximums set forth in Table 37.4.4-1 for a roof pitch of up to 5:12, may be approved if TRPA makes finding 1 as set forth in Section 37.7.

**B. Additional Height for Roof Pitch Greater Than 5:12**

Building height greater than 26 feet, up to the maximums set forth in Table 37.4.4-1 for a roof pitch of greater than 5:12, may be approved for residential buildings if TRPA makes findings 1, 2, and 8 as set forth in Section 37.7, and for other buildings if TRPA makes findings 1, 2, 3, and 8 as set forth in Section 37.7.

**37.5.2. Additional Building Height for Public Service, Tourist Accommodation, and Certain Recreation Buildings**

TRPA may approve building heights greater than those set forth in Section 37.4 for buildings whose primary use is public service, tourist accommodation, or certain recreation uses as follows:

**A. Additional Building Height With Required Findings**

The maximum heights specified in Table 37.4.1-1 may be increased by up to four feet, but not to exceed a maximum height of 38 feet, provided TRPA makes the following findings in Section 37.7:

1. For tourist accommodation buildings: findings 1, 2, and 3;
2. For public service buildings: findings 1, 2, 3, and 4; and
3. For certain recreation uses, including downhill ski facilities, cross country skiing facilities, or recreation uses whose primary recreation use is participant sports facilities, recreation centers, or sport assembly: findings 1, 2, 3, 4, and 7.

**B. Additional Building Height for Reduced Land Coverage**

The maximum building heights specified in Table 37.4.1-1 may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 30: *Land Coverage*. The maximum building heights may be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable land coverage, or existing land coverage, whichever is greater, up to a limit of four additional feet, but not to exceed a maximum height of 42 feet, if TRPA makes findings 1, 2, 3, and 5 in Section 37.7.

**C. Additional Building Height for Public Service and Certain Recreation Buildings That Are Not Visible From Lake Tahoe and That Are Not Located Within or Are Not Visible From Designated Scenic Highway Corridors**

The maximum building heights specified in Table 37.4.1-1 may be increased by up to eight feet, but not to exceed a maximum of 42 feet, if the building will not be visible from Lake Tahoe and the building is not located within a TRPA-designated scenic highway corridor pursuant to Section 66.2: *Establishment of Scenic Highway Corridors*, provided TRPA makes findings 1, 3, 4, 7, and 8 in Section 37.7. An additional two feet, not to exceed a maximum of 42 feet, may be earned if the building meets

the criteria and findings set forth above and is not visible from a TRPA-designated scenic highway corridor pursuant to Section 66.2.

**D. Additional Building Height for Certain Recreation Buildings Within Adopted Ski Area Master Plans**

The maximum building heights specified in Table 37.4.1-1 may be increased if the buildings are identified in an adopted ski area master plan, are not visible from Lake Tahoe, are not located within or visible from designated scenic highway corridors and designated bikeways and recreation sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings 1, 3, 4, 7, and 8 in Section 37.7. Additional height shall be calculated as follows:

1. The maximum height in Table 37.4.1-1 may be increased by up to 14 feet, but not to exceed a total building height of 56 feet, provided that the project proponent demonstrates that expected snow depths in the area of the building site make the additional height necessary for the function of the building. The amount of additional height shall not exceed the ten-year average snow depth as reported by the National Resource Conservation Service (NRCS) for that area or as reported by the applicant using a similar method as the NRCS; and
2. An additional ten feet, not to exceed a total building height of 56 feet, may be earned if the project proponent demonstrates additional height is needed to maintain roof pitch in excess of 4:12.

**E. Additional Building Height for Public Service Buildings**

The maximum building heights specified in Table 37.4.1-1 may be increased if the buildings are classified as “Schools” or “Regional Public Health and Safety Facilities – Solid Waste Transfer Stations” that TRPA finds to be regionally serving, pursuant to Chapter 21: *Permissible Uses*, and the buildings are not visible from Lake Tahoe and are not located within or are not visible from designated scenic highway corridors and designated Class I or II bikeways and recreations sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings 1, 3, 4, 7, 8, and 10 in Section 37.7. Additional height shall be calculated as follows:

1. The maximum height in Table 37.4.1-1 may be increased by up to 14 feet, but not to exceed a total building height of 56 feet, provided that the project proponent demonstrates that the additional height is necessary for the proper function of the building; and
2. Additional height beyond that set forth in 1 above may be earned up to a maximum total building height of 56 feet, provided that the new structure incorporates community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with the Design Review Guidelines.

**F. Additional Building Height for Essential Public Safety Buildings**

The maximum building heights specified in Table 37.4.1-1 may be increased by up to 14 feet if the building meets the definition of “Public Safety Facility, Essential” in Ch.

90: *Definitions*, is not covered by subparagraph 37.5.2.E above, and provided TRPA makes findings 3, 4, and 7 in Section 37.7.

### **37.5.3. Additional Building Height for Tourist Accommodation Buildings Within Community Plan Areas**

In addition to the provisions set forth in subsection 37.5.2, TRPA may approve building heights greater than those set forth in Section 37.4 for buildings whose primary use is tourist accommodation and that are located within an approved community plan as set forth in Chapter 12: *Community Plans*. The maximum heights specified in Table 37.4.1-1 may be increased up to a maximum height of 48 feet in accordance with the following provisions, if TRPA makes findings 1, 2, 3, and 6 in Section 37.7.

#### **A. Additional Building Height for View Corridor**

For each 100-foot wide view corridor, or increment thereof in excess of 100 feet, provided, TRPA may approve up to nine additional feet in building height, up to a total of 12 feet in height greater than the maximum set forth in Table 37.4.1-1.

#### **B. Additional Building Height for Increased Setback**

For each 100 feet, or increment thereof in excess of 100 feet, of permanent setback from the high water line of Lake Tahoe provided as part of a project in addition to the otherwise required setback, TRPA may approve up to nine additional feet in building height, up to a total of 12 feet in height greater than the maximum set forth in Table 37.4.1-1.

#### **C. Additional Building Height for Public Access**

For each 50 foot wide by 200 foot long area, or increment thereof in excess of 50 feet by 200 feet, of public access provided along the shoreline of Lake Tahoe as part of a tourist accommodation project, TRPA may approve up to nine additional feet in building height, up to a total of 12 feet in height greater than the maximum set forth in Table 37.4.1-1.

### **37.5.4. Additional Building Height for Special Height Districts**

TRPA may designate special height districts as specified below. These special height districts shall be limited to areas that are within both a TRPA-adopted redevelopment plan and a TRPA-adopted community plan. The boundaries of the special height districts and special standards for the district shall be included in the applicable redevelopment plan.

#### **A. Specification of Special Height Districts**

Special height districts may be specified in adopted redevelopment plans if TRPA makes finding 11 of Section 37.7.

#### **B. Findings for Establishing Maximum Allowable Building Heights Within Special Height Districts**

1. In order to establish maximum allowable building heights within special height districts, TRPA shall make finding 12 of Section 37.7.
2. Prior to approving additional building height for a project within a special height district TRPA shall make findings 1, 3, 5, 6, and 9 of Section 37.7.

**C. Limitations on Building Height Within the South Lake Tahoe Redevelopment Demonstration Plan Special Height District**

In addition to the standards and limitations established in subparagraphs A and B above, the following additional limitations shall apply to the Special Height District as set forth in Section 1.11 of the South Lake Tahoe Redevelopment Plan Area Development Standards:

1. Projects approved as part of the South Tahoe Redevelopment Demonstration Project No. 1 shall be subject to Chapter 13: *Redevelopment Plans* (prior to December 12, 2012, amendments) and shall not be eligible for additional building height under the provisions of this subsection. Applicable provisions of Chapter 13 (Redevelopment Plans) that were in effect prior to December 12, 2012, shall remain in effect for the South Tahoe Redevelopment Demonstration Project No. 1 until superseded by the adoption of a Conforming Area Plan;
2. Maximum building heights for buildings that are eligible to gain the additional height are established in Figure 1.1 of the South Lake Tahoe Redevelopment Demonstration Plan Redevelopment Plan Area Development Standards. Additional height for buildings located adjacent to U.S. 50 shall not be used for a total linear distance of more than 500 feet from the adjacent side of the street; and
3. The additional building height shall be limited to buildings in which the primary use is tourist accommodation, transit stations and terminals, or vehicle storage and parking. These buildings may also contain primary commercial uses provided that commercial uses other than vehicle parking and storage will not occupy more than 50 percent of the building's commercial floor area. Vehicle storage and parking structures that use additional building height and that are located on the Lake Tahoe side of U.S. 50 shall be set back a minimum of 100 feet from the edge of the U.S. 50 right of way and shall not provide vehicle access directly off of U.S. 50.

**D. Qualification for Additional Building Height**

Eligible buildings in special height districts may earn additional height greater than that permitted in Table 37.4.1-1 pursuant to the criteria listed below. The additional heights permissible below are additive within the limitations of this subsection. Additional building height that is earned under this subsection may be applied to eligible uses throughout the project area. The additional height may be permissible if TRPA makes findings 1, 3, 5, 6, and 9 of Section 37.7.

1. **Additional Building Height with Required Findings**  
The maximum building heights specified in Table 37.4.1-1 may be increased by up to four feet, but not to exceed a maximum height of 38 feet, if TRPA makes the additional finding 7 in Section 37.7.
2. **Additional Building Height for Reduced Land Coverage**  
The maximum building heights specified in Table 37.4.1-1 may be increased for reductions in the amount of land coverage otherwise permitted within a

project area pursuant to Chapter 30. The maximum heights shall be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable coverage, or existing land cover age, whichever is greater, up to eight additional feet, but not to exceed a maximum height of 46 feet.

**3. Additional Building Height for View Enhancement**

According to a method specified by TRPA to evaluate view enhancements, the maximum heights specified in Table 37.3.1-1 may be increased three additional feet for each view enhancement provided, up to a maximum increase of nine additional feet, provided TRPA makes finding 13 of Section 37.7.

**4. Additional Building Height for Increased Setback**

The maximum building heights specified in Table 37.4.1-1 may be increased a maximum of ten additional feet when an area of open setback (minimum 50-foot depth, 200-foot length) is provided for the portion of the building receiving the additional height, in excess of the legally required setback from the edge of the right-of-way of a major arterial.

**5. Additional Building Height for Landscaped Public Pedestrian Area**

The maximum heights specified in Table 37.4.1-1 may be increased for provision of landscaped public pedestrian areas, including all required amenities established in the applicable community plan, as follows:

**a. Special Height District on Mountain Side of U.S. 50**

An additional increase in maximum heights specified in Table 37.4.1-1, not to exceed a maximum of 15 additional feet, may be permitted as follows:

A maximum of ten additional feet for provision of a landscaped public pedestrian area (minimum 30-foot width, 1,800-foot length) along or through the special height district located on the mountain side of U.S. 50; and

A maximum of five additional feet may be permitted at the rate of one foot of additional height for each additional unit of landscaped public pedestrian area provided (unit minimum 30-foot width, 180-foot length).

**b. Special Height District on Lake Tahoe Side of U.S. 50**

An additional increase in maximum heights specified in Table 37.4.1-1, not to exceed a maximum of 15 additional feet, may be permitted as follows:

A maximum of ten additional feet for provision of a landscaped public pedestrian area (minimum 10-foot width, 1,200-foot length) along U.S. 50 in or adjacent to the special height district located on the Lake Tahoe side of U.S. 50; and

A maximum of five additional feet may be permitted at the rate of one foot of additional height for each additional unit of landscaped public pedestrian area provided (unit minimum 10-foot width, 120-foot length).

**c. Public Plaza or Outdoor Space**

An additional increase in maximum heights specified in Table 37.4.1-1, not to exceed a maximum of five additional feet, for each 10,000 square feet of public plaza or outdoor space provided in the project area within which the additional building height is used may be permitted.

**6. Additional Building Height for Public Access to Lake Tahoe**

Additional building height for public access to Lake Tahoe may be permitted as follows:

- a. The maximum building heights specified in Table 37.4.1-1, may be increased a maximum of ten additional feet for each one acre of public beach provided as follows.

The beach shall contain at least 200 feet of continuous lake frontage on Lake Tahoe and shall be located within one half mile from the height district.

The beach shall be open to the public and contain restrooms, picnic tables, and other amenities. TRPA shall ensure, through deed restrictions, conveyance to a public agency, or other appropriate means, that the beach remains open to the public.

- b. The maximum building heights specified in Table 37.4.1-1 may be increased a maximum of four additional feet for providing a lake access trail described in a community plan.

**7. Additional Building Height for Tree Preservation**

The maximum building heights specified in Table 37.4.1-1 may be increased a maximum of ten additional feet for the preservation and protection of 30 existing trees or 90 percent of the existing trees, whichever is greater, within the project area. To qualify, the trees to be preserved shall be 12 inches diameter at breast height (dbh) or greater, and shall be found by TRPA to provide screening benefits to the building or buildings using the additional height.

**E. Security for Improvements**

Projects that utilize any of the additional building height provisions provided in Section 37.5 shall ensure the public benefit(s) for which the additional height was earned is implemented consistent with the provisions below.

**1. Project Approval**

TRPA shall require, as a condition of approval of any project that relies on the use of an additional building height provision provided in Section 37.5, that all necessary permits for development of the associated public benefit shall be issued prior to commencement of construction of the project utilizing the additional height.

**2. Project Funding**

Prior to the commencement of construction of any project that relies on the use of an additional building height provision provided in Section 37.5, the project applicant shall demonstrate, and TRPA shall find, for each project that irrevocable commitments to fund the public benefit for which the additional height was earned have been obtained or secured.

**3. Project Completion**

For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit for which the additional height was earned.

**37.5.5. Additional Building Height for Affordable, Moderate, or Achievable Housing Projects**

~~The maximum height specified in Table 37.4.1-1 may be increased for affordable housing projects located in special areas designated for affordable housing within the Kings Beach Commercial Community Plan. The maximum height in Table 37.4.1-1 may be increased by up to 15 feet, but not to exceed a total building height of 48 feet, provided that the project incorporates community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines, and TRPA makes finding 14 of Section 37.7.~~

- A. Residential and mixed-use projects that are 100% deed-restricted to affordable, moderate, or achievable as described in subsection 36.13 and utilize bonus units may have additional building height, up to the maximum for the slope of the building site set forth in Table 37.4.4-1, with a roof pitch greater than or equal to 3:12, provided the applicants makes findings 1, 2, and 8 as set forth in Section 37.7; or
- B. Residential and mixed-use projects that are 100% deed-restricted to affordable, moderate, or achievable, as described in subsection 36.13, utilize bonus units, and are located on a parcel that is within 500 feet and adjacent and contiguous to a center may have an additional 11 feet above what is permissible in Table 37.4.4-1, provided the additional height is stepped back one foot for each additional foot of height, 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, and 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.

**37.5.6. Building Height for Redevelopment Projects Within the City of South Lake Tahoe**

Additional building height for redevelopment projects within the City of South Lake Tahoe was set forth in Chapter 13: *Redevelopment Plans* (prior to December 12, 2012, amendments). Prior to adoption of a Conforming Area Plan for the South Lake Tahoe Redevelopment Area,

applicable provisions of Chapter 13 (Redevelopment Plans) that were in effect prior to December 12, 2012, shall remain in effect.

**37.5.7. Additional Height for Special Projects within the North Stateline Community Plan**

**A. General Requirements**

1. TRPA may designate additional height for special projects that are located within the TRPA approved North Stateline Community Plan, and are designated through Resolution 2008-11 to be Special Projects pursuant to subparagraph 50.6.4.D as specified below.
2. The maximum height shall be 75 feet or three-fourths of the maximum height of the tallest trees within the project area, whichever is lower. TRPA shall determine the height of the tallest trees within the project area based on a tree survey provided by the applicant.
3. The area proposed for additional height shall be located on the mountain side of State Route 28 within the North Stateline Community Plan boundary. Additional height available under this Code subsection shall not be available on lake side of SR 28.
4. Additional height may be specified within the North Stateline Community Plan subject to finding 15 in subsection 37.7.15.

**B. Security for Improvements**

The project shall ensure the public benefit(s) set forth in subparagraphs 37.7.15.F, G, and H are implemented consistent with the following provisions:

**1. Project Approval**

TRPA shall require, as a condition of approval, of any project that relies on the use of an additional height provision provided in this subsection 37.5.7 that all necessary permits for development of the public benefits set forth in subparagraphs 37.7.15.F, G, and H be issued prior to commencement of construction of the project utilizing the additional height.

**2. Project Funding**

Prior to the commencement of construction of any project that relies on the use of an additional height provision provided in this subsection 37.5.7, the project applicant shall demonstrate, and TRPA shall find, for each project, that irrevocable commitments to fund the public benefit set forth in subparagraphs 37.7.15.F, G, and H have been obtained or secured.

**3. Project Completion**

For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit set forth in subparagraphs 37.7.15.F, G, and H.

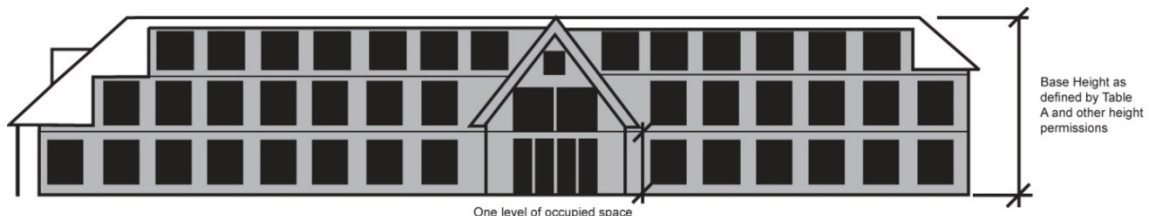


**37.5.8. Additional Height for Tourist Accommodation Buildings Containing 50 or More Units within Special Area 1 of the South Shore Area Plan**

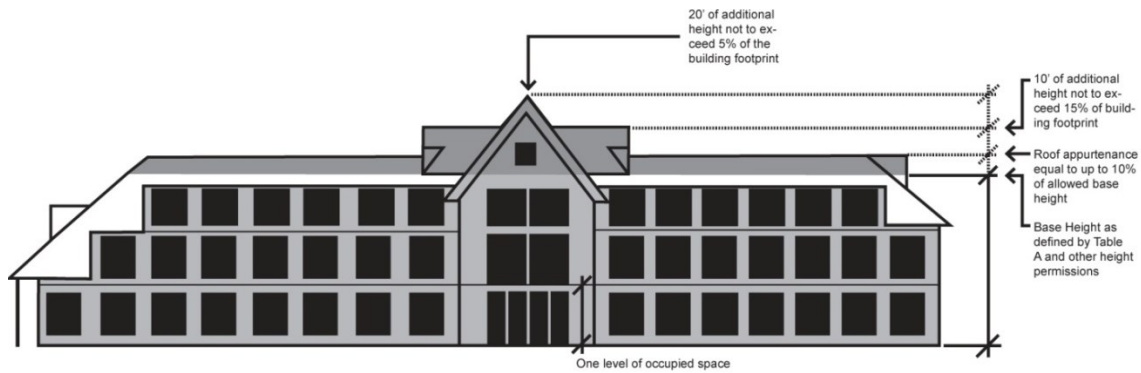
In addition to the provisions set forth in subsection 37.5.2, TRPA may approve building heights greater than those set forth in Section 37.4 for buildings whose primary use is tourist accommodation, that contain 50 or more units, and that are located within Special Area #1 as shown on the Record of Survey Map for Park Cattle Company recorded in the official Records of Douglas County (Document No. 34529). The maximum heights specified in Table 37.4.1-1 may be increased up to a maximum height of 60 feet in accordance with the following provisions, if TRPA makes the findings 1, 2, 3, and 5 in Section 37.7.

**A. General Requirements**

1. The maximum height is 60 feet or three-fourths of the maximum height of the tallest trees within the immediate proximity of the proposed project, whichever is lower. Determination of the tallest tree within the project area shall be based on a tree survey provided by the applicant.
2. The area proposed for additional height shall not be located within the shoreland as defined by Chapter 90.
3. The project shall not cause a decrease in numerical ratings assigned to scenic travel routes or identified scenic resources pursuant to Section 66.1.
4. Additional height may be permitted for architectural roof features that incorporate community design features such as gable roofs, hip roofs, pitched roofs, articulated roof planes and dormers as follows:
  - a. A maximum of four additional feet may be permitted to extend and articulate roofs; and
  - b. A maximum of ten additional feet may be permitted to incorporate 6:12 or greater pitched roof if the roof does not exceed 15 percent of the total roof area when viewed in plan view; and
  - c. A maximum of 20 feet may be permitted, but not to exceed a total building height of 60 feet, to incorporate 6:12 or greater pitched roof if the roof does not exceed 5 percent of the total roof area when viewed in plan view.



**Figure 37.5.8-A: Existing Building Form Conforming to Base Height Limit**



**Figure 37.5.8-B: Application of the Additional Height for Design Improvement Limit**

### **37.5.9. Additional Height for Special Projects within a Ski Area Master Plan**

#### **A. General**

TRPA may designate additional height for special projects that are located within a TRPA approved Ski Area Master Plan, and are designated through Resolution 2008-11 to be Special Projects pursuant to TRPA Code subparagraph 50.6.4.D as specified below.

#### **B. Maximum Height**

The maximum height is 77 feet or three-fourths of the maximum height of the tallest trees within the project area, whichever is lower. TRPA shall determine the height of the tallest trees within the project area based on a tree survey provided by the applicant.

#### **C. Findings for Additional Height**

Additional height may be specified within a Ski Area Master Plan subject to the following requirements:

1. Any existing buildings within the project area that have non-conforming height prior to the adoption of this ordinance shall be demolished; except when found to be historically significant and then the provisions of Chapter 67 shall prevail.
2. Existing verified land coverage otherwise permissible within the Ski Area Master Plan pursuant to the Regional Plan shall be reduced by a minimum of 10 percent and permanently retired per TRPA guidelines.
3. In order to implement pedestrian/transit oriented development (PTOD), the project shall, at a minimum:
  - a. Satisfy the factors outlined in subparagraphs 11.8.4.C.1.a to e in subparagraph 11.8.4.C; and
  - b. Include and integrate major transit facilities, sidewalks, bike lanes and associated facilities; and

- c. Provide circulation connections and linkages between private open spaces, public spaces and recreational opportunities (for example, streetscapes, alleys, easements, parks) and commercial, residential, tourist uses both on and off-site; and
- d. Provide alternative parking strategies (which may include shared parking, parking structures, underground parking); and
- e. Be a mixed use development; and
- f. Orient building facades to the street; and
- g. Implement landscaping and hardscaping that enhance the scenic quality of the area and whenever possible, improve the scenic ratings per the adopted Scenic Quality Improvement Program and Technical Appendices (SQIP). This shall include improvements that:

Blend vegetation to accentuate and provide visual breaks in building façades and rooflines, for example, with the use of low lying shrubs and various sized trees; and

Enhance and emphasize pedestrian circulation routes with special design features that physically separate pedestrians from the flow of traffic or bike lanes, or provide direction. Features may include, garden beds, landscape planters, bollards, benches, sculpture/artistic elements, and/or other street furniture; and

Provide appropriate screening for any street level parking areas by balancing the need to screen vehicles from view and provide a safe pedestrian environment.

New structures requesting additional height along State Route 89 shall be set back from the travel route edge of pavement a minimum of 30 feet and stair-stepped upslope, providing a transition of height across the site. Additional height for new structures satisfying these requirements may be permitted as follows:

- (1) The maximum permissible height for structures with a minimum set back of 30 feet from the State Route 89 edge of pavement is 45 feet.
- (2) The maximum permissible height for structures with a minimum set back of 150 feet from the State Route 89 edge of pavement is 55 feet.
- (3) The maximum permissible height for structures at the North Base with a minimum set back of 225 feet up to a maximum distance of 675 feet from the State Route 89 edge of pavement is 77 feet. The maximum permissible height for structures at the South Base (Tahoe Ski Bowl Way) with a minimum setback of 650 feet up to a maximum distance of 1200 feet from the State Route 89 edge of pavement is 66 feet.

4. The maximum permissible height for structures located at the top of the mid-mountain gondola is 58 feet.
5. The project shall result in an increase in the scenic threshold travel route rating for Roadway Unit 11, Homewood.
6. The project shall retain and treat up to the 50-year one-hour storm utilizing on-site and offsite systems incorporating best available technologies.
7. The project shall implement TRPA designated EIP Projects within the vicinity of the Ski Area Master Plan. The designated EIP projects shall include project number 86 (EIP Project Code 9710-Scenic Road Unit #11 Homewood Improvement), project number 259 (EIP Project Code 9120-Homewood Ski Area BMP), project number 632 (EIP Project Code 9480-Ski Homewood Ski Area Master Plan), project number 725 (EIP Project Code 9140-Homewood Residential), and project number 775 (EIP Project Code 9250-SR Highway 89-Homewood Area Pedestrian Facilities).
8. The project shall implement a program that provides for a range of alternative means of transportation to include, but not be limited to, a dial-a-ride service, a shuttle service, a bicycle bank, and water taxi.
9. Prior to approving additional height, TRPA shall make Findings 1, 3, 6, 8 and 9 of Section 37.7. Note that Finding 6 is proposed for amendment to include a "Ski Area Master Plan."

**D. Security for Improvements**

The project shall ensure the public benefit(s) set forth in subparagraphs 37.5.9.C.6, 7 and 8 are implemented consistent with the following provisions:

1. **Project Approval**  
TRPA shall require, as a condition of approval, of any project which relies on the use of an additional height provision provided in subsection 37.5.9 that all necessary permits for development of the public benefits set forth in subparagraphs 37.5.9.C.6, 7 and 8 be issued prior to commencement of construction of the project utilizing the additional height.
2. **Project Funding**  
Prior to the commencement of construction of any project which relies on the use of an additional height provision provided in subsection 37.5.9, the project applicant shall demonstrate, and TRPA shall find, for each project, that irrevocable commitments to fund the public benefit set forth in subparagraphs 37.5.9.C.6, 7 and 8 have been obtained or secured.
3. **Project Completion**  
For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit set forth in subparagraphs 37.5.9.C.6, 7 and 8.

## **37.6. HEIGHT STANDARDS FOR STRUCTURES OTHER THAN BUILDINGS**

### **37.6.1. Maximum Structure Height**

Except as provided for in subsection 37.6.2, no structure, other than a building, shall have a maximum height greater than 26 feet.

### **37.6.2. Additional Height for Certain Structures**

The maximum height specified in subsection 37.6.1 may be increased for communication towers, antennas, utility poles, special features of public safety facilities, ski lift towers, wind turbines/renewable power facilities, and other similar projects, excluding buildings and signs, up to the minimum height necessary to feasibly implement such projects. Additional height may be approved under the provisions of this subsection if TRPA makes findings 4 and 7 as set forth in Section 37.7.

## **37.7. FINDINGS FOR ADDITIONAL BUILDING HEIGHT**

The findings required in this chapter are as follows:

### **37.7.1. 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.

### **37.7.2. Finding 2**

When outside a community plan, the additional height is consistent with the surrounding uses.

### **37.7.3. 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.

### **37.7.4. Finding 4**

The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

### **37.7.5. Finding 5**

The portion of the building that is permitted additional building height is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background.

- A. The horizontal distance from which the building is viewed;
- B. The extent of screening; and
- C. Proposed exterior colors and building materials.

**37.7.6. Finding 6**

The building that is permitted additional building height is located within an approved community plan or Ski Area Master Plan that identifies the project area as being suitable for the additional height being proposed.

**37.7.7. Finding 7**

The additional building height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

**37.7.8. Finding 8**

The maximum building height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

**37.7.9. 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. TRPA shall specify the method used to evaluate potential view loss.

**37.7.10. Finding 10**

The building is no more than two stories above grade (excluding basement) in height.

**37.7.11. Finding 11 (Specification of Special Height Districts in Adopted Redevelopment Plans)**

Special height districts may be specified in adopted redevelopment plans if TRPA makes the following findings:

- A. The area is within 2,300 feet of the center point of three or more buildings exceeding the height of 150 feet;
- B. The special height district provides a transition of height from the high-rise area to the surrounding area of lower permissible heights;
- C. The projects within the special height district utilize transit/pedestrian-oriented development principles including, but not limited to, major transit facilities, sidewalks, limited parking, mixed uses, high densities, use of alleys, and pedestrian oriented commercial opportunities; and

- D. The special height district is consistent with Policy 1.B, Goal 2, Community Design Subelement, Land Use Element, of the TRPA Goals and Policies Plan and the TRPA Scenic Quality Improvement Program.

**37.7.12. Finding 12 (Establishing Maximum Allowable Building Heights Within Special Height Districts)**

In order to establish maximum allowable building heights within special height districts, TRPA shall make the following finding:

- A. The maximum building height within a special height district is limited to 73 feet, or three-fourths of the maximum height of the tallest trees within the special height district, whichever is lower. TRPA shall determine the height of the tallest trees within a special height district.

**37.7.13. Finding 13 (Additional Height for View Enhancement)**

- A. The view enhancement is provided in the same threshold roadway travel route as the project in which the building using the additional height is located;
- B. For views of the natural landscape and views of major visual features, no building or structure greater than five feet in height is closer than 100 feet from the viewpoint to the resource;
- C. For view enhancements of views of Lake Tahoe, no building or structure exists between the viewpoint and Lake Tahoe;
- D. For the purposes of creating a view enhancement, TRPA shall find, in addition to the findings in subparagraphs A, B, and C above, that the created view is available for a continuous distance of at least 200 feet as seen from the threshold roadway travel route; and
- E. For the purposes of enhancing an existing view, TRPA shall find in addition to the findings in subparagraphs A, B, and C above, that the enhanced view is provided in the same general location as the existing view, is of the same resource as the existing view, and adds at least 30 percent to the existing view.

**37.7.14. Finding 14 (Additional Building Height for Affordable Housing Projects)**

- A. The project shall meet findings 1, 3, 6, 8, and 9 in Section 37.7;
- B. The additional height is required because of the increase in density permitted by subsection 31.4.1;
- C. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area; and
- D. The project meets the security requirements of subparagraph 37.5.4.E.

**37.7.15. Finding 15 (Additional Height for Special Projects within North Stateline Community Plan)**

Additional height may be specified within the North Stateline Community Plan subject to the following requirements:

- A.** Any existing buildings within the project area that have non-conforming height prior to the adoption of this ordinance shall be demolished, except when found to be historically significant and then the provisions of Chapter 67 shall prevail.
- B.** Land coverage otherwise permissible within the project area pursuant to the Regional Plan shall be reduced by a minimum of ten percent.
- C.** In order to implement pedestrian/transit oriented development (PTOD), the project shall, at a minimum:
  - 1.** Satisfy the factors outlined in subparagraph 11.8.4.C.1;
  - 2.** Include and integrate major transit facilities, sidewalks, bike lanes and associated facilities;
  - 3.** Provide circulation connections and linkages between private open spaces, public spaces and recreational opportunities (for example, streetscapes, alleys, easements, parks) and commercial, residential, tourist uses both on and off-site;
  - 4.** Provide alternative parking strategies (which may include shared parking, parking structures, or underground parking);
  - 5.** Be a mixed use development;
  - 6.** Orient building facades to the street; and
  - 7.** Implement landscaping and hardscaping that enhance the scenic quality of the area and whenever possible, improve the scenic ratings per the adopted Scenic Quality Improvement Program and Technical Appendices (SQIP). This shall include improvements that:
    - a.** Blend vegetation to accentuate and provide visual breaks in building façades and rooflines, for example, with the use of low lying shrubs and various sized trees;
    - b.** Enhance and emphasize pedestrian circulation routes with special design features that physically separate pedestrians from the flow of traffic or bike lanes, or provide direction. Features may include, garden beds, landscape planters, bollards, benches, sculpture/artistic elements, and/or other street furniture; and
    - c.** Provide appropriate screening for any street level parking areas by balancing the need to screen vehicles from view and provide a safe pedestrian environment.
- D.** New structures along State Route 28 shall be set back from the travel route edge of pavement a minimum of 40 feet and stair-stepped upslope, providing a



transition of height across the site (See Figure 37.7.15-A). Additional height for new structures satisfying these requirements may be permitted as follows:

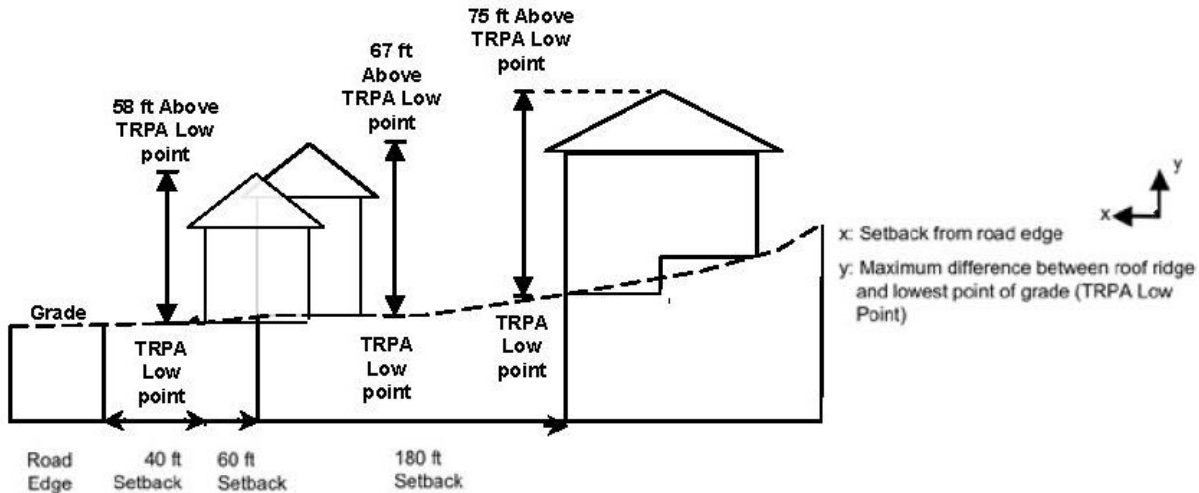


Figure 37.7.15-A: Setback Measurement on State Route 28

1. The maximum permissible height for structures with a minimum set back of 40 feet from the State Route 28 edge of pavement shall be 58 feet.
  2. The maximum permissible height for structures with a minimum set back of 60 feet from the State Route 28 edge of pavement shall be 67 feet.
  3. The maximum permissible height for structures with a minimum set back of 180 feet from the State Route 28 edge of pavement shall be 75 feet.
- E. The project shall result in an increase in the scenic threshold travel route rating for Roadway Unit 20D, North Stateline Core.
  - F. The project shall retain and treat the 50-year one-hour storm utilizing on-site and offsite systems incorporating best available technologies.
  - G. The project shall implement TRPA designated EIP Projects within the NSCP.
  - H. The project shall achieve a reduction in vehicle miles traveled.
  - I. Prior to approving additional height, TRPA shall make Findings 1, 3, 6, 8, and 9 of Section 37.7.

#### **37.7.16. Finding 16 (Three- or Four-Story Buildings in Town Centers and Three- to Six-Story Buildings in the Regional Center)**

In order to mitigate for potentially significant scenic impacts resulting from three- or four-story buildings in the Town Centers and from three- to six-story buildings in the Regional Center, TRPA shall make the following findings:

- A. The project shall meet findings 1, 3, 5, and 9 in Section 37.7.

**37.7.17. Finding 17 (Redevelopment in High Density Tourist District within Existing Visual Prominence)**

To mitigate for potentially significant scenic impacts resulting from buildings up to 197 feet in the High Density Tourist District, proposed development in the High Density Tourist District shall achieve the following performance standards:

- A.** The height and visual mass of any redeveloped existing high-rise structures projecting above the forest canopy shall not increase the visual prominence over baseline conditions as viewed and evaluated from key scenic viewpoints, including, but not limited to, views from the Van Sickle Bi-State Park, scenic roadway units, scenic shoreline units, and public recreation areas.
- B.** When considering visual prominence, the following factors will be considered: building mass, contrast, location, articulation, color, materials and architectural style; and the quality of landscape features and views that are blocked or revealed.

**37.7.18. Finding 18 (Affordable, Moderate, and Achievable Housing)**

- B.** The project is exempt from the density maximums per section 31.4.1.A and the parking minimums per Section 34.4.1, unless an area plan specifies that alternative standards per Section 13.5.3.I.C.1.

**37.8. MODIFICATION OR RECONSTRUCTION OF EXISTING BUILDINGS AND STRUCTURES**

When a building or structure is being reconstructed or, whenever feasible when being modified, the building or structure shall comply with the height standards set forth in this chapter. Provisions of Chapter 2: *Applicability of the Code of Ordinances*, regarding structures destroyed by calamity, set forth exceptions to this section.

**37.9. ADDITIONS TO EXISTING BUILDINGS**

When an addition is proposed to an existing building that results in height greater than that permitted by Table 37.4-1-1, the height of the addition may be calculated in accordance with subsections 37.9.1 and 37.9.2 below. The height provisions of Section 37.9 may be utilized only one time within a project area. A subsequent project in the same project area shall calculate height from the original low point. Projects using this section are not eligible to apply under the Exempt or Qualified Exempt provisions of Chapter 2 of the Code.

**37.9.1. Additions At or Above Low Point**

For additions at or above the low point of an existing building, the height of the addition may be calculated as if the addition is a separate structure if findings A through E of subsection 37.9.3 can be made. The height of the addition shall not exceed the maximum height permitted by Table 37.4.1-1.

**37.9.2. Additions Below the Low Point**

For additions below the low point of an existing building, the height of the addition may be calculated as if the addition is a separate structure if findings A through E of subsection 37.9.3

can be made. The maximum height shall not exceed the maximum height permitted by Table 37.4.1-1 less the difference between the existing and proposed low points of the structure.

### **37.9.3. Findings**

The following findings are applicable to this Section 37.9:

- A.** Findings 1, 2, and 8 in Section 37.7;
- B.** The addition is not visible from a TRPA-designated scenic threshold travel route, the waters of Lake Tahoe, a public recreation area, or a bicycle trail contained in the 1993 Lake Tahoe Basin Scenic Resource Evaluation;
- C.** The existing use is a permissible use in the local plan;
- D.** The existing building was legally existing prior to May 26, 1996; and
- E.** The addition is no more than one story.

## **CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM**

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### **52.1. PURPOSE**

This chapter sets forth provisions for assigning residential bonus units in accordance with the Regional Plan Goals and Policies in the Land Use Element, Land Use Subelement, Goal 2, Policies 5A and 5B; and in the Implementation Element, Development and Implementation Subelement, Goal #2, Policies 2F and 3, and Goal 3, Policies 1 and 2.

### **52.2. APPLICABILITY**

- A.** The assignment of residential bonus units shall comply with the provisions set forth in this chapter. Such assignments shall occur only in conjunction with a project approved by TRPA.
- B.** In addition to the bonus units authorized by this chapter, bonus units also may result from the following additional Code provisions:

1. Section 30.6.3: *Onsite Removal and Retirement of Excess Coverage in Town Centers, Regional Centers, or the High-Density Tourist District*;
2. Section ~~Error! Reference source not found.51.5.1.C.3~~: *Transfer of Potential Residential Units of Use to Centers*; and
3. Section ~~Error! Reference source not found.51.5.3~~: *Transfer of Existing Development to Centers*.

## **52.3. RESIDENTIAL INCENTIVE PROGRAM**

### **52.3.1. Assignment of Bonus Units**

A maximum of 1,400 residential bonus units may be approved by TRPA pursuant to this section. Residential bonus units may be made available to affordable, moderate, and achievable-income single and multi-family housing projects subject to the criteria in subsection 52.3.4 below. Five hundred and sixty-two (562) of the 1,124, or one half of the remaining as of December 24, 2018, residential bonus units from the TRPA pool, whichever is less, shall be used for affordable housing units; the remaining 562, or one half of the remaining, residential bonus units from the TRPA pool, whichever is less, may be used for moderate or achievable housing units.

### **52.3.2. Criteria**

All projects receiving multi-residential bonus units shall comply with the following criteria:

- A. The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the area plan, plan area statement, applicable community or redevelopment plan, or this Code; and
- B. When bonus units will be used for a multi-family dwelling, multi-residential uses shall be designated in the area plan, plan area, or community plan as an allowed use, or a special use for which the findings required in Section 21.2 have been made.
- C. Except for affordable, moderate income, or achievable housing units as defined in Chapter 90: *Definitions*, an allocation shall be required pursuant to Chapter 50: *Allocation of Development*, in order to use multi-residential bonus units.

### **52.3.3. Determination of the Number of Multi-Residential Bonus Units**

#### **A. Determination of Project Score**

Applications for projects proposing to use multi-residential bonus units shall include a list and description of all mitigation measures identified in Table 52.3.3-1 that are proposed as part of the project. Based on a review of the mitigation measures proposed, TRPA shall determine a score for the project in accordance with Table 52.3.3-1. A maximum of one residential bonus unit may be approved for each ten points received by a project.

#### **B. Mitigation Measures**

Projects proposing the use of multi-residential bonus units shall receive a score only when one or more of the mitigation measures in Table 52.3.3-1 are proposed as part

of the project. Any combination of the measures in the table may be proposed. Only those mitigation measures that would not otherwise be required by the Code shall be considered in determining the score received by a project. This subparagraph establishes the maximum number of points that may be awarded for each mitigation measure. If a proposed mitigation measure satisfies the requirements of two or more of the mitigation measures listed below, points shall be awarded based on the mitigation measure resulting in the highest score. The total point score shall be rounded down to a number that is a multiple of ten.

TABLE 52.3.3-1: SCORE FOR MITIGATION MEASURES FOR RESIDENTIAL BONUS UNITS		
Mitigation Measure		Score
Participation in a transportation EIP project (see Chapter 15: <i>Environmental Improvement Program</i> )		(Project cost divided by \$8,000) x 10 points
Participation in a water quality EIP project (see Chapter 15: <i>Environmental Improvement Program</i> )		(Project cost divided by \$8,000) x 10 points
Provision of stream environment zone restoration pursuant to EIP Program (excluding restoration required as mitigation for new SEZ disturbance)		(Project cost divided by \$8,000) x 20 points
Retirement of an undeveloped parcel located in Land Capability Districts 1a, 1b (SEZ), 1c, 2, or 3 (see Chapter 51: <i>Banking, Conversion, and Transfer of Development</i> )	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit
	Parcel in 1b (SEZ)	30 points per transferred unit
Transfer of existing residential unit and retirement of the parcel in accordance with Chapter 51	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit
	Parcel in 1b (SEZ)	40 points per transferred unit
New access to public recreation areas, lakes, streams, or vista points to which access was previously nonexistent		(Project cost divided by \$8,000) x 10 points (maximum 50 points)
Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 30: <i>Land Coverage</i>		One point for each such reduction of 600 square feet onsite
Participation in projects identified in the TRPA-approved Scenic Quality Improvement Program and/or the EIP		(Project cost divided by \$8,000) x 10 points

### C. Adjustments to Score

#### 1. Projects within a Community Plan

The score received pursuant to Table 52.3.3-1 by projects located within an approved community plan shall be multiplied by a factor of 1.5.

#### 2. Projects Providing Affordable Employee Housing

The score received pursuant to Table 52.3.3-1 by projects designed to provide affordable employee housing shall be multiplied by a factor of 2.0.

#### 3. Post-1987 Projects Proposing Subdivision of Units

In order to subdivide a post-1987 multi-residential project that does not meet the standards for low-cost housing as defined in Section 90.2, the score received pursuant to Table 52.3.3-1 shall be multiplied by a factor of 0.67.

**D. Option to Reserve Residential Bonus Units**

Approved residential bonus units may be reserved for projects based on the proposals submitted prior to project approval to enable applicants to accumulate allocations. Residential bonus units shall be assigned to a parcel and may be reserved as credits, unused, for no more than five years. TRPA may reissue those credits to the same parcel for an additional five years if TRPA finds that the residential bonus units are likely to be used during that period.

**52.3.4. Affordable, Moderate, and Achievable-Income Housing**

All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: *Definitions* shall comply with criteria in Section 52.3.4A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded to and constructed in each income category, number of bonus units awarded to and constructed in single and multi-family housing developments, location of housing developments, and compliance with the program.

- A. Residential bonus units may be awarded to single or multi-family housing developments.
- B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.
- C. A bonus unit may be used for an accessory dwelling unit as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.
- D. The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to \$5,000.00 per day 1/10 of the current cost of a residential unit of use annually for failure to submit the compliance report or comply with these requirements.
- E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.

- F. The project awarded a residential bonus unit shall be within ½ mile of a designated Town Center; within ½ mile of an existing transit stop or a transit stop that will be existing concurrent with the completion of the project; or located in an area where multi-family dwellings are an allowed or special use.

#### **52.3.5. Residential Bonus Unit Substitution**

Residential bonus units may be assigned for existing residential units of use in a project area or existing residential units of use that are the result of TAU conversion pursuant to subsection **Error! Reference source not found.51.4** on a unit-for-unit basis, provided that the following conditions are met:

- A. The project area shall be brought up to TRPA development standards applicable for modifications on a project area containing existing development and shall meet scenic quality standards if the project is visible from a roadway travel route, shoreline travel route, or designated recreation site or bike path;
- B. The local jurisdiction shall inspect and certify that each unit remaining in the project area meets its health and safety requirements for residences;
- C. A deed restriction shall be recorded with TRPA and the local jurisdiction ensuring that the units remaining in the project area meet TRPA's affordable or moderate-income, or achievable housing definition and shall be so maintained; and
- D. Any existing units of use not used in the project area are only transferable to multi-residential facilities.

#### **52.3.6. TRPA-Certified Local Government Moderate-Income Housing Program**

##### **A. TRPA Certification**

TRPA may certify by resolution a local government moderate-income housing program upon a finding that the program adequately addresses:

- 1. Housing needs and issues of the jurisdiction pursuant to state standards within an adopted Housing Element; and
- 2. Standards that guide the development of moderate-income housing using the principles of transit-oriented development, including:
  - a. Appropriate proximity to government services;
  - b. Appropriate proximity to commercial and employment centers;
  - c. Appropriate proximity to mass transit opportunities and other alternative modes of transportation; and
  - d. Appropriate residential and commercial densities to facilitate transit use.

**B. Permanent Limitations on Approved Use and Income Limits**

The moderate-income housing program shall, through deed restriction covenant running with the land, limit the project area to the approved use and restrict the occupants' household income to moderate-income housing limits. Moderate-income units are subject to deed restriction for long-term occupancy for at least ten months in each calendar year. Units found not to be in compliance with use, rental and/or sales rates, household income levels, or occupancy requirements as specifically described in the deed restriction running with the land shall not be occupied until the non-complying element of the program is rectified.

**C. Annual Reporting**

Each local jurisdiction with a certified moderate-income housing program shall document, monitor, submit annual reports to TRPA, and enforce the provisions of the deed restrictions. It shall be the responsibility of the local jurisdiction to ensure full compliance with the provisions of the deed restriction.

**52.3.7. Transfer of Allocated Residential Bonus Unit Limitations**

The following limitations apply to transfers of previously allocated Bonus Units:

- A.** Bonus Units transferred shall have been legally established;
- B.** Bonus Units shall remain within the same use category at the time the units were awarded (i.e. residential) and are eligible for conversion per Section 51.4;
- C.** Bonus Units allocated for affordable, moderate-income, and achievable housing development shall meet the same criteria for which the units were awarded (i.e. affordable shall remain affordable, moderate-income shall remain moderate-income shall remain moderate-income).
- D.** Transfers of Bonus Units shall not be permitted for development that has become derelict.

**52.4. DETERMINATION OF PROJECT COST**

The value of work proposed to be done pursuant to subparagraphs 52.3.3.B shall be based on an engineer's estimate approved by TRPA as being reasonable for the work described.





# CHAPTER 90: DEFINITIONS

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## 90.1. RULES OF INTERPRETATION AND CONSTRUCTION

### 90.1.1. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the purpose and intent set out in Section 1.1.

### 90.1.2. Relationship Between Text and Headings, Illustrations, and Examples

In case of any difference of meaning or implication between the text of this Code and any heading, drawing, table, figure, commentary block, example, or illustration, the text shall control.

### 90.1.3. Examples and Explanations

This Code provides where necessary additional explanation in the form of examples to clarify its intent. These examples are intended solely as a guide for administrative officials and the public to use in interpreting the Code but are not to be construed as official Code interpretations. Such examples often do not demonstrate all applicable Code requirements but instead explain a particular aspect or method of calculation of a Code requirement.

### 90.1.4. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “including” and “such as,” or similar language, are intended to provide examples, not to be exhaustive lists of all possibilities.

### 90.1.5. Technical and Non-Technical Terms

For words that are not defined in this chapter, non-technical words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### 90.1.6. Computation of Time

References to days are calendar days unless otherwise stated. The time in which an act is to be done shall be computed by excluding the first day and including the last day.

### 90.1.7. References to Other Regulations, Publications, and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

#### **90.1.8. Delegation of Authority**

For any act or duty not reserved for the Governing Board, whenever a provision requiring the head of a department or another officer or employee of the agency to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.

#### **90.1.9. Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of the Tahoe Regional Planning Agency, unless otherwise indicated.

#### **90.1.10. Mandatory and Discretionary Terms**

The words “shall,” “will,” and “must” are always mandatory. The words “may” and “should” are advisory and discretionary terms.

#### **90.1.11. Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. “And” indicates that all connected items, conditions, provisions, or events apply.
- B. “Or” indicates that one or more of the connected items, conditions, provisions, or events may apply.

#### **90.1.12. Tenses and Plurals**

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

#### **90.1.13. Term Not Defined**

In the event there is a term used in this Code that is not defined in this chapter, the Executive Director shall have the authority to provide a definition based upon the definitions used in accepted sources.

#### **90.1.14. Rounding**

- A. Unless otherwise specified, numbers shall be rounded to the nearest whole number. Fractional numbers .5 or greater are rounded up. Fractional numbers less than .5 are rounded down.
- B. Unless otherwise specified, when standards specify a minimum or maximum limit, those limits shall be the actual limit. The fractional number rounded to the nearest whole number shall not exceed the maximum limit or be less than the minimum limit.
- C. The following rules of rounding apply to land coverage:
  - 1. Round each distinct land coverage category to the nearest square foot.

2. Round disconnected areas of the same land coverage category to the nearest square foot before totaling.
- D. The following rules of rounding apply to height:
1. Calculate natural ground elevation to the nearest inch.
  2. Calculate building height to the nearest inch.
- E. The following rules of rounding apply to development rights and units of use for conversions, banking, etc:
1. CFA shall be rounded to the nearest whole number in square feet.
  2. All other units of use shall be rounded to the nearest one one-hundredth of a unit (0.01).

## 90.2. OTHER TERMS DEFINED

For definitions of uses see Section 21.4 (List of Primary Uses), and Section [Error! Reference source not found.81.5.](#)

### **Abandoned Road**

A road not accessible to traffic due to permanent physical barriers; or, a road that is posted or designated for closure.

### **Accessory Dwelling Unit (ADU)**

Formerly “Secondary Residence”. See subsection 21.3.2

### **Accessory Use**

A use, building, or other facility customarily a part of any primary use that is clearly incidental and secondary to the primary use, that does not change the character or the intensity of the primary use, and that does not operate independent of the primary use. Additional criteria for determining commercial accessory uses for noncommercial primary uses are found in subparagraph 50.6.1.A.2. See subsection 21.3.1 for examples of accessory uses and Section [Error! Reference source not found.81.4](#) for accessory uses in the shorezone.

### **Achievable Housing**

Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria:

1. Have a household income not in excess of 120 percent of the respective county’s area median income (AMI) (moderate income households and below); or

2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District (TTUSD), including but not limited to public agencies and not-for-profit employers, and which requires the employee's physical presence within the boundaries of the Tahoe region or TTUSD in order to complete the task or furnish the service for an average of at least 30 hours per week on an annual basis, or seasonal basis for seasonal work. Full-time equivalency may be confirmed by employer; or
3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years.

The employment requirement may be waived for accessory dwelling units when the unit is occupied by a family member related by birth, marriage or adoption to the owner of the primary dwelling. TRPA may include asset limits for purchasers of deed-restricted homes.

Achievable housing units shall meet the criteria and restrictions in accordance with Chapter 52: *Bonus Unit Incentive Program*.

Achievable deed-restrictions issued before [the date this code amendment goes into effect] may utilize this definition or the definition of "achievable" described in the recorded deed-restriction language in effect from December 20, 2018 to [the date this code amendment goes into effect].

### **Active Solar Energy System**

A solar energy system with a primary purpose to harvest energy by transforming solar energy into another form of energy or transferring heat from a solar collector to another medium using mechanical, electrical, or chemical means.

### **Active Transportation**

Transportation that does not rely entirely on a car to travel between origin and destination. This can include walking, biking, skateboarding, roller-skating, cross county skiing, using public transit, or driving to an intercept lot, parking, and then using another form of travel.

### **Activity**

Any conduct, active or passive, that may have an impact on the land, air, water, space, or other natural resource of the region.

### **Adaptive Management**

The process of implementing policy (and management) decisions as scientifically driven management experiments and/or monitoring programs that test predictions and assumptions in management plans, and using the resulting information to improve the plans.

### **Adopted Plan**

An adopted community plan, specific plan, or master plan.

### **"Additional" Commercial Floor Area**

See subparagraph 50.6.1.B.

**Additional Development**

Development that did not exist, or was not approved, on the effective date of the Regional Plan. Relocation or reconstruction of development is not additional development.

**Additional Factors**

See subsection 16.3.1.

**“Additional” PAOTs**

See subparagraph 50.9.3.B.

**“Additional” Public Service Facility**

See subsection 50.8.2.

**“Additional” Recreation**

See subsection 50.9.2.

**“Additional” Residential Unit**

See subparagraph 50.5.1.B.

**“Additional” Tourist Accommodation Unit**

See subparagraph 50.7.1.B.

**Adjacent Parcels**

Parcels that are separated by a lot line or are near or close to each other but separated by a right-of-way in such a manner that, if the right-of-way was removed, the boundaries would touch.

**Advisory Planning Commission (APC)**

The Advisory Planning Commission of the Agency as defined in Article III(h) of the Compact.

**Affordable Housing**

Residential housing, deed-restricted to be used exclusively as a residential dwelling by seasonal workers or permanent residents that are lower-income households (income not in excess of 80 percent of the respective county's median income) and very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available to individuals whose median income does not exceed the recommended state and federal standards. Each county's median income shall be determined according to the income limits published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.

**Agency**

The Tahoe Regional Planning Agency, including the Governing Board and staff.

**Agency of Jurisdiction**

As used in Chapter 14: *Specific and Master Plans*, a government agency with responsibility for managing land, such as the Forest Service, the state parks departments, City of South Lake Tahoe, and the California Tahoe Conservancy.

**Allocation**

An apportionment of additional development opportunity for residential, commercial, tourist accommodation, and certain recreational projects.

**Alluvial Soils**

All the following soil types owe their major characteristics to the presence of surface or subsurface water: (a) loamy alluvial land (Lo); (b) elmira loamy coarse sand, wet variant (Ev); (c) celio gravelly loamy coarse sand (Co); (d) marsh (Mh); (e) gravelly alluvial land (Gr); and (f) fill land (Fd).

**Alluvial Soil Type**

All of the following soil types as defined in the United States Department of Agriculture Soil Survey for Lake Tahoe, as identified on Agency maps, or as determined by the Agency to be present in an area: Loam Alluvial land (Lo), Elmira loamy coarse sand, wet variant (Ev), Celio gravelly loamy coarse sand (Co), Marsh (Mh), Gravelly alluvial land (Gr), Fill land (Fd), Seeped soils, and Beaches (Be).

**Alternative Commute Mode**

See subparagraph 65.5.1.B.1.

**Alternative Energy Source**

Energy, such as solar, wind, geothermal, or hydroelectric energy, that can replace or supplement traditional fossil-fuel sources of energy, such as coal, oil, and natural gas.

**Alternative Fuels**

Fuels derived from resources other than petroleum such as ethanol, biodiesel, natural gas, propane and hydrogen.

**Apartment**

A residential complex of two or more residential units under single ownership, usually but not always sharing the same structure, water distribution system, sewer collection system, parking facilities, open space, and recreational amenities.

**Approved Plant Species**

Plants designated by TRPA as acceptable species for use in landscaping and revegetation. Such species are usually but not always indigenous to the region. See also "Plant List."

**Appurtenant Structure**

A fixed structure customarily associated with and attached to a main structure.

**Area Plan**

The package of policies, plans, maps, codes, and ordinances found by TRPA to be in conformity with the Regional Plan under Ch. 13: *Area Plans*. The Memorandum of Understanding (MOU) that is associated with a Conforming Area Plan is not part of the Area Plan. Conforming Area Plans are a part of the Regional Plan.

**Aquatic Invasive Species (AIS)**

A nonindigenous species that threatens the diversity or abundance of the native species or the ecological stability of infested waters, or the commercial, agricultural, aquacultural, or recreational activities dependent on such waters, as identified in the Lake Tahoe Region Aquatic Invasive Species Management Plan. Aquatic Invasive Species include but are not limited to: zebra mussel (*Dreissena polymorpha*),

quagga mussel (*Dreissena bugensis*), Eurasian water milfoil (*Myriophyllum spicatum* L.), curly leaf pond weed (*Potamogeton crispus* L.), and large mouth bass (*Micropterus salmoides*).

**Area of Wave Run-Up**

The area landward of the shoreline that is subjected to wave run-up during high water conditions and an extreme wind event. An extreme wind event is an 80 miles-per-hour onshore wind of one-hour duration.

**Artificial Beach Replenishment**

The importation of materials to maintain an existing beach or to create a new beach.

**Average Peak Use**

The average of the peak usage over a period of time.

**Artificial Islands**

Islands created by man that provide additional land area in a lake or other body of water.

**Average Vehicle Ridership (AVR)**

See subparagraph 65.5.1.B.2.

**Backshore**

The land area located between the highwater line of the lake and the upland area of instability or the wave run-up area.

**Backshore Stability**

The extent to which the backshore resists erosion or mass wasting due to factors such as the presence of naturally occurring existing vegetation, the gradient and geological composition of the backshore, and the absence of structures that may affect stability or disrupt natural littoral processes.

**Bailey Coefficients**

The allowable percentages of land coverage assigned to land capability districts (e.g., one percent in Land Capability Districts 1 and 2; five percent in Land Capability District 3; 20 percent in Land Capability District 4; 25 percent in Land Capability District 5; and 30 percent in Land Capability Districts 6 and 7).

**Bailey Report**

A report written by Dr. Robert G. Bailey, entitled *Land Capability Classification for the Lake Tahoe Basin, A Guide for Planning* (U.S.D.A.1974), which outlines a system of land classification including land capability districts and coverage coefficients.

**Barrier Beach**

An area of shorezone characterized by sandy soil separating a marsh-like lowland from a lake.

**Barrier Wall**

A wall separating lake waters from the shore.

**Base Land Coverage**

The allowable base land coverage as permitted by Chapter 30: *Land Coverage*.



**Basement**

The bottom floor of a building, the excavation for which any portion is greater than five feet below natural grade, measured at the location where the bottom of the excavation meets the foundation wall, exclusive of footing excavation.

**Basic Services**

Paved access roadways, water service, electrical service, and waste water treatment services, as required in Chapter 32: *Basic Services*.

**Basin**

The Tahoe Basin. See also “Region.”

**Bathing Facilities**

A shower or bathtub.

**Beach Replenishment**

The artificial placement of large quantities of sand in the shorezone to restore beaches diminished by erosion.

**Best Available Control Technology**

An emission limitation that will achieve the most stringent emission limitation that is achieved in practice by that source.

**Best Available Retrofit Control Technology**

An emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each source.

**Best Management Practices**

Alternative structural and nonstructural practices proven effective in erosion control and management of surface runoff in Lake Tahoe Region.

**Biofuel Facilities**

Facilities that combust or gasify forest and other plant materials in a manner that, in combination with other systems, generates electrical energy for use or distribution or generates heat for distribution within a building or facility. Any heating unit that meets the definition of a wood heater is not considered a biofuel facility.

**BMPs**

See “Best Management Practices.”

**BMP Retrofit Implementation Program**

A program that uses BMPs to retrofit existing developed properties to, for example, control and treat stormwater runoff, to protect water and air quality in the Basin.

**Board**

The Governing Body of the TRPA, whose members are appointed pursuant to Article III of the Compact.

**Boat Launching Facility**

Recreational establishment that provides boat launching, parking, and short term trailer storage for the general public. Long term storage, mooring, and maintenance of boats is included under marinas.

**Boat Lift**

A mechanical device whose function is to raise and lower water craft in and out of a body of water for temporary storage. Also includes low level boat lift, boat hoist, and boat saddle.

**Boat Ramp**

A ramp allowing boats to be launched into, or retrieved from, the water.

**Boat Slip**

The portion of a pier or flat where a boat is berthed or moored or used for embarking or disembarking.

**Body of Water**

An area of water, of natural or artificial creation, including but not limited to lakes, harbors, man-made lagoons, reservoirs, ponds, and rivers.

**Bonus Unit**

An additional residential or tourist accommodation unit obtained pursuant to Chapter 52: *Bonus Unit Incentive Program*.

**Breakwater**

A man-made structure that diminishes the force of waves.

**Bridge Span**

A bridge that extends over a particular obstacle to avoid or minimize disturbance to the land or water area over which it passes. The bridge span measurement is the distance between the bridge abutments, excluding the bridge supports between abutments.

**Building**

Any structure designed or used for the support, shelter, or enclosure of persons, animals, or property of any kind.

**Building Envelope**

The area allotted for development of units in a planned individual unit development.

**Building Frontage**

The two-dimensional surface area of a building found within the perimeter bounded by the finished grade line, the cornice line, and exterior side walls in one plane, not including intermediate walls perpendicular to such surface area, and containing a door or other entrance open to the public which faces a street.

**Building Season**

See "Grading Season."

**Building Sign**

Any sign attached to and supported by a wall of a building, or the wall of a structure, including a mansard roof. Any permanent sign placed on or behind glass or within a building and located in such a manner as to have an obvious intent to capture interest of those outside the building shall be considered a building sign and shall be treated in the same manner.



Building Sign

**Building Site**

The portion of a parcel designated for development.

**Buoy**

A float anchored to a lake bottom that serves as a boat mooring, navigation guide, hazard warning, or similar use.

**Bypass Dredging**

Rearranging earthen material within the same body of water without removing the material from the body of water.

**Canopy**

The cover of branches and foliage formed by the crown of adjacent trees and other woody growth. A manmade structure consisting of a suspended covering or roof or similar structure.

**Carpool**

See subparagraph 65.5.1.B.3.

**Carrying Capacity**

See "Environmental Threshold Carrying Capacities."

**Carrying Capacity (Grazing)**

Level or measurement of grazing based on animal unit months (AUM) that a given range can support without adverse impacts.

**Catwalk**

Also referred to as a finger pier. A fixed or floating narrow dock or walkway that provides access to a vessel. A catwalk is an accessory structure to a pier.

**Cellar**

See "Basement."

**Central Furnace**

A self-contained space heater providing for circulation of heated air at pressures other than atmospheric through ducts more than 25 cm (10 inches) in length.

**Center**

A Town Center, Regional Center, or High Density Tourist District.

**Change in Operation**

See subparagraph [Error! Reference source not found.65.2.3.A.](#)

**Change in Use**

Conversion of a primary use from one use category to another use category as listed in the Table of Primary Uses in Chapter 21: *Permissible Uses* (e.g., service station to professional office).

**Chemical Fertilizer for Lawns**

Synthetically manufactured inorganic substances containing potassium, nitrogen, and phosphorous used to promote lawn growth.

**Child Care Nurseries**

Facilities designed or used for the care for six or more children, with or without compensation.

**Christmas Tree Cultivation**

The planned growth management of trees for sale as Christmas trees.

**Clearing**

See "Grading."

**Coal**

Solid fossil fuels classified as anthracite, bituminous, sub bituminous, or lignite by A.S.T.M. Designation D-388-66.

**Coarse Woody Debris**

Sound and rotting logs that provide habitat for plants, animals, and insects; stabilize soils; and are a source of organic nutrients for soil development. Material is generally greater than 10 centimeters (4 inches) in diameter.

**Code**

The Code of Ordinances.

**Coefficients**

See "Bailey Coefficients."

**Collective Household**

A group of at least two, but not more than six, persons who are unrelated by blood, marriage, or adoption, living together as an independent housekeeping unit.

**Collector**

Device or area that uses the sun's energy to heat domestic water or to heat, cool, or light a living space, including but not limited to space and domestic water heating and cooling system. See also "Solar Collector."

**Combustion Appliance**

A device or appliance that produces heat by internal combustion of fuel, including, without limitation, oil, gas, kerosene, coal, wood, or propane.

**Commencement of Construction**

The pouring of concrete for a foundation, or work of a similar nature upon the permitted structure. Commencement of construction does not include grading, plan preparation, installation of utilities or landscaping.

**Commercial**

The retail or wholesale sale or rental of any article, substance, commodity, or service.

**Commercial and Public Service Area**

Areas that have been designated to provide commercial and public services to the region or have the potential to provide future commercial and public services.

**Commercial Boating**

Commercial use of pleasure craft or other vessel on a body of water.

**Commercial Facilities**

A structure designed or used for the support, shelter, or enclosure of persons, animals, or property of any kind, for commercial uses.

**Commercial Floor Area**

The gross square footage of floor area within the outer wall of a commercial building, not including stairwells and airshafts. The square footage of other facilities relating to such building, including but not limited to decks that are designated for commercial use under a permit, shall be considered commercial floor area. Square footage for the following shall not constitute commercial floor area:

- A. Parking areas, driveways, parking structures, outside stairways, and walkways;
- B. Accessory uses determined by TRPA not to contain additional commercial floor area pursuant to subparagraph 50.6.1.A;
- C. Temporary projects pursuant to Chapter 22: *Temporary Uses, Structures, and Activities*; and
- D. The area of play in an indoor tennis court, the area of water in an indoor swimming pool, and the area for skating in an indoor roller or ice skating rink, provided these are the permanent primary uses and otherwise meet the definition of commercial use.

**Common Work Location**

See subparagraph 65.5.1.B.4.

**Community Apartment**

An undivided interest in land coupled with the right of exclusive occupancy of a unit.

**Community Noise Equivalent Level (CNEL)**

A measure of noise that is the logarithmic average of single noise event values as measured by a noise monitor.

**Community Plan**

An area-specific plan for the areas designated in the Goals and Policies as eligible for development and adoption of a community plan. An adopted community plan replaces any plan area statements contained within the same area but carry forward some of the provisions of the plan area statements. Among other things, community plans identify development themes for the area, define desired types and intensities of uses, and generally try to create a coherent vision for the community. See Chapter 12: *Community Plans*.

**Commuter**

See subparagraph 65.5.1.B.5.

**Commuter Matching Service**

See subparagraph 65.5.1.B.6.

**Compact**

The Tahoe Regional Planning Compact, as amended and set forth in California Government Code Section 66801, Nevada Revised Statutes Section 277.200, or Public Law 96-551, 94 Stat. 3233, (December 19, 1980).

**Compliance Measure**

See subsection 16.3.2.

**Condominium**

An interest in real property defined or recognized under applicable (California or Nevada) state law as a condominium.

**Condominium Development**

The division of real property into, or use of real property for, condominiums, including all structures relating to such division or use.

**Condominium Conversion**

A change in the form of ownership of improved property whereby persons obtain ownership interests in and to, or rights of occupancy of, individual units thereof, including but not limited to, condominiums, community apartments, stock cooperatives and any other similar change in the form of ownership of real property.

**Confined**

Stream types classified under major categories A and B, and stream type C2, as defined in the report entitled "A Stream Classification System," David L. Rosgen, April, 1985.

**Conforming Area Plan**

An Area Plan that has been found in conformance with the Regional Plan in accordance with Chapter 13 of the Code of Ordinances.

**Conservation Areas**

Areas with value as primitive or natural areas, with strong environmental limitations on use, and with a potential for dispersed recreation or low intensity resource management. Conservation areas include:

- A. Public lands already set aside for this purpose;
- B. High-hazard lands, stream environment zones, and other fragile areas, without substantial existing improvements;
- C. Isolated areas that do not contain the necessary infrastructure for development;
- D. Areas capable of sustaining only passive recreation or non-intensive agriculture; or
- E. Areas suitable for low-to-moderate resource management.

**Construction**

The creation, building, assembly, disassembly, demolition, modification, or reconstruction of a structure.

**Construction Site Boundary**

A line on final construction drawings identifying the limits of the area of disturbance surrounding a project.

**Contiguous Parcels**

Parcels whose boundaries touch along one or more sides.

**Conversion of Use**

See "Change in Use."

**Cooking Facilities**

Any area within a structure that contains the following: a gas or electric range, stove top and/or oven (not including a microwave oven), a refrigerator in excess of five cubic feet in size, and a standard-sized kitchen sink.

**Coverage**

See "Land Coverage."

**Coverage Coefficients**

See "Bailey Coefficients."

**Critical Habitat**

Any element of the overall habitat for any species of concern that, if diminished, could reduce the existing population or impair the stability or viability of the population. This shall apply also to habitat for special interest species indigenous to the region whose breeding populations have been extirpated but could return or be reintroduced.

**Cut-to-Length**

A harvesting system in which felled trees are processed into log lengths at the stump before they are carried to the road or landing.

**dBA**

A measurement of sound intensity in decibels using the "A" weighted scale.

**dbh**

"Diameter at breast height," or the diameter of a tree measured at four and one-half feet above the ground on the uphill side of the tree. A circumference of 44 inches at breast height may be considered as the equivalent of 14 inches dbh.

**Dead Tree**

For any coniferous species, a tree that is totally lacking needles, or totally lacking green limbs or needles throughout the crown. For any deciduous species, a tree determined to be physiologically dead by a qualified forester.

**Deck**

An elevated structure or element of a structure, designed or used as a floor for the support of persons, animals, or property in an outdoor setting. Decks are typically surfaced with dimensional lumber, composite boards, blocks, or metal grates. Decks are held in place with open structural elements such as foundations, posts, and beams. Decks are not installed directly on the ground or on a concrete pad.

**Decorative Gas Appliance**

A gas- or propane-fueled combustion appliance certified under ANSI standard Z21.50.

**Defensible Space Assessor**

A person who works for an organization that is operating under a TRPA MOU that has been approved by TRPA, who has successfully completed a Defensible Space Certification Program for Lake Tahoe, and evaluates structures for defensible space. Annual renewal of this certification is required.

**Denuded Area**

An area of land from which substantially all vegetation has been removed.

**Derelict**

An abandoned structure or other development. Abandonment is determined without regard to intent to abandon. Evidence of abandonment includes lack of maintenance, access, utility connections, habitability, or ability to function in the applicable use category.

**Designated Floodplain**

The limits of the 100-year floodplain where established for creeks by the U.S. Army Corps of Engineers and/or the limits of the 100-year floodplain as established by the Federal Emergency Management Agency (FEMA) on a Flood Insurance Rate Map (FIRM). In areas where the U.S. Army Corps of Engineers or Federal Emergency Management Agency has not mapped a floodplain and where TRPA has reason to believe that a flood hazard may exist, the limits of the 100-year floodplain shall be determined by application of standard hydrologic data and methods applied by a competent professional, in consultation with appropriate local jurisdictions, and approved by TRPA.

**Desilting Basins**

An area used to store water runoff so that suspended sediment is allowed to fall and accumulate at the bottom of the basin.

**Develop**

The act of creating, establishing, constructing, or altering any project or other activity.

**Developed Outdoor Recreation**

See "Recreation (Developed)."

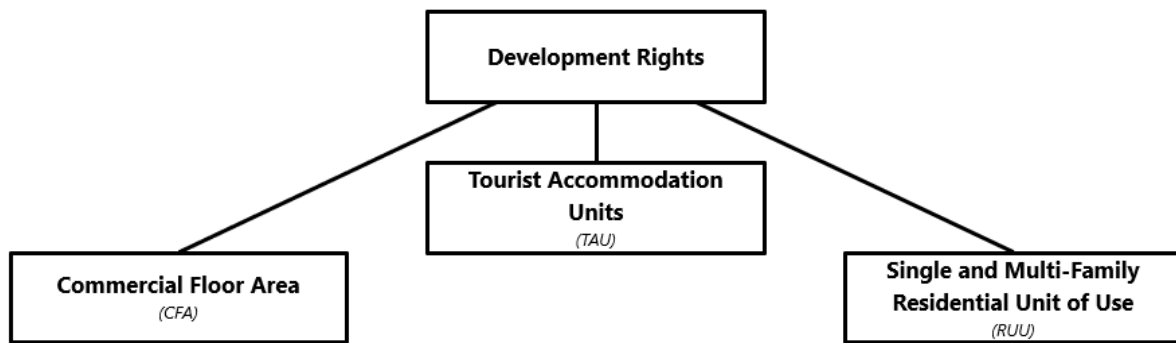
**Developed Recreation**

See "Recreation (Developed)."

**Development Right**

A legally existing unit of use that must be obtained prior to the construction of a project and commencement of use or activity on a property. A development right is not a vested right. Development rights include commercial floor area, tourist accommodation units, and residential units of use (comprised of a potential residential unit of use and a residential allocation). Prior to [the effective date of the amendments], a potential residential unit of use was called a "residential development right" for the purposes of Section 50.3. See "Residential Unit of Use (Potential)".





### **Diligent Pursuit**

See subparagraph 2.2.4.C.

### **Directional Sign**

Any sign that is used solely for the purpose of traffic or pedestrian direction or safety, and placed on the property to which or on which the public is directed, and that contains no advertising copy.

### **Discharge-Direct**

The release of certain substances into a body of water or ground water.

### **Discharge-Indirect**

The release of certain substances into a body of water by the passage of the substances over the earth.

### **Diseased Trees**

Trees affected with plant pathogens including, without limitation, mistletoe, stalactiform rust and annosus root disease.

### **Disturbance Zone**

The zone around a nest site or animal use area for animals which are highly vulnerable to disturbance.

### **Disturbed Areas**

An area where soil, vegetation, or another natural feature of a site has been removed or substantially altered.

### **Drainage Way**

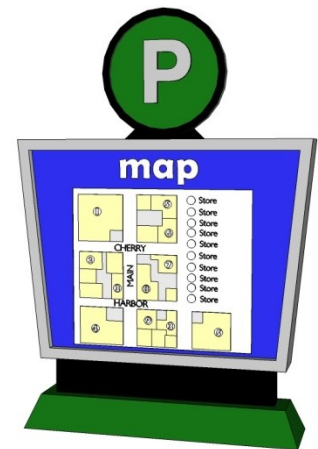
A man-made depression in the earth's surface in which surface waters collect or flow as a result of rain or melting snow but which is empty at other times.

### **Dredging**

Removing or rearranging earthen materials that are lakeward of the high water line.

### **Dripline**

The area immediately beneath rooftop eaves or other surfaces from which runoff falls, or an area delineated by projection of the periphery of the crown area of a tree down to the ground surface.



**Directional Sign**

**Driveway**

A clearly identifiable path of vehicular access from the parking area of a parcel to the public right-of-way or other access road. A driveway may be either one-way or two-way.

**Eastside Forest Type**

Those forests east of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps at <http://trpa.org/gis/>). The TRPA Westside and Eastside Forest Types GIS data layer delineates the eastside forest types and westside forest types in the region.

**Edge Zone**

The zone where two different plant communities meet or merge.

**Effective Date of the Regional Plan**

The July 1, 1987, date established by Ordinance 87-9 as the effective date of the Regional Plan. Unless the context indicates otherwise, the calculation of time periods begins from the effective date of the Regional Plan.

**Electric Vehicle Charger**

Off-board charging equipment used to charge an electric vehicle.

**Electric Vehicle Charging Station**

One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles.

**Emergency**

A situation or circumstance that poses immediate danger to life, property, or the environment and demands immediate action to effectuate compliance with the Compact, or the Regional Plan, Code, and Rules of Procedure.

**Emission**

The act of passing into the atmosphere an air contaminant or gas stream containing an air contaminant. Also, an air contaminant that passes into the atmosphere.

**Employer**

See subparagraph 65.4.1.B.7.

**Employer Transportation Coordinator (ETC)**

See subparagraph 65.5.1.B.8.

**Employer Transportation Plan**

See subparagraph 65.5.1.B.9.

**Environmental Assessment (EA)**

An analysis used to determine whether a proposed project will have a significant effect on the environment and to determine whether a more detailed Environmental Impact Statement (EIS) will be necessary to provide additional analysis. It includes, among other things, alternatives to the proposed project and discussion of environmental impacts of the project. An EA is required when TRPA determines

that an Initial Environmental Checklist (IEC) does not provide sufficient information to fully assess a project's environmental effects.

**Environmental Impact Statement (EIS)**

An Environmental Impact Statement (EIS) is prepared in order to analyze, among other things, whether a proposed project will have a significant effect on the environment, provide alternatives to the proposed project, recommend methods to mitigate significant effects, and identify significant adverse impacts that cannot be avoided

**Environmental Impact Statement (EIS)**

The document defined in Article VII of the Compact.

**Environmental Improvement Program (EIP)**

See Section 15.3.

**Environmental Improvement Program (EIP) GIS Layer**

The TRPA Environmental Improvement Program GIS data layer indicates the type and locations for stream environment zone, water quality, transportation, and other environmental improvements.

**Environmental Threshold Carrying Capacities**

See subsection 1.4.3.

**Ephemeral Stream**

Flows sporadically only in response to precipitation, with flows lasting a short time.

**Erosion Control**

Structural or nonstructural techniques applied to a particular site or region to prevent or minimize over land loss of soil or nutrients.

**Escape Cover**

Habitat that animals use to escape from predators.

**Essential Public Health and Safety Facility**

When located in the Shorezone, an essential public health and safety facility provides lake access and egress for public safety and emergency response.

**Estimated Cost of Construction**

A cost estimate prepared by a registered engineer, licensed architect, or other qualified professional acceptable to TRPA, of the cost to construct the structural elements of a structure. This includes, without limitation: pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete. Land coverage mitigation construction cost shall not include non-structural elements such as painting, shingles and other non-bearing roofing materials, siding (except siding necessary to brace or provide shear strength), doors overlays upon existing paved surfaces, HVAC systems, sewer systems, water systems, electrical systems, furniture, and similar decorations and fixtures.

**Excavation**

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

**Executive Director**

The executive officer of TRPA.

**Exempt**

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

**Exhaust Emissions**

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

**Existing**

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

**Exotic Animals**

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

**Expansion**

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

**Facility**

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

**Factory-Built House**

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

- A. “Modular Homes”: This is a type of factory-built home in which the individual sections are constructed at the factory, transported to the site on truck beds, and assembled on site by local contractors. They are built to the state, local, or regional code where the home will be located.
- B. “Panelized Homes”: These are factory-built homes in which panels, such as a whole wall with windows, doors, wiring, and outside siding, are transported to the site and assembled. The homes must meet state or local building codes where they are sited.
- C. “Pre-Cut Homes”: This is the name for factory-built housing in which building materials are factory-cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log, and dome homes. These homes must meet local, state, or regional building codes.

**Family**

One person, or more persons, occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, motel, or like establishment.

**Fawning Habitat**

The area normally used by deer for the birth and rearing of young.

**Feasible**

Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

**Feller-Buncher**

A machine that fells and gathers trees. Feller-bunchers fell and bunch trees mechanically with hydraulically-driven chain saws, circular saws, or shears. The feller-buncher bundles trees for a grapple skidder or cable skidder to pick up.

**Fertilizer**

Inorganic, organic, or synthetic composition that is used to supply artificial amounts of nutrients for the purpose of increasing soil or plant productivity.

**Fertilizer Management Program**

Guidelines that outline the appropriate use of fertilizer.

**Fill**

Any rock, soil, gravel, sand, or other material deposited by man. See also "Grading."

**Final Action**

A decision by TRPA to approve, require modification, or reject a proposal considered by TRPA.

**Final Map**

A map of a subdivision placed on record as a final subdivision map in the recorder's office of a local government.

**Findings**

A written statement supported by substantial evidence in the record of the ultimate facts and the rationale supporting a conclusion that applicable Code or Compact requirements are met.

**Finish Grade**

The final grade of the construction site that conforms to the approved plan.

**Finish Grading**

Smoothing of an earthen surface to bring it to final grade.

**Firebreaks**

An area cleared of vegetation to act as a gap between continuous combustible materials.

**Fireplace**

An open structure, usually masonry, for containment of a fire. See also "Wood Heater."

**Fireplace Inserts**

See “Inserts.”

**First Order Stream**

A natural depression that conveys surface water to major or minor streams or other receiving waters. A first order stream is a mappable, unbranched tributary. It may not normally contain flowing water and may flow only during storms or snowmelt periods. Examples include swales, ravines, draws, natural ditches, and hollows.

**Fish and Wildlife Management Projects**

Structural or non-structural projects that enhance or create habitat for fish or wildlife.

**Fish Habitat**

The combination of qualities that creates suitable conditions for the growth, reproduction, and production of fish. The term specifically refers to the environmental characteristics necessary for food, water, cover, and reproduction needs.

**Fisheries**

Pertains to the growth, reproduction, and production of fish present in the waters within the Lake Tahoe Basin.

**Floating Docks or Platforms**

Structures designed to float on a water surface that are attached either to the shoreline or to a lake bottom.

**Floating Breakwaters**

Structures designed to float on a water surface that are attached either to a shoreline or to a lake bottom. Their purpose is to suppress wave action.

**Floodplain**

An area adjoining a water course, lake or other body of water that has been or may be covered by flood water.

**Food Habitat**

An area where environmental conditions are favorable for supplying food to a particular species.

**Forage Carrying Capacity**

A standard necessary to maintain a level of palatable vegetation.

**Foreshore**

The zone of a lake level fluctuation that is the area between the high and low water level. (For Lake Tahoe, the elevations are 6,229.1 feet Lake Tahoe Datum and 6,223.0 feet Lake Tahoe Datum, respectively.)

**Forest Pest**

An animal or insect causing a threat to a forest stand or tree.

**Forwarder**

A self-propelled machine, usually self-loading, that transports trees or logs by carrying them completely off the ground.

**Foundation**

The structural support system of a building or other structure.

**Fracture**

A break in the topography or land form.

**Freestanding Sign**

Any type of sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces in or on the ground; or that is placed upon a planter, pedestal, retaining wall, or other structure and not supported by a building.



Freestanding Sign

**Freeway**

A divided arterial highway with full control of access and with grade separations at intersections.

**Geographic Information System (GIS)**

A Geographic Information System (GIS) is a digital mapping tool designed to capture, store, analyze, and present spatial and geographic data. A GIS data layer is a visual representation of a single geographic dataset such as a feature in the natural or built environment or regulatory boundary in a digital map. Typically, several GIS data layers are added to a map to compare features such as a road GIS data layer compared to a GIS data layer showing park areas.

**Geomorphic Unit**

A particular type of landform as described in the Bailey Report. The geomorphic unit map (1971) and geomorphic unit GIS data layer indicate the type and location of geomorphic units.

**Governing Board**

The Governing Body of the TRPA as defined in Article III of the Compact.

**Grading**

Cutting through or otherwise disturbing the layers of the soil mantle so as to change the existing landform, including, but not limited to, disturbing the soil mantle for construction of a driveway, parking area, utility line, building, or other structure. Also includes filling, excavation, and clearing.

**Grading Season**

The period each year during which grading is permitted commencing May 1 and ending October 15.

**Groin**

See "Jetty."

**Groundwater Between 20-40 Inches**

Evidence of ground water between 20 and 40 inches below the ground surface (somewhat poorly drained soil).

**Handbook of BMPs**

The document that sets forth the Best Management Practices.

**Harbor**

A shorezone area that is protected from wave forces and deep enough to provide for the anchorage or moorage of a boat.

**Harvester**

A machine that falls trees and performs processing functions at the stump, including, but not limited to cut-to-length harvesters and feller-bunchers.

**Hazardous Tree**

A tree identified as dangerous, immediately or in the near future, to lives or property.

**Head of Livestock**

One horse, mule, sheep, cow, steer, or other four-legged grazing animal.

**Healthy Trees**

Trees that are not diseased or infested.

**Height**

See subsection 37.3.1.

**Height of Sign**

For a freestanding sign, the vertical distance measured from the curb grade of the nearest street to the highest point of the sign or sign structure. For a building sign, the vertical distance measured from the building grade to the highest point of the sign or sign structure.

**Helipad**

For the landing of or take off of helicopters. A helipad does not have fueling, maintenance, or other support activities associated with its operation.

**Heliport**

An area of land, water or a structure, intended or used for the landing or take-off of helicopters. A heliport has fueling, repair, or support activities associated with its operation.

**Helispot**

An area of land, water, or a structure used for the landing or take-off of a helicopter for an emergency, or for a predetermined limited basis.

**High Water Elevation**

The established upper elevation limit of the surface of a body of water. (For Lake Tahoe, the high water elevation is 6,229.1 Feet Lake Tahoe Datum.)

**High Water Line**

Elevation 6,229.1 feet, Lake Tahoe Datum, for Lake Tahoe.

**Historic Resources**

Structures, buildings, sites, districts, or objects having historic, prehistoric, archaeological, or paleontological significance.



**Home Occupations**

A use that is customarily conducted entirely within a dwelling by the residents of the dwelling, provided the occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes. The following activities are prohibited as part of home occupations: Sales of products not produced on the premises, unless the sales are done by written order with no commodities or displays on the premises; employment of more than one person other than the residents of the dwelling; No signs or structures advertising the occupation; outside storage of materials or supplies incidental to the home occupation; and more than one home occupation is carried on in a dwelling. The following uses are examples of home occupations: consultative professional occupations, whose function is one of rendering a service; a secondary business office; the making of clothing; the giving of music lessons; and the creation of crafts.

**IBC**

The International Building Code.

**Impervious Coverage**

See "Land Coverage."

**Indicator**

See subsection 16.3.3.

**Indirect Discharge**

See "Discharge - Indirect."

**Indirect Source**

A facility, building, structure, installation, real property, road, or highway that generates or may generate mobile sources of air pollution or serve as a trip end. Indirect sources include, but are not limited to, parking facilities, airports, and retail facilities.

**Infiltration Facility**

A device used to percolate runoff into the soil, including without limitation a rock-filled trench or basin.

**Initial Environmental Checklist (IEC)**

A checklist submitted with all applications used to evaluate, on a preliminary level, whether the project will have a significant effect on the environment and serves as basis to determine whether additional environmental analysis is required through an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

**Innovative Techniques**

As used in subparagraph 61.1.6.C.1.b, newly introduced, but not well-established, silvicultural and harvesting techniques that are designed to be low impact on the environment.

**Innovative Technology Vehicles**

Motorized vehicles used in vegetation management (including tree removal) operations that have been designed so as to minimize impacts to soils and vegetation. Innovative technology vehicles should be able to be operated in a manner than minimizes disruption of the soil surface (soil detachment), soil compaction, and damage to vegetation. Depending on specific site conditions (e.g., soil type, soil conditions, slope) and the method of operation, the use of low-ground pressure logging vehicles such as certain harvesters and forwarders may qualify as "innovative technology" vehicles.

**Insert**

An air-tight design placed inside a masonry fireplace that provides greater heating efficiency.

**Inspection and Maintenance Program**

As used in subsection 65.1.3, a program to reduce emissions from in-use vehicles by identifying vehicles that need emissions control-related maintenance and requiring that maintenance is performed.

**Instream Flow**

The rate and volume of water passing through a stream channel.

**Instream Flow Diversions**

The removal of water from a stream channel so as to divert the flow of water or to partially or totally reduce the flow of stream water below the point of diversion.

**Instream Value**

The ecological or other value integrally linked to the flow of a stream at a given volume and rate.

**Intensification of Impacts**

Any action relating to an existing use or structure that significantly increases adverse environmental impacts for the categories set forth on the TRPA Environmental Checklist.

**Intensification of Use**

Any action relating to an existing use that impacts on the extent of nonconformity with provisions of the Code, including, but not limited to, coverage, noise, increases in-vehicle trips, and design standards.

**Interim Target**

See subsection 16.3.4.

**Intermittent Stream**

A stream that only flows at certain times of the year. For example, when it receives water from springs or from a surface source such as melting snow.

**Invasive Species**

The term refers to species, both aquatic and terrestrial, that establish and reproduce rapidly outside of their native range and may threaten the diversity or abundance of native species through competition for resources, predation, parasitism, hybridization with native populations, introduction of pathogens, or physical or chemical alteration of the invaded habitat. Through their impacts on natural ecosystems, agricultural and other developed lands, water delivery and flood protection systems, invasive species may also negatively affect human health and/or the economy.

**Irrevocable Commitment**

For purposes of subparagraph 12.7.3.E.18, irrevocable commitment to fund each priority public benefit or related mitigation measure (collectively referred to in this subsection as "measures") shall mean the following:

- A. The public entity funding the measure or, when necessary, the electorate, has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and only ministerial acts necessary to the issuance of any such bonded indebtedness

and the receipt of funds therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure for the measures;

- B. The application for state and federal grant monies has received approval and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for such public improvements in accordance with the final or demonstration redevelopment plan;
- C. The measures are approved and funded as part of a public entity's capital improvement program;
- D. Where the funding of the measures is the responsibility of the developer, TRPA shall ensure that the public entity shall have received sufficient funds or an acceptable security to fully fund the measures;
- E. The public entity funding the measure has received a funded commitment from another public entity as described in A through C above; or
- F. Any combination of A through E above.

**Jetty**

A man-made barrier in the water that is usually but not always perpendicular to a shoreline.

**Kitchen**

A room with cooking facilities.

**Kitchen Facilities**

See "Cooking Facilities."

**Kitchen Unit**

A unit with cooking facilities.

**Lagoons (Man-Made)**

A body or channel of water created by man, but not including existing marinas or modifications thereto.

**Lake**

A water body greater than 20 acres in size, exceeding two meters deep at low water and lacking trees, shrubs, persistent emergents, emergent mosses or lichens with greater than 20 percent aerial coverage.

**Lakefront Façade**

The surface area of the lakefront elevation(s) for all primary and accessory buildings and other structures, with visible area for a given project area within the shoreland.

**Lake Tahoe Datum**

Elevation Lake Tahoe Datum equals elevation United States Geological Survey plus 1.14 feet.

**Lakeward**

In the direction of a lake or other body of water as applicable.

**Lakezone**

The zone including that area of a lake located beyond the lakeward limits of the nearshore.

### **Land Bank**

An entity designated by TRPA to perform the functions set forth in Section [Error! Reference source not found.6-9.](#)

### **Land Capability District**

A soils unit designated on the adopted TRPA land capability map and denominated by a numerical rating of one through seven (e.g. Land Capability District 1). The system was devised by Dr. Robert G. Bailey for the U. S. Forest Service and is detailed in the Bailey Report.

### **Land Coverage**

A man-made structure, improvement, or covering, either created before February 10, 1972, or created after February 10, 1972, pursuant to either TRPA Ordinance No. 4, as amended, or other TRPA approval, that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement, or covering. Such structures, improvements, and coverings include, but are not limited to, roofs, decks, surfaces that are paved with asphalt, concrete, or stone, roads, streets, sidewalks, driveways, parking lots, tennis courts, patios; and 2) lands so used before February 10, 1972, for such uses as for the parking of cars and heavy and repeated pedestrian traffic that the soil is compacted so as to prevent substantial infiltration. A structure, improvement or covering shall not be considered as land coverage if it permits at least 75 percent of normal precipitation directly to reach the ground and permits growth of vegetation on the approved species list. See also "Potential Land Coverage." Common terms related to land coverage are:

- A. Hard Coverage—man-made structures as defined above.
- B. Soft Coverage—compacted areas without structures as defined above.

The following improvements are not land coverage:

- A. Post foundations that are 12 inches or less in width and length at ground level.
- B. Walls and other impervious improvements that are 12 inches or less in width at ground level and in aggregate do not exceed one percent of the project area.
- C. Utility improvements including boxes, vaults, and poles that are required for utility services (including water, sewer, electricity including undergrounding, natural gas, and telecommunications), are surrounded by pervious surfaces, and do not individually exceed 6 square feet in size. This provision does not extend to additional discretionary utility improvements such as generators and HVAC installations.
- D. Bear-resistant garbage enclosures not exceeding 3 feet in depth that are installed on one or more posts and have an enclosure elevated 6 inches or more above ground level.
- E. Land coverage associated with BMP installations may be excluded from land coverage calculations if such improvements are necessary for a properly functioning BMP installation.
- F. Natural rocks used in landscaping, slope retention, and for aesthetic purposes are not land coverage if the rocks are in their natural location or are surrounded by pervious surfaces, are not designed to serve as a walkway or gathering area.

### **Land Disturbance**

Disruption of land that includes alteration of soil, vegetation, surface hydrology, or subsurface hydrology on a temporary or permanent basis, through action including, but not limited to, grading.

**Landing**

A centrally located log collection area to which logs are skidded or yarded and then loaded for shipment.

**Landscaping**

The decoration of an area with plants and other vegetation.

**Late Seral (Successional)/Old Growth**

Coniferous forest stands that contain a relative greater density of large and/or old trees, typically in an advanced stage of community succession. Old-growth communities vary in structural character (number of canopy layers, size of snags, and size of coarse woody debris) due to tree species composition, disturbance regime, and the edaphic site qualities (defined by site specific substrate, precipitation and solar radiation index).

**Lawn**

An area planted with grass species, usually closely mowed.

**Legally Existing**

See definition for “Existing.”

**Level of Service**

For an intersection or roadway segment, the level of service is the delay to motorized vehicles and the volume/capacity ratio and is expressed by a series of letter grades from A (low v/c ratio and delay) through E (high v/c ratio and delay) and F (blocked).

**Limited-Use Roads**

A class of roads, other than dedicated public roads, for which the primary use is timber harvest operations.

**Linear Public Facilities**

Public service facilities that are linear in nature such as roads, streets, trails, utility transmission and distribution facilities, and other similar right-of-ways. This term also includes accessory uses to such facilities, including without limitation pump houses, lift stations, substations, and access right-of-ways.

**Littoral Parcel**

A parcel of land adjoining or abutting the high water elevation of a lake.

**Littoral Processes**

The redistribution of sediments within the foreshore or nearshore in response to energy generated by waves or longshore currents that have not been disrupted by man-made structures.

**Livestock**

Domestic animals, such as cattle or sheep, raised and used for commercial purposes.

**Livestock Containment Facilities**

Structures built or used to hold livestock, including, but not limited to, corrals.

**Living Area**

The enclosed areas of a structure, including the living area for all stories of the structure, not accessible to motor vehicles.

**Local Government Neighborhood Compatibility Requirements**

Requirements implemented and enforced by a local government through a cooperative agreement with TRPA that regulate vacation rentals to ensure neighborhood compatibility. Such requirements include, but are not limited to, mitigating the potential adverse impacts related to refuse/garbage, parking, occupancy, noise, lighting, and signage.

**Local Plan**

An adopted Area Plan, Community Plan, or Plan Area Statement

**Local Resident**

A person whose primary residence is in the Tahoe region as evidenced by a driver's license.

**Lock-Off Unit**

A lock-off unit is a tourist accommodation unit within a residential design timeshare use that exists within a split-use unit and consists of one or more bedrooms (or sleeping quarters) and baths, but does not contain kitchen facilities. A lock-off unit is created by "locking-off" the kitchen and one or more baths and bedrooms (or other sleeping quarters) in the split-use unit thereby creating a hotel-type tourist accommodation unit that may be rented or leased separately from the remainder of the split-use unit. A lock-off unit constitutes one tourist accommodation unit of the two tourist accommodation units that constitute, or are required for, a split-use unit, except as set forth in Chapter 11: *Plan Area Statements and Plan Area Maps*.

**Log Culverts**

Logs placed in a stream to facilitate crossing by equipment.

**Lop and Scatter**

A slash treatment method where limbs and tops of felled, dead, or damaged trees are cut into short lengths and scattered throughout an area without any concentration. The method requires that no portion of the slash shall be more than twenty inches above the ground and that all unmerchantable chunks are scattered.

**Lot**

See "Parcel."

**Low-Emission Vehicle**

A vehicle certified by a state or the U.S. Environmental Protection Agency as a "Low Emission Vehicle."

**Low-Level Boat Lift**

A device with forks attached to a pier that reaches under a boat to lift it from the water for temporary storage.

**Low Water Elevation**

The established lower surface elevation for fluctuation within a body of water. (For Lake Tahoe, the low water elevation is 6,223.0 Feet Lake Tahoe Datum.)

**Maintenance**

- A. Ordinary and routine activities necessary to keep a structure in good working order and to prevent deterioration caused by natural conditions. Examples of maintenance include washing, painting, caulking, and rewiring. Maintenance shall not include replacing any part of a structure.

- B. As used in subparagraph 2.3.3.B, “maintenance” is the ordinary upkeep, repair, and preservation of the condition of a sign in order to keep the existing sign components (including color) safe, neat and orderly in condition and appearance and to prevent corrosion or deterioration caused by weather, age, or other conditions. Maintenance does not include any changes to the sign area that result in a different message, color scheme, or graphic design, or any changes in the external dimensions of the sign or structure.

### **Maintenance Dredging**

The dredging of areas that previously have been dredged to maintain legally established lake bottom elevations, and dimensions, with the legally established elevations and dimensions based on previous permits, plans, physical evidence, or other such documentation.

### **Major Arterial**

U.S. Highway 50; S.R. 89, California; S.R. 28, Nevada and California; S.R. 267, California; S.R. 431, Mt. Rose, Nevada; S.R. 207 Kingsbury Grade, Nevada; Loop Road (Lake Parkway, Montreal Road from the state line to Park Avenue, Park Avenue from Montreal Road to Pine Boulevard, and Pine Boulevard to the state line); Ski Run; Pioneer Trail; Al Tahoe Boulevard; Lake Tahoe Boulevard; Fallen Leaf Lake Road; Tahoe Keys Boulevard; Lake Shore and Country Club Drive, Incline Village Nevada; Sierra Boulevard; Black Bart; Venice Boulevard; and Village Boulevard.

### **Major Evaluation Interval**

See subsection 16.3.5.

### **Major Stream**

A continuously flowing water body and its associated topography. A major stream is usually identified as a permanent stream on a U.S. Geological Survey (USGS) topographic map, 7.5-minute series and classified by TRPA as a third or higher-order streams.

### **Major Use Classifications**

The six use classifications listed in the Table of Primary Uses in Section 21.4, being; I. Residential; II. Tourist Accommodation; III. Commercial; IV. Public Service; V. Recreation; and VI. Resource Management.

### **Man-Made Channel**

A channel constructed by man for the purpose of conveying water or a channel created by water being discharged from a man-made source, such as a culvert or pipe.

### **Manufactured Home**

A home built entirely in the factory on a non-removable steel chassis that is transported to the building site on its own wheels and installed under a federal building code administered by the U.S. Department of Housing and Urban Development, according to the Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) that went into effect June 15, 1976. This term does not include a mobile home dwelling or factory-built housing.

### **Marina**

See subsection 81.5.6.

### **Marine Railway Systems**

A boat ramp designed to use a railed vehicle to launch and retrieve watercraft.

**Master Plan**

A plan for a defined area that provides more detailed planning to ensure that projects and activities in the area are consistent with the Goals and Policies, the Plan Area Statements or community plans, and the Code.

**Maximum Height**

See subsection 37.3.1.

**Maximum Land Coverage**

Allowable base land coverage plus allowed transferred coverage.

**Materially Damaged**

As used in subsection 61.1.5, any of the following activities or alterations to a live tree that would require a permit to remove; (1) topping; (2) the removal of live limbs within the upper two thirds of the total tree height; (3) girdling; (4) the application of chemicals harmful to the tree; (5) purposefully exposing the cambium layer; or (6) other damage to the tree that will potentially result in its death or disfigurement, or in a significant increase in its susceptibility to insects or disease.

**Measurement Standard**

See subsection 16.3.6.

**Mitigation (Onsite)**

Mitigation measures, such as the removal of land coverage, applied in the project area of the project being mitigated.

**Mitigation (Offsite)**

Mitigation measures applied outside the project area of the project being mitigated.

**Mixed-Use Development:**

Developments fostering the integration of compatible residential and non-residential uses on a single site that are designed to promote pedestrian circulation. Permissible pedestrian-oriented non-residential uses include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses. Lobbies, gymnasiums, and project offices may be included if they are open to the public.

**Mobile Home Dwelling**

See Table 21.4-A: Primary Use Definitions.

**Moderate Income Housing**

Residential housing, deed-restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county's median income. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.

**Modification**

Changes in the form or substance of a structure or activity.



**Modified Stationary Source**

Any physical change, change in method of operation of, or addition to, an existing stationary source, or any change in hours of operation, process, or production rate, except that routine maintenance or repair shall not be considered to be a physical change. A reconstructed source shall be treated as a new stationary source. Unless previously limited by a permit condition, a replacement of a piece of equipment with an identical piece of equipment with emissions less than or equal to those from the original piece of equipment shall not be considered a modified stationary source.

**Montane Zone**

The montane zone is all lands below 7,000 feet elevation.

**Mooring**

A Place where a watercraft is held fast with cables, lines, or anchors.

**Mooring Buoy**

See "Buoy."

**Multi-Residential**

Residential development at a greater density than one unit per parcel.

**Multi-Residential Bonus Units**

Bonus units available for use only in multi-residential projects.

**Multi-Residential Facilities**

Residential uses, with two or more units per structure, that meet the Transit Oriented Development standards set forth in subparagraph 11.8.4.C.1 or the functional equivalent as defined in subparagraph 11.8.4.C.3.

**Multiple-Use Facility**

A shorezone facility, usually but not always a pier, which is used by the public, homeowners association, or two or more littoral parcel owners, and is recognized by TRPA as multiple-use pursuant to subsection [Error! Reference source not found.84.4.](#)

**Native Plants**

Plants indigenous or occurring naturally in the Lake Tahoe Basin. See also "Plant List."

**Natural Ground Elevation**

See subsection 37.3.2.

**Natural Hazard Maps and GIS Data Layers**

The natural hazard maps and GIS data layers indicate locations of avalanche zones, earthquake zones, and flooding zones.

**Natural State**

That condition that is found in nature and not modified by human intervention.

**Navigational Structure**

A structure or device maintained solely as an aid to boat navigation.

**Near Natural State**

Approximating natural conditions.

**Nearshore**

The zone extending from the low water elevation of Lake Tahoe (6,223.0 feet Lake Tahoe Datum) to a lake bottom elevation of 6,193.0 Feet Lake Tahoe Datum, but in any case, a minimum lateral distance of 350 feet measured from the shoreline. In other lakes, the nearshore extends to a depth of 25 feet below the low water elevation.

**Near Surface Groundwater**

Evidence of ground water within 20 inches of the ground surface (poorly drained soil).

**Nesting Habitat**

The area normally used by a species of bird for the nesting and rearing of young.

**Net Environmental Benefit to a Stream Environment Zone**

See subparagraph 30.4.4.D.

**New Development Potential**

The regional potential for additional residential, commercial, tourist accommodation, public service, recreation, and related growth, as limited by the number of existing development rights currently remaining and the Bailey coefficients for land coverage. The number of existing development rights is the number of development rights created on July 1, 1987, pursuant to Chapter 31, as amended, minus development rights that have been extinguished. New development potential for piers is limited by subparagraph 82.3.3 of the Code.

**Noncommercial Copy**

See subsection 38.4.16.

**Nonconforming Sign**

A sign that is legally existing or approved as of the effective date of Chapter 38: *Signs*, that does not comply with the applicable standards set forth in that chapter.

**Nonconforming Use**

See subsection 21.2.3 and, for uses within the shorezone, see subsection 81.3.3.

**Non-Attainment Area**

An area not in attainment of federal primary air quality standards as designated by the Environmental Protection Agency.

**Non-combustion Heaters**

Electric heaters.

**Non-contiguous Parcels**

Parcels that are not adjacent parcels and whose boundaries do not touch.

**Non-Native Species**

Animals, other than domestic animals and household pets, that do not occur naturally in the Lake Tahoe Basin or which have been artificially introduced or established by man.

**Non-Permanent Structure**

A non-permanent structure is a structure meeting the requirements of subparagraph 30.4.6.A.

**Non-Sensitive Lands**

For lands with IPES scores, those lands above 725; for lands without IPES scores, those lands identified as Land Capability Districts 4, 5, 6, or 7; and that are not within the back shore.

**Nursery Habitat**

The area where juvenile fish seek food and cover.

**One Hundred-Year Floodplain**

The area that would be inundated by a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.

**Open Burning**

As applied in Nevada only, a fire that emits the products of combustion into the atmosphere without passing through a stack or chimney.

**Optimum Stocking Level**

The number of trees on a given area that maximizes the growth rate and overall health of a stand of trees.

**Organized Recreation Camps**

Land or premises containing structures designed to be used for organized camping.

**Ornamental Vegetation**

The landscaping of property with shrubs, trees, and other vegetative ground cover not native to the Tahoe region.

**Overhang**

The portion of a structure that is cantilevered so as to not require a structural member attached to the ground, or is a deck with no structure underneath supported by posts. For a building or deck, the overhang is that portion of the structure extending beyond a continuous foundation wall.

**Over-Snow Removal**

Removal of trees from a project site using yarding equipment capable of traveling over snow without disturbing the soil or vegetation beneath.

**Oversteepened Cut Slopes**

Slopes steeper than 2:1.

**PAOT (People At One Time)**

The number of people that a recreation use can accommodate at a given time. A measure of recreation capacity.



Overhang

**Parcel**

An area of land or, in the case of a condominium, separate space, whose boundaries have been established by some legal instrument such as a recorded map or recorded deed and that is recognized as a separate legal entity for purposes of transfer of title.

**Parcel Boundary Projection Line**

Projection of a parcel boundary line lakeward from the low water line, perpendicular to the tangent of the shoreline.

**Parcel Consolidation**

The merging of two or more contiguous parcels into one parcel.

**Parcel Line Adjustments**

A change in the legal boundary or boundaries of a parcel.

**Parcel Map**

A map required by state law for the division of land into parcels.

**Particulate Matter**

Material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

**Peak-Period Commuter**

See subparagraph 65.5.1.B.10.

**Pedestrian-Oriented Sign**

A permanent, non-illuminated sign with an area less than five square feet on any one side, and not over ten feet above ground level.

**Percent Cross Slope Retained Across Building Site**

See subsection 37.3.3.

**Perching Site**

A tree, cliff, or other high platform, used by raptors for resting, sitting, or viewing.

**Perennial Stream**

Permanently inundated surface stream courses. Surface water flows throughout the year except in years of infrequent drought. Perennial streams shall be those shown as solid blue lines on USGS Quad Maps, or streams determined to be perennial by TRPA.

**Permissible Use**

Allowed uses or special uses approved by the Governing Board. See also accessory uses, Section 21.3, and accessory structures, section [Error! Reference source not found.81-4.](#)

**Person**

An individual, partnership, corporation, business association, joint venture, group of individuals, or governmental entity.

**Personal Watercraft**

Watercraft less than 13 feet in length designated to be operated by a person or persons sitting, standing, or kneeling on the craft rather than within the confines of a hull, and with a maximum capacity of three (3) people.

**Person-Trip**

A one-direction movement of an individual person which begins and ends at a trip end.

**Pervious**

Any surface that allows at least 75 percent of precipitation to directly reach and infiltrate the ground throughout the life of the surface.

**Pier**

A fixed or floating structure intended as a landing or temporary mooring for watercraft and either extending from the backshore to at least 10 feet beyond the line marking the high water elevation of a lake, or extending into Lake Tahoe to a depth of 6,226.1 feet Lake Tahoe Datum, or a functionally similar depth on other lakes in the region.

**Pier, Multiple-Parcel**

A pier that retires pier development potential through deed restriction on one or more littoral parcels. A multiple-parcel pier may be built to either single-or multiple-use pier development standards.

**Pier, Multiple-Use**

A pier on a littoral parcel that serves three or more residential units on the same parcel, or that serves two or more primary residential littoral parcels, subject to a deed restriction providing access.

**Pier, Single-Parcel**

Also referred to as a single-use pier. A pier that serves one littoral parcel, and that retires no development potential as part of a pier application process.

**Pier, Single-Use**

A facility in the shorezone used and maintained by the owner of one littoral parcel, family, and guests.

**Pier Relocation**

The replacement of an existing pier with a new pier in a different location on the same parcel.

**Pier Transfer**

The replacement of an existing pier with a new pier on a different parcel.

**Pierhead Line**

A line established on the adopted shorezone maps of TRPA and digitized for all areas around Lake Tahoe.

**Plans**

Plans include the TRPA Regional Plan as defined in the TRPA Compact, other plans that are authorized by the Regional Plan and have been adopted by the TRPA Governing Board, and Area Plans that are authorized by the Regional Plan and that have been adopted by a Local Government and have been found by TRPA to be in conformance with the Regional Plan.

**Plant List**

The Recommended Native and Adapted Species List adopted by TRPA.

**Political Sign**

A sign advertising a candidate for public office, proposition, or other issue to be voted on by the electorate.

**Pond**

A standing water body less than 20 acres in size and/or less than two meters deep at low water.

**Portable Sign**

Any sign not permanently affixed to the ground or a building.

**Possible Contaminating Activity**

Activities equivalent to TRPA primary uses identified by either the California Department of Public Health Services or the Nevada Bureau of Health Protection Services, regardless of where the project is located, as having the potential to discharge contaminants to surface or ground waters. Such uses include but are not limited to those listed in subsection 60.3.5.

**Potential Land Coverage**

The land coverage allowed as base coverage in Chapter 30: *Land Coverage*, but that does not physically exist.

**Predominantly Urbanized Area**

See subsection 13.3.1.

**Prescribed Fire**

The planned application and confinement of fire by professionally trained public agency fire personnel to wild land fuels on lands selected in advance of that application to achieve any of the following objectives: 1) prevention of high-intensity wild land fires through reduction of the volume and continuity of wild land fuels; 2) watershed management; 3) range improvement; 4) vegetation management; 5) forest improvement; 6) wildlife habitat improvement; or 7) air quality maintenance.

**Previous Use**

See subparagraph [Error! Reference source not found.](#)~~65-2-3-C~~

**Primary Riparian Vegetation**

The following vegetative community types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"

- A. Type 0: Open water - Open water, Swamps and pools and Vernal pools.
- B. Type 2: Herbaceous - Wet marsh or meadow and Sphagnum bog.
- C. Type 7: Riparian shrub - Willow thicket and Alder thicket.
- D. Type 9: Broadleaf - Low elevations.

**Primary Transit Routes**

- A. Highway 50 - from Carson City to Highway 89



Portable Sign

- B. Highway 89 – from Truckee to Highway 50 at the South Lake Tahoe “Y”
- C. Highway 28 – from Highway 89 in Tahoe City to the intersection with Country Club Drive in Incline Village
- D. Highway 267 – from Truckee to Highway 28
- E. Highway 207 – from Daggett Summit to Highway 50

### **Prime Fish Habitat**

In Lake Tahoe, the zone of water and substrate less than 30 feet deep where suitable habitat exists for purposes of spawning, feeding, or escape cover, or as designated on TRPA Prime Fish Habitat Maps.

### **Problem Assessment**

A comprehensive identification and evaluation of a significant degradation of the environment prepared by TRPA and used as the basis for action plans provided for in Section 5.12.

### **Prohibited Use**

See subsection 21.2.4, and for uses within the shorezone, see subsection 81.3.4.

### **Project**

An activity undertaken by any person, including any public agency, that may substantially affect the land, water, air, space or any other natural resources of the Region. See also Chapter 2.

### **Project Area**

See subparagraph 30.4.1.C.2.

### **Project Controller**

See subparagraph 65.5.1.B.11.

### **Project Cost**

The fair market value of materials and services used in constructing and implementing a project.

### **Projecting Sign**

A sign other than a building sign which projects from and is supported by a wall of a building, and is not parallel to the plane of the wall.



**Projecting Sign**

### **Property Transportation Coordinator (PTC)**

See subparagraph 65.5.1.B.12.

### **Protective Structure**

A structure placed in a body of water or the area of wave run-up, to prevent erosion.

### **Public Athletic Fields**

Play fields constructed and operated by or for schools and government agencies primarily for team sport usage, such as baseball, football, and soccer. Public athletic fields are typically open for public use for at least 120 days between May 1 and October 31. Golf courses, landscaping, lawns, meadows, ski runs, and similar open space are not considered public athletic fields.

**Public Entity**

A public service or quasi public entity that is responsible for public transportation, linear public facilities, utility services, public health and safety, public education, environmental protection, or public open space.

**Public Safety Facilities, Essential**

Fire and law enforcement facilities and/or stations, including apparatus bays, apparatus maintenance buildings, living quarters, and offices; training facilities including training towers; emergency operation center buildings; emergency communication towers, and fire prevention and fuel management work centers.

**Public Service**

Public or quasi-public uses or activities pertaining to communication, transportation, utilities, government, religion, public assembly, education, health and welfare, or cultural and civic support. It does not include such uses or activities that are primarily involved in commercial enterprises.

**Pump-out Facilities**

Pump-out facilities consist of the equipment needed to pump or otherwise receive and transfer contents of vessel holding tanks into sewage retention and/or disposal system approved by the permitting organizations.

**Qualified Exempt**

Activities not subject to review and approval by TRPA upon the filing of a declaration pursuant to subsection 2.3.6.

**Qualified Forester**

A person who: 1) is a California Registered Professional Forester (RPF); or 2) holds a Bachelor of Science degree, with a major in Forestry, Renewable Natural Resources, or closely related field, and has had a minimum of three years verifiable experience in forestry-related work. A valid California Registered Professional Foresters (RPF) License shall be required per California State law for any natural person or entity performing forestry work in California.

**Quasi-Public**

Having the purpose of providing a public service as a utility and under regulation of state, local, or federal law, such as a telephone company, electric power company, TV cable company, and natural gas supplier, or provide services for the public health and welfare or for educational or cultural purposes, on a voluntary or non-profit basis.

**Range Professional**

A person either meeting the requirements for the Federal Rangeland Management Series (GS-454) of the U.S. Office of Personnel Management, licensed as a Certified Rangeland Manager under the California Professional Foresters Licensing Act (PFLA), or the Certified Range Management Consultants(CRMC) certification program provided by the Society for Range Management.

**Reasonable Further Progress**

Annual incremental reductions in emissions of the applicable air pollutant that are sufficient to provide for attainment of the applicable national air quality standard by the dates established under the Clean Air Act, as amended in 1977.



**Receiving Parcel**

Parcel to which coverage, an allocation, or other development is transferred.

**Reconstruction**

The replacement of all or an entire portion of an existing structure without changing the structure's dimensions or function. The concept of "reconstruction" shall be a functional one to include substitution of one kind of material for another, for example steel for wooden piles, or synthetic for wood decking, even where those changes may result in a negligible change in the dimension or change in appearance of the structure (e.g., placing a steel pile around an existing wood pile). Notwithstanding the foregoing, the replacement of a structure may qualify as a reconstruction where there is a reduction (without reconfiguration) in the dimension of the structure resulting in an improvement to environmental conditions (e.g., replacing double pilings with single pilings; replacing a pier without a previously existing boat house). No reconstruction shall increase the visual mass or contrast rating of the previously existing structure.

**Recreation Areas**

Areas with good potential for developed outdoor recreation, park use, or concentrated recreation.

**Recreation (Developed)**

Outdoor activities that are enhanced by the use of man-made facilities, including, but not limited to, campgrounds, marinas, and ski areas.

**Recreation (Dispersed)**

Activities such as hiking, jogging, primitive camping, nature study, fishing, cross country skiing, rafting/kayaking, and swimming. The use does not usually involve the use of developed facilities.

**Recreation (Dispersed Outdoor)**

Outdoor recreational uses that require few or no developed facilities, require no motorized vehicles, and generally occur in rural areas such as hiking; horseback riding; jogging; dispersed, primitive, or back country camping; fishing and hunting; nature study and photography; rafting and kayaking; sightseeing; dispersed beach recreation; swimming; sunbathing; and cross country skiing shall be allowed uses throughout the region. See also "Recreation (Dispersed)."

**Recreation (Urban)**

Indoor and outdoor activities primarily designed for use by the residents of the region, including, but not limited to, athletic fields and neighborhood parks.

**Recreational Fires**

Fires used in connection with a recreational activity, including, but not limited to, campfires and barbecues.

**Redevelopment**

New construction on a site that has existing uses and structures. Redevelopment is not limited to designated Redevelopment Areas or Districts.

**Redirection**

The redirection of development designation is designed primarily to improve environmental quality and community character by changing the direction of development or density through relocation of facilities and rehabilitation or restoration of existing structures and uses.

**Region**

All that area described in Article II(a) of the Tahoe Regional Planning Compact. See also Basin.

**Regional Plan**

The long term general plan for the development of the region and as more specifically described in Article V of the Compact.

**Rehabilitation**

Upgrading existing facilities by repair, reconstruction, or modification.

**Reinforcement**

The provision of telephone capacity for existing or projected telephone communication service along existing or approved transmission or distribution routes.

**Remedial Action Plan**

A plan to correct environmental degradation.

**Remedial Vegetation Plan**

A plan to address areas where remedial management of vegetation is necessary to achieve and maintain environmental thresholds for health and diversity in vegetation.

**Rental Car**

A passenger vehicle designed to carry not more than ten persons and that is available for rental on a daily or other basis to members of the general public. The definition of rental car does not include a taxi, limousine, motorhome, truck, or motorcycle.

**Rental Transaction**

See subparagraph 65.4.3.A.

**Repair**

Activities necessary to put back a structure to good and sound condition after decay or damage without changing the structure's dimensions or function. Repairs include replacing components of a structure, such as decking, structural members, piles, re-siding, re-roofing, and replacement of electrical or mechanical gear. The concept of "repair" shall be a functional one to include substitution of one kind of material for another, for example steel for wooden piles, or synthetic for wood decking, even where those changes may result in a negligible change in the dimension or change in appearance of the structure (e.g., placing a steel pile around an existing wood pile). No repair shall increase the visual mass or contrast rating of the repaired existing structure.

**Residential**

Uses, facilities, and activities primarily pertaining to the occupation of buildings for living, cooking, and sleeping by the owner as a permanent or second home, by renters on a monthly or longer term basis, or by renters of a vacation rental that meets the Local Government Neighborhood Compatibility Requirements.

**Residential Area**

Areas having potential to provide housing for the residents of the region.

## Residential / Dooryard Burning

As applied in California only, the burning of vegetative-only waste grown on the site at a residence in the open air. Residential/dooryard burning does not include burning in fireplaces and woodstoves within the residence.

## Residential Unit

One or more rooms containing one or more bedrooms, with not more than one kitchen, designed to be occupied permanently as an independent housekeeping unit by one family or one collective household with facilities for living, cooking, sleeping and eating.

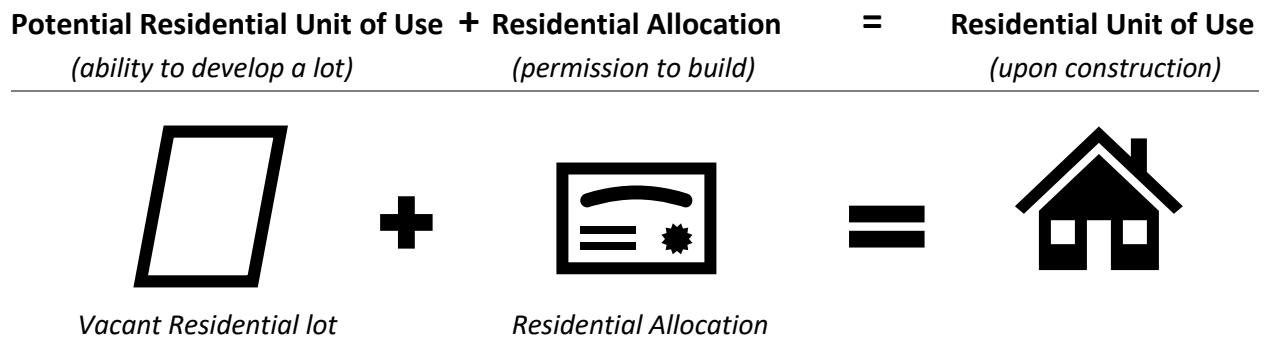
## Residential Units of Use

### A. Potential Residential Unit of Use (PRU)

A potential residential unit of use is attached to certain parcels in the region in accordance with Section 50.3. A potential residential unit of use is not a vested right. To construct a new residential dwelling, the property must comply with Section 50.3 to be eligible for a potential residential unit of use and the property owner must obtain a residential allocation from the respective local jurisdiction or transfer an existing residential unit of use to the property from an eligible sending site. A potential residential unit of use together with a residential allocation becomes an existing residential unit of use upon construction. Potential residential units of use were previously referred to as a 'residential development right'.

### B. Residential Unit of Use (RUU)

A residential unit of use is an existing residential unit constructed (1) prior to the adoption of the Regional Plan, or (2) as a result of a TRPA permit to construct an additional residential unit from the combination of a potential residential unit of use and a residential allocation or conversion from a different type of development right. At a minimum, an existing residential unit of use shall contain cooking facilities, bathing and toilet facilities, and living and sleeping areas. A residential unit of use may be associated with a single-family house containing one residential unit or a multi-residential development containing more than one unit per parcel as defined by this Code.



## Resource Management

Uses, facilities, and activities pertaining to the utilization, management, or conservation of natural resources.

## Restoration, or Restored

In the context of natural areas, the reestablishment of the primary natural characteristics and functions of the soil, hydrology, vegetation, and other natural features of the natural habitat.

**Restricted Gaming (Nevada Only)**

Operation of not more than 15 slot machines pursuant to Nevada law as an accessory use to a commercial or tourist accommodation primary use.

**Revegetation**

Establishment of vegetation on disturbed areas.

**Revetment**

Sloping structures armored with stone or other material through which water may pass.

**Ridesharer**

See subparagraph 65.5.1.B.13.

**Riparian Plant Community**

A plant association identified by the presence of vegetation that requires free or unbound water or conditions more moist than normal in the area. Such communities include, but are not limited to, deciduous trees (alder, aspen, cottonwood, willow), hydrophytes, meadow vegetation, riparian shrub, and lodgepole pine.

**Road**

A smooth or paved surface designed for travel by motor vehicles.

**Rock Cribbing**

An enclosure of wood, steel, or other material containing unconsolidated rock.

**Roof Sign**

A sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure. Signs standing out horizontally from a mansard roof are considered wall signs; however, they may not extend vertically above the top of the mansard.



Roof Sign

**Scenic BMPs**

Mitigation measures that reduce the visual impact of structures to promote threshold attainment. This includes the use of landscaping, building design, glass treatment, articulation, color, texture, screening, and other such techniques.

**Scenic Highway and Corridor**

A roadway that has been determined to have outstanding scenic value. The scenic corridor includes the roadway right-of-way and extends 100 feet perpendicularly from the edge of the right-of-way boundary.

**Scenic Units GIS Data Layers**

The TRPA scenic units GIS data layers indicate the location of the roadway units, the shoreline units, the recreation areas, and the bicycle trails established by the scenic thresholds. Scenic highway corridors, including specific urban, transition and natural corridor designations are also identified.

**Seasonal Efficiency**

The efficiency, as certified by the California Energy Commission under the provisions of California Administrative Code, Title 20, Chapter 2, Subchapter 4, Article 4, Sections 1603 and 1607, (Appliance Efficiency Standards).

**Seasonal High Water Table**

The highest level of soil saturated with water during a one year period, usually but not always found in the spring months.

**Second Order Stream**

A stream formed by the confluence of two or more first order streams.

**Secondary Residence**

See "Accessory Dwelling Unit," subsection 21.3.2.

**Secondary Riparian Vegetation**

The following vegetative types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"

- A. Type 2: Herbaceous - Wet mesic meadow.
- B. Type 9: Broadleaf - High elevations.
- C. Type 19: Lodgepole - Wet type.

**Seeped Soils**

Soils having the characteristics of a high water table.

**Seiche**

An oscillation of the surface of a landlocked body of water (as a lake) that varies in period from a few minutes to several hours.

**Sending Parcel**

The parcel from which land coverage, an allocation or other development is transferred.

**Sensitive Lands**

For lands with IPES scores, those lands at or below 725; for lands without IPES scores, those lands identified as Land Capability Districts 1, 2, or 3; and lands within the backshore.

**Sensitive Plant Species**

Plants that are extremely scarce and considered vulnerable to local extirpation or extinction.

**Service Capacity**

The ability to accommodate units of traffic, energy, sewer, water, or people engaged in the activity for which the facility was intended, or other similar units of measure.

**Service Connection**

The connection of utilities, such as gas, water, electricity, or telephone, to a structure.

**Setback**

An area established adjacent to the shorezone interface or riparian vegetation to provide a natural buffer between development and sensitive or ecologically significant areas.

**SEZ**

See “Stream Environment Zone.”

**SEZ Setback**

A strip of land adjacent to the edge of a SEZ, the designated width of which is considered the minimum width necessary to protect the integrity of the various characteristic of the SEZ. The width of the setback shall be established in accordance with the procedure set forth in subsection 53.9.3.

**SEZ Vegetation**

Species of a plant community indigenous to the Lake Tahoe Region which are commonly associated with the landscape position and land form, soil type, hydrology, elevation, and climate of an SEZ type, such as a wet meadow, mesic meadow, or stream. The plant communities include primary and secondary indicator species listed in Section 53.9.

**Shift of Employment**

See subparagraph 65.5.1.B.14.

**Shoreland**

The distance from the highwater line of Lake Tahoe to the most landward boundary of the littoral parcel, or 300 feet landward, whichever is lesser. In the case where the littoral parcel is a narrow parcel not qualifying for a development right, such as a road right-of-way or a dedicated beach access parcel, the most landward boundary of the adjoining parcel to the littoral parcel or 300 feet shall apply. In the case where a littoral parcel is split by a right-of-way but is considered one project area, the most landward boundary of the project area or 300 feet, whichever is less, shall apply.

**Shoreline**

The highest line normally covered by waters of a lake or body of water. (For Lake Tahoe, the shoreline elevation is 6,229.1 feet Lake Tahoe Datum.)

**Shoreline Protective Structure**

Walls, earthen banks, bulkheads, revetments, or other devices designed to prevent direct erosion or flooding of the backshore by reinforcing the interface between land and water.

**Shorezone**

The area including the nearshore, foreshore, and backshore.

**Shorezone Tolerance District**

Areas with special regulations along the shorelines of Lake Tahoe, Fallen Leaf Lake, and Cascade Lake identified in the 1973 Shorezone Plan for Lake Tahoe and depicted on TRPA Shorezone Tolerance District and Land Capability Overlay Maps. See Chapter 83: *Shorezone Tolerance Districts and Development Standards*.

**Sign**

Any character, letter, figure, symbol, design, model or device or combination of these used to attract attention or convey a message and which is visible from a street, public recreation area, bicycle trail, or from Lake Tahoe. The term includes banners, pennants, streamers, moving mechanisms, and lights.

**Significant Spawning Habitat**

In Lake Tahoe, areas designated on TRPA's Prime Fish Habitat Map as "Spawning Habitat" and, through field examination, confirmed to consist of substrate predominantly comprised of small rock, cobble, gravel, or any combination thereof.

**Significant Soil Disturbance**

Damage to soil structure, chemistry, and biota through compaction, burning, removal or topsoil, soil contamination or other activities, to the degree that there may be reduced vegetation growth, increased surface runoff, or erosion. Soil compaction and other disturbance potential can vary depending upon soil type, rooting depth, soil moisture content, surface litter thickness, and compaction forces.

**Significant Vegetation Damage**

Damage to non-target vegetation such that a vegetation type or plant community does not recover its previous or better water quality and habitat functions and values by the end of the next growing season following tree removal activity. Vegetation damage shall be evaluated through an approved monitoring program containing specific monitoring criteria.

**Silviculture**

The science of forestry; the growing of trees.

**Single Family House**

A detached structure that contains one residential unit.

**Single Occupant Vehicle (SOV)**

See subparagraph 65.5.1.B.15.

**Skidding**

The act of dragging a tree or log along the ground or snow by cable systems or by mobile equipment. See also Section 61.1: *Tree Removal*.

**Skid Trail**

A rough pathway on which logs are skidded.

**Slope Condition**

The condition of the slope located adjacent to the stream channel or edge of the SEZ shall be defined as follows. The extent of existing slope protection, which is defined as the percent cover of original duff layer, down logs, low growing vegetation or rock fragments greater than 1-2 inches in diameter, shall be given primary consideration when determining slope condition.

- A. Good - Slopes show little or no evidence of surface (sheet, rill, gully) erosion or mass wasting. Slopes are typically covered 90 percent or more with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly less than 30 percent. Soil horizons are usually cohesive and consolidated.

- B. Average - Slopes show evidence of surface (sheet, rill, gully) erosion or mass wasting over 5 to 25 percent of the slope surface. Slopes are typically covered between 50 to 90 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly between 30 and 70 percent. Soil horizons are typically moderately cohesive and consolidated.
- C. Poor - Slopes show evidence of active and pronounced surface (sheet, rill, gully) erosion or mass wasting over more than 50 percent of the slope surface. Slopes are typically covered less than 50 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is often greater than 70 percent. Soil horizons are typically non-cohesive and unconsolidated. Evidence of seeping is often present.

**Snag**

A standing dead tree in some stage of decay that may have biological and structural attributes usable by wildlife. Hard snags are essentially composed of sound wood, especially on the outside and occur in decay classes 2 through 5. Soft snags are in advanced decay and occur in decay classes 6 through 9. (Source: Maser, C., and J. M. Trappe. 1984. "The seen and unseen world of the fallen tree." USDA, Forest Service. Gen. Tech. Rep. PNW-164).

**Soft Land Coverage**

See "Land Coverage."

**Soil**

The unconsolidated mineral or organic material on the immediate surface of the earth that serves as the natural medium for the growth of land plants, detention of sediment and biogeochemical cycling.

**Solid Waste**

Any material defined by the Code of Federal Regulations, Title 40, Protection of Environment (Section 261.2) as a solid waste.

**Source Water**

Water drawn to supply drinking water from an aquifer by a well or from a surface water body by an intake, regardless of whether such water is treated before distribution.

**Spawning Habitat**

An area that attracts, or is capable of attracting, fish for reasons of producing and fertilizing eggs. Spawning areas are typically comprised of rock, cobble, or rubble.

**Special Interest Species**

Animal species for which environmental thresholds have been established.

**Specific Plan**

A comprehensive long-range program for the further development of a facility or area. See Chapter 14: *Specific and Master Plans*.

**Specific Program**

A program adopted by ordinance that provides for discontinuance or modification of a use or structure. See Chapters 21: *Permissible Uses*, and 81: *Permissible Uses and Structures in the Shorezone and Lakezone*.



**Split-Use Unit**

A tourist accommodation unit within a residential design timeshare use which has at least one bedroom and two bathrooms and is constructed such that one or more bedrooms are capable of being rented or leased as a hotel-type tourist accommodation unit separately from the bath and kitchen facilities. A split-use unit constitutes two tourist accommodation units except as set forth in Chapter 13: *Redevelopment Plans*. See “Lock-off Unit.

**Spoil Material**

Any earthen material that remains after a grading or dredging activity.

**Stacked Storage**

Stacked Storage refers to boats that are stored ashore, on racks or other structures either outdoors or inside a storage building, that can be retrieved for launching on demand or by reservation.

**Stationary Source**

A building, structure, facility, or installation that emits or may emit an air pollutant. Building, structure, or facility includes all pollutant-emitting activities which: belong to the same industrial grouping, are located on one or more contiguous or adjacent proper ties, and are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control. Installation includes any operation, article, machine, equipment, or other contrivance which emits or may emit an air pollutant.

**Step Foundations**

Foundations designed to incrementally rise in height in order to conform to the natural ground.

**Stock Cooperative**

A form of subdivision in which the buyers hold their right to occupancy through ownership of stock or membership in a cooperative corporation.

**Stream Corridor Impediment**

A man-made structure, such as a culvert, fence, bridge, or building, that is located in the 100-year floodplain and significantly obstructs or impedes stream hydrologic functions, including fish habitat, stream migration, and riparian vegetation maintenance or establishment.

**Stream Environment Zone**

Generally an area that owes its biological and physical characteristics to the presence of surface or ground water. The criteria for identifying and SEZ is set forth in Section 53.9.

**Street**

A public or private way open to general public use, including all classes of roadways and parking lots, but excluding alleys and driveways.

**Story**

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Basements and non-habitable floor area, such as attics, are not considered a story.

**Stormwater Collection and Treatment System**

Stormwater collection includes ditches, storm drains, and water pipes designed to remove surface runoff and transport it to the location or locations where it will be treated. Streets curbs and gutters can be included as part of the collection system.

Stormwater treatment is the process of improving stormwater runoff quality, reducing runoff volume, and reducing runoff peak flow. Debris and solids are filtered out, followed by a sedimentation process. Water is then infiltrated or discharged from the system into the receiving environment (groundwater table, ponds, streams, waterways, etc.).

### **Structure**

Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, that requires location on the ground or is attached to something having a location on the ground. This includes such things as roads, trails, and earthworks.

### **Structural Diversity**

Diversity in a forest stand resulting from layering or tiering of the canopy.

### **Structural Repairs**

Repairs to those elements of a structure that affect the bearing capacity of the structure, including, without limitation, pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete.

### **Structure Housing Gaming**

A building or buildings joined together in some definite manner, containing gaming, as defined in Article VI of the Compact.

### **Sub-Alpine Zone**

The sub-alpine zone is all lands above 8,500 feet elevation.

### **Subdivision**

The act or product of dividing, by a legal instrument such as a recorded deed or map, land, airspace, structures, boat slips, or other property into two or more entities, and which entities are recognized, under the law of either state, as separate legal entities for purposes of transfer of title. Subdivisions include, but are not limited to, divisions of real property, improved or unimproved, for the purpose of use, sale, lease, or financing, immediate or future, into two or more condominiums, community apartments, stock cooperatives, lots, or parcels.

### **Substantial Tree Removal**

See subparagraph 61.1.8.

### **Substrate**

The bottom materials of a lake or stream.

### **Superstructure**

A structure within the foreshore or nearshore, other than a handrail, davit, or flagpole but including boathouses, which projects above high water or ground elevation more than five feet.

**Supplemental Compliance Measure**

See subsection 16.3.8.

**Surface Water**

Water produced by rainfall; melting snow; or a spring falling upon, arising from, and naturally spreading over land.

**Surface Water Conveyance**

A man-made drainage way.

**Target Date**

See subsection 16.3.7.

**Temporary Erosion Control**

Temporary devices installed on a site to contain runoff and control erosion from a site.

**Temporary Activity**

An organized event or a commercial activity that does not occur more than four times in a calendar year and that does not exceed fourteen consecutive days in duration. Activities that are within the scope of a primary use are conducted within the project area and that would not otherwise require TRPA review and approval are not deemed temporary activities. Examples of such activities are a golf tournament at a golf course, or a ski race at a ski area.

**Temporary Project**

A temporary use, activity, or structure.

**Temporary Roads**

A class of non-public roads that are used during forest product harvesting, usually for one or two seasons only, and that thereafter are retired from use and restored and revegetated so as to prevent erosion.

**Temporary Structure**

A temporary structure is a structure which is approved for a limited time as set forth in Chapter 22: *Temporary Uses, Structures, and Activities*.

**Temporary Use**

A temporary use is a primary use which does not exceed a period of twelve months.

**Tentative Map**

A subdivision map made for the purpose of showing the design and improvement of a proposed subdivision, and the existing conditions in and around it, which need not be based upon an accurate or final survey of the property.

**Terrace**

A moderately flat land area, above the floodplain, generally less than 20 percent slope.

**Threshold**

See "Environmental Threshold Carrying Capacity."

**Timber Harvesting**

Tree harvesting operations in which the primary purpose is the production of raw material for the forest products industry, or for silvicultural purposes, including Christmas tree harvest.

**Timber Harvest Plan**

A plan issued by TRPA describing the methods to be used in a particular timber harvest, and shall not be provided in lieu of a valid timber harvest plan approved by the California Department of Forestry and Fire Protection under the California Forest Practices Act.

**Third-Order Stream**

A stream formed by the confluence of two or more second-order streams.

**Thrifty**

Young, vigorous trees capable of seeding the area to support continuing forest growth.

**Tour Boat Operation**

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board an unboard at a single site.

**Tourist Accommodation**

Uses, facilities, and activities primarily pertaining to the occupation of buildings for eating, sleeping, and living on a temporary basis by persons whose permanent residence is elsewhere.

**Tourist Accommodation Unit**

A unit, with one or more bedrooms and with or without cooking facilities, primarily designed to be rented by the day or week and occupied on a temporary basis.

**Toxic or Hazardous Waste**

Any hazardous product that when disposed of improperly can cause damage to human health or the environment. Examples of hazardous wastes include hazardous wastes generated in quantities that are regulated by state or federal laws; and hazardous wastes generated in small quantities by households and small businesses, which include automotive lubricants and cleaners, paint preservatives and strippers, stain removers, pesticides, and many other products which may be poisonous, flammable, corrosive, reactive, explosive, or cancer causing. The definition includes any hazardous wastes defined by local, state, or federal agencies with jurisdiction in the Tahoe region; and when two or more definitions exist, TRPA will apply the more inclusive definition.

**Tree Removal**

Cutting down, killing, or materially damaging a tree.

**Trip Assignment Pattern**

An estimate of the paths used by vehicle trips to and from a location.

**Trip End**

A trip origin or trip destination. Trip ends, for a location, are the summation of origins and destinations.

**Trip Generation Rate**

The number of motorized vehicle trip ends for a location.

**Trip Reduction Credit**

See subparagraph 65.5.1.B.19.

**Trip Table**

TRPA shall adopt and maintain a trip table for the purpose of estimating the number of vehicle trips resulting from additional development or changes in operation. TRPA shall generate and update the data in the trip table by referring to recent publications on traffic and trip generation (for example, publications of the Institute of Transportation Engineers and California Department of Transportation) and field surveys conducted in the Tahoe region by TRPA or other competent technical experts.

**TRPA**

Tahoe Regional Planning Agency, including the Governing Board and staff.

**TRPA Permit**

A written statement by TRPA of project approval.

**Unit**

A single quantity regarded as a whole in calculation.

**Uncommon Plant Communities**

Plant communities for which environmental thresholds have been established, and other plant communities designated as uncommon and unique.

**Unconfined**

Stream types classified under major categories C (excluding stream type C2), D and E as defined in the report entitled "A Stream Classification System," David L. Rosgen, April 1985.

**Upper Montane Zone**

Lands between 8,500 feet and 7,000 feet elevation.

**Unserviceable**

Unserviceable shall be defined as a structure that can not longer serve the function for which it was designed. In calculating the time period that a structure has been unserviceable, the period of time shall not be counted when TRPA was restrained from accepting applications for repairs to structure in the shorezone due to the preliminary injunction filed on August 9, 1984 in the matter of State of California/League to Save Lake Tahoe v. TRPA.

**Unused Allocation**

A residential allocation that does not mature into actual construction, including, without limitation, forfeited allocations, and case-by-case or prior approvals that expire without construction or where the parcel is sold or donated to an appropriate public entity.

**Urban Areas**

Those areas designated as residential, tourist, commercial/public service, or mixed-use by the plan area statements.

**Urban Interface (also referred to as the Wildland Urban Interface and the Urban Wildland Interface)**

See subparagraph 61.1.4.A.1.

**Urban Recreation**

See "Recreation (Urban)."

**Utility**

A public or quasi-public entity that provides gas, water, electricity, cable TV, telephone, or similar services.

**Vacant Parcel**

A parcel that is undeveloped or unimproved and has no established use.

**Vacation Rental**

A residential unit rented for periods of 30 days or less.

**Vanpool**

See subparagraph 65.5.1.B.20.

**Vegetation**

A collective term for plants.

**Vehicle Emissions Standard**

A specific emission limit allowed for a class of vehicles. The standard is normally expressed in terms of maximum allowable concentrations of pollutants (e.g., parts per million).

**Vehicle Miles Traveled (VMT)**

The total miles traveled by a motorized vehicle, or a number of motorized vehicles, within a specific area or over a specified period of time.

**Vehicle Trip**

A one directional vehicle movement to or from a project area. The number of vehicle trips assigned to a project shall be the total daily vehicle trips to and from the project during its maximum hours of operation for the review period. When exact numbers of vehicle trips are not known for a use, they shall be determined from the trip table or other competent technical information.

**Vehicle Trip Generation**

Residential or tourist accommodation trip generation is the total number of vehicle trips anticipated from persons occupying such units. For commercial and other uses, trip generation is the total number of vehicle trips to and from the project site.

**View Corridor**

A view of Lake Tahoe from a major arterial that is unobstructed by buildings or other structures.

**View Enhancement**

The creation of a new view, or the addition to an existing view of the natural landscape, a view of Lake Tahoe, or a view of a major visual feature that is visible from a scenic threshold roadway travel route as identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory.

**Visible Area**

The surface area of all structures in the shoreland visible from 300 feet offshore and generally perpendicular to and centered on the project area. Surface area blocked by man-made structures in the shorezone shall count as visible area.

**Visible Structure**

A structure with visible area.

**Visual Breaks**

The application of landscaping to man-made structures that result in reducing the contrast and breaking the overall visible area of a structure's façade. This may be achieved by screening with vegetation, rocks, soil, and other natural appearing materials or by using such techniques between detached structures.

**Wall-Mounted Sign**

See "Building Sign" and "Projecting Sign."

**Walkway**

A clearly identifiable gathering area or access path for pedestrians. Walkways are separated from Driveways and Roads with curbing, railings, landscaping, rocks or similar barriers. Walkways include paved and unpaved patios, sidewalks, trails, and paths. Walkways are generally located on the ground but may have elevated sections or bridges

**Waterborne Transit**

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at different sites.

**Water Breaks**

A ditch, dike, or dip, or combination thereof, constructed diagonally across logging roads, tractor roads, skid trails, and firebreaks so that water flow is effectively diverted therefrom. Water breaks are synonymous with water bars.

**Watercraft**

A waterborne vessel of any type or size including, but not limited to, boats, barges, ferries, yachts, houseboats, floating homes, kayaks, rafts, canoes, personal watercraft, pleasure craft, marine craft, amphibious vehicles.

**Water Crossing or Diversion Structure**

A structure designed to alter or cross any stream, river, or other body of water.

**Watercourse**

A man-made stream of water or a natural stream such as a river, creek, or rivulet.

**Water-Dependent**

A use, activity, or facility that by its very character must be located adjacent to or over water.

**Water Heater**

A device that heats water at a thermostatically controlled temperature for delivery on demand.

**Water Salvage Operations**

Public service use of bringing a vessel or its cargo to the water's surface. For storage of salvage equipment, see "Construction Equipment Storage."

**Water Purveyor**

A private, public, or quasi-public water company, water district, or similar entity, legally empowered to supply or provide water for domestic or other uses.

**Water Quality Control Facilities**

Facilities required for the attainment and maintenance of water quality and related thresholds, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities.

**Westside Forest Type**

Those forests west of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps at <http://www.trpa.org/gis/>). The TRPA Westside and Eastside Forest Types GIS data layer delineates the eastside forest types and westside forest types in the region.

**Wet Bar**

A single bar-sized sink and a refrigerator no greater than five cubic feet in size with minimal cabinets and counters. A wet bar shall not include a gas or electric range, stove top and/or oven (not including a microwave oven), a refrigerator in excess of five cubic feet in size, or a standard-sized kitchen sink.

**Wetlands**

Low-lying areas where the water table stands near or above the land surface for a portion of the year. These areas are characterized by poor drainage, standing water, and hydrophytes and include but are not limited to those areas identified in the land capability classification system as Class 1B lands.

**Wood Heater**

A wood-fired appliance, including, but not limited to, a freestanding conventional masonry or prefabricated zero-clearance fireplace; any similar fireplace whose operation requires it to be built into the structure as a component of the building; franklin stove; air tight stove; fireplace insert; or any other stove or appliance designed to burn solid fuel for heating and/or enjoyment purposes.

**Woodstove**

See "Wood Heater."

**Working Days**

Regular TRPA business days excluding weekends and holidays.

**208 Plan**

The Lake Tahoe Water Quality Management Plan ("208 Plan" or "WQMP") is a framework that sets forth the components of the water quality management system in the Tahoe Region, as required by the U.S. Environmental Protection Agency's (U.S. EPA) regulations in 40 C.F.R. Section 130.6, which implements Sections 208 and 303(e) of the Clean Water Act.