TAHOE REGIONAL PLANNING AGENCY

TRPA
PO Box 5310
128 Market Street
Stateline, NV 89449

Tahoe Regional Planning Agency
Advisory Planning Commission

PUBLIC MEETING NOTICE & AGENDA

9:30 a.m. TRPA APC Meeting	**Wednesday, March 11, 2026**	Join at 128 Market St., Stateline, NV or trpa.gov/public-meeting-zoom

AGENDA

1. CALL TO ORDER AND DETERMINATION OF QUORUM

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

	Item	Purpose	Page
A	February 11, 2026 APC Minutes	For Possible Action	5

4. PLANNING MATTERS

	Item	Staff	Purpose	Page
A	Discussion of six policy concepts identified in the July 1, 2024 settlement agreement, as part of the Cultivating Community, Conserving the Basin Initiative	Karen Fink	For Possible Action	43
B	Presentation on the process and design standards for area-wide stormwater/complete streets infrastructure	Shay Navarro John Hester	Informational	87

5. REPORTS

	Item	Purpose	Staff
A	Executive Director	Informational	Julie Regan
B	General Counsel	Informational	Graham St. Michel

C	APC Members	Informational	
	Notice of preparation of a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Tahoe El Dorado Area Plan		Brendan Ferry

6. PUBLIC INTEREST COMMENTS – ON ANY ITEM

Any member of the public wishing to address the Advisory Planning Commission on any item listed or not listed on the agenda may do so at this time. Comments will be limited to three minutes per person. TRPA encourages (but does not require) public comment on items agendized for possible action to be provided at the period designated for comment on agenda items, prior to the Advisory Planning Commission's consideration of the proposed action.

Individuals or groups who commented on items listed on the agenda during the prior comment period may be restricted from commenting again on the same item. The Advisory Planning Commission may deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. Responses from Advisory Planning Commission members to unlisted public comment topics could become deliberation on a matter without notice to the public. To avoid this situation and to ensure the public has notice of all matters the Advisory Planning Commission (APC) will consider, APC members may choose not to respond to public comments, except to correct factual inaccuracies, ask for staff clarification, or to ask that a matter be listed on a future agenda.

7. ADJOURNMENT

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

TRPA Mission

Established in 1969, the Tahoe Regional Planning Agency was the nation's first bi-state regional environmental planning agency. Our mission is to lead the cooperative effort to preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe Region, while improving local communities, and people's interactions with our irreplaceable environment.

APC Meeting Instructions

To Participate:

- Join in-person at 128 Market Street, Stateline, NV 89449.
- Visit trpa.gov for all meeting resources, including:
  - Agendas and detailed packets – available at least seven days before each meeting.
  - Virtual and call-in details – available at least one day before each meeting.
- For questions, contact TRPA staff at virtualmeetinghelp@trpa.gov or (775) 588-4547.
- TRPA will make reasonable efforts to assist and accommodate handicapped persons that wish to participate. For assistance, contact Tracy Campbell, tcampbell@trpa.gov, (775) 589-5257.

Contributing Public Comment:

- **Written:** Submit comments by 4 p.m. the day before the meeting for distribution and posting in advance; later submissions may be posted after the meeting.
  - Email comments to publiccomment@trpa.gov. Include meeting details and agenda item in the subject line or write "General Comment" for non-agenda items.
  - You may also send by mail or fax to (775) 588-4527.
- **Verbal:** Public comments are taken at the start and end of the meeting. Comments must be brief, non-repetitive, and within the time limits set by the Chair (usually three minutes per speaker/group, for a total maximum period of 45 minutes). Time may not be given to others. The Chair may further limit comments to keep the meeting on track.
  - Comment on agenda items → comment period at the beginning of the meeting.
  - Comment on any topic → comment period at the end of the meeting.

Article III (h) Public Law 96-551 Tahoe Regional Planning Agency Governing Board Members

Chair: Brendan Ferry, El Dorado County Representative
Vice Chair: Ellery Stahler, Nevada Division of State Lands Representative
Jennifer Carr, Nevada Division of Environmental Protection Representative
Zachary Thomas, City of South Lake Tahoe Representative
Jason Drew, El Dorado County Member
Robert Erlich, City of South Lake Tahoe Lay Member
Crystal Jacobsen, Placer County Representative
James McNamara, Washoe County Lay Member
Kevin Hill, Carson City Lay Member
Ben Letton, Lahontan Regional Water Quality Control Board Representative
Eric Young, Washoe County Representative
Kate Moroles-O'Neil, Douglas County Representative
Heather Ferris, Carson City Representative
Vacant, Placer County Lay Member
Garth Alling, Douglas County Lay Member
Chief James Drennan, Tahoe Basin Fire Chiefs Representative
Serrell Smokey, Washoe Tribe of Nevada and California Representative
Ashley Sibr, US Forest Service Representative

Vacant, Natural Resources Conservation Service
Steve Teshara, Tahoe Transportation District Representative
Vacant, ARB Office of the Ombudsman

Julie W. Regan

Julie W. Regan, TRPA Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Tahoe Regional Planning Agency
Zoom

February 11, 2026

Meeting Minutes

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I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ferry called the meeting to order at 9:34 a.m.

Members present: Mr. Alling, Ms. Carr, Mr. Drew, Mr. Erlich, Ms. Ferris, Mr. Ferry, Mr. Hill, Ms. Jacobsen, Ms. Fiore-Wagner (for Mr. Letton), Mr. McNamara, Ms. Sibr (arr. 9:56 a.m.), Ms. Stahler, Chief Drennan, Mr. Teshara, Mr. Hitchcock (for Mr. Thomas), Mr. Young (arr. 9:45 a.m.)

Members absent: Ms. Moroles-O'Neil, Chairman Smokey

II. APPROVAL OF AGENDA

Mr. Hester advised that Agenda Item No. VI.B. will be continued to a future meeting.
Mr. Ferry deemed the agenda approved as amended.

III. DISPOSITION OF MINUTES

Ms. Teshara moved approval of the January 14, 2026, meeting minutes, as amended.
Mr. Alling seconded the motion.

Abstentions: Ms. Ferris, Mr. Erlich, Ms. Fiore-Wagner

Motion passed.

IV. PLANNING MATTERS

Agenda Item No. IV.A. Cultivating Community Conserving-the-Basin.pdf

Mr. Jacob Stock, Senior Planner with TRPA, presented the item regarding the public scoping period for an Environmental Impact Statement (EIS) for Cultivating Community, Conserving the Basin.

He explained that the program is focused on evaluating how TRPA policy and code may be adjusted to better support workforce housing while maintaining and potentially accelerating attainment of environmental thresholds under the Regional Plan.

Mr. Stock said that the Governing Board passed a motion in January to initiate the EIS based on the project description. He noted that this action represented an important milestone for the project.

He further explained that the process is now in the public scoping period for the EIS, and staff is requesting that the Advisory Planning Commission (APC) hold a scoping meeting with members of the APC and members of the public, both in person and online. Mr. Stock expressed hope that the presentation would lead to a robust discussion regarding the scope of the EIS.

Mr. Stock outlined the main points of his presentation (slide 2). He said that he would first explain what an Environmental Impact Statement is and provide background information. He would then describe the scoping period and explain its significance. He would provide an overview of what is proposed to be studied in the EIS and summarize the project description approved for study by the Governing Board the previous month. He would also explain how to submit comments on the scope of the EIS, including options available to members of the public and the APC. Finally, he would outline the next steps in preparing the Environmental Impact Statement.

Slide 3 - Mr. Stock explained that an Environmental Impact Statement (EIS) is the highest level of environmental analysis conducted by TRPA. An EIS analyzes the environmental impacts of a potential action, including alternatives to the proposed action and mitigation measures for any likely impacts.

Mr. Stock continued by explaining that the policies analyzed in the EIS, as outlined in the project description, function as the “envelope” or “sandbox” for potential policy and code changes that could result from the project. He stated that this framework defines the full extent of actions that may be taken under the project. Therefore, staff intend to study the full range of those potential actions within the EIS.

Mr. Stock explained that slide 4 included a list of more than a dozen resource areas that will be studied in the EIS. He explained that the analysis will cover all environmental threshold categories and that the scope is comprehensive from the outset. He noted that, among other topics, the EIS will evaluate land use, neighborhood compatibility, growth management, water quality, scenic quality, transportation, public safety, and wildfire and evacuation. He clarified that these areas are included by virtue of conducting an EIS.

Mr. Stock explained that the scoping period began the previous month and will continue through March 16, 2026 (slide 5). He said that the process is currently midway through that period. He described the scoping period as an opportunity to add to the previously presented list of resource areas and to provide additional detail regarding what should be analyzed and how the analysis should be conducted in the EIS.

He clarified that the scoping period is not an opportunity to change the project proposal itself. There will be a later opportunity in the process to alter the proposal after the EIS is completed and before any policy is adopted.

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Mr. Stock explained that the current focus should be on identifying environmental impacts that are important to consider in the EIS and determining how those impacts should be evaluated. He reiterated that the discussion at this stage should center specifically on environmental impacts, as that is the current phase of the process.

He stated that the scoping period is important because comments and input received will shape the scope of the environmental analysis. He noted that decisions about what is studied and how it is studied will influence both the project and the environment. He concluded that this is an important phase of the project.

Mr. Stock explained that the details of what is being studied in the EIS are included in Attachment A of the packet and summarized in the project description and Attachment B, which is the Notice of Preparation. He added that APC members had an opportunity to review and comment on the project in December, and staff incorporated those comments into the proposal. He noted that the material would largely be a review, and that he would summarize key points from the project description to clarify what is currently under consideration for comment.

Mr. Jacob Stock reminded the Commission that the proposed policies are based on the project goals and outcomes approved by the Governing Board in March (slide 7). He explained that, at the core of the project, staff sought to craft policy that meets regional housing needs while maintaining and improving environmental conservation and preservation.

Mr. Stock added that one method proposed to achieve this objective is a tiered incentive structure. Under this framework, the highest priority would be given to deed-restricted affordable and moderate-income housing. Lesser incentives would be provided for deed-restricted achievable housing and what staff refers to as “affordable by design” housing. He said that no incentives would be provided for market-rate single-family housing or unrestricted condominiums. He clarified that this structure reflects comments received from members of the APC, the Governing Board, and the public during the earlier project comment period.

Slide 8 - Mr. Stock began outlining policies intended to reduce the time and cost of building workforce housing. He said that the EIS will analyze replenishing the bonus unit pool by removing development rights from the commercial floor area, tourist accommodation unit, and persons-at-one-time pools. He noted that persons-at-one-time rights, often referred to as “PAOTs,” are development rights typically associated with uses such as campsites and recreation facilities. He explained that the proposal would convert some of those development rights into bonus units. He said that a portion of the converted bonus units, approximately 10 percent, would be reserved for affordable-by-design housing, while the majority would be reserved for deed-restricted housing.

Mr. Stock said that staff will also consider establishing a bonus unit conversion ratio that reflects the environmental impacts of bonus units as compared to other development types. He explained that the EIS will also analyze policies related to junior accessory dwelling units (JADUs) associated with single-family homes. He described a JADU as a small apartment, 500 square feet or less, located within the existing footprint of a single-family home. He said that the proposal would consider eliminating the requirement for a separate development right for a JADU.

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Mr. Stock said that staff will examine policies to ensure that all new development contributes proportionally to meeting regional housing needs. He added that the EIS will analyze scaling development rights using conversion ratios as a basis, and scaling TRPA fees to reflect updated data on environmental impacts and the cost of doing business.

Finally, he explained that single-family homes are currently exempt from TRPA environmental review and have been for some time. He said that staff will evaluate holding small multifamily housing that meets regional housing needs to the same environmental review standard. He added that staff intend to examine applying similar standards to deed-restricted housing constructed as infill or redevelopment.

Slide 9 - Mr. Stock said that water quality is the foundation of TRPA's work as an agency. He explained that the water quality component of the proposal would update land coverage and stormwater policies to focus on improving water quality while allowing compact infill housing in appropriate locations, particularly in town centers.

He said that the objective is to ensure that multifamily housing does not face stricter or more costly water quality treatment requirements than single-family housing. He added that, through these changes, staff believes overall water quality can be improved. As an example, Mr. Stock explained that the EIS will analyze allowing increased parcel-level coverage for multifamily development, with the goal of achieving reduced land coverage basin-wide.

He added that maintenance of stormwater infrastructure and Best Management Practices (BMPs) will be critical. Therefore, staff will analyze new methods to ensure effective monitoring and maintenance of stormwater systems.

Slide 10 - Mr. Stock said that staff will also analyze new strategies to increase housing choice. This includes evaluating new zoning approaches to support "missing middle" housing types. He explained that staff seeks to encourage local governments to unlock existing housing stock for the local workforce and is considering incentives to support that effort. He added that significant support was received from the public and advisory groups for establishing a regional housing authority to coordinate funding and programming for workforce housing. He confirmed that this concept will also be analyzed in the EIS.

Mr. Stock said that, as the Commission enters the scoping discussion, he wanted to reiterate several important points regarding the purpose of an Environmental Impact Statement (slide 11). He explained that the policies analyzed in the EIS represent the envelope of study for the project and that the goal is to evaluate the environmental impacts of those potential policies. He said that adjustments or scaling back of policies can occur later in the process if warranted by the analysis. He emphasized that the current focus is on developing the scope of the environmental analysis. Mr. Stock explained that staff is seeking input on what impacts should be considered in the analysis and how they should be evaluated. He stated that those comments will help define the scope of the Environmental Impact Statement.

Referencing slide 12, Mr. Jacob Stock explained that one way to provide comment is by participating in the public scoping discussion scheduled to occur immediately following his presentation. However, he emphasized that this is not the only method. Mr. Stock said that the preferred method for submitting comments is by email to housing@trpa.gov. He noted that

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written comments are particularly useful. He reminded the Commission and the public that comments on the scope of the EIS are due by March 16, 2026. He reiterated that, at this stage of the project, staff is considering comments only on the scope of the environmental analysis. He clarified that there will be additional opportunities to comment on the project after the draft EIS is completed.

Mr. Stock added that additional project information, including the project description, is available on the Major Projects page at trpa.gov. He further explained that a scoping summary will be posted on that page after the scoping period concludes. That summary will include all comments received during the scoping period.

Mr. Stock outlined the next steps in the process (slide 13). He said that the Governing Board directed staff the previous month to initiate preparation of the EIS and to release the Notice of Preparation. He confirmed that staff released the Notice of Preparation at the end of January.

He explained that the release of the Notice of Preparation initiated the scoping period, which will last six weeks for this project. He noted that the typical scoping period is 30 days; however, staff extended it to six weeks to provide additional opportunity for public participation.

He reiterated that the scoping period runs from January through March 16 and that the process is currently in the middle of that period. As part of the scoping process, staff requested that the Advisory Planning Commission host a scoping meeting to allow APC members and the public to comment on the scope of the EIS. Mr. Stock added that all comments received will be compiled into a scoping summary report following the close of the scoping period.

He emphasized that this will not be the final opportunity for input. He said that additional public comment opportunities will occur in the summer when the Draft EIS is released. He further noted that staff anticipates presenting a Final EIS and policy proposal in the fall and early 2027. He reiterated that there will be additional opportunities for engagement and comment; however, the current focus is specifically on defining what should be included in the EIS.

Mr. Stock invited questions and discussion regarding the scope of the EIS and stated that comments and ideas provided during the meeting would be recorded and included in the scoping summary report after the scoping period concludes.

APC Comments

Mr. Steve Teshara thanked Mr. Stock and noted that the presentation moved quickly. He asked for context regarding the reference to the “cost of doing business.” He specifically inquired as to whom that cost applied.

Mr. Stock responded that when he referred to the “cost of doing business,” he meant the cost incurred by TRPA staff to review projects and issue permits. He explained that there is a parallel effort currently underway - the Permit Improvement Program - in which staff are evaluating the time and cost associated with reviewing various types of projects and making adjustments to fees to ensure that those costs are recovered.

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Mr. Teshara said that he typically interprets “cost of doing business” as referring to those who must work with the agency and thanked Mr. Stock for clarifying.

Mr. Teshara then said that, based on public comments and feedback from colleagues, there appears to be significant concern regarding “missing middle” housing, the definition of achievable housing, and housing for certain income categories that is not deed-restricted. He asked how the EIS would bring clarity to that issue, if at all.

Mr. Stock began by addressing “affordable by design” housing, which he described as a new concept proposed within the project. He explained that this approach would create a definition for housing that is not necessarily deed-restricted but would still receive certain incentives if designed to serve the local workforce.

He said that the rationale behind this proposal is that bonus unit utilization has not met the expectations established under the 2012 Regional Plan. He explained that setting aside a small pool of bonus units and associated incentives for affordable-by-design housing would allow the agency to explore whether new workforce housing units could be produced without deed restrictions.

Mr. Stock noted that there may be cost benefits to this approach, particularly when compared to the cost of subsidizing deed-restricted housing, which can be a significant barrier - especially for middle-income projects. He said that bonus units have not been widely utilized for those types of projects.

Regarding how the efficacy of this approach could be analyzed in the EIS, Mr. Stock explained that the agency has retained Mr. William Anderson, an expert in housing market analysis, to conduct residual land value analysis. He described this work as examining how projects “pencil out” financially and where price points ultimately fall. He clarified that this market analysis is beyond the formal scope of the EIS but is part of the broader project analysis.

With respect to environmental impacts, Mr. Stock said that he is interested in hearing what impacts stakeholders would like staff to examine. He indicated that it is not yet clear whether environmental impacts would differ based on whether a housing unit is deed-restricted or non-deed-restricted. He acknowledged that the analysis may help answer that question.

Mr. Graham St. Michel, TRPA General Counsel, said he wished to add clarification in response to Mr. Teshara’s question. He explained that the Environmental Impact Statement will focus specifically on the potential environmental impacts of the policies being studied.

Mr. St. Michel noted that staff has been working through the Tahoe Living Working Group for approximately one year to refine the policy concepts under consideration. He said that he does not anticipate the EIS evaluating the wisdom of the policy recommendations themselves, but rather analyzing their potential environmental impacts.

He added that, through the environmental analysis process, it is possible that certain ideas may be identified as having greater environmental impacts than others, and that information could emerge through the EIS process. He emphasized that this remains an ongoing effort as staff continue to evaluate the policy concepts and their implications.

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Mr. St. Michel added that staff anticipates returning to the Advisory Planning Commission to discuss a final tranche of policy concepts, including income limits. He said that staff intend to agendize those discussions during the scoping period and anticipates returning to the APC soon.

Mr. Teshara thanked Mr. St. Michel for his clarification and said that he had two primary considerations. First, he emphasized the importance of conducting a thorough Environmental Impact Statement and ensuring that it is properly prepared and comprehensive. Second, he cautioned against creating unrealistic expectations regarding what the EIS can accomplish.

Mr. Ferry acknowledged that the focus of the EIS is on environmental impacts. He referenced factors such as intensity, traffic, and the other environmental categories listed in the presentation. He said that he had been considering whether the presence or absence of a deed restriction would affect those types of impacts. He suggested that this question could potentially be posed to the consultant to determine whether an objective answer could be developed through the EIS process. He added that, given the apparent concern surrounding this issue, it would be appropriate to examine it.

Mr. Hitchcock said that he had reviewed the submitted public comments and observed that many referenced a “no-growth alternative.” He noted that his assumption was that a no-project alternative would be included, which would reflect continuation of the current growth management system. He acknowledged that the existing system still contains a growth component.

Mr. Hitchcock said that some comments appeared to request a “no-growth alternative.” He asked whether such an option is feasible, noting that it might require a moratorium or other action to halt development entirely. He requested feedback from staff on whether that approach is even an option.

Mr. Stock responded that the EIS would include a no-project alternative, as is standard practice. He suggested that a “no-growth alternative” might rise to the level of a Regional Plan update. He indicated that he would defer to Mr. St. Michel for further clarification.

Mr. St. Michel thanked Mr. Hitchcock for the question and said that staff would treat the comment as a scoping comment for consideration. He explained that staff would evaluate how the “no-growth alternative” concept is being framed and whether it is intended as an alternative within the EIS. He stated that it was unclear whether the intent behind the comment was to propose a formal alternative structured as a moratorium, or whether it was intended to mean a no-project alternative in which the proposed policies would not move forward. He acknowledged that the phrasing was not entirely clear and said that staff would need to address and clarify that distinction.

Mr. Hitchcock responded that the term “no-growth alternative” can be interpreted in multiple ways and suggested that staff should anticipate that concern and be prepared to respond clearly.

Mr. John Hester added comments to clarify the role of the EIS. He stated that the EIS will identify the environmental impacts of the proposed policies, as outlined by Mr. Stock, as well as

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the impacts associated with a no-project alternative and any additional alternatives, which have not yet been fully defined.

Mr. Hester explained that the EIS will then identify mitigation measures corresponding to those impacts. By way of example, he stated that if a “no-growth” approach were proposed, mitigation measures could involve acquisition of property rights, which would require funding, as property rights cannot simply be taken.

He added that the EIS will evaluate whether environmental impacts differ depending on whether housing units are deed-restricted. If differences are identified, the EIS would then evaluate appropriate mitigation measures. He emphasized that this illustrates the purpose and context of the environmental review process.

Mr. Ferry said he interpreted the “no-growth” comment as referring to no additional growth beyond what is already contemplated and approved under the 2012 Regional Plan.

Mr. Robert Erlich said that, under the section he had been reviewing, several potential alternatives were listed. In addition to the no-project alternative, he noted references to a “partial policy” alternative, as well as environmentally focused and housing-forward alternatives.

Mr. Erlich inquired whether the partial policy package could encompass ideas that promote housing without increasing population, coverage, or unmitigated coverage. He observed that there is reference to such considerations within the partial policy description but noted that several public comments suggested exploring options that would not increase basin population, including reconsideration of bonus units.

Mr. Erlich said he was attempting to determine whether additional details are needed regarding what the partial policy alternative could include in order to address concerns raised by the public.

Mr. Stock responded that the partial policy alternative, as described in the Notice of Preparation, is currently outlined at a high level. He explained that during the scoping period and throughout preparation of the EIS, staff intend to further define and refine what that alternative could entail. He said that any comments received regarding what a partial policy alternative should include will be considered as staff develop that alternative in greater detail.

Mr. Erlich indicated that he would wait to see how the alternative is developed. He encouraged staff to review public comments and evaluate what could be accomplished without increasing population. He referenced consideration of how bonus units might be used or mitigated in that context.

Mr. Eric Young stated that the discussion regarding whether deed-restricted units differ in their impacts prompted him to consider two levels of analysis. He noted that one approach would involve analyzing the impacts of these housing units at the individual level - for example, evaluating the impact of a single bonus unit. He referenced considerations such as unit size, location, and the specific impacts at the parcel or project level.

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Mr. Young then contrasted that with a broader question: what if the policies are successful? He asked how the analysis would account for the scenario in which a substantial number of workforce housing units are produced and measurable progress is made toward increasing workforce housing availability.

He said that this broader perspective implicates larger regional goals, including reduced travel distances, community-building objectives, and related considerations. He emphasized that this type of analysis differs from examining the environmental impact of an individual housing unit.

Mr. Young posed the question of whether the EIS should evaluate both levels of impact: first, the parcel-level impacts of allowing individual units to proceed; and second, the cumulative or program-level impacts if the policies are broadly successful and produce the intended results.

Ms. Stahler said that she had several questions and thoughts regarding the discussion and would do her best to articulate them clearly. She said that her understanding was that the APC was being asked whether it had any recommendations regarding what the Environmental Impact Statement should evaluate.

Ms. Stahler said that, from her perspective, the items presented on the slide outlining resource areas for analysis were appropriate and that she was pleased those topics would be evaluated. She noted that the proposal involves incentivizing the accelerated development of workforce and affordable housing, particularly within town centers. In that context, she said that it would be important to emphasize evaluation of transportation and traffic impacts, as well as impacts to parking, noise, and air quality.

Ms. Stahler further referenced the earlier discussion of water quality, saying that water quality considerations are complex and often interrelated. She noted that one factor can affect another. As an example, she explained that limited parking availability may lead to increased off-street parking, which in turn can have water quality implications.

Ms. Crystal Jacobsen said that, from a scoping perspective, the list of items proposed for analysis in the Environmental Impact Statement appeared comprehensive and appropriate. She indicated that she did not have additional comments regarding the resource areas identified.

She said that she was interested in hearing from members of the public regarding whether there are additional items that should be analyzed beyond those listed. She observed that the resource areas outlined appear extensive and thoughtfully developed.

Ms. Jacobsen added that she is interested in the discussion of alternatives. In addition to analyzing the impacts if the proposed policies are implemented successfully, she expressed interest in understanding the impacts of taking no action. She referenced the earlier discussion regarding the no-project and no-growth concepts and suggested that it would be important to analyze the overall environmental and regional impacts of doing nothing.

She stated that this analysis should consider potential impacts to the lake, the environment, and the region more broadly if no changes are made.

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Mr. Ferry agreed with her comments, saying that evaluating the future conditions in the absence of the proposed policies is important, including consideration of impacts related to commuting, remote workers, and associated effects.

Ms. Carr said that Ms. Stahler had already articulated many of the points she had been considering. She indicated that she would take the discussion in a slightly different direction, focusing on the interconnectedness of environmental impacts.

Ms. Carr explained that environmental elements are often interrelated. She provided examples, noting that increased human presence can affect noise levels; noise can affect wildlife; and wildlife impacts can influence outdoor recreation. She emphasized that these categories of environmental thresholds are interconnected and that this interconnectedness has been discussed previously by the Tahoe Science Advisory Council.

Based on that context, Ms. Carr asked whether a role has been identified for the Tahoe Science Advisory Council in the EIS process. Specifically, she inquired whether the Council would have an opportunity to weigh in, participate, or review the EIS, given its expertise and perspective on the interconnected impacts of housing and population on environmental systems.

Ms. Sibr said that she would build on the earlier comments regarding alternatives, acknowledging that her remarks may extend slightly beyond the specific scoping question posed. Ms. Sibr added that she serves as a NEPA planner for the United States Forest Service and indicated that environmental impact analysis is within her professional expertise.

She stated that, for an EIS of this nature, careful consideration should be given to how the document is framed, particularly with respect to the statement of purpose and need. She emphasized the importance of being strategic in defining the purpose and need and in determining how decisions will be made regarding which alternatives are evaluated.

Ms. Sibr said that, although the development of alternatives may seem like a later-stage issue, it is beneficial to think through those considerations at the outset of the process. She suggested that staff consider the range of alternatives likely to be proposed and anticipate how to respond to alternatives that may not warrant consideration.

She further cautioned that when an EIS includes more than a limited number of alternatives, the distinctions between them can become less meaningful. Therefore, she emphasized the importance of carefully defining and distinguishing alternatives from the beginning and clearly communicating that framework to the public.

Ms. Sibr offered to review or provide input on the framing of alternatives if staff or members were interested. She concluded by noting that EIS processes tend to ‘have legs’.

Mr. Hitchcock said he is familiar with Persons at One Time (PAOTs), having worked with them in the past. He noted that, because the proposal contemplates converting PAOTs into units of use for housing development, he assumes that the Environmental Impact Statement will analyze the impact of the loss of PAOTs on the recreation threshold.

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Mr. Stock clarified that the proposal involves analyzing the conversion of certain overnight PAOTs into bonus units. He explained that utilization of overnight PAOTs has not occurred at the levels previously anticipated. He confirmed that the EIS can evaluate the potential effects of converting overnight PAOTs in relation to the recreation threshold.

Mr. Teshara said that public safety and hazards, including wildfire and evacuation, are identified as areas the EIS will analyze. Referring to the description provided, he noted that the Draft EIS will evaluate potential effects on wildfire risk exposure, evacuation constraints, and related public safety considerations at a programmatic level. Mr. Teshara added that he was attempting to get ahead of public expectations and potential concerns that could later be characterized as shortcomings. He asked how staff would define "programmatic level."

Mr. Stock responded that he would define "programmatic level" as "policy level." He explained that the EIS is programmatic in nature and that staff is not analyzing the specific impacts of specific projects. Rather, the analysis will focus on the regional impacts of a program.

Mr. Teshara said that he appreciated the clarification and wanted the record to be clear on that distinction. He observed that there is often confusion between programmatic-level and project-level analysis, including among those who have been involved in these processes for many years. He said that he anticipates some members of the public may expect project-level analysis from this effort. He emphasized the importance of clearly setting expectations that this EIS is programmatic and not project-level.

Mr. Alling said that his comment builds on earlier remarks by Ms. Stahler and Ms. Carr regarding interconnectedness.

Mr. Alling observed that cumulative effects analysis often appears at the end of each resource section within an EIS, tied to individual impact areas. He said that he believes it is important to consider including a separate chapter dedicated specifically to cumulative effects that analyzes all impact areas together.

He explained that environmental analyses are frequently conducted in silos, addressing direct impacts within individual resource categories. However, he noted that there is often substantial overlap among impact areas, and an impact identified in one category may not be fully addressed in another.

Mr. Alling concluded by emphasizing the importance of including a robust, comprehensive, and detailed cumulative effects analysis within this EIS.

Chair Ferry noted that several of his points had already been made but said that he wanted to reinforce them. Mr. Ferry emphasized that the EIS must carefully evaluate the proposed changes related to land coverage and water quality, including the analysis of Best Management Practices (BMPs). He observed that the proposal may involve changes in those areas and said that careful scrutiny of those details is critical.

He referenced earlier remarks that "the devil is in the details" and suggested that the EIS should evaluate real-world scenarios. By way of example, he asked what a 100-percent covered multifamily lot would look like in practice. He raised questions about soil types in higher

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capability lands where projects may occur and whether BMPs would function effectively at that level of intensity. He further stated that feasibility analysis regarding long-term maintenance should be included.

Mr. Ferry said that the EIS must thoroughly test these questions because they are likely to be a significant focus of public scrutiny. He emphasized that no one wishes to degrade the lake and that the natural environment is central to why residents live in the region. He stated that the EIS must be "bulletproof" on coverage and water quality issues, as those aspects will be heavily examined.

He then referenced density, acknowledging that increased density could result in additional units, additional residents, and potentially more vehicles. However, he noted that a key goal of the proposal is to direct housing to town centers, encourage transit use, and enable people to live closer to their workplaces.

Mr. Ferry said that the EIS must test those assumptions. He asked whether, if housing is built, people will live in it, whether they will be able to afford it, and whether it will result in shorter commutes. He emphasized the importance of analyzing those scenarios in a realistic manner, noting that these considerations are central to the purpose of the proposal.

He acknowledged that he is not a NEPA planner but reiterated that scenario testing is critically important, particularly in light of anticipated public concerns. He added that wildfire evacuation will be a significant area of scrutiny and that those issues must be thoroughly evaluated. He also referenced vehicle miles traveled (VMT) as an important area of analysis.

Mr. Erlich referenced Mr. Brendan Ferry's comments regarding potential changes to land coverage. He agreed that careful evaluation of Best Management Practices (BMPs), including area-wide BMPs, would be necessary.

Mr. Erlich noted that the document referenced increased maintenance and monitoring of stormwater treatment facilities. He asked whether that increased maintenance and monitoring would be part of the proposed action itself, or whether it would be identified as mitigation within the EIS. He said that he was uncertain whether the distinction would make a meaningful difference within the NEPA or environmental document framework but expressed interest in understanding how it would be characterized in the analysis.

Mr. Jacob Stock responded that increased maintenance of both parcel-level and area-wide Best Management Practices (BMPs) is part of the policy proposal itself. He explained that the proposal includes creating a new system to ensure ongoing maintenance and monitoring of stormwater facilities. He clarified that this component is part of the proposed action and is not being presented as a mitigation measure.

Public Comment

Ms. Danielle Hughes, President and CEO of Tahoe Spark, a newly formed nonprofit organization, stated that what she had not heard during the discussion was meaningful consideration of the baseline information that will be used in the analysis.

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Ms. Hughes stated that TRPA is presenting a package intended to support resident-focused policy refinement; however, in her view, the analysis does not clearly establish that foundation. She noted that the proposal references deed-restricted housing and other housing types, but she emphasized that the North Shore is experiencing a declining resident population. She stated that, year over year, the region is losing approximately 15 percent of its population because residents cannot afford to live in the area.

She further stated that the programs being proposed are, in her view, using housing mitigation and subsidies in ways that do not necessarily support permanent residents. She referenced the 39 Degrees North project as an example, stating that housing mitigation funds are being used to provide J-1 housing for individuals who are not permanent residents. She stated that public policy at both the California and Nevada levels is based on population figures, and she reiterated that the region's resident population is declining.

Ms. Hughes stated that the analysis should focus on updating baseline data, including clearly defining primary residences that count toward the census and the actual resident population. She stated that, although the proposal suggests no growth, no one has evaluated the housing conversion trends since the 2012 Regional Plan was adopted and since the introduction of Airbnb and VRBO in 2013. She stated that there has been substantial conversion of existing housing and asserted that the region currently has a 70 percent vacancy rate.

She stated that high-density housing is being proposed while residents are experiencing difficulty obtaining insurance coverage. She stated that she is insured under the FAIR Plan and that many of her neighbors are as well. She questioned whether the proposed housing would even be insurable and stated that her insurance costs are expected to increase by 60 percent this year. She asked whether residents can afford such increases and questioned whether it is appropriate to introduce additional high-density housing without fully assessing whether people will live in those units.

Ms. Hughes urged TRPA to focus on who the proposed policy changes are intended to serve and to address the broader housing and market conditions in the region. She stated that transportation issues associated with the drive-up market and regional growth are not being adequately addressed and that those populations must be considered.

She further stated that there has been no substantive discussion of energy planning. She stated that her professional background is in energy and that this was the basis for forming Tahoe Spark. She noted that Liberty Utilities' wholesale energy procurement contract expires in 2027 and was previously expected to expire in December 2025. She stated that there is uncertainty regarding where the region's energy supply will originate after that date.

Ms. Hughes asserted that electricity rates have increased by approximately 100 percent over the past four years and stated that neither state is adequately overseeing those increases. She stated that ratepayers are subsidizing costs and climate-related improvements outside the region through wholesale market adjustments. She expressed concern that high-density housing is being proposed without adequate attention to energy supply and affordability.

She stated that there is no clear forecast for energy supply beyond 2027 and that neither state has identified a plan. She urged TRPA to prioritize energy considerations in its analysis. She also

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stated that she would work with staff to clarify population assumptions, asserting that the Energy Commission's 7 percent growth projection being used for forecasting is incorrect.

Mr. John Grigsby said that he is a 16-year local resident and lives nearby. He stated that, overall, the current proposal reflects a significant improvement from what was presented at the prior public workshop. He indicated that he would limit his remarks to several major points and noted that he has submitted written feedback as well.

First, Mr. Grigsby stated that the concept of converting commercial space and PAOTs is valid. However, he cautioned that, when evaluating environmental impacts, the analysis cannot measure actual development against hypothetical businesses that never existed or tourists who never arrived to utilize PAOTs. He stated that impacts must be measured against actual existing usage and development.

Second, Mr. Grigsby stated that any study of the environmental impacts of "affordable by design" housing must use a time horizon at least equal to the service life of the building. He noted that the proposal includes a 15-year conversion period to unrestricted housing, but he stated that the evaluation must extend far beyond that period. He referenced historical trends in Tahoe, stating that property values have increased by ten times or more over time.

He said that approximately 70 to 80 percent of homes in the region are now vacation homes, even though many were originally constructed as affordable summer cabins. He asserted that the EIS must evaluate projected property values 50, 60, and 70 years into the future, rather than focusing solely on current or near-term sales prices.

As evidence, Mr. Grigsby referenced small dwellings in Colorado mountain towns, stating that in Vail a one-bedroom, one-bath, 500-square-foot condominium is listed at $625,000; in Telluride, a 475-square-foot unit is listed at $1.1 million; and in Aspen, a 377-square-foot unit is listed at $1.75 million. He reiterated that long-term property value projections must be considered.

Finally, Mr. Grigsby said that any increased density or coverage that results in negative environmental impacts must be accompanied by a corresponding direct and measurable environmental benefit for each specific exemption or policy change.

For example, he said that deed-restricted and income-restricted housing for local workers who currently commute from Carson City or other areas could measurably reduce vehicle miles traveled, traffic, transit demand, and potentially improve fire and evacuation access. He characterized that as a clear and measurable benefit.

He then addressed "missing middle" housing, saying that while it is a valid and worthwhile concept, the burden rests on TRPA and the EIS to demonstrate specifically how such housing will serve local needs rather than attract additional second-home buyers.

Mr. Nick Speal said that he was calling to express support for moving the proposal forward to the EIS stage. He offered a suggestion regarding communications about the proposal.

Mr. Speal said that he has heard repeated discussion about the possibility of a significant population increase associated with the proposal and questions about how to mitigate such

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growth. He said that it is important to clarify that the proposal does not seek to increase growth beyond what is already authorized under the Regional Plan.

He said that, as he understands it, much of the focus is on allowing people to live closer together rather than increasing overall population. He suggested that when high-density housing is discussed as a concerning or alarming concept, it should be framed in contrast to dispersed development. He emphasized that allowing people to live closer together is different from allowing many more people to move to the region.

Mr. Speal continued that many of the proposed changes are described as incentives. He suggested that it may be more accurate to describe them as allowing certain types of housing rather than incentivizing them. He stated that this framing could help avoid the perception that market-rate housing is being subsidized. As an example, he stated that allowing someone to build an accessory dwelling unit (ADU) on their property should not necessarily be characterized as an incentive or a handout, but rather as permitting a housing type without imposing additional requirements.

Ms. Ann Nichols, North Tahoe Preservation Alliance, said she strongly supports Mr. Garth Alling's comment regarding cumulative impacts, emphasizing that cumulative impacts are often referenced in environmental documents but not fully analyzed.

Ms. Nichols stated that on the North Shore of Lake Tahoe, along a two-lane road, there are several major projects either permitted or proposed, including the Cal Neva project, the Waldorf Astoria project, and 39 Degrees North. She stated that these projects represent approximately 500 new units within a mile and a half. She questioned how the region can accommodate that level of development and requested a thorough and genuine cumulative analysis.

She further stated that, for decades, TRPA has allowed conversions between development right categories without conducting a comprehensive accounting of cumulative effects on residential intensity or population. She referenced the January 2026 proposal's acknowledgment of this gap and its proposal to study scaled conversion ratios for the first time.

Ms. Nichols stated that an agency cannot retroactively legitimize unmeasured growth by redefining it as baseline conditions. She added that she has been in discussions with Ms. Karen Fink and asserted that development rights are not required for conversions.

She asked what specific evidence TRPA relies upon to conclude that the policy approach pursued since 2012 - particularly incentive-based housing, flexible definitions, and deferred analysis - will succeed now, given that prior iterations have not achieved their stated outcomes. She stated that references to potential success are dangerous.

Ms. Nichols stated that, whether intentional or not, the pattern has consistently operated in one direction, removing constraints while preserving discretion, and that this approach lacks transparency. She urged TRPA to determine the current baseline and potential growth under existing conditions, rather than creating a new baseline through the analysis.

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She further stated that the matter appears to be proceeding as though already approved and expressed concern that support expressed during the process could later be characterized as endorsement of the proposal.

Ms. Sharon Kerrigan, Executive Vice President of the South Tahoe Association of Realtors and a real estate representative on the Tahoe Living Working Group, stated that the South Tahoe Association of Realtors submitted a letter; however, she believes it was submitted after the deadline. She said that, on behalf of her Board of Directors, she wanted to ensure the Commission was aware that they are requesting that attainable homeownership be considered and prioritized as part of the housing strategy.

She said that the Board's position is that if it can be made affordable to build housing, then it can be made affordable to purchase. She said that they support reducing regulatory and procedural barriers that increase per-unit construction costs. She added that they support modernizing the development right system to better support smaller, ownership-oriented housing types, which she described as "starter homes."

Ms. Kerrigan further stated that they support encouraging missing middle housing for sale, including townhomes, condominiums, and modest single-family residences.

Speaking from her role on the Tahoe Living Working Group, she said that she appreciates the discussion and agrees that the impacts of deed restrictions should be carefully analyzed. Drawing from her real estate experience, she said that deed restrictions can deter participation, particularly for accessory dwelling units (ADUs) and single-family homes, even though deed restrictions have been effective in multi-unit projects such as Sugar Pine Village. She said that it is important to evaluate whether deed restrictions will be workable across different housing types.

Ms. Kerrigan also referenced Mr. Steve Teshara's comments regarding fire safety and evacuation routes and stated that this issue must be thoroughly analyzed, as it will be heavily scrutinized by the public. She referred to Paradise as an example of a community with limited evacuation routes.

Ms. Alexis Ollar, Executive Director of Mountain Area Preservation (MAP), thanked the APC members for their service and for carefully reviewing the Notice of Preparation and the Environmental Impact Statement materials.

Ms. Ollar said that participants in the process agree that the environmental review is important. She emphasized that utilizing existing baseline conditions is critical. She noted that, as commenters have stated, this may be one of the first opportunities to evaluate not only the level of build-out in the basin but also the status of the existing growth cap under the 2012 Regional Plan. She stated that it is important to understand what proposed conversions mean in that context.

She said that Mountain Area Preservation supports workforce housing but remains concerned about maintaining the established growth cap and honoring the intended build-out limits for the basin. She stated that this consideration should be central to the Environmental Impact

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Statement and to the cumulative impacts analysis, particularly given the number of projects proposed in specific areas of the basin and development occurring outside the basin.

Ms. Ollar also stated that the EIS should evaluate the benefits of utilizing existing housing stock. She referenced unlocking existing units within jurisdictions to enable workforce households and local families to live near employment centers and schools. She said that a significant percentage of existing housing units could potentially be utilized more effectively and that the environmental benefits of doing so should be evaluated in the EIS.

She further referenced policy considerations put forward by MAP, such as income caps and noted that it is important to clarify when and how those issues will be evaluated in the environmental document. She said that many stakeholders want to ensure that housing efforts advance opportunities for low- and moderate-income households and that housing data support that need. Ms. Ollar concluded by emphasizing the importance of carefully evaluating both existing conditions and housing needs in the process. She concluded that Mountain Area Preservation will submit written comments by March 16, 2026.

Ms. Ellie Waller questioned whether Phase 3, the final phase of the process, is anticipated to occur after completion of the Environmental Impact Statement, when more finite analysis will be available.

Ms. Waller referenced Land Use Policy LU 3.4, which states that existing development patterns in residential neighborhoods outside of centers and in environmentally sensitive lands should be maintained with no significant change. She said that she is uncertain how that policy will be addressed in the EIS and expressed hope that it will be upheld.

She said that filling town centers with achievable or affordable housing does not necessarily address lower-income housing needs. She observed that there are limited suitable locations for such housing and asked how the fairness ratio for lower-income requirements will be applied.

Ms. Waller referenced statutory documentation and TRPA language stating that, to the extent feasible and without compromising growth management provisions, threshold attainment, and affordable housing incentives, moderate-income housing will be encouraged in suitable locations. She said that this language does not fully address Housing Element Goal HS1, which promotes housing for full-time and seasonal residents and workers employed within the region.

She further referenced HS1.2, which encourages local governments to assume their fair share of responsibility for providing lower- and very low-income housing. She stated that encouragement alone may not be sufficient. She cited HS1.3, which states that facilities shall be designed and occupied in accordance with applicable standards for assistance to low- and very low-income households and that such units shall be made available for rental or sale at costs that do not exceed recommended state and federal standards.

She also referenced HS1.4, which states that affordable or government-assisted housing for lower-income households should be located near employment centers, government services, and transit facilities.

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Ms. Waller cited Tahoe City as an example, stating that when the garden nursery property was for sale, it represented an opportunity that met these criteria - being near a transit center and downtown and compatible with surrounding neighborhoods - but was instead sold to the Tahoe City Public Utility District. She acknowledged that private sales decisions cannot be controlled but stated that opportunities are being missed.

She then referenced Housing Goal HS2 and reiterated the language concerning feasibility and growth management. She questioned why certain Area Median Income (AMI) levels are being singled out. She agreed that capacity studies, existing conditions analysis, and evaluation of conversions are necessary so that policymakers understand how to address housing needs across all income levels.

APC Comments

Mr. Teshara addressed Mr. Stock in response to comments made by Ms. Danielle Hughes. He said that he was reviewing the section of the materials addressing public services and utilities.

He noted that the list includes water supply, wastewater collection and treatment, solid waste, fire protection, schools, and other public services. He stated that, while this appears to be a standard listing of topics addressed in an EIS, it would be appropriate to explicitly highlight energy supply as a specific category for analysis, in light of the concerns raised regarding energy infrastructure and procurement. Mr. Teshara concluded that energy supply should be clearly identified to ensure that those issues are examined.

Chair Ferry said that he views the proposal as an extremely important project for the future of the region. He said that all those involved care deeply about the outcome and are taking the matter seriously. Mr. Ferry stated that there is a shared interest in ensuring that the effort is successful and that all participants should continue to approach the process constructively and in good faith.

He said that the EIS should test the highest-impact scenario that can reasonably be anticipated, with the understanding that the proposal can be scaled back if necessary. He emphasized the importance of evaluating what the environmental thresholds can sustain without degrading the environment, provided appropriate mitigation measures are in place.

Mr. Ferry said that he looks forward to seeing how the process unfolds and to remaining engaged. He reiterated that the Commission is taking the matter seriously and thanked staff for bringing the item forward.

Mr. Teshara noted that comments from both APC members and members of the public referenced NEPA. He clarified that the Environmental Impact Statement under discussion is being prepared pursuant to TRPA's rules and procedures. He asked staff to confirm that the document is a TRPA EIS and not a NEPA document. Mr. Stock confirmed that it is a TRPA document.

Mr. Teshara acknowledged that there may be similarities between the two processes but emphasized the importance of making clear that this is an Environmental Impact Statement

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prepared under TRPA's rules, regulations, and procedures, and not under NEPA. Mr. Hester added, also not CEQA.

This item was informational only.

IV.C. Agenda Item No. IV.C. Water Quality Environmental Threshold Carrying Capacities

TRPA Chief Science and Policy Advisor, Mr. Dan Segan, TRPA, introduced the item, and began by saying that he wanted to clarify the relationship among the three agenda items, including the item (Agenda Item No. IV.B.) that was pulled, all of which referenced threshold standards.

Mr. Segan stated that, based on staff's review of public comments received on those items, there appeared to be some confusion regarding what was and was not being proposed. He stated that he wished to clarify the record for both the APC and the public.

He stated that there are no proposed changes to the Vehicle Miles Traveled (VMT) standard and that there have been no discussions about changing that standard. He further stated that there have been no discussions about modifying or changing the role of threshold standards within TRPA's regional management framework.

Mr. Segan explained that the role of the threshold standards is established by the Bi-State Compact and that those standards are elevated above most other aspects of the agency's work. He stated that the Regional Plan, which is prepared and maintained by TRPA in coordination with the Commission and partner agencies, is designed to achieve and maintain the threshold standards. He emphasized that there has been no discussion of modifying that role.

He further stated that modifying the role of the threshold standards would require amending the Bi-State Compact and fundamentally reorienting the agency.

Mr. Segan clarified that the reorganization referenced in the agenda items pertains only to how the threshold standards are presented to the Commission and the public, not to their substantive role within the agency's framework.

Mr. Segan continued by recalling that in 2021 TRPA undertook a reorganization of certain documents and co-located the threshold standards with the Regional Plan to provide improved flow. He explained that the intent was to present the overall goals first, followed by the plan and mechanisms to achieve those goals, within a single document.

He stated that, since that action, a number of stakeholders have commented that the structure is somewhat awkward and potentially outdated, noting that the document now contains two separate introduction sections. Mr. Segan clarified that the reorganization to be discussed at a future meeting concerns restructuring that document for clarity and improved presentation. He emphasized that the reorganization does not formally modify the role of the threshold standards or any individual threshold standard.

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He then transitioned to the agenda item and noted that his presentation would be brief. He thanked the Commission for the opportunity to clarify and indicated that he would be happy to answer any questions regarding the clarification or the item before the Commission.

Mr. Segan reminded the Commission that the Threshold Update Initiative includes two components: administrative updates and substantive updates. He explained that the water quality updates before the Commission at this meeting fall within the administrative category. He stated that, following that presentation, staff would transition to discussion of the substantive updates to the vegetation preservation standards related to forest health.

Slide 2 - Mr. Segan explained that the administrative updates stem from work that began in approximately 2017–2018, when TRPA engaged the Science Advisory Council. The Council identified that many of TRPA's threshold standards, some of which are more than 40 years old, do not consistently reflect best practices for articulating standards. Further some standards are not clearly understood by partners, stakeholders, or the public in terms of what the agency is attempting to achieve.

He explained that, since that time, TRPA has undertaken efforts to improve the quality of its standards. He reiterated that the co-location of the threshold standards with the Regional Plan was one such effort, intended to clarify both the agency's goals and the mechanisms for achieving them.

Slide 3 - Mr. Segan said that, during the most recent threshold evaluation, TRPA received significant public comment. He noted that the Commission, the Governing Board, and members of the public were engaged in discussions about the meaning of the evaluation and its implications for the agency's work plan.

Slide 4 - He said that one area of concern expressed during that process involved standards characterized as "implemented" rather than specific and measurable standards, as well as standards for which the "status could not be determined." He explained that, in many cases, the inability to determine status is attributable to the absence of baseline data, which makes it difficult to assess whether a specific goal has been achieved.

Mr. Segan said that, in response to those comments and concerns expressed by both Committee members and the Governing Board, staff renewed their efforts to update and improve the threshold standards. He said that the actions being presented at this meeting are part of that effort. He emphasized that the purpose of these updates is to make the system more transparent and to provide clearer information to the Commission and the public regarding progress toward achieving TRPA's overall mission.

Slide 5 - Mr. Segan said that he would not repeat the full presentation on the water quality updates, as those had been discussed in detail in January. However, he noted that there is one modification to highlight. He explained that the proposed change involves Water Quality Standard 7 and consists of a revision to the text to clarify its intent.

He added that the recommendation originated with the Science Advisory Council's review of the standards. The Council observed that, as currently written, the standard could be interpreted as evaluating total algae levels in the nearshore.

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Mr. Segan stated that the Council's recommendation was to clarify that the agency's evaluation should focus not merely on the presence of algae, but on reducing excessive periphyton. He said that this recommendation was reaffirmed by the Threshold Update Initiative Stakeholder Working Group and by the Environmental Improvement Program Committee of the Governing Board.

He explained that the proposed modification clarifies that the intent of the standard is to reduce excessive periphyton, rather than simply to support actions that may reduce it. He added that this clarification aligns with how the agency has evaluated the standard historically.

Mr. Brendan Ferry asked for a high-level summary of the administrative changes, with the exception of the one wording clarification to Water Quality Standard 7. He characterized the proposal as a reorganization or reworking of the water quality threshold standards, rather than substantive changes. Mr. Segan confirmed that this understanding is correct.

Mr. Segan responded that nothing substantive is changing as part of the package before the Commission. He explained that the meeting materials include a table identifying each individual standard, the proposed disposition of that standard, and explanatory notes providing the rationale.

He said that staff has received questions about whether the proposal would modify how TRPA and partners monitor water quality, including stream monitoring, in-lake monitoring, or nearshore monitoring. He clarified that it does not.

Mr. Segan explained that the proposal reorganizes the information TRPA collects and places each component into its appropriate category, rather than treating all elements as co-equal goals. Some metrics are used to understand overall performance toward a defined goal, while others are used to assess progress or inform management actions.

He provided an analogy. He said that if his personal goal were to run a four-minute mile, that goal - defined in specific and measurable terms - would represent the threshold standard. Achieving that goal would require a range of supporting actions, such as improved nutrition, additional sleep, and increased training. He explained that tracking those supporting actions - such as weekly mileage, running times, or dietary habits - should not be conflated with the overarching goal. Neither he nor others would celebrate simply because a weekly training target was met.

Mr. Segan said that the Science Advisory Council observed that confusion arises when all metrics and goals are presented at the same level. To effectively orient a system toward achieving a specific outcome, it is necessary to clearly distinguish between the ultimate goal and the various measures used to track progress toward that goal.

Mr. Ferry referenced the table titled "Standard Crosswalk," identified as Attachment E in the packet, beginning on page 258. He said that the table appears to provide a clear and organized summary of the proposal. He described it as listing the name of each standard, the existing text, the proposed action - most often to retain - and accompanying notes.

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He asked whether this table effectively serves as the summary of the proposal and a tool for both the Commission and the public to understand the changes.

Mr. Segan confirmed that this is correct. He noted that an earlier version of the documentation had prompted feedback that the rationale was incomplete, and staff has since augmented the table to provide more detailed explanations.

He explained that the first page of the table largely reflects standards proposed to be retained because the lower-numbered water quality standards are more closely aligned with the overarching goals. He added that the latter standards tend to relate to methods or mechanisms for achieving those goals.

He clarified that where the proposal indicates "retain," those standards would remain as threshold standards. Where the proposal indicates "remove," the table includes an explanation for why removal is proposed, identifies where the standard would reside within the broader system, and indicates whether any modification to the Regional Plan or Code is required. In many cases, the substance of those standards already exists elsewhere in TRPA's framework, and therefore no additional modification is necessary.

Mr. Ferry summarized that the actions are effectively to retain, remove, or relocate within the system. Mr. Segan stated that the proposal is framed specifically in terms of whether a provision remains, even though many of the removed items continue to exist in other parts of the system.

APC Comment/Questions

Mr. Alling thanked staff for the work completed on the proposal and for updating the table, stating that it is helpful and transparent. He requested that staff outline the process undertaken to review the changes, including consultation with the Tahoe Science Advisory Council and the Threshold Update Initiative Stakeholder Working Group (TUISWG). He noted that it is important for both the public and APC members to understand the level of effort and background behind the proposal, and that the changes are not simply staff-generated ideas without broader input.

Mr. Segan responded that the process began with a comprehensive review of TRPA's threshold standards. The Tahoe Science Advisory Council provided high-level guidance that each threshold standard should be specific, measurable, and outcome-based.

He explained that staff then reviewed the full suite of approximately 172 threshold standards to assess how each measured up against that criterion. He acknowledged that most standards did not fully meet the specific, measurable, and outcome-based standard recommended by the Council.

Staff then engaged the Tahoe Science Advisory Council to determine incremental steps needed to transition from the existing framework to the idealized system described by the Council. The water quality standards were selected for focused review because they were the most numerous and included many standards that did not align with the recommended framework, while also addressing issues considered important to retain within the overall system.

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Mr. Segan emphasized that removal of a provision from the threshold category does not mean the action itself is unimportant; rather, it may be better categorized elsewhere within the agency's framework. The Council's primary recommendation was to reorganize the system so that threshold standards reflect clearly defined outcomes, while implementation measures and tracking metrics are placed in appropriate supporting categories.

He acknowledged that reorganization can appear to be a significant change, and that substantial effort was required to work through the proposal with partners, including the Threshold Update Initiative Stakeholder Working Group and state partners, to clarify how the reorganization would function in practice. Mr. Segan said that effort began approximately five years ago, with a pause during other agency priorities, but that staff remained committed to improving transparency and clarity in the threshold system.

He said the proposal was presented to the Advisory Planning Commission in detail the prior month. The Threshold Update Initiative Stakeholder Working Group, which includes APC members, Governing Board members, and members of the public, reviewed the proposal three times, resulting in refinements such as the updated wording for Water Quality Standard 7. The Working Group endorsed the proposal last month.

The proposal was then presented to the Environmental Improvement Program Committee of the Governing Board, which reviewed and recommended adoption. Mr. Segan said that all of these meetings were publicly noticed and included opportunities for public comment.

Mr. Alling thanked Mr. Segan for the explanation and reiterated the importance of recognizing the extensive process and involvement that preceded the proposal. Chair Ferry agreed and emphasized that the effort has been underway for a significant period and is not a recent or abrupt change.

Mr. Erlich thanked staff for the background provided regarding the process and work that led to the proposed changes. He referenced the sections addressing thresholds for tributaries, surface water, and groundwater, noting that many of those standards were proposed to be eliminated as threshold standards or relocated within a different category.

He observed that one threshold standard related to "Other Lakes" remains and stated that he believes it is appropriate to retain that standard. He asked staff to explain why the Tahoe Science Advisory Council and other groups determined that the tributary standards should be treated as strategies, and the "Other Lakes" standard as a tactic. Mr. Erlich inquired whether there was consideration given to combining tributaries with the "Other Lakes" standard or retaining a broader threshold that would encompass both categories. He requested clarification regarding the reasoning and distinctions applied in the reorganization process (WQ 33, and WQ 15-18).

Mr. Segan began by confirming that the "Other Lakes" provision referenced is Water Quality Standard 33. He explained that the Tahoe Science Advisory Council initially identified the "Other Lakes" standard as a tactic rather than an objective. Under the recommended framework, tactics belong in other parts of the agency's system and are not intended to function as threshold standards, which should be outcome-based objectives.

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Mr. Segan stated that staff and the Threshold Update Initiative Stakeholder Working Group engaged in robust discussion regarding whether to remove the “Other Lakes” standard, consistent with the broader effort to relocate tactics outside the threshold category.

He clarified that the Council’s reasoning for identifying the standard as a tactic was based on its historical background. The original purpose of the standard was to highlight the hydrologic connection between other lakes and water bodies in the region and Lake Tahoe itself. In that context, the protection of other lakes was framed as a means of protecting Lake Tahoe, rather than as a standalone objective. If the intent is primarily to preserve Lake Tahoe, then the protection of other lakes functions as a tactic in service of that larger goal.

Mr. Segan noted that the Threshold Update Initiative Stakeholder Working Group has taken a conservative approach when recommending removal of threshold standards, particularly where the underlying intent is not clearly preserved elsewhere in the agency’s framework.

He referenced a prior effort approximately five years ago in which a number of “policy statements” were removed from the threshold system. Those policy statements were originally adopted before the Regional Plan existed and were intended to provide guidance in developing that plan. Over time, they were criticized by the Tahoe Science Advisory Council and peer reviewers because they articulated broad intent without being specific, measurable, or outcome-based. Most were removed during that cleanup process.

Mr. Segan added that two policy statements related to recreation were retained at that time because there was no appropriate alternative mechanism to preserve their intent.

He said that similar reasoning guided the TUISWG’s recommendation to retain Water Quality Standard 33 for the time being. They sought to preserve the intent related to protection of other water bodies while the agency considers whether additional or revised standards addressing those water bodies may be needed within the updated framework.

Mr. Segan continued by addressing Water Quality Standards 15 through 32, which include tributary standards, surface runoff concentration standards, and groundwater discharge standards.

He explained that Water Quality Standards 23 through 32 are site-level, or site-specific guidelines applicable to construction and other activities within the region. These provisions are already incorporated into the Regional Plan and Code of Ordinances. As such, they function as implementation requirements rather than outcome-based objectives. Because they are preserved elsewhere in the regulatory framework, they can be removed from the threshold category without altering on-the-ground protections, thereby reducing confusion about the overall progress toward threshold attainment.

Mr. Segan stated that Water Quality Standards 19 through 22, which address surface runoff concentration targets, follow a similar rationale. These standards were designed to measure progress in reducing pollutant concentrations entering streams, but they ultimately serve the broader objective of protecting Lake Tahoe’s water quality, including lake clarity and nearshore conditions.

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With respect to the tributary standards, he noted that several referenced state standards that no longer exist. He reminded the Commission that the Bi-State Compact requires the Regional Plan to achieve and maintain all state, local, and federal air and water quality standards. Therefore, there was prior discussion, approximately six years ago, regarding whether it was necessary to enumerate specific state water quality standards within the threshold system, given that compliance with all applicable standards is already mandated under the Compact.

He explained that staff determined it was appropriate to remove those standards that reference outdated state standards, as well as those that function primarily as measures of program effectiveness rather than standalone objectives. The concentration targets in streams were originally established to support the overarching goal of protecting Lake Tahoe's water quality, including preserving lake clarity, reducing nearshore algae, and improving nearshore clarity.

Mr. Erlich responded that he understood that the detailed individual standards may function as tactics or strategies, adding that he does not want to see the "other lakes" standard removed. He asked whether it would create problems to modify the objective so that it references both other lakes and tributaries, using similar language such as "attain existing water quality standards," and continue that as an objective.

Mr. Segan responded that the current recommendation is not to modify the language of the standard at this time, acknowledging that there is some ambiguity in the wording. He further explained that there has been discussion regarding whether to expand the header of the standard to include tributaries and other water bodies within the region, and what the meaning of that header is within the overall system. He noted that the question is whether a broader framing would be more inclusive and more protective.

Mr. Segan said that staff intends to schedule a future discussion with the Threshold Update Initiative Stakeholder Working Group to further consider this issue. He recommended keeping the standard as currently written for now and allowing additional time for discussion. He expressed the hope that revised wording could ultimately address both the TUISWG's considerations and the sentiment expressed by members of the Commission.

Mr. Erlich asked whether modifying the language at this time would constitute a substantive change that could create additional difficulties, particularly if tributaries were added to the language. He added that he appreciates the recognition that water bodies discharging into Lake Tahoe have impacts on the lake. He expressed support for that connection being acknowledged and requested a commitment to review the issue and return with a proposal relatively soon.

Mr. St. Michel added that he and Mr. Segan had discussed the issue, and his recommendation at that time was to leave the "other lakes" standard as written. He noted that the language is concise - "attain existing water quality standards."

He said that his recommendation was to leave the language unchanged because adding additional words, such as expanding the header to include other water bodies or tributaries, could create unintended consequences that had not been fully considered. He cautioned that expanding the language could potentially broaden the scope in ways that were not thoroughly vetted.

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Mr. St. Michel stated that the matter can be revisited. He noted that Threshold and Regional Plan changes are brought before the Advisory Planning Commission as part of TRPA's process. However, under the Bi-State Compact, the Governing Board can take action even if a specific item is not exactly before APC as part of a recommendation.

He emphasized that it is part of the process to bring these matters to APC, but that it would not constitute a fatal flaw if this issue were not resolved at this time. He said that he and Mr. Segan can review the record of the Threshold Update Initiative Stakeholder Working Group and determine whether further modification is appropriate, while remaining mindful of potential unintended consequences.

Mr. Teshara thanked everyone for the discussion. He said that he specifically recalled the Threshold Update Initiative Stakeholder Working Group (TUISWG) conversation regarding this issue and the potential unintended consequences. He emphasized that it is important for everyone to understand the composition of the TUISWG, noting that it includes two Governing Board members, as well as participation from the Tahoe Science Advisory Council and others.

Mr. Segan confirmed that the TUISWG includes two Governing Board members, as well as a community representative, four APC seats, and one environmental seat, currently filled by the League to Save Lake Tahoe.

Mr. Segan added that staff may appear hesitant to make what seems like a small change. However, he emphasized that, in updating threshold standards, staff has taken a cautious approach and has generally avoided quick changes. He said that this particular discussion began approximately one month ago and will be brought back to the TUISWG, who also expressed a sentiment in favor of greater protection under the standard and not limiting it. Staff intends to move carefully and continue working the issue through the established process.

Mr. Ferry agreed with the approach, adding that policy changes from the dais can often have unintended consequences - the issue should be vetted further and discussed as needed.

Ms. Mary Fiore-Wagner said that she appreciates the work and collaboration undertaken by Mr. Segan and the TRPA team, as well as the engagement of the Tahoe Science Advisory Council. She said that the administrative changes appear to make sense in terms of organizing and restructuring the threshold standards and making them more tangible for discussions about long-term goals.

She asked a question regarding Water Quality Standard 7, specifically the modification related to periphyton. She noted that the language is being revised from "support actions" to "reduce the extent." She asked whether the actions themselves would still be retained within the Code.

Mr. Segan responded that the actions would still be required to achieve the threshold. He clarified that the language clarification is intended to make clear that taking actions alone is not sufficient if those actions do not actually reduce the extent and distribution of periphyton.

Mr. Ferry that he had identified a couple of broken links in the table, specifically the Water Board link and the Tahoe Science Council link. Mr. Segan acknowledged the issue and said staff would correct the broken links.

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Public Comment

None

APC Comment

Ms. Carr made a motion to recommend that the Governing Board approve the required findings, including a finding of no significant effect, as shown in Attachment A.

Ms. Stahler seconded the motion.

Ayes: Ms. Fiore-Wagner, Mr. Hill, Mr. McNamara, Mr. Hitchcock, Mr. Erlich, Ms. Jacobsen, Mr. Teshara, Ms. Carr, Mr. Alling, Mr. Drew, Chief Drennan, Ms. Stahler, Ms. Sibr, Ms. Ferris, Mr. Ferry

Motion passed.

Ms. Carr made a motion to recommend that the Governing Board adopt Ordinance 2026-__, amending Ordinance 2019-03 (Attachment B), updating the water quality environmental threshold carrying capacities (Attachment C).

Ms. Stahler seconded the motion.

Ayes: Ms. Stahler, Ms. Ferris, Ms. Sibr, Mr. Drew, Chief Drennan, Mr. Teshara, Ms. Carr, Mr. Alling, Mr. Erlich, Ms. Jacobsen, Mr. McNamara, Mr. Hitchcock, Ms. Fiore-Wagner, Mr. Hill, Mr. Ferry

IV.D. Agenda Item No. IV.D. Vegetation Preservation Threshold Standards

Mr. Mason Bindl, TRPA Senior GIS Analyst, explained that he is continuing the conversation regarding the forest health vegetation preservation update, which the Commission received a briefing on the prior month from Mr. Dan Segan.

Mr. Bindle noted that since the prior discussion, staff has received recommendations from the Threshold Update Initiative Stakeholder Working Group to advance the proposal, as well as support from the Environmental Improvement Program Committee of the Governing Board.

Mr. Bindl provided a high-level overview, saying that the aim of the proposal is to ensure that the standards reflect the partnership's goals of restoring a healthy forest that can persist into the future. He said that the proposed updates to the system consist of two main subcategories.

The first is a fire dynamics subcategory, which would include two standards. One standard would focus on community wildfire protection within the Wildland-Urban Interface (WUI) Defense Zone, with the outcome of fire behavior characterized primarily as surface fire. The

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second would be a landscape fire dynamics standard, with the goal of allowing fire to burn in an ecologically beneficial role across the broader landscape.

The second subcategory is forest structure. Mr. Bindl stated that this would describe the desired forest condition, including stand density targets and a healthy mosaic of developmental stages that are resilient to disturbance.

He said that these two categories address both the state of the forest and the processes that shape it, creating a holistic view of forest health to be embedded within the threshold system.

Mr. Bindl stated that, in addition to the scientific rationale previously presented, staff wanted to highlight the review process (slide 2).

He noted that any sound scientific process includes peer review, and explained that Mr. Bob Larsen, through the Tahoe Science Advisory Council, led that effort. He expressed appreciation for Mr. Larsen's involvement and also thanked Dr. Pat Manley and Dr. Hugh Safford for their contributions. He said that their feedback has been invaluable in shaping both the proposed standards and the outcomes sought.

Mr. Bindl noted that Dr. Manley and Dr. Safford have been engaged since July and have assisted staff in adjusting targets to ensure they remain relevant in the context of a warmer and drier future, particularly with respect to forest structure. He said that they also identified additional scientific metrics that staff should continue to monitor, which may appear in the future as management strategies in the Regional Plan or as performance measures to evaluate status and trends related to attainment of the proposed standards.

Mr. Bindl added that the scientists also assisted in developing a monitoring approach that will inform the remote sensing methods needed to assess the standards. He reiterated appreciation for the Tahoe Science Advisory Council's contributions throughout the process.

Slide 3 - Mr. Bindl then addressed public engagement. He explained that staff developed a website to provide detailed information about the proposal and created a survey to solicit feedback. He noted that those who completed the survey appeared well-informed on the subject matter. He said that public engagement echoed the scientific feedback, emphasizing the need for active forest management to restore forest health so that forests can withstand disturbance and persist. He said that wildfire mitigation emerged as a top priority, including protecting life and property and reducing the risk of catastrophic wildfire.

He also noted that survey respondents expressed a desire for transparency in how the standards would be assessed. He said that staff is committed to transparency through the threshold evaluation process and that, if adopted, the standards will be reflected on the threshold dashboard.

Slide 4 - Mr. Bindl said that since the prior discussion, staff engaged with the Threshold Update Initiative Stakeholder Working Group, which provided thoughtful feedback. He noted that one issue raised was a gap in protection for subalpine conifer communities, which he would address. He also said that the Working Group requested more action-oriented language in the standards.

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He said that staff worked with TRPA Legal Counsel, Mr. St. Michel to refine the language of each standard so that it would be action-oriented and outcome-based. He further noted that he identified an oversight in the language of the landscape fire dynamics standard, which he would address on the final slide.

Slide 5 - Mr. Bindl said that staff formally added a subalpine conifer standard. He explained that the proposal establishes a non-degradation standard for subalpine conifer communities. He noted that some of the most sensitive species occur at high elevations and that these forests do not face the same issues as lower-elevation forests, such as overstocked, homogeneous mid-seral stands.

Instead, he said that high-elevation forests are experiencing climate stress in a limited system and require restoration outcomes that prevent further loss of subalpine conifer forests. He said that the proposed standard is intended to prevent degradation in those areas and to provide protections for forests from the ridgeline down to the lake. He characterized this addition as a welcome outcome of the TUISWG feedback.

Slide 6 - Mr. Bindl continued that staff had also added active voice to the standards to ensure they are action-oriented and outcome-based. He explained that each standard now begins with action verbs, such as “achieve and maintain a stand density that is healthy,” “achieve and maintain a healthy mosaic of forest,” “manage forest and fuel conditions so that surface fire is the likely outcome,” and “limit the area of high-severity fire so that fire burns in an ecologically beneficial way.” He noted that these language revisions are reflected in Attachment B.

Slide 7 - He then said that, while rerunning the analysis the previous month, he realized that the intent and assessment area for the landscape fire dynamics standard were not clearly delineated in the language. He explained that the red text in the materials reflects language being removed, and the green text in the errata reflects language being added.

Mr. Bindl said that the revised standard clarifies that it will be assessed on all managed lands where the outcome can reasonably be achieved. He noted that this excludes urban areas and designated wilderness, where TRPA does not have the same authority to take action to achieve the stated outcome.

<u>APC Comments/Questions</u>

Chair Ferry thanked Mr. Bindl and said that staff have done a fantastic job on the proposal. He commended the team effort and noted that the work appears well supported and grounded in science. He added that he has seen the presentation several times and has been impressed with the progress.

Chair Ferry added that he is looking forward to supporting the proposal but wanted to hear additional thoughts from other members. He acknowledged the errata sheet that was submitted late into the record and thanked staff for noting it. He also welcomed the addition of the subalpine standard and said that it seemed appropriate.

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Ms. Carr thanked staff for incorporating her request to use more active voice in the four elements just discussed. She expressed appreciation for the consideration of her comment and said that the revisions help clarify what the standards are working toward.

Chair Ferry asked Chief Drennan whether he was comfortable with the proposal. Chief Drennan responded that he did not see anything in the proposal that raised concerns. He said that the report is thorough and well developed.

Chair Ferry thanked Chief Drennan for weighing in and noted appreciation for his input. Mr. Bindl thanked Chief Drennan for submitting a letter of support on behalf of the fire chiefs in the Tahoe Basin.

Ms. Stahler appreciated all the research and study that went into the proposal. She said that the Nevada Division of State Lands (NDSL) is responsible for managing significant portions of the landscape on the Nevada side of the lake, including state parks and urban lots.

She expressed appreciation for the flexibility that the proposed thresholds provide. She said that NDSL is working diligently to reduce the threat of catastrophic wildfire and that these thresholds support those efforts. She noted that wildfire mitigation efforts are balanced with wildlife needs, particularly for sensitive species.

Ms. Stahler added that the flexibility within the thresholds will allow NDSL to achieve multiple objectives while maintaining necessary protections.

Mr. Robert Erlich thanked staff for their work and said he found the tables easy to understand. He said that he had not been closely involved in the process and asked a question regarding shrub communities, which he referred to as mountain chaparral. He inquired whether, in the context of a changing climate, some areas currently identified as early seral-stage Jeffrey pine forest may not return as forest but instead convert to shrub communities.

Mr. Erlich referenced a previously eliminated standard that limited shrub communities to less than 25 percent and noted that the last reported percentage had been approximately 8 percent. He asked whether shrub areas are adequately addressed in the proposal, particularly in relation to fire threat.

He said that he lives near the Gardner Mountain area and walks through the Angora Burn site, where he has observed dense shrub growth approximately six feet high. He questioned whether those areas are likely to return as Jeffrey pine or mixed conifer forest and whether shrub-dominated areas could generate large, high-severity fires exceeding four feet in flame height.

He noted that there is language related to preventing large, high-severity patches at the wildland-urban interface and asked whether additional categories or standards specifically addressing shrub communities should be considered. He requested clarification on the discussions that occurred regarding shrub communities and whether areas currently mapped as forest may not return to forest under future climate conditions.

Mr. Bindl responded that the issue of shrub communities was discussed with both practitioners and scientists during development of the proposals. He said that the group ultimately

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determined that decisions regarding where and when shrub communities emerge are matters for land management agencies.

He explained that promoting an outcome of early seral stage forest, where land managers determine that early seral forest is appropriate, is inherent in the seral stage standard.

Regarding the landscape fire dynamics standard, Mr. Bindl said that it assesses all fuel types on all managed lands. He clarified that shrub areas at risk of high-severity fire are included in that assessment. He provided an example, noting that south-facing slopes that may not be suitable for forest regeneration might not be replanted as early seral forest. However, if land managers such as the U.S. Forest Service determine that replanting is appropriate on north-facing slopes - such as in the Caldor Fire area - that replanting would count toward attainment of the early seral stage category.

Mr. Erlich asked whether shrub areas near the wildland-urban interface are adequately addressed in terms of management. Mr. Bindl responded that shrub areas within the WUI Defense Zone are addressed under both fire dynamics standards. He clarified that predictive fire hazard modeling is not limited to forested landscapes but includes all fuel types across all lands.

Chair Ferry commented that, in addition to the fire and forest-related standards, there are also vegetation standards addressing sensitive and uncommon plant species. He noted that it is important to recognize that the proposal is not solely focused on fire and trees.

Mr. Bindl responded that the common vegetation, sensitive plants, and uncommon plant categories remain unchanged, with the exception of the addition of the subalpine conifer standard to the common vegetation category.

He said that the primary updates are the two new subcategories - fire dynamics and forest structure - which were previously missing from the system and are intended to reflect a more holistic view of forest health.

Public Comment

Ms. Laura Patton, Natural Resource Director, League to Save Lake Tahoe (Keep Tahoe Blue), said that the League to Save Lake Tahoe appreciates the work of staff, specifically Mr. Mason Bindl and Mr. Dan Segan, as well as the Science Advisory Council and all partners, including the Tahoe Fire and Fuels Team. She noted that this appreciation extends to both the forest health update and the water quality update.

She said that the League supports the direction of the updates and the continued effort to modernize Tahoe's environmental thresholds so that they remain science-based, measurable, and outcome-focused. She emphasized that the focus on outcomes is evident in the proposed updates.

Ms. Patton stated that clear, outcome-based standards help both the public and decision-makers understand whether environmental goals are being achieved, while maintaining

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protections through the TRPA Code, the Environmental Improvement Program, and TMDL implementation.

She expressed strong support for the Forest Health Threshold update, noting that recognizing fire as a natural ecological process and managing forests for resilience, rather than static conditions, reflects the best available science. She stated that this approach is essential to bringing Tahoe's forests, watersheds, and water quality standards into alignment with 21st-century standards.

Ms. Patton encouraged TRPA to commit to updating all remaining thresholds prior to the next threshold evaluation cycle, including additional vegetation standards. She said that evaluating basin conditions against standards largely originating from 1982 does not fully meet the Compact's mandate and may limit the effectiveness of the threshold program.

She emphasized that thresholds are not solely TRPA standards, but serve as benchmarks for all implementers in the basin to measure environmental health and quality. She stated that the current update demonstrates that meaningful modernization is achievable and encouraged TRPA to continue that momentum across all resource areas. She thanked the Commission for its leadership in moving the updates forward to the Governing Board.

Mr. Bob Larsen, California Natural Resources Agency - Program Officer for the Tahoe Science Advisory Council, noted that Mr. Mason Bindl had already summarized much of the peer review process, but that he wished to read several comments into the record.

He first echoed thanks to Dr. Hugh Safford and Dr. Patricia Manley for their time and thoughtful feedback during the process. He stated that both reviewers examined initial drafts, met several times with staff, engaged in substantive dialogue throughout the process, and supported the effort. He thanked them for their time and professional contributions.

Mr. Larsen stated that the proposal before the Commission represents an important first step for the Basin. He noted that both reviewers found the updated thresholds to be consistent with current science and best practices, and that the selected metrics reflect the core drivers of forest health and wildfire risk. He stated that these standards represent a long overdue update to the current system.

He further stated that the reviewers identified several opportunities to strengthen the program in the future. In particular, they emphasized refining project performance metrics so TRPA can assess additional ecosystem services, including old-growth quality, biodiversity, and carbon sequestration. For consistency with other programs, the reviewers encouraged TRPA to consider complementary metrics, such as stand density indices.

Mr. Larsen stated that the reviewers also highlighted challenges associated with the evolving remote sensing and modeling tools that form the basis of the new standards, and emphasized the need to monitor technological developments over time. He further noted the importance of investing in regular monitoring to support adaptive management in the face of climate change.

He summarized that the peer review supports moving forward with the proposal at this time, while offering guidance for future refinement.

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Mr. Larsen additionally stated that TRPA had reached out to staff of the Governor's Wildfire and Forest Resilience Task Force to ensure alignment between the new standards and statewide forest health and wildfire resilience priorities. He acknowledged differences in scale, but stated that Tahoe Basin efforts are consistent with and contribute to broader California forest management strategies, reinforcing the scientific credibility and relevance of the proposed updates.

He encouraged the Commission to advance the proposed updates, adding that they provide a strong foundation moving forward, and expressed his interest in continued collaboration on future updates.

Finally, he referenced earlier discussion regarding the Tahoe Science Advisory Council's involvement in housing and other matters. He clarified that the Council continues to provide independent peer review services and is available to review environmental documents and policy proposals for TRPA and other entities, as appropriate. He thanked the Commission for its time.

Ms. Annabelle Monti, Program Manager, Tahoe Fire and Fuels Team, expressed support for the proposed threshold updates. She offered appreciation to TRPA staff and others who worked on the effort.

Ms. Monti said that the collaboration and coordination associated with the proposal occurred at multiple scales. She noted that Mr. Bindl and his team provided multiple presentations to the Tahoe Fire and Fuels Team, as well as to the Multi-Agency Coordinating Group (MAC). She stated that staff actively engaged fire and forestry professionals to ensure the proposed threshold updates were realistic, workable on the ground, and integrated with existing implementation efforts.

She said that science has continued to advance and that the updates provide an opportunity to better reflect current conditions and on-the-ground implementation. She expressed appreciation for staff's direct engagement with practitioners responsible for implementation to ensure the standards are practical and meaningful.

Ms. Monti also referenced earlier discussion regarding flexibility in the proposed standards. She stated that given the pace and scale of current challenges, the flexibility built into the updates is important to effectively address on-the-ground conditions.

She concluded by stating that the Tahoe Fire and Fuels Team supports the proposed updates and thanked the Commission for its time.

<u>APC Comments/Questions</u>

Mr. Teshara said that he wished to recognize and thank the Multi-Agency Coordinating Group (MAC), the Basin Fire Chiefs, and the Tahoe Fire and Fuels Team (TFFT). He noted that one of the great actions taken in the past year was the hiring of Ms. Monti. He said that she brings a high level of expertise and an ability to synthesize discussions occurring within the MAC and TFFT

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into specific information that can be provided to TRPA staff and others. He expressed appreciation for her contributions and thanked her directly.

Mr. Alling made a motion to recommend that the Governing Board approve the required findings, including a finding of no significant effect, as shown in Attachment A.

Mr. Teshara seconded the motion.

Ayes: Ms. Fiore- Wagner, Mr. Hill, Mr. McNamara, Mr. Hitchcock, Mr. Erlich, Ms. Jacobsen, Mr. Teshara, Ms. Carr, Mr. Alling, Mr. Young, Mr. Drew, Chief Drennan, Ms. Stahler, Ms. Sibr, Mr. Ferry

Motion passed.

Mr. Alling made a motion to recommend that the Governing Board adopt Ordinance 2026-__, (Attachment D) to adopt the vegetation preservation environmental threshold carrying capacities as presented in Attachment B.

Mr. Teshara seconded the motion.

Ayes: Ms. Stahler, Ms. Sibr, Mr. Young, Mr. Drew, Chief Drennan, Mr. Teshara, Ms. Carr, Mr. Alling, Mr. Erlich, Ms. Jacobsen, Mr. McNamara, Mr. Hitchcock, Ms. Fiore- Wagner, Mr. Hill, Mr. Ferry

Motion passed.

V. REPORTS

A. Executive Director

TRPA Chief Operating Officer and Deputy Director, Mr. John Hester provided the Executive Director Report. Mr. John Hester began by reviewing actions taken by the Governing Board in response to prior Advisory Planning Commission recommendations.

He said that the Governing Board accepted the Commission's recommendation to initiate the Environmental Impact Statement (EIS) process, including issuance of the Notice of Preparation and commencement of scoping, which occurred at the current meeting.

Mr. Hester stated that Ms. Karen Fink asked him to reiterate that at the next meeting, staff will specifically address the six topics raised by Mountain Area Preservation in the lawsuit that was settled. He noted that those issues have been incorporated into the broader effort, but that staff committed to holding specific public discussions on those items with the Commission.

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He further stated that a new Regional Housing Needs Assessment will be released during the week, and that it should provide useful information for the upcoming discussions related to the EIS and broader housing policy considerations.

Mr. Hester also noted that the item previously pulled from the agenda (Item IV.B) will return to the Commission next month.

Looking ahead, he advised that Tahoe Keys Marina is proposing code amendments related to building height and the designation of certain streets as arterials within the Regional Transportation Plan.

Mr. Hester further advised that Mr. Dan Segan will return at a future date with policy proposals related to transportation funding mechanisms and mobility mitigation fees.

Mr. John Hester requested direction from the APC regarding two potential future agenda items. First, he referenced Ms. Sibr's prior offer to provide a presentation on the Forest Plan. Mr. Hester said that staff will schedule the presentation for a meeting where the agenda allows sufficient time and does not extend into the afternoon.

Second, he noted that stormwater management has been raised multiple times during housing discussions, particularly regarding proposals to allow additional coverage while addressing stormwater needs. He reminded the Commission that, under Phase 2, TRPA adopted provisions allowing installation of stormwater systems when a public entity assumes responsibility for maintenance, and that such efforts are already underway.

Mr. Hester suggested that it may be beneficial for both the APC and the public to receive a presentation from himself and Ms. Navarro outlining how these systems are implemented. He referenced ongoing coordination with Douglas County, which is establishing a stormwater utility, as well as similar efforts elsewhere in the Basin. He also noted collaboration with NCE, Mr. Drew's firm, on typical engineering-level drawings associated with facility planning.

He proposed a short presentation explaining the process from concept to approval of a stormwater system under the adopted framework. Chair Ferry indicated concurrence from the Commission that both proposed agenda items would be appropriate for future meetings.

B. General Counsel

TRPA General Counsel, Mr. Graham St. Michel, expanded on the upcoming housing item referenced by Mr. Hester. He explained that the Phase 2 housing amendments adopted by TRPA in December 2023 were subsequently challenged through litigation. TRPA entered into a settlement agreement related to that challenge.

As part of the settlement agreement, TRPA agreed that during what was then referred to as "Phase 3" (now titled Cultivating Community), the agency would engage in good faith discussions regarding six specific items identified in the agreement. Mr. St. Michel clarified that the settlement agreement did not require those discussions to occur in any particular public forum.

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He said that staff believe the agency has met that obligation through the year-long process undertaken to date, including discussions within the working group and internal consideration of the issues. He noted that some of the identified items are included within the broader policy package currently being studied through the Environmental Impact Statement process.

However, prior to last month's Governing Board meeting, TRPA received a letter from Mountain Area Preservation (MAP) and its attorneys asserting that TRPA had not fulfilled its obligation under the settlement agreement.

In response, Mr. St. Michel said that TRPA does not intend to engage in a dispute over the matter. Instead, staff will agendize the letter for the Advisory Planning Commission's next meeting. At that time, staff will present what was heard during the working group process on the six items, provide the agency's current perspective on those issues, and allow the APC to discuss them publicly.

He stated that the Commission's input will then help inform how those issues proceed, including whether and how they are incorporated into the policy package moving forward.

C. APC Member Reports

Mr. Hitchcock reported that the City of South Lake Tahoe recently received federal funding to assist with the construction of the 3900 Lake Tahoe Boulevard Affordable Housing Project. He said that while the project is not yet fully funded, the award represents a significant step forward.

He also announced that the City has appointed a new Interim City Manager. Ms. Hilary Roverud will replace Mr. Irvin upon his departure.

Additionally, Mr. Hitchcock reported that the City Council, following substantial deliberation at its meeting the previous evening, passed a motion to bring forward revisions to the City's Vacation Home Rental (VHR) ordinance in March. The proposed revisions would remove the 150-foot buffer requirement and set the cap at 900 units.

Ms. Sibr provided an update regarding the Basin-Wide Trails Decision recently signed by the U.S. Forest Service. She noted that she placed a link in the meeting chat to an interactive GIS map reflecting the decision, including designated e-bike trails and other related actions.

Ms. Sibr clarified that although the decision has been signed, this does not mean that e-bikes are allowed on all trails in the Basin. Only specific trails identified in the project are designated for e-bike use. She emphasized the importance of helping to communicate that distinction to the public.

She explained that implementation requires updating the Forest Service Motor Vehicle Use Map (MVUM), which identifies where motor vehicles may operate and during what timeframes. E-bikes will be incorporated as a vehicle class within the updated MVUM. Once the revised MVUM is issued, the designations become effective.

Ms. Sibr stated that the season of use for approved e-bike trails will be April 1 through November 15. The Forest Service intends to complete the updated MVUM prior to April 1, at which time the designated trails will officially open for e-bike use.

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She noted that the project also includes certain motorcycle trail designations, new trailheads, and authorization for trail improvements and maintenance activities.

Ms. Sibr clarified that only Class 1 e-bikes are authorized under the project. She explained that Class 1 e-bikes are pedal-assist only and do not have a throttle, with a maximum assisted speed of 20 miles per hour. She further explained:

- Class 2 e-bikes include a throttle and can operate without pedaling (not permitted under the project).
- Class 3 e-bikes are pedal-assist without a throttle but may assist up to 28 miles per hour (also not permitted).

She reiterated that only Class 1 pedal-assist e-bikes are approved for use on designated trails.

Ms. Sibr also provided a brief update on the Caldor Restoration Project. She said that the public comment period has concluded, and the Forest Service is currently awaiting receipt of the Biological Opinion from the U.S. Fish and Wildlife Service. She indicated that a decision is anticipated in March or early April, pending completion of consultation.

Ms. Crystal Jacobsen provided a brief reminder regarding an upcoming public meeting. She stated that the North Tahoe Regional Advisory Council will convene the following evening at the North Tahoe Event Center in Kings Beach.

She advised that the meeting will include a presentation on the 39 Degrees North redevelopment project in the Kings Beach Town Center. Ms. Jacobsen noted that the project has been redesigned, and this meeting will serve as the first public presentation of the updated design.

Ms. Jennifer Carr reported that she received notice from staff that the following documents have been posted to the Lake Clarity Tracker on the TMDL Program Management page:

- The 2025 Findings and Recommendations Memo for the Tahoe TMDL
- The 2025 Decision Record Memo
- The 2026 TMDL Annual Strategy

She shared the update for the Commission's awareness.

Ms. Mary Fiore-Wagner advised the APC that her agency is actively recruiting to fill the position previously held by Mr. Brian Judge. She noted that Mr. Judge primarily oversaw TMDL implementation and worked closely with municipalities on implementation of the municipal stormwater permit, as well as coordination with Caltrans.

Ms. Fiore-Wagner said that she hopes to be able to announce the successful hiring of a replacement by the next Advisory Planning Commission meeting. Chair Ferry acknowledged that the position represents a significant responsibility and noted that the Commission will be working closely with the individual once hired.

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Chair Ferry reported that the public review draft of the Tahoe El Dorado Area Plan (TED) is anticipated to be released on February 27, 2026.

He outlined the upcoming public engagement schedule:

- March 4, 2026: Public workshop on the West Shore at Meeks Bay
- March 11, 2026: Public workshop in Myers
- March 12, 2026: Virtual public workshop
- March 25, 2026: Presentation before TRPA's Regional Planning Committee for an informational item

Chair Ferry noted that the March 25, 2026, meeting will also serve as the scoping meeting as El Dorado County enters the Environmental Impact Report (EIR) phase, similar to the scoping discussion held at the current meeting.

He said that, assuming the process proceeds as anticipated, the County will move forward into the environmental review process shortly thereafter. Chair Ferry expressed enthusiasm about the progress of the area plan, acknowledged the significant amount of work completed to date, and commended County staff and the consultant team for their efforts.

VI. PUBLIC COMMENT

None.

VII. ADJOURNMENT

Mr. Young moved to adjourn.

Chair Ferry adjourned the meeting at 12:21 p.m.

Respectfully Submitted,

Tracy Campbell

Tracy Campbell
Clerk to the Advisory Planning Commission

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

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TAHOE REGIONAL PLANNING AGENCY

TRPA
PO Box 5310
128 Market Street
Stateline, NV 89449

STAFF REPORT

Date: March 11, 2026

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Discussion of Six Policy Concepts Identified in the July 1, 2024 Settlement Agreement, as Part of the Cultivating Community, Conserving the Basin Initiative

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Summary and Staff Recommendation:
Section 4 of the July 1, 2024 settlement agreement between the Mountain Area Preservation Foundation (MAP) and TRPA provides that, during Phase 3 of the Tahoe Living policy development process, TRPA would include good-faith discussions of six enumerated policy concepts. Phase 3 is currently underway as the *Cultivating Community, Conserving the Basin* project. The purpose of this agenda item is to document how each of the six policy concepts has been included and considered during that process and to provide the Advisory Planning Commission (APC) an opportunity for further discussion and input.

The settlement agreement requires good-faith discussion of these concepts; it does not require adoption of any particular policy outcome. As reflected in the staff report, each concept has been included in process materials, evaluated in light of existing Code provisions and prior Governing Board action, and considered as part of the broader housing policy framework.

Required Motions:
This item is agendized for possible action to allow the APC an opportunity to formally recommend direction to staff, however, no particular recommendation is required or requested. Staff welcomes APC discussion and public comment as the Cultivating Community project proceeds through environmental review and policy refinement.

Background/Discussion:
In December 2023, the TRPA Governing Board approved the *Phase 2 Affordable and Workforce Housing Amendments*, which modified development standards (height, coverage, density, and parking) for deed-restricted housing in order to accelerate construction of remaining bonus units in and near town centers, jobs, grocery stores, transit, and services. These amendments were part TRPA's ongoing Tahoe Living Strategic Priority, which seeks to make housing more attainable for local families, workers, and seniors while maintaining and strengthening environmental protections.

On February 9, 2024, MAP filed a complaint for declaratory and injunctive relief challenging the Phase 2 amendments. TRPA and MAP resolved the litigation through a settlement agreement executed in July 2024 (Attachment B). Section 4 of the settlement agreement ("Policy Considerations") provides that

during “Phase 3” of the Tahoe Living policy development process, TRPA would include, *inter alia*, good faith discussions of six enumerated policy concepts.

Phase 3 of the Tahoe Living process is currently underway as the *Cultivating Community, Conserving the Basin* (Cultivating Community) project. The Cultivating Community project began in the fall of 2024, and includes four stages of work, “Listen and Explore,” “Assess and Generate,” “Explore, Define and Test,” and “Develop and Finalize.” Each stage of work includes two in-person public workshops, one on the North Shore and one on the South Shore (six total to-date), at least one meeting of the Tahoe Living Working Group, which is a subcommittee of TRPA’s Advisory Planning Commission and appointed by the TRPA Governing Board (five meetings to-date), and at least one meeting of the Community Partner Group, an ad hoc group made up community-based organizations that work directly with communities most impacted by the lack of housing attainability (seven meetings to-date). TRPA has also been meeting throughout the project in small groups, one-on-one with interested parties, and has attended organizational meetings around the region to present the current status of the project and receive feedback. Staff has also held three Governing Board hearings and two Advisory Planning Commission hearings during development of the proposal. MAP is a member of the Tahoe Living Working Group and has participated as a member in each of the meetings.

The purpose of this agenda item is to document how each of the six policy concepts identified in Section 4 of the settlement agreement has been included and considered during the Cultivating Community process, and to provide the APC and members of the public an opportunity for further discussion and input.

The settlement agreement requires good-faith discussion of these policy concepts; it does not require adoption of any specific policy outcome. The discussion in Attachment A summarizes, for each of the six policy concepts:

- A brief description of the concept;
- When and where it was included in the Cultivating Community process;
- The general nature of input received from committee or stakeholder participants;
- Staff’s evaluation of the concept; and
- Staff’s recommendation and the current status of the concept within the ongoing policy development effort.

Staff welcomes APC and further public input on these policy concepts and on whether, and how, any additional elements should be reflected in the proposed Cultivating Community recommendations or environmental analysis. The policy concepts identified in the settlement agreement fall within the scope of the broader housing policy framework the TRPA Governing Board approved for environmental review. Any refinements or additional detail arising from discussion at the APC’s public meeting may therefore be incorporated, as appropriate, during the environmental review and policy development process.

Contact Information:
For questions regarding this agenda item, please contact Karen Fink, Long Range Planning Director, at 775-589-5258, or kfink@trpa.gov.

To submit a written public comment, email publiccomment@trpa.gov with the appropriate agenda item in the subject line. Written comments received by 4:00 p.m. on the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4:00 p.m. the day before a meeting will be distributed and posted in time for the meeting.

Attachments:

A. Discussion of Policy Concepts included in Section 4 of the July 1, 2024 Settlement Agreement between the Mountain Area Preservation Foundation and TRPA
B. Mountain Area Preservation Foundation and Tahoe Regional Planning Agency Settlement Agreement, executed July 1, 2024
C. Definitions of “Achievable” and “Affordable-by-Design” housing

Attachment A

Discussion of Policy Concepts included in Section 4 of the July 1, 2024 Settlement Agreement between the Mountain Area Preservation Foundation and TRPA

Attachment A - Discussion of Policy Concepts included in Section 4 of the July 1, 2024 Settlement Agreement between the Mountain Area Preservation Foundation and TRPA

This discussion summarizes, for each of the six policy concepts included in Section 4 of the July 1, 2024 Settlement Agreement between the Mountain Area Preservation Foundation and TRPA:

- A brief description of the concept;
- When and where it was included in the Cultivating Community process;
- The general nature of input received from committee or stakeholder participants;
- Staff's evaluation of the concept; and
- Staff's recommendation and the current status of the concept within the ongoing policy development effort.

Policy Concept 4.1

> **Income limits on achievable housing, including but not limited to an income cap not to exceed 245% of the respective local jurisdiction's area medium income (AMI), along with a local living/work requirement and enforcement/audit provisions.**

Additional Description of Policy Concept

This policy concept concerns TRPA's deed-restricted "Achievable Housing" definition, currently codified in Chapter 90 of the TRPA Code of Ordinances.

Under the current definition, Achievable Housing is:

> 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 household 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 the Tahoe Basin for more than seven years.

See also Attachment C, Definitions.

The TRPA Governing Board approved this definition in April 2023. Prior to April 2023, the Achievable Housing definition included an income cap that varied by county. That income cap was calculated annually based on the percentage of AMI required to afford the median-priced home in the applicable county. In April 2023, the Governing Board approved amendments removing the income cap and instead requiring a local employment criterion. The goal of this amendment was to prioritize occupancy by local workers.

Since that amendment, questions have periodically been raised regarding whether the absence of an income cap could allow higher-income working households to occupy Achievable units. This policy concept calls for consideration of whether an income cap should be reinstated or modified.

Inclusion in the Cultivating Community Process

This concept was included in the Cultivating Community process materials.

- It appeared in the December 9, 2024 Tahoe Living Working Group staff report (Agenda Item VIII.B) as part of the "Ideas List," which included redefining income limits and evaluating their relationship to deed restrictions.
- It was referenced in the June 23-24, 2025 Growth Management Briefing Book (page 91).
- Deed-restrictions were discussed during the June and September 2025 Tahoe Living Working Group meetings, including discussion of alternative approaches to the current income limits and worker requirements such as short-term rental restrictions or "affordable-by-design" projects. (See minutes from the June 23-24, 2025 Tahoe Living Working Group meeting; minutes from the September 22, 2025 Tahoe Living Working Group meeting; staff report for the September 22, 2025 Tahoe Living Working Group meeting).

Input received during the process reflected differing perspectives. Some participants expressed interest in programs and policies that support income-restricted housing. Others supported maintaining or loosening existing deed-restriction requirements and expressed interest in expanding flexibility through alternative housing models.

Staff Evaluation

In evaluating this concept, staff considered:

1. Prior Governing Board action in April 2023 removing the income cap in favor of a local worker requirement;
2. The administrative and compliance complications of layered eligibility requirements (income and employment);

3. The relationship between deed-restrictions and the proposed tiered housing incentive structure; and
4. Data regarding the size, occupancy, and production of Achievable units to date.

The current Cultivating Community proposal includes a tiered framework:

- Tier 1: Low- and moderate-income deed-restricted projects (≤80% and ≤120% AMI), which receive the greatest incentives; and
- Tier 2: Deed-restricted Achievable and "Affordable-by-Design" projects.

Under this tiered framework, projects seeking greater flexibility may pursue "Affordable-by-Design" units, which are restricted from short-term rental use but do not include formal income or employment eligibility requirements. Greater incentives, however, would be limited to tier 1, which would be projects with income caps.

Staff also reviewed available data regarding Achievable units constructed or approved to date. Since the program's creation in 2018:

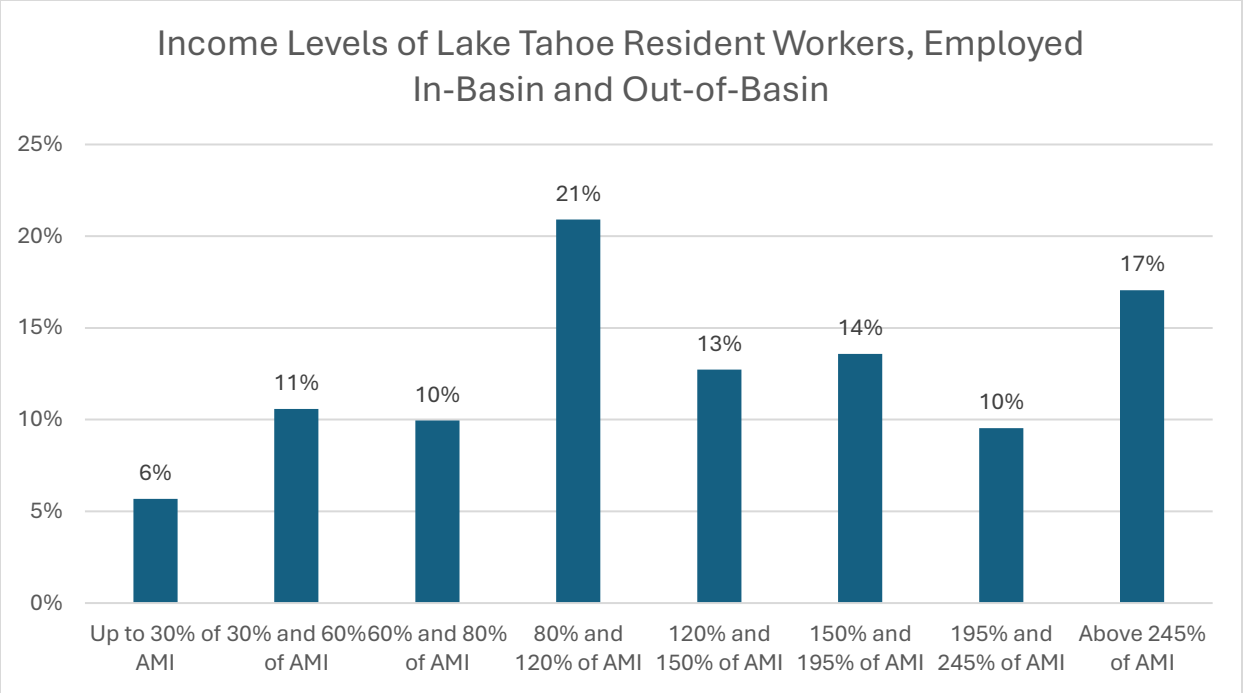
- Ten Achievable units have been constructed.
- The average size of all approved, completed, and in-progress Achievable units is approximately 646 square feet.
- Units submitted prior to April 2023 averaged 674 square feet (43 units).
- Units submitted after April 2023 average 692 square feet (20 units).

Based on this information, staff does not have evidence indicating that Achievable units are trending toward large-scale or "luxury" development.

Staff also considered regional workforce data. Over 90 percent of the Lake Tahoe workforce currently resides in unrestricted housing. Even if Achievable units were occupied by higher-income working households, this would still increase overall housing supply available to moderate- and lower-income households through market movement.[1]

The following graph shows the household income of working households located in the Tahoe region:[2]

[1] https://www.reddit.com/r/yimby/comments/1ho7k5i/made_an_animation_to_explain_moving_chains/
[2] Available datasets do not distinguish annual household income by whether a worker works inside the basin or outside the basin.



Source: U.S. Census, American Community Survey, 2019-2023

Staff Recommendation / Current Status

Based on prior Governing Board direction, input received during the Cultivating Community process, available data, and staff's policy and implementation analysis, staff is not recommending reinstatement of an income cap for Achievable Housing at this time.

However, consistent with the settlement agreement's requirement for good-faith discussion, this concept has been included and evaluated as part of the Cultivating Community process. If, following APC discussion or additional input, staff determines that further refinement of eligibility criteria is warranted, such modifications could be incorporated into the policy proposal and analyzed through the environmental impact statement (EIS) process.

Policy Concept 4.2

An assessment of criteria to address potential site-specific impacts, including but not limited to impacts to scenic resources and public safety (wildfire dangers and evacuation hazards) in the event that TRPA considers development incentives in areas outside of Town Centers.

Additional Description of Policy Concept

This policy concept calls for consideration of whether additional or refined criteria are necessary to address potential site-specific impacts—particularly scenic, wildfire, and evacuation-related impacts—if development incentives are extended to areas outside of designated Town Centers.

TRPA's existing regulatory framework already requires environmental review of projects through the Initial Environmental Checklist (IEC), applicable Code findings, and consistency review with adopted threshold standards, including scenic resources and public safety considerations. This concept contemplates whether further criteria beyond those existing requirements would be appropriate in connection with new policy incentives.

Inclusion in the Cultivating Community Process

This policy concept was included in the December 9, 2024 Tahoe Living Working Group staff report (Agenda Item VIII.B), as part of the attachment listing the six concepts identified in the settlement agreement. The Tahoe Living Working Group meeting was publicly noticed and included this concept in the meeting materials.

Additionally, the broader Cultivating Community process has included discussion of environmental safeguards, including natural hazards, evacuation, and scenic protection, including in the context of potential development outside Town Centers. These topics also have been or will be addressed through:

- Review of existing threshold standards and Code requirements;
- Consideration of how incentives would apply geographically; and
- Identification of issues to be analyzed through the EIS process.

As a further example of the ongoing discussion of these issues, the TRPA Governing Board held a public meeting where a panel of experts from the California Governor's Office of Emergency Services, Nevada Department of Emergency Management, Douglas County Sheriff's Office, Washoe County Emergency Management, and South Lake Tahoe Fire and Rescue discussed emergency response and evacuation coordination and preparedness (see meeting materials of Governing Board May 28, 2025, Agenda Item VIII.B).

While this specific concept did not generate a standalone proposal for new criteria during Working Group discussions, environmental and public safety considerations have remained central components of the overall policy development framework.

Staff Evaluation

In evaluating this concept, staff considered:

- Existing Code provisions governing scenic resources, building height, and design review;
- Public safety-related findings required for project approval;
- TRPA's role in reviewing projects for consistency with emergency access and environmental thresholds; and
- The ongoing environmental analysis for the Cultivating Community project.

Under TRPA's regulatory structure, site-specific impacts—whether scenic, wildfire-related, or related to evacuation—are addressed at both the policy/plan and project levels. The EIS process currently underway will evaluate cumulative impacts associated with proposed development incentives. If that analysis identifies potentially significant impacts, mitigation measures or additional criteria may be developed as part of the environmental review and subsequent policy refinement.

Staff Recommendation / Current Status

Consistent with the settlement agreement, this concept has been included and considered within the scope of the ongoing environmental and policy development process.

At this time, staff does not recommend adoption of additional standalone criteria beyond those already contained in the Code and subject to environmental review. However, should the EIS identify the need for additional mitigation or policy refinements related to scenic resources or public safety, such measures may be incorporated into the final policy recommendations.

Policy concept 4.3

Refining criteria for additional height outside of Town Centers.

Additional Description of Policy Concept

This policy concept calls for consideration of whether the criteria governing additional building height outside of designated Town Centers should be revisited or refined. No additional height outside of Town Centers is proposed as part of the current Cultivating Community policy package.

Inclusion in the Cultivating Community Process

This concept was included in the December 9, 2024 Tahoe Living Working Group staff report (Agenda Item VIII.B), as part of the attachment identifying the six policy concepts referenced in the settlement agreement. The topic was also reflected in the June 2025 Tahoe Living Working Group Growth Management Briefing Book, which discussed the concept of transition zones adjacent to Town Centers that could allow scaled incentives such as bonus units, increased height and density, and/or reduced parking.

Through the Cultivating Community process, staff have considered building height, neighborhood compatibility, and visual impacts in the broader context of housing incentives. The current policy package does not propose expansion of height allowances outside of Town Centers.

Staff Analysis

Section 37.5.5 of the TRPA Code of Ordinances, adopted as part of the Phase 2 Housing Amendments, allows residential and mixed-use projects that are 100 percent deed-restricted to affordable, moderate, or achievable housing to receive additional building height, up to the maximum permitted for the slope of the building site under Table 37.4.4-1 (below), provided specific findings are made (*see, e.g.,* TRPA Code Section 37.5.5).

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.

Staff Recommendation / Current Status

Staff finds that this policy concept has been included and considered as part of the Cultivating Community process. The Cultivating Community process has not resulted in a policy proposal to allow additional height outside of Town Centers, and staff believes that the existing criteria are sufficient to mitigate visual impacts of height allowances under existing Code. Accordingly, and because no new height allowances outside of Town Centers are currently proposed, staff is not proposing additional refinement of height criteria at this time. However, if the environmental analysis identifies the need for further mitigation or policy refinement related to building height outside of Town Centers, such measures may be incorporated into the final policy recommendations.

Policy Concept 4.4

> **Incentives/programs to unlock the existing housing supply, including but not limited to regulation of short term rentals and investment in Lease to Locals, down payment assistance, workforce, or equivalent programs.**

Additional Description of Policy Concept

This policy concept calls for consideration of strategies to increase utilization of the existing housing stock, including potential regulatory approaches related to short-term rentals and programmatic efforts to support local occupancy of existing units. Such strategies may include measures to encourage conversion of underutilized units to long-term occupancy, investment in housing assistance programs, and examination of development rights associated with short-term rental activity.

Inclusion in the Cultivating Community Process

This concept was included in the December 9, 2024 Tahoe Living Working Group staff report (Agenda Item VIII.B), as part of the "Ideas List." Subsequent process materials addressed related strategies, including:

- Ideas "HO-6" and "HO-7" in the Growth Management Briefing Book (page 95), which related to unlocking existing housing and limiting or taxing short-term rentals, while noting potential jurisdictional/legal authority considerations.
- The minutes of the June 23-24, 2025 Tahoe Living Working Group/Community Partner Group meeting reflect that Tahoe Living Working Group members identified housing preservation policies as appropriate policies for existing neighborhoods where high populations of renters and lower-income households live. There was also discussion around short-term rentals paying their fair share, as well as allowing locals to supplement their income through short-term rentals.
- The September 2025 Tahoe Living Working Group policy package attachment to the staff report included a policy titled, "Require that All STRs Acquire a TAU," in the list of policies under consideration (page 8), which would have required that short-term rentals acquire a Tourist Accommodation Unit (TAU) development right in addition to a Residential Unit of Use (RUU) development right. The policy was not recommended by staff at the time.
- The minutes from the September 2025 meeting (page 3) noted that this option met with mixed reactions, and that the feasibility of this option was questioned.
- The October 2025 Community Workshops, where housing occupancy and short-term rental policies were discussed in facilitated table discussions.
-

In addition, the September 2025 policy package included a broader "Housing Occupancy" section addressing:

- Unlocking vacant housing units;

- Supporting housing authorities to manage deed-restrictions and programs; and
- Establishing stable funding sources for deed-restricted housing.

The October Workshop Summary document reflects that additional requirements for short-term rentals (starting on page 5) received strong support at the South Shore public workshop, and more mixed support at the North Shore public workshop.

Finally, policies related to unlocking existing housing are included in the current Cultivating Community proposal advancing to environmental review, as reflected in the Notice of Preparation (see pages 8 and 9) and Policy Recommendations Report (see page 27) under the heading "Unlock Existing Housing."

Staff Evaluation

In evaluating this policy concept, staff considered:

- The relationship between short-term rental activity and housing availability;
- TRPA's jurisdiction under the Compact relative to land use and development rights, as compared to local government authority over business licensing and taxation; and
- Implementation feasibility of requiring both a RUU and a TAU for short-term rental activity.

The concept of requiring short-term rentals to obtain a TAU in addition to an RUU was examined as part of the policy development process. Staff determined that such a requirement would warrant further analysis of environmental, legal, and implementation implications before advancing as a recommended policy. Policies to support unlocking existing housing have remained in the policy package and will be included in the environmental analysis.

Staff Recommendation / Current Status

Staff finds that this policy concept has been included and considered in good faith as part of the Cultivating Community process and potential options to unlock existing housing will remain relevant during the EIS process.

Policy Concept 4.5

> **Additional strategies for reduction of vehicle miles traveled ("VMT"), including but not limited to e-bike share programs at project sites or in Town Centers to offset summer/fall transit needs, and micro-transit programs tied to project approvals.**

Additional Description of Policy Concept:

This policy concept calls for consideration of specific strategies to reduce vehicle miles traveled (VMT) in connection with housing and growth management policies. Examples include on-site or area-wide e-bike

share programs, micro-transit services, or other transportation demand management measures associated with new development.

Inclusion in the Cultivating Community Process

This concept was included in the December 9, 2024 Tahoe Living Working Group staff report (Agenda Item VIII.B), as part of the attachment listing the six policy concepts identified in the settlement agreement.

Throughout the Cultivating Community process, transportation impacts and VMT reduction have been discussed in the broader context of aligning housing growth with Town Centers, transit access, and walkable development patterns. The current policy package emphasizes location-efficient development and growth within areas served by transit and existing services, which are strategies intended to reduce reliance on private automobile travel. While specific programmatic measures such as e-bike share or micro-transit were not advanced as standalone policy proposals during Working Group discussions, the overall transportation and VMT framework has remained integral to the project.

Staff Evaluation

In evaluating this concept, staff considered:

- TRPA's existing VMT and transportation-related threshold standards;
- The relationship between land use patterns and transportation outcomes;
- The role of development incentives in encouraging location-efficient growth; and
- The appropriate stage at which specific mitigation measures should be evaluated.

The EIS for the Cultivating Community project will analyze potential transportation and VMT impacts associated with proposed policy changes. If that analysis identifies significant impacts requiring mitigation, specific transportation demand management strategies—such as e-bike share, micro-transit, or other measures—may be evaluated as potential mitigation tools.

Given the need for environmental analysis to determine the scale and nature of any transportation impacts, staff determined that it is premature to prescribe specific VMT reduction programs absent the results of the EIS.

Staff Recommendation / Current Status

Staff finds that this policy concept has been included and considered in good faith as part of the Cultivating Community process. Additionally, specific VMT reduction strategies are expected to be further evaluated through the EIS process.

Policy Concept 4.6

A one spot per unit minimum parking requirement.

Additional Description of Policy Concept

This policy concept includes two related considerations:

1. Whether to revisit the Phase 2 Housing Amendments provision that prohibits local jurisdictions from requiring minimum parking standards for deed-restricted housing in Town Centers and limits minimum parking requirements in multifamily zones to no more than 0.75 spaces per unit; and
2. Whether TRPA should impose a one spot per unit minimum parking requirement on other residential development.

Inclusion in the Cultivating Community Process

This concept was included in the December 9, 2024 Tahoe Living Working Group staff report (Agenda Item VIII.B). Throughout the Cultivating Community process, parking was discussed in the broader context of housing affordability, transportation patterns, and neighborhood compatibility. Participants in Working Group and community discussions expressed differing perspectives regarding parking minimums, including codification of policies that relate to reliance on vehicles versus retaining project-level flexible standards, the importance of accommodating working households that rely on personal vehicles, and the role of parking requirements in influencing housing cost and development feasibility.

The current Cultivating Community policy package does not include new proposals to modify regional parking minimums beyond those adopted in the Phase 2 Housing Amendments.

Staff Analysis

As part of the Phase 2 Housing Amendments, the Governing Board adopted standards consistent with staff's analysis that minimum parking requirements can significantly increase housing development costs and may discourage compact, walkable development patterns. TRPA required removal of local minimum parking requirements for deed-restricted housing in Town Centers and limited minimum parking requirements in certain multifamily zones.

Staff has previously analyzed parking best practices, including a memorandum presented to the Regional Planning Committee in September 2023, which reviewed research indicating that strict parking minimums are associated with increased construction costs and reduced housing production.

Removal of minimum parking requirements does not prohibit provision of parking. Rather, it allows developers to determine the appropriate level of parking based on market demand and site-specific

conditions. Under the Phase 2 amendments, deviations from applicable local standards must be supported by a parking study, ensuring that parking supply decisions are informed by project-specific analysis.

Staff Recommendation / Current Status

Staff finds that this policy concept has been included and considered as part of the Cultivating Community process. The topic was included in the materials for publicly noticed meetings of the Tahoe Living Working Group. At this time, staff does not recommend imposing a one space per unit minimum parking requirement on residential development, nor does staff recommend revisiting the Phase 2 Housing Amendments provision removing minimum parking requirements for deed-restricted housing in Town Centers. Staff consider the absence of minimum parking requirements for deed-restricted housing key to reducing the cost of housing and encouraging more walkable communities that reduce reliance on the private automobile.

The current APC meeting also provides an opportunity to receive input from the APC and the public on this issue.

Attachment B

Mountain Area Preservation Foundation and Tahoe Regional Planning Agency Settlement Agreement, executed July 1, 2024

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into by and between Mountain Area Preservation Foundation ("MAP") and the Tahoe Regional Planning Agency ("TRPA"), each referred to herein as a "Party" and collectively as the "Parties." The Agreement is dated and effective as of the date that the last Party signs ("Effective Date").

RECITALS

A. On December 13, 2023, the TRPA Governing Board approved the Phase 2 Housing Amendments ("Phase 2" or "Amendments"), including the adoption of Ordinance 2023-07, amending the TRPA Code; Ordinance 2023-08, amending the TRPA Regional Plan Goals and Policies; and the adoption of Environmental Findings and Finding of No Significant Effect ("FONSE") based on an Initial Environmental Checklist ("IEC"). The Amendments modify standards for designated development to allow higher, denser development and are intended to accelerate the construction of deed-restricted affordable, moderate or achievable housing, and associated mixed-use development in specified areas.

B. On February 9, 2024, MAP filed a Complaint for Injunctive and Declaratory Relief ("Complaint") in the United States District Court, Eastern District of California (Case No. 2:24-cv-00441-AC, hereinafter "Action"), alleging that TRPA had violated the Tahoe Regional Planning Bi-State Compact ("Compact"), the TRPA Regional Plan, and TRPA regulations in its approval of the Amendments. In its Complaint, MAP asked the Court, among other things, to issue an order or writ of mandate setting aside TRPA's approvals of the Amendments and directing TRPA to prepare an Environmental Impact Statement ("EIS") prior to re-approval, and to award plaintiff's attorneys' fees and costs.

C. On April 29, 2024, TRPA filed its Answer to the Complaint, wherein it denied the allegations in the Complaint and claimed the environmental review was consistent with applicable law.

D. TRPA's Housing Initiative also included the previously approved Phase 1, which provided for Accessory Dwelling Units, increased residential densities as part of hotel/motel redevelopment, and aligning the Bonus Unit Boundary. TRPA is currently initiating Phase 3, defined for the purposes of this settlement as the next phase of TRPA's consideration of additional housing policies related to equitable and sustainable housing and improving climate resilience. Neither the Phase 1 nor Phase 3 approvals are a subject of this Action.

E. Because the outcome of the Parties' dispute is uncertain, and to allow the Phase 2 Housing Amendments to go forward while addressing some of MAP's concerns in conjunction with Phase 3, the Parties have agreed to compromise and resolve their dispute by agreement, without the need for judicial resolution.

F. The Parties recognize the need for and agree to work to increase lower income and workforce housing options in the Lake Tahoe Basin, while also preserving the unique environmental attributes of the Tahoe Basin. MAP and TRPA would rather utilize their

respective resources for cooperatively solving housing issues rather than litigating over TRPA's Phase 2 efforts.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the Parties agree as follows:

1. Recitals Incorporated. Each recital set forth above is incorporated herein by reference and is made part of this Agreement. Any conflict between the general provisions of the recitals and the specific provisions of this Agreement shall be resolved in accordance with the specific provisions of this Agreement.

2. Phase 2 Amendments. TRPA agrees to have its Governing Board consider the following amendments to the Phase 2 approvals (collectively referred to herein as the "Section 2 Amendments"):

2.1 Amending TRPA Code sections 30.4.2.B.5 and 30.4.2.B.6 to delete the phrase "if a system is available for the project area"; and

2.2 Amending TRPA Code section 52.3.1 to specify a requirement that the TRPA residential bonus unit pool be 50% affordable, 25% affordable or moderate, and 25% affordable, moderate, or achievable.

3. Working Group Seat. TRPA agrees to add a MAP-nominated staff representative to the working group advising TRPA on Phase 3 policy development. The MAP representative shall be invited to participate on equal footing with any other member of the working group.

4. Phase 3 Policy Considerations. During Phase 3 policy development, TRPA will include, *inter alia*, good faith discussions of:

4.1 Income limits on achievable housing, including but not limited to an income cap not to exceed 245% of the respective local jurisdiction's area medium income, along with a local living/work requirement and enforcement/audit provisions;

4.2 An assessment of criteria to address potential site-specific impacts, including but not limited to impacts to scenic resources and public safety (wildfire dangers and evacuation hazards) in the event that TRPA considers development incentives in areas outside of Town Centers;

4.3 Refining criteria for additional height outside of Town Centers;

4.4 Incentives/programs to unlock the existing housing supply, including but not limited to regulation of short term rentals and investment in Lease to Locals, down payment assistance, workforce, or equivalent programs;

4.5 Additional strategies for reduction of vehicle miles traveled ("VMT"),

including but not limited to e-bike share programs at project sites or in Town Centers to offset summer/fall transit needs, and micro-transit programs tied to project approvals; and

4.6 A one spot per unit minimum parking requirement.

5. Phase 3 Environmental Impact Statement. TRPA intends to prepare an Environmental Impact Statement ("EIS") under Article VII of the Bi-State Compact for proposals arising from Phase 3. Preparation of an EIS for Phase 3 shall, *inter alia*:

5.1 Use the existing physical conditions as of the Notice of Preparation date for the environmental baseline for the EIS;

5.2 Use the best science available to analyze potentially significant impacts of the Phase 3 proposals. Accordingly, the environmental review shall include, but is not limited to, up-to-date data and analysis regarding VMT, fire threats and evacuation analysis, water quality/clarity, and air quality;

5.3 Only tier to prior EISs consistent with TRPA Rules of Procedure section 6.12; and

5.4 Review all potentially significant cumulative impacts with special attention to scenic resources (including representative visual simulations) in the event Phase 3 includes any additional height, mass or density increase(s) resulting in potentially significant scenic impacts, which simulations will show what such increases would look like compared to existing physical conditions and compared to development permitted under existing regulations; air and water quality; growth inducing impacts; and emergency evacuation.

6. Potential Phase 3 Litigation. Should MAP timely initiate litigation over TRPA's adoption of Phase 3 policy direction, including the appropriateness or adequacy of the environmental review, TRPA agrees it will not raise res judicata or statute of limitations as a defense to claims arising from Phase 3 but not to claims arising from Phase 2.

7. Environmental Review for Stormwater Treatment Systems. TRPA shall prepare appropriate environmental documentation, including an assessment of growth inducing impacts, for any future TRPA approved area-wide stormwater treatment system projects.

8. Attorneys' Fees and Costs. The Parties shall bear their own attorneys' fees and costs for this Action. The Parties agree that, notwithstanding TRPA Rules of Procedure section 10.6.2 or any other rule or code, TRPA shall bear the entire cost, including but not limited to any production costs or preparation time, of the administrative record for this Action. TRPA also agrees that, in the event of litigation regarding Phase 3, TRPA agrees to minimize record preparation costs by, to the extent relevant, utilizing and supplementing the record it has prepared for the Phase 2 litigation.

9. Dismissal with Prejudice. Within thirty (30) court days after TRPA provides MAP with a final copy of the TRPA ordinance approving the Section 2 Amendments, the Parties shall

file a Stipulation for Dismissal with Prejudice and Continuing Jurisdiction and [Proposed] Order ("Stipulation for Dismissal") in a form substantially similar to Exhibit A.

10. Agreement in the Event of Non-Approval, Rescission, or Modification of Section 2 Amendments. The filing of the Stipulation for Dismissal is expressly contingent upon the TRPA Board's approval of the Section 2 Amendments. If, on or before September 30, 2024, the TRPA Board (a) does not approve the Section 2 Amendments or any part of them, (b) approves a modified version of the Section 2 Amendments that MAP in its sole discretion determines is substantially different, or (c) approves the Section 2 Amendments but then rescinds or modifies the approval prior to the Court's dismissal of this Action, then MAP shall have the option of terminating the Agreement unilaterally and shall provide TRPA with written notice of such termination. The Parties shall meet and confer within thirty (30) court days of such TRPA Board decision in order to determine whether MAP will terminate the Agreement or whether the Parties can agree to a mutually agreeable modification of the Agreement. If the Board approves the Section 2 Amendments but then rescinds or modifies that approval after the Court has dismissed this Action, TRPA agrees that MAP may challenge that rescission or modification as part of any challenge to the Phase 3 approvals and TRPA shall execute any tolling agreement(s) necessary for this purpose.

11. Notice of Agreement and Extension for Lodging of the Administrative Record. The Parties agree to, within ten (10) court days of the Effective Date of this Agreement, file a Notice of Conditional Settlement with the Court pursuant to Local Rule 160. The Parties further agree to stipulate to further extensions of the deadline for lodging the Administrative Record as necessary to allow adequate time for the TRPA Board to consider the Section 2 Amendments plus ten (10) court days following any decision by the Board on the Section 2 Amendments. Should the Court deny the requested extension, the Parties agree to jointly request a stay of the Action until the Board has had adequate time to consider the Section 2 Amendments.

12. Mutual Release. Mutual Release. In consideration for the promises set forth in this Agreement, except for the Parties' respective obligations expressly set forth in this Agreement, each of the Parties do hereby mutually release, acquit, and forever discharge the other Party, from any and all claims, obligations, costs, expenses, damages, losses, liabilities, suits, debts, demands, and benefits (including attorneys' fees and costs actually incurred), of whatever character, in law or in equity, known or unknown, suspected or unsuspected, matured or unmatured, of any kind or nature whatsoever, now existing, based on any act, omission, event, occurrence, or nonoccurrence giving rise to or arising under the Action. Nothing in this release shall be construed to limit MAP from raising any claims with respect to any future policy approval or development project, including but not limited to Phase 3 or any proposed amendment to Phase 2, that could be raised by any member of the public or to limit TRPA's defenses to such claims.

13. No Assignment. The Parties represent and warrant that they have not sold, assigned, transferred, conveyed or otherwise disposed of any claim, demand, cause of action, obligation, damage or liability released in Section 12 above.

14. Release of Unknown Claims. For the purpose of implementing a full and complete release, the Parties expressly acknowledge that the releases they give in this Agreement are intended to include in effect, without limitation, claims of which the Party had no knowledge existed or suspected existed in its favor at the time this Agreement is executed, regardless of whether the knowledge of such claims, or the facts upon which they might be based, would materially have affected the settlement of this matter, and that the consideration given under the Agreement was also for the release of those claims and contemplates the extinguishment of any such unknown claims. In furtherance of the settlement, the Parties waive any right they may have under California Civil Code § 1542 (and other similar statutes and regulations), which states:

> **A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.**

15. Specific Performance. Each Party expressly agrees that the provisions of this Agreement shall be specifically enforceable by any affected Party. Except for as provided elsewhere in this Agreement, each Party hereto waives and relinquishes all claims for damages arising from a claim based on breach of this Agreement by any other Party, and agrees that specific performance shall be the exclusive remedy for the breach of any duty or obligation in this Agreement. The Parties agree that damages are an inadequate remedy for a breach of this Agreement. This Agreement shall be admissible in any proceeding for its enforcement in accordance with Sections 1118 and 1123 of the California Evidence Code and applicable federal rules and regulations.

16. Dispute Resolution.

16.1 If a dispute arises concerning any controversy or claim arising out of or relating to any provision of this Agreement or the breach thereof or relating to its application or interpretation, the aggrieved Party must notify the other Party of the dispute in writing with the subject line including the words "Breach of Agreement." If the Parties fail to resolve the dispute within thirty (30) days after delivery of such notice, each Party will promptly nominate a representative of its organization/agency to meet and confer at any mutually-agreed time and location to attempt to resolve the dispute. The Parties shall meet and confer in good faith to reach a just and equitable solution satisfactory to the Parties.

16.2 Except for disputes related to Section 5 or Section 7, which are addressed in Section 16.3, if the Parties are unable to resolve the dispute within sixty (60) days after the initial notice of the dispute, the Parties agree to first endeavor to settle the dispute in an amicable manner, using mandatory nonbinding mediation initiated and conducted under the applicable rules of the American Arbitration Association in effect as of the Effective Date or other rules agreed to in writing by the Parties, before having recourse in a court of law. The Parties shall select a mediator no more than thirty (30) days following the running of the sixty-day deadline, unless the Parties, each in their sole discretion, agree to extend the deadline. Each Party shall bear its own legal expenses, and the expenses of witnesses for either side shall be paid by the Party producing such witnesses. All expenses of the mediator, including required travel, and the

cost of any proofs or expert advice produced at the direct request of the mediator, shall be paid or reimbursed by the Parties equally. Any resultant agreements from mediation shall be documented in writing. All mediation proceedings, results, and documentation, including without limitation any materials prepared or submitted or any positions taken by or on behalf of either Party, shall be inadmissible for any purpose in any legal proceeding (pursuant to California Evidence Codes sections 1115 through 1128 and federal law, including Federal Rule of Evidence 408), unless such admission is otherwise agreed upon in writing by the Parties. Mediators shall not be subject to any subpoena or liability, and their actions shall not be subject to discovery. If the dispute is not resolved within sixty (60) days after selection of the mediator, the mediation shall be deemed closed and the dispute deemed unresolved unless the Parties, each in its sole discretion, agree to extend the mediation period until a date certain; the Parties may, each in its sole discretion, agree to any number of such extensions but such extensions shall always be until a date certain. Once the mediation is deemed closed, either Party may seek a court order demanding specific performance, either as a motion to enforce the Agreement pursuant to the Court's Order dismissing and retaining jurisdiction over the action or as a separate action for breach of contract.

16.3 For any dispute related to Section 5 or Section 7 of this Agreement, the Parties agree that, after the notification and meet and confer process identified in Section 16.1, any continued disputes shall be addressed as part of the administrative process. Should the Parties fail to resolve the dispute during the administrative process, the Parties agree that the matter may be addressed as a claim or defense in conjunction with any litigation challenging a TRPA approval related to Phase 3 or a stormwater treatment system. Such claim or defense may be brought as a request for specific performance of an obligation under the Agreement and/or as a claim or defense under any other applicable law.

17. Notices. All notices and other communications required to be provided pursuant to this Agreement shall be by e-mail, followed by first class mail to the following persons at the following addresses:

TO MAP:

Alexis Ollar
Sophia Heidrich
Mountain Area Preservation Foundation
P.O. Box 25
Truckee, CA 96160
Telephone: (530) 587-3161
E-Mail: Alexis@MAPF.org; Sophia@MAPF.org

Attorneys for MAP:

Amy Bricker
Susannah French
Richard Taylor
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, California 95825
Telephone: (415) 552-7272
E-mail: Bricker@smwlaw.com; french@smwlaw.com ; RTaylor@smwlaw.com

TO TRPA:

Julie W. Regan, Executive Director
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449
Telephone (775) 588-4547
Email: jregan@trpa.gov

Attorneys for TRPA:

John L. Marshall
Graham St. Michel
P.O. Box 5310
Stateline, NV 89449
Telephone: (415) 552-7272
E-mail: jmarshall@trpa.gov; gstmichel@trpa.gov

18. Advice of Counsel. In executing this Agreement, the Parties acknowledge that they have consulted with and been advised by their respective attorneys, and that they have executed this Agreement voluntarily after independent investigation, and without fraud, duress or undue influence. The Parties further acknowledge and agree that they have had a reasonable period of time for deliberation before executing this Agreement and that, in deciding to enter into this Agreement, they did not rely on any oral or written representation or statement by the other Party or any attorney, or other agent or representative of the other Party, including but not limited to any representation or statement about the subject matter, basis, or effect of this Agreement.

19. Future Waivers. No waiver by the Parties or by their respective attorneys of any condition, provision, or term of this Agreement shall be deemed a waiver of any other condition, provision, or term of this Agreement at the same or any other time.

20. Modification. This Agreement may be modified only in a writing signed by the Parties.

21. No Admission of Liability. The Parties acknowledge that this Agreement represents a compromise and final settlement of disputed claims and that performance of its terms is not to be construed as an admission or adjudication of any liability or wrongdoing whatsoever by any Party to this Agreement nor regarding any Party's views of the facts, or the law, as they pertain to the Action.

22. No Representations. Each party to this Agreement acknowledges that it is fully aware of the significance and legal effect of this Agreement, including its release provisions, and is not entering into this Agreement in reliance on any representation, promise, or statement made by any Party, except those explicitly contained in this Agreement.

23. Mistake. Each of the Parties to this Agreement has investigated the facts pertaining to this Agreement to the extent each Party deems necessary. In entering into this Agreement, each Party assumes the risk of mistake with respect to such facts. This Agreement is intended to be final and binding upon the Parties regardless of any claim of mistake.

24. Severability. The provisions of this Agreement are contractual, and not mere recitals, and shall be considered severable, so that if any provision or part of this Agreement shall at any time be held invalid, that provision or part thereof shall remain in force and effect to the extent allowed by law, and all other provisions of this Agreement shall remain in full force and effect, and be enforceable.

25. Jointly Drafted. This Agreement has been jointly drafted, and any rule that it be construed against the drafting party is not applicable.

26. Applicable Law. This Agreement shall be interpreted under the laws of the State of California.

27. Construction. This Agreement has been reviewed by the Parties, and by their respective attorneys, and the Parties have had a full opportunity to negotiate the contents of this Agreement. The Parties expressly waive any common law or statutory rule of construction that ambiguity should be construed against the drafter of this Agreement and agree that the language in all parts of this Agreement shall in all cases be construed as a whole, according to its fair meaning.

28. No Third Party Beneficiaries. The mutual promises in this Agreement are intended only for the benefit of the Parties. The Parties agree that there are no intended or incidental third party beneficiaries to this Agreement.

29. Survival of Provisions. All promises, covenants, releases, representations and warranties contained in this Agreement shall survive the execution and delivery of this Agreement and the consummation of the transactions contemplated herein.

30. Attorneys' Fees Arising Out of The Enforcement of the Agreement. In the event of litigation arising out of any alleged breach of this Agreement, each party shall bear its own fees and costs.

31. Binding Effect. This Agreement shall bind and inure to the benefit of each Party and each Party's successors, assigns, heirs, officers, directors, employees, members, representatives, managers, principals and agents.

32. Effective Date. This Agreement shall be effective as of the latest date upon which all of the signatories have signed the Agreement.

33. Execution in Counterpart. This Agreement may be executed in counterpart, and all executed copies are duplicate originals, equally admissible in evidence. The Parties agree that the transmission of an executed copy of this Agreement by e-mail shall be valid and binding, and shall have the same full force and effect as if an executed original of this Agreement had been delivered.

34. Entire Agreement. This Agreement contains the entire agreement among the Parties hereto with respect to the matters covered hereby, and supersedes all prior agreements, written or oral, among the Parties. No other agreement, statement or promise made by any Party not contained herein shall be binding or valid.

35. Further Documents. Each party will execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such further instruments and documents as may be necessary in order to consummate this Agreement.

36. Time Of the Essence. Time is of the essence of this Agreement and of the performance by each Party hereto of the obligations on that Party's part to be performed.

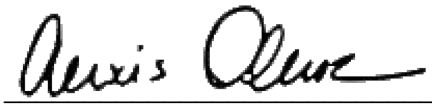
37. Force Majeure Events. If any Party fails to perform its obligations because of strikes, lockouts, labor disputes, embargoes, acts of God, inability to obtain labor or other materials or reasonable substitute for labor or materials, governmental restrictions, governmental regulations, governmental controls, judicial orders, enemy or hostile governmental action, civil commotion, fire, flood, storm, explosion, earthquake or other casualty, or any other cause beyond the reasonable control of the Party obligated to perform, then that Party's performance shall be excused to the extent performance is no longer practically possible. To the extent that obligations can still be performed as a practical matter at the termination of any of the events described above, then performance of the obligations shall be delayed for a period equal to the period of such cause for failure to perform.

38. Recitals in Caption. The recitals in the captions of the paragraphs and subparagraphs of this Agreement are for convenience and reference only; the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

39. Warranty of Authority. The Parties represent and warrant that they have full authority to enter into, deliver, and perform under this Agreement, and that all acts and actions have been taken to grant such authority, and that no third-party consent, which has not already been obtained, is required. Each of the signatories to this Agreement represent and warrant that they are authorized to execute this Agreement on behalf of the Party for whom they executed this Agreement.

40. None of the Parties will make any public statements or issue any press release about this Agreement prior to the day after the Agreement's Effective Date.

MOUNTAIN AREA PRESERVATION FOUNDATION



BY: Alexis Ollar, Executive Director

DATED 07/01/2024

TAHOE REGIONAL PLANNING AGENCY

_____

BY: Julie W. Regan, Executive Director

DATED _____

APPROVED AS TO FORM:

SHUTE, MIHALY & WEINBERGER LLP

BY: Amy Bricker, Counsel for Mountain Area Preservation Foundation

DATED 07/01/2024

TAHOE REGIONAL PLANNING AGENCY

_____

BY: Graham St. Michel, Associate Counsel

DATED _____

40. None of the Parties will make any public statements or issue any press release about this Agreement prior to the day after the Agreement's Effective Date.

MOUNTAIN AREA PRESERVATION FOUNDATION

_____
BY: Alexis Ollar, Executive Director

DATED _____

TAHOE REGIONAL PLANNING AGENCY

Julie W. Regan
BY: Julie W. Regan, Executive Director

DATED 7-1-24

APPROVED AS TO FORM:

SHUTE, MIHALY & WEINBERGER LLP

_____
BY: Amy Bricker, Counsel for Mountain Area Preservation Foundation

DATED _____

TAHOE REGIONAL PLANNING AGENCY

Graham St. Michel
BY: Graham St. Michel, Associate Counsel

DATED 7-1-24

EXHIBIT A

SUSANNAH T. FRENCH (State Bar No. 168317)
AMY J. BRICKER (State Bar No. 227073)
SHUTE, MIHALY & WEINBERGER LLP
396 Hayes Street
San Francisco, California 94102
Telephone: (415) 552-7272
Facsimile: (415) 552-5816
French@smwlaw.com
Bricker@smwlaw.com

Attorneys for Plaintiff
Mountain Area Preservation Foundation

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

MOUNTAIN AREA PRESERVATION FOUNDATION,

Plaintiff,

v.

TAHOE REGIONAL PLANNING AGENCY,

Defendant.

Case No. 2:24-cv-00441-AC

STIPULATION FOR DISMISSAL AND CONTINUING JURISDICTION; [PROPOSED] ORDER

AGENDA ITEM NO. 4.A.

Pursuant to Rule 41 (a)(1)(ii) of the Federal Rules of Civil Procedure ("Fed. R. Civ. P."), and subject to approval of the Court, Plaintiff Mountain Area Preservation Foundation ("MAP") and Defendant Tahoe Regional Planning Agency ("TRPA") (collectively, the "Parties"), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, on December 13, 2023, the TRPA Governing Board approved the Phase 2 Housing Amendments ("Phase 2" or "Amendments"), including the adoption of Ordinance 2023-07, amending the TRPA Code; Ordinance 2023-08, amending the TRPA Regional Plan Goals and Policies; and the adoption of Environmental Findings and Finding of No Significant Effect ("FONSE") based on an Initial Environmental Checklist ("IEC");

WHEREAS, the Amendments modify standards for designated development to allow higher, denser development and are intended to accelerate the construction of deed-restricted affordable, moderate or achievable housing, and associated mixed-use development in specified areas;

WHEREAS, on February 9, 2024, MAP filed a Complaint for Injunctive and Declaratory Relief ("Complaint") in this court (Case No. 2:24-cv-00441-AC, hereinafter "Action"), alleging that TRPA had violated the Tahoe Regional Planning Bi-State Compact ("Compact"), the TRPA Regional Plan, and TRPA regulations in its approval of the Amendments;

WHEREAS, on April 29, 2024, TRPA filed its Answer to the Complaint, wherein it denied the allegations in the Complaint and claimed the environmental review was consistent with applicable law;

WHEREAS, the Parties' attorneys held settlement discussions and determined that the Parties jointly recognized the need for and agreed to work together to increase lower income and workforce housing options in the Lake Tahoe Basin, while also preserving the unique environmental attributes of the Tahoe Basin;

WHEREAS, the Parties would rather utilize their respective resources for cooperatively solving housing issues rather than litigating over TRPA's Phase 2 efforts;

WHEREAS, on [date], the Parties reached a settlement, subject to TRPA's adoption of proposed amendments ("Proposed Amendments") to the Phase 2 approvals at issue in this Action. Pursuant to Local Rule 160, a copy of the Settlement Agreement ("Settlement Agreement") was submitted to the Court on [DATE];[1]

WHEREAS, under the terms of the Settlement Agreement, if TRPA approved the Proposed Amendments by September 30, 2024, MAP, with concurrence of TRPA, would dismiss this Action with prejudice and the Parties would request an order providing for continuing jurisdiction of the Court to enforce the rights and obligations of the Parties to the Settlement Agreement;

WHEREAS, on June 26, 2024, TRPA adopted the Proposed Amendments, a copy of which is attached hereto as Exhibit 1;

NOW, THEREFORE, SUBJECT TO THE APPROVAL OF THE COURT, IT IS HEREBY STIPULATED as follows:

1. Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), the Parties hereby jointly request dismissal of the above-captioned actions and all claims therein, with prejudice and without fees or costs to any side;

2. The Court shall retain continuing jurisdiction over the above-captioned matter for the limited purpose of enforcing the rights and obligations of the Parties as set forth in the Settlement Agreement.

DATED: ___, 2024

SHUTE, MIHALY & WEINBERGER LLP

By: _____

SUSANNAH T. FRENCH
AMY J. BRICKER

Attorneys for Plaintiff
Mountain Area Preservation Foundation

[1] Insert Docket Number

DATED: ___, 2024

TAHOE REGIONAL PLANNING AGENCY

By: (authorized on DATE)
JOHN L. MARSHALL
MARSHA A. BURCH
GRAHAM ST. MICHEL

Attorneys for Defendant
Tahoe Regional Planning Agency

[PROPOSED] ORDER

Upon the stipulation of the parties, and for good cause shown, the Court hereby ORDERS as follows:

1. Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), the Parties' joint request for dismissal of the above-captioned actions and all claims therein, with prejudice and without fees or costs to any side, is GRANTED.

2. The Court shall retain continuing jurisdiction over the above-captioned matter for the limited purpose of enforcing the rights and obligations of the Parties as set forth in the Settlement Agreement.

IT IS SO ORDERED.

DATED: _____, 2024

_____
Hon. Allison Claire

1787754.1

EXHIBIT 1

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2024-05

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

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

Section 1.0 Findings

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

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

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

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

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

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

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

Section 2.0 Amendment of the TRPA Code of Ordinances

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

Section 3.0 Interpretation and Severability

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

Section 4.0 Effective Date

4.10 This ordinance shall be effective 60 days after adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held June 26, 2024 by the following vote:

Ayes: Mr. Bass, Ms. Aldean, Ms. Conrad-Saydah, Mr. Aguilar, Ms. Faustinos, Ms. Hill, Mr. Rice, Mr. Ferry, Mr. Settelmeyer, Ms. Leumer, Ms. Gustafson.

Nays: None

Abstentions: None

Absent: Mr. Hoenigman and Ms. Williamson

Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board

Attachment B: Proposed Code Amendment Language

30.4.2.B.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~~,~~ and 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. 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.

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.

d. 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.

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

Multi-residential developments, mixed-use developments with a residential component, 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; and~~,~~ 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 the parking minimums per Section 34.4.1, unless an area plan specifies alternative standards per Section 13.5.3.I.C.1.

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. ~~Eight-hundred and forty three~~Five-hundred sixty-two (562) ~~(843)~~ of the 1,124, or ~~three quarters~~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 ~~or moderate-income~~ housing units; ~~the remaining~~ 281, or one quarter of the remaining, residential bonus units from the TRPA pool, whichever is less, shall be used for affordable or moderate income housing units; and 281, or one quarter of the remaining residential bonus units from the TRPA pool, whichever is less, may be used for affordable, moderate-income, or achievable housing units.

Attachment C

Definitions of “Achievable” and “Affordable-by-Design” housing

Affordable-by-design housing: A term used to describe non-deed-restricted housing that may be eligible for some incentives under this proposal including partial fee reductions, process streamlining, and access to bonus units. Affordable-by-design housing includes:

- Multifamily rental housing with restrictions on conversion to for-sale housing for a minimum of 15-years after which time it may be converted to deed-restricted Achievable condominiums.[1]
- Multifamily housing in a mixed-income project with a required minimum amount of deed-restricted affordable, moderate or achievable housing
- Accessory Dwelling Units under 1200 square feet
- Innovative housing types or models aimed at creating naturally occurring affordable housing, e.g. tiny homes, land trusts, co-housing, dormitories
- Single-family homes converted to duplexes, triplexes, or fourplexes

All housing types utilizing bonus units would be subject to restrictions prohibiting their use as short term rentals.

This definition is found in the "Key Terms" section of Attachment A of the January 28, 2026 Governing Board item VII.A.

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 the Tahoe Basin for more than seven years.

[1] Consistent with the 15-year restriction on condominium conversions for rental projects under the Low-Income Housing Tax Credit compliance period. The 15-year restriction on conversion is intended to protect tenants from unexpected loss of housing and maximize public incentives and subsidies for workforce housing while allowing opportunities for home ownership.

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*.

This definition is found in Chapter 90 of the Code of Ordinances.

TAHOE REGIONAL PLANNING AGENCY

TRPA
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128 Market Street
Stateline, NV 89449

STAFF REPORT

Date: March 11, 2026

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Presentation on the process and design standards for area-wide stormwater/complete streets infrastructure

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Summary:
This is an information presentation intended to meet two objectives: 1) describe the process to implement various plan and code provisions designed to retrofit select developed areas in the Tahoe Basin with stormwater/complete streets infrastructure that will better control runoff and erosion that negatively impacts Lake water quality, and 2.) to provide an overview of extant and new design standards being prepared for that infrastructure. This is an information item and does not require the Planning Commission to take any formal action.

Required Motions:
No motion is required as this presentation is being made solely to provide information to the Advisory Planning Commission and members of the public.

Background:
There are three existing code provisions that provide the option for areawide treatment of stormwater:

1. Chapter 13 – Provides the option to include areawide water quality treatments and funding mechanisms in area plans.
2. Chapter 30 – Allows for additional land coverage for certain types of housing (i.e., low and moderate income, and achievable) with stormwater collection and treatment systems.
3. Chapter 60 – Identifies special circumstances in which areawide stormwater treatment options are permissible.

Some of these options are relatively new and some have been available for years. However, the process for transitioning from best management practices (BMPs) at parcel level to areawide BMPs for stormwater treatment has not been clearly understood. The process includes the steps shown in the figure below. These steps will be presented and explained in more detail.

To help in the preparation of the plans for additional treatment facilities (second step above), TRPA has convened a working group with stormwater and public works staff from the local governments in the

Basin and engaged NCE as consulting engineers to support the effort. TRPA staff, the working group, and NCE are 1.) compiling a menu of existing detail drawings (a.k.a., “typicals”) for stormwater infrastructure and complete streets, and 2.) identifying, prioritizing, and preparing additional detail drawings for the same purposes. As these are compiled and completed, they will be included in TRPA’s Best Management Practices Handbook. Examples will be presented and discussed.

Additional Information:
For questions regarding this agenda item, please contact Shay Navarro, Watersheds and Water Quality Program Manager at (775) 589 5282 or snavarro@trpa.gov, or John Hester, Chief Operating Officer at (775) 589 5219 or jhester@trpa.gov.

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