TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that on **Wednesday, November 13, 2024,** commencing at **9:30 a.m., on Zoom and at the Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV** the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda is attached hereto and made part of this notice.

To participate in any TRPA Advisory Planning Commission meeting please go to the Calendar on the www.trpa.gov homepage and select the link for the current meeting. Members of the public may also choose to listen to the meeting by dialing the phone number and access code posted on our website.

November 6, 2024

Julie W. Regan

Julie W. Regan
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA and Zoom

November 13, 2024
9:30 a.m.

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear and may, for good cause, be continued until a later date.

Written Public Comment:
Members of the public may email written public comments to 'publiccomment@trpa.gov'. We encourage you to submit written comments (email, mail, or fax) in advance of the meeting date to give our staff adequate time to organize, post, and distribute your input to the appropriate staff and representatives. 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. Late comments may be distributed and posted after the meeting. Please include the meeting information and agenda item in the subject line. For general comments to representatives, include "General Comment" in the subject line.

Verbal Public Comment:
Public comments at the meeting should be as brief and concise as possible so that all who wish to participate may do so; testimony should not be repeated. The Chair of the Board shall have the discretion to set appropriate time allotments for individual speakers (usually 3 minutes for individuals and group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for participants will be permitted by the ceding of time to others. Written comments of any length are welcome. In the interest of efficient meeting management, the Chairperson reserves the right to limit the duration of each public comment period to a total of 1 hour. Public comment will be taken for each appropriate action item at the time the agenda item is heard and a general public comment period will be provided at the end of the meeting for all other comments including agendized informational items.

Accommodation and Additional Assistance:
TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to participate in the meeting. Please contact Tracy Campbell at (775) 589-5257 if you would like to participate in the meeting and are in need of assistance. The

meeting agenda and staff reports will be posted at https://www.trpa.gov/meeting-materials no later than 7 days prior to the meeting date. For questions or to request a copy of the supporting materials please contact TRPA admin staff at virtualmeetinghelp@trpa.gov or call (775) 588-4547.

IV. DISPOSITION OF MINUTES

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V. PUBLIC HEARINGS

A. Discussion and possible recommendation for approval of proposed amendments to Chapter 13 of the TRPA Code of Ordinances, and the Goals and Policies of the Regional Plan, regarding the review and potential approval process for local jurisdiction Area Plans that propose alternative density and height limits in Centers — **Discussion and Possible Action/Recommendation** **Page 33**

VI. PLANNING MATTERS

A. Lake Tahoe Dam Investigatory work by the Bureau of Reclamation, Region 10, Tahoe City, Placer County, California, Assessor's Parcel Numbers 094-290-033, 094-540-008, & 094-540-017 — **Informational Only** **Page 105**

B. Nevada Energy Resilience Corridor Project — **Informational Only** **Page 110**

VII. REPORTS

A. Executive Director — **Informational Only**

1) Upcoming Topics — **Informational Only**

B. General Counsel — **Informational Only**

C. APC Members — **Informational Only**

VIII. PUBLIC COMMENT

IX. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Tahoe Regional Planning Agency
Zoom

August 14, 2024

Meeting Minutes

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I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Stahler called the meeting to order at 1:32 p.m.

Members present: Ms. Carr, Ms. Chandler, Mr. Drake, Mr. Drew, Ms. Ferris, Ms. Setzer (for Ms. Jacobsen), Mr. McNamara, Ms. Stahler, Mr. Stephen, Mr. Hitchcock, Mr. Young

Members absent: Mr. Alling, Mr. Ferry, Mr. Hill, Mr. Letton, Ms. Moroles-O'Neil, Mr. Smokey, Mr. Teshara

II. APPROVAL OF AGENDA

Ms. Stahler deemed the agenda approved as posted.

III. PUBLIC INTEREST COMMENTS

Mr. Deepak Sharma said his family owns multiple parcels within the area plans currently being amended. He wanted to address prior attempts to restrict condominium developments in specific zones where they were previously permitted. These backward amendments were struck down by the city council, and he voiced his concerns to prevent such regressive changes from reappearing in the current amendments.

As you know, commercial areas typically serve a variety of businesses, and developing land here requires extensive planning, design, and construction, which takes years—especially in a place like Tahoe. All this planning is based on the existing rules at the time of property acquisition, including allowed uses. Significant investments are made based on these current uses, so it is unfair and potentially even illegal for city authorities to later restrict these uses. Such changes are akin to eminent domain but lack any genuine public benefit. Rather, they seem to impose an agenda on private property owners.

We are a community of small, local businesses, and if support for thriving businesses cannot be offered, it's at least fair not to impose unnecessary setbacks. The current issues facing the basin are rooted in a lack of policies that harness tourism to uplift the local community. Restrictive policies do not contribute to the well-being of our community.

We respectfully request that any amendments to the area plan preserve the existing permitted uses as outlined in the current plans. Imposing new restrictions will not only negatively impact current property owners, but will also fail to address the needs of our community. Restricting permitted uses in the area plans not only harms local businesses but also impacts the employees who rely on those businesses. Moreover, it sets a troubling precedent that authorities can arbitrarily alter rules at any time, moving the goalposts and creating uncertainty for property owners and investors.

IV. DISPOSITION OF MINUTES

Mr. Young moved approval of the May 8, 2024, meeting minutes, as amended (correction to pg. 25, line 10, "June, July, and August).

Mr. Drew abstained.

Motion passed.

V. PUBLIC HEARINGS

Agenda Item No. V.A. City of South Lake Tahoe Tourist Core Area Plan Amendments

Mr. John Hester, Chief Operating Officer and Deputy Executive Director of TRPA, introduced the upcoming agenda items (V.A, V.B, and V.C) as a related group of actions. He acknowledged that the process might be confusing but said that TRPA has been collaborating closely with the City of South Lake Tahoe, meeting almost daily, to advance these proposals as much as possible. However, some proposals from the city currently do not align with the TRPA Regional Plan, and he outlined the approach to manage these inconsistencies.

The first of the three main topics addressed is 'Commercial Floor Area'. The City had initially proposed amendments related to commercial floor area. However, after examining TRPA's code, it was determined that their goals could be met without a plan amendment by referencing TRPA's existing code. This issue, therefore, does not require further amendment.

The other two items relate to 'Density in the Town Center'. TRPA has identified certain areas where exceptions to height and density regulations are allowed, as indicated in Chapter 13 of the code. Since area plans were introduced in 2012, TRPA has documented these exceptions. Now, new density proposals have been submitted by the City for consideration, with additional potential proposals from two other counties.

Working with legal staff, TRPA decided to simplify the rules for height and density standards in area plans. Instead of continuously adding footnotes for exceptions in Chapter 13 of the code, TRPA will enable local governments to set these standards in their area plans, as they are more closely engaged with their communities. This adjustment means height and density proposals can be removed from the current area plan amendment process and instead be considered through Item V.C., which Ms. Bettinger will further discuss. Mr. Hester reminded the group that Item V.C. will be presented as an informational item this month, allowing time for committee members to review and hear input from local government representatives. Next meeting, TRPA

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will bring it forward for action. Following that, TRPA plans to submit the Area Plan amendments to the Regional Planning Committee (RPC), aiming for final approval by the Governing Board, potentially as early as October.

The only unresolved issue will be density standards outside town centers, which may be recommended for exclusion from the final set of amendments if it remains inconsistent with the Regional Plan. Mr. Hester concluded by inviting Ms. Alyssa Bettinger, TRPA Senior Planner with TRPA to continue the presentation.

Ms. Bettinger clarified that items V.A. and V.B. are action items, while Item V.C. is for discussion only. Ms. Bettinger provided background on the history of area plans, initially introduced with the 2012 Regional Plan Update, and emphasized that these plans are part of a coordinated effort with local entities to support regional development and policy consistency.

Ms. Bettinger provided an overview of area plans, which were first introduced in the 2012 Regional Plan update to adapt regional strategies to local needs. The Tourist Core Area Plan, adopted in 2013, covers South Lake Tahoe's Stateline and Ski Run area, including Heavenly Village and extending to Bijou. The City has been developing these amendments over the past year and a half, focusing on supporting workforce housing, economic development, town center revitalization, and enhanced transportation options.

One significant addition in the amendments includes the TRPA's Phase 2 housing amendments, approved in December 2023, which offer incentives for increased density, height, coverage, and parking, specifically for 100% deed-restricted housing.

Another proposed change involves expanding the area plan boundary to incorporate two developed parcels. The amendments, approved by the South Lake Tahoe City Council in June, will advance to the Regional Plan Committee and Governing Board this fall, provided they receive approval from the Advisory Planning Commission (APC).

Ms. Bettinger handed over to Anna Kashuba, City of South Lake Tahoe (CSLT), Senior Planner who emphasized that the proposed amendments for both the Tourist Core and Tahoe Valley Area Plans are largely similar, addressing long-overdue updates to reflect housing and development policies.

Ms. Kashuba said that both plans were originally adopted in 2013 & 2015, and are now being updated to align with recent housing and citywide policies, such as the TRPA Phase 2 housing amendments. We began this process early in 2023 and hosted stakeholder workshops around that time. The amendments have been heard at four public hearings, including the Regional Plan Committee in May of last year, and the City Council adopted the amendments for both plans in June 2024.

Ms. Kashuba continued detailing the proposed updates to the Tourist and Tahoe Area Plans, focusing on housing density, preservation, and parking. Key changes to density include:

- A minimum density of 12 units per acre, with some exceptions for existing developments and qualifying mixed-use projects, to prevent underutilization of large parcels.

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- Maximum densities were set at 65 units per acre in town centers, with no maximum for 100% deed-restricted housing as per TRPA Phase 2 Housing Amendments.

The City have included a No Net Loss Policy to preserve existing housing by preventing vacation rental permits for single-family homes that replace multi-family units, addressing a trend where multi-family properties are converted into vacation rentals, reducing long-term rental stock. If units are demolished, any replacements should mirror the size and number of bedrooms of the original units.

Regarding parking, the amendments provide a nuanced parking strategy, including a standard 25% parking reduction for properties within half a mile of transit stops. Further reductions are allowed with parking demand analysis or mitigation.

For multi-family projects, one parking spot per unit is allowed, simplifying the previous size-based requirement, as well as allowing a 20% reduction when the property owner responsible for parking management – most commonly when property owners unbundle parking from rent, encouraging tenants to opt out if parking isn't needed.

Bicycle parking, previously based on the number of automobile parking spaces, is now based on the use and intensity of that use, which results in an overall increase in bicycle parking.

Ms. Kashuba said the area plan amendments also introduce more flexibility for commercial floor area, specifically for outdoor dining. The intention is to promote street activation and economic growth, particularly for dining and drinking establishments. The amendments allow additional commercial floor area without a Commercial Floor Area (CFA) allocation. Modeled after an existing TRPA policy, this provision enables up to 20 outdoor seats or 300 square feet of additional space (whichever is less) per use, rather than per parcel.

Driven by the increase in density and by comments from the Planning Commission, they have shifted the Residential Open Space Requirement. Previously a developer could choose either private or public open space. Residential projects must now provide open space that is public accessible to all units on the parcel, and ADA-compliant. While the current requirement is 100 square feet per unit, a new option limits open space to 10% of the maximum allowable coverage for projects with high-density targets (e.g., 50-60 units per acre). This flexibility is designed to encourage developers to maximize unit density while still providing some public open space, though it is expected to be used sparingly.

The City has adopted language that would allow for accessory uses to advertise. The amendments now allow accessory uses within the city's jurisdiction to advertise directly, aiming to boost visibility and support for businesses that might otherwise have limited promotional opportunities. This would not change the overall signage area, but they can decide how to split signage between the primary and accessory use.

All the items mentioned so far are applicable to both the Tahoe Valley Area Plan and the Tourist Core Area Plan. The expansion shown on slide 12 is unique to the Tourist Core Area Plan – the addition of two parcels to the Tourist Center Neighborhood Mixed-Use District. Both parcels are currently hotel-motel use, located in the Pioneer Ski Run Plan Area Statement and are legal but non-conforming. By bringing them into the Tourist Core Area Plan, they are reclassified as

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conforming, which allows these parcels to access the coverage and density benefits available to properties in town centers.

Ms. Kashuba handed back to Ms. Bettinger who provided additional context on how these amendments interact with TRPA's code. She clarified that TRPA staff has reviewed these changes for consistency with the Regional Plan and highlighted a few key points. First, there is a proposal to increase residential density up to 65 units per acre within the town center, whereas the current TRPA code (Chapter 13) only allows up to 25 units per acre in such areas. Under the current code, TRPA cannot find this density provision in the area plan to be consistent with their regulations. However, today's agenda item V.C. focuses on a potential amendment to Chapter 13. This amendment, if adopted, would allow local jurisdictions to propose alternative height and density standards within their area plans, so long as they meet certain requirements that, in this case, TRPA staff believes the City has met. Depending on feedback from the Advisory Planning Commission (APC) during the meeting, TRPA staff plans to move forward with taking these draft amendments through the hearing process this fall, potentially aligning their approval with the area plan amendment if there is overall support.

The second policy amendment pertains to outdoor dining exemptions from Commercial Floor Area (CFA) requirements. This exemption involves a small allowance for outdoor dining to be free from CFA requirements, consistent with TRPA's code. An errata reference document has been provided, listing the specific conditions that align with TRPA's standards

Commission Comments/Questions

Mr. Young said Washoe County are also exploring the use of alternative parking standards based on a parking needs analysis. He expressed interest in understanding South Lake Tahoe's approach more deeply and noted that methodologies vary widely. Washoe County may reach out for additional information on how South Lake Tahoe structures its process for accepting alternative parking studies.

Ms. Setzer asked if the application of the new outdoor dining (Commercial Floor Area) CFA exemption would apply to new projects. Ms. Kashuba clarified that for new developments that include eating and drinking establishments with outdoor dining, the full CFA would still need to be purchased. The exemption is intended specifically for existing commercial floor areas, allowing those establishments some flexibility to add outdoor seating for the summer months. She added that because these expansions are primarily seasonal, the CFA transfer requirement has been relaxed, making it easier for businesses to increase capacity temporarily without committing to a lengthy CFA purchase and transfer process for what is ultimately a short operational season.

Ms. Setzer raised concern that new projects may try to purchase less CFA than they need, and then try to go through this process, so she would suggest more flexibility in just allowing 20 additional outside seasonal seats without the need for additional CFA. Mr. Drake agreed with Ms. Setzer and said he thinks it is important for new businesses to have flexibility to flex into outside space when they can to generate critical income. Sometimes making a project work when you're also having to buy commodities doesn't pencil, and we have lot of vacant buildings in South Lake Tahoe. It would be a good idea to acknowledge the way business works and build

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that into the policy. He added that he appreciates the way this is going, but maybe taking it a step further is a smart move.

Mr. Drake raised a follow-up question on parking. He expressed appreciation for the push towards more flexible parking requirements, noting California's law, AB 2097, which eliminated minimum parking requirements within half a mile of transit. However, the definition of transit under AB 2097 doesn't align well with Tahoe's standards, as it requires a 15-minute headway to qualify as a major transit stop. Ms. Kashuba said that since Tahoe's transit system doesn't meet this frequency threshold, the parking reduction instead applies within a half-mile radius of any bus stop.

Inquiring further, Mr. Drake asked how businesses might further reduce their parking requirements practically. Ms. Kashuba clarified that, while parking analyses remain an option, they can be a lengthy and costly process for applicants. To ease this, they have introduced alternative strategies, such as requiring businesses to improve street frontage beyond the immediate parcel, connecting sidewalks to nearby properties, and adding amenities like bike parking or electric vehicle (EV) chargers. Other measures might include shared vehicles for residents, similar to programs seen in Sacramento, which could reduce the need for personal vehicles.

Ms. Kashuba said they intentionally left this approach flexible to encourage innovative solutions from applicants, and confirmed that staff has discretionary authority to approve reductions for minor design reviews. For larger projects or special use permits, these determinations would be made by the Planning Commission.

Mr. Drake encouraged further flexibility, suggesting that shared parking agreements and neighborhood-wide assessments of parking needs would be beneficial. He pointed out that project-by-project parking requirements often impede new businesses, and expressed concern over mandates for sidewalks that "go nowhere," which can be financially burdensome without providing real connectivity.

Mr. Hitchcock discussed the City's efforts to enhance pedestrian infrastructure and transit, as well as its encouragement of shared parking agreements between parcels and the potential for parking management plans as flexible solutions. He emphasized the city council's commitment to reducing, not increasing, parking requirements to assist developers in meeting project goals.

Ms. Chandler inquired about the City's density goals of 12 units per acre as a minimum and 65 units per acre as a maximum. Ms. Kashuba said that the initial minimum density of 8 units per acre was established in the general plan, but after consulting with stakeholders, the Planning Commission, and the City Council, it was increased to 12 units. The maximum density of 65 units per acre was set to make affordable housing projects more viable by reaching a competitive density level for state funding.

TRPA Associate Attorney, Mr. Graham St. Michel, clarified that the City's adjustments in height and density target both market-rate projects and affordable housing projects, noting that this plan does not only focus on Phase 2 housing amendment compliance but has broader applications.

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Regarding Commercial Floor Area (CFA) requirements, Ms. Carr pointed out the importance of avoiding outdoor dining setups on grass or dirt to prevent erosion but was also curious about balancing this with land coverage standards to protect water quality. Using sidewalk construction as an example, she questioned if extending sidewalks might reduce dirt/erosion but increase land coverage, wondering how the programs interact. In response, Mr. Hitchcock said that the proposals would not alter existing land coverage standards. Any outdoor dining area would still be subject to TRPA and city code coverage requirements, as established by prior TRPA staff guidance.

Ms. Carr's second question was about the increased density proposal, specifically how developments would accommodate a rise from 25 to 65 units per acre. She asked if this density increase would lead to smaller units or be paired with greater height allowances to accommodate additional floors. Mr. Hitchcock said that discussions with affordable housing developers indicated that a feasible design requires at least four stories and at least 65 units per acre.

Regarding the prohibition on single-family homes unless additional units are provided offsite, Mr. Drew questioned whether these offsite units need to be built and occupied before occupancy of the new single-family dwelling can be permitted. Ms. Kashuba explained that, while the code does not currently specify this, they typically require the primary dwelling to be completed and occupied first, using the example of Accessory Dwelling Units (ADUs) which cannot receive occupancy certification until the primary single-family home is completed.

Mr. Drew emphasized the importance of clarifying these requirements to prevent obstacles for property owners who wish to invest in upgrading their properties. He also highlighted that certain policy changes, such as the city-wide ban on VHRs (vacation home rentals), have created unintended consequences, leading to increased density in particular areas.

Ms. Carr raised a separate concern regarding safety, particularly in relation to evacuations. She acknowledged that extensive discussions on safety, evacuation planning, and coordination with first responders and fire officials are already ongoing but emphasized that this is a crucial consideration for planning decisions. Ms. Carr added that, as the City increases density, reduces parking requirements, and promotes public transit and other alternative transportation options, it's important to keep emergency evacuation considerations in mind. While encouraging alternatives to car ownership, she pointed out that in an emergency, it could be challenging for residents without cars to evacuate safely.

Mr. Hester acknowledged this concern and explained that first responders, such as the local sheriff and fire departments, are responsible for evacuation protocols. In support of their efforts, the TRPA recently received a "PROTECT" (Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation Program) grant, highlighted by Secretary Buttigieg, aimed at increasing infrastructure resilience against climate threats, including fires. Part of this grant will be used to thin forests around key evacuation routes to facilitate smoother evacuations.

Furthermore, the PROTECT grant will help establish an emergency transportation system. This system aims to identify residents without cars, coordinate with them, and utilize available

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transportation resources, like school buses and ski resort shuttles, to ensure everyone has access to a safe evacuation option.

Referring to the proposed increase in housing density, from 25 to 65 units, Ms. Stahler asked whether this change would impact the regional cap on development. Mr. Hitchcock said the proposal focuses on increasing density specifically within tourist centers, which would prevent other areas from building out to similar capacities. This concentration of development in central areas aligns with regional growth management, a system requiring that any increase in density be balanced by reductions elsewhere. In response, it was confirmed that any increased development rights or bonus units are not additional but are instead relocated within designated transit-accessible zones to maximize efficiency and accessibility.

Ms. Stahler referenced the need to align infrastructure development with housing increases, particularly around transit and bike paths, and asked for more information on timing for those developments . Mr. Hitchcock said the plan doesn't specifically establish targets or dates for implementing transportation or transit improvements, but it includes aspirational policy statements encouraging ongoing development of transportation facilities. Often, when new projects are proposed, the responsibility of building supporting infrastructure is partially transferred to the developers. This piecemeal approach, as highlighted by representatives from Placer County, ensures incremental growth of infrastructure. Additionally, the City employs a Complete Streets Coordinator tasked with systematically building out the infrastructure to enhance connectivity within city limits.

Referring to water quality, Ms. Stahler noted that during environmental review, redevelopment projects offer opportunities to improve water quality, as they allow for modern Best Management Practices (BMPs) to be implemented. However, she noticed a reliance on excess coverage mitigation fees for water quality improvement. While these fees are intended to fund physical mitigation efforts in other locations, their effectiveness depends on whether the funds collected are adequate to meet rising restoration and construction costs. She said there may be a need for a reassessment to ensure the excess coverage mitigation fees remain sufficient to cover the cost of restoration. Mr. Hitchcock said he would defer to TRPA on that question since it is not the responsibility of the City. However, for each project, developers are generally required to manage their water impacts on-site. For deed-restricted projects, an option exists to connect to the City's stormwater system.

Mr. Hester agreed with the need for robust stormwater infrastructure, noting collaboration with Mr. Drew's firm, which is assisting in establishing design standards with city and county public works departments. These standards aim to integrate stormwater management into complete streets initiatives, particularly in areas with higher housing densities. He mentioned that the last review of excess mitigation fees took place several years ago, so there may be a gap in meeting current restoration costs, especially in hydrographic basins where coverage is limited, and restoration efforts are costly. Ms. Stahler, on behalf of Nevada Division of State Lands (NDSL), offered to provide updated data on restoration costs to TRPA, to help ensure that the mitigation fees remain adequate. Mr. Hester agreed, and added that while maintaining adequate mitigation fees is essential, it is preferable to implement dedicated stormwater systems within high-density developments.

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Public Comment

None.

APC Comments/Questions

TRPA Counsel Mr. St. Michel began by acknowledging Mr. Hester's earlier comments that three agenda items, the Tourist Core Area Plan, the Tahoe Basin Area Plan, and Chapter 13 amendments are interconnected and form a comprehensive package.

The TCAP and TBAP plans currently exhibit certain inconsistencies with TRPA code, presenting a procedural challenge. Mr. St. Michel clarified that these plans must pass through the Advisory Planning Commission (APC), which is responsible for recommending approval before they advance to the Governing Board. However, due to the existing inconsistencies, the Governing Board cannot adopt these plans in their current state without making amendments to the Regional Plan and the Code of Ordinances. This is where the Chapter 13 amendments come into play, as addressed in Item V.C. on the agenda.

He suggested that the most straightforward course of action would be APC recommending that the Governing Board adopt the area plans, with the understanding that further action will be required by the Governing Board to resolve the code inconsistencies. He noted that staff had indicated that APC could, at this meeting, send the plans to the Governing Board with a conditional recommendation. He said a potential motion might be a motion to recommend TRPA Governing Board approval provided the Governing Board takes concurrent action to adopt Regional Plan and Code Amendments allowing the Area Plans to increase density, and to resolve other inconsistencies as may be necessary, to ensure that the area plan conforms with TRPA authorities

Mr. Marshall, TRPA General Counsel, agreed with the suggestion on how to proceed, emphasizing the importance of advancing as many of the area plan amendments as possible. Mr. Marshall proposed that the APC could choose to move forward only those portions of the proposal that align with TRPA code. This would mean advancing all aspects of the area plan amendments except for the specific amendments related to height and density, which would be addressed under Item V.C. on the agenda.

Mr. Marshall suggested that the APC's primary objective should be to communicate to the Governing Board their support for the proposed area plan amendments, except for the sections that involve the discussed height and density issues. This way, the APC would show their endorsement for the other concepts within the area plan, helping the process move forward while isolating the items requiring further discussion and amendment.

Mr. Young made a motion to recommend TRPA Governing Board approval of the required findings, including a finding of no significant effect, for adoption of proposed Tourist Core Area Plan and Pioneer/Ski Run Plan Area Statement amendments, as provided in Attachment B, provided that the Governing Board is able to make the required adjustments to Chapter 13 to clear up the inconsistencies that are part of the record

Mr. Hitchcock seconded the motion.

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Ayes: Ms. Ferris, Mr. Young, Mr. Drew, Mr. Stephen, Ms. Carr, Mr. Drake, Mr. McNamara, Mr. Hitchcock, Ms. Chandler, Ms. Setzer, Ms. Stahler

Motion Passed.

Mr. Young made a motion to recommend adoption of Ordinance 2024-__, amending Ordinance 2020-2, to amend the Tourist Core Area Plan and Pioneer/Ski Run Area Plan Statement, to include the additions and revisions, as shown in Attachment B, Exhibit 1 & Exhibit 2, provided the Governing Board is able to make the required adjustments to Chapter 13 to clear up the inconsistencies as noted in the record today

Ms. Hitchcock seconded the motion.

Ayes: Mr. McNamara, Mr. Hitchcock, Mr. Drake, Ms. Chandler, Ms. Setzer, Ms. Carr, Mr. Young, Mr. Drew, Mr. Stephen, Ms. Ferris, Ms. Stahler

Motion Passed.

V.B. Agenda Item No. V.B. City of South Lake Tahoe Valley Area Plan Amendments

Ms. Alyssa Bettinger, Senior Planner with TRPA, introduced the Tahoe Valley Area Plan, highlighting its origins and nature. Adopted in 2015, this area plan encompasses the "Y" intersection region in South Lake Tahoe, predominantly commercial with some residential and tourist uses. The proposed amendments are very similar in terms of policy changes, any major differences will be highlighted in the presentation. The amendments also propose to expand the area plan boundary to incorporate 42 parcels into various area plan districts.

Ms. Bettinger handed over to Ms. Anna Kashuba, Senior Planner for the City of South Lake Tahoe, to provide information on the proposed amendments that are unique to the Tahoe Valley Area Plan, and to further explain the expansion details.

Ms. Kashuba noted that most of the proposed updates are expansions to the area, focusing on three specific areas where new parcels were added. The first area lies east of Tahoe Boulevard between James and Eloise, where one parcel north of Eloise Avenue is included. two years prior to the start of this process, a private application requested amendments to the Tahoe Island Plan Area Statement's Special Area 2 to allow additional permissible uses. Recognizing the unique characteristics of these parcels, the City included this application in the broader area plan amendment. Consequently, these parcels have been added to the Neighborhood Professional District within the town center, aligning with the amendment request and bringing certain legal, nonconforming uses and densities into compliance. The update also opens residential incentives for these parcels (five out of the 15 parcels are residential uses).

Ms. Kashuba continued that the second area of expansion involves adding eight parcels to the Town Center Gateway District. Similar to the previous area, these parcels contain legal nonconforming uses that will be brought into compliance, and residential incentives will also become available.

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Ms. Kashuba said the final expansion, the Emerald Bay Connection Corridor (slide 7) is a new residential district, outside the town center. These parcels are larger (approximately one acre each), situated on high-capability lands, and intended for residential development. This district represents the City's initial attempt to integrate TRPA's Phase 2 amendments for areas beyond town centers, deemed suitable for such an inclusion due to the land's characteristics and location.

The proposed density for this new district is set between 12 and 25 units per acre. However, this density range is currently inconsistent with TRPA's code, which caps multifamily densities outside of town centers at 15 units per acre. Although this cannot yet be implemented, the City's goal is to align with future TRPA amendments. Anika emphasized that the City seeks any viable housing options for community benefit. Despite not being directly within a town center, this area is within a mile of the Y intersection, which offers grocery stores, the City's largest transit stop, and other amenities, making it a practical choice for higher-density housing.

On slide 9, Ms. Kashuba highlighted changes made to permissible uses in the existing Town Center Healthcare District. Due to the relocation of Barton Health, property owners in this district have faced challenges in finding new tenants, given the limited permissible uses in the area. In response, several new permissible uses have been added to accommodate this need. However, because the area includes many residential properties, the new uses are limited to those that typically operate during standard weekday hours to minimize potential noise or traffic conflicts.

Ms. Bettinger clarified the remaining inconsistencies with TRPA's Regional Plan and Code Ordinances. The first inconsistency is a proposed residential density increase within town centers, up to 65 units per acre, which APC/TRPA is considering in the next agenda item.

Specific to the Tahoe Valley Area Plan, the City has proposed increasing density up to 25 units per acre outside of town centers. Currently, TRPA limits density in these areas to 15 units per acre, and there is no amendment proposed to raise this cap. This limitation is due to the focus on concentrating development within town centers and prioritizing deed-restricted housing in these denser areas.

The third inconsistency relates to outdoor dining policies. The City has made adjustments to align with TRPA's code, which are included in the plan and deemed consistent with TRPA's regulations (per the provided Errata sheet).

<u>Commission Comments/Questions</u>

Mr. Eric Young from Washoe County shared that, while he wasn't involved in prior working group discussions on the proposed density increase from 15 to 25 units per acre, he feels the flexibility the City of South Lake Tahoe is requesting could be beneficial. He acknowledged that, while the TRPA initially worked hard to establish optimal boundary lines for density, there have been ongoing adjustments, suggesting that some flexibility around town center edges might be warranted.

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Mr. Young said that he didn't see this slight increase in density around town centers as undermining the overall goal of concentrating development within town centers. Although he refrained from pushing back against TRPA's stance due to his lack of detailed knowledge on the prior discussions, he found it unlikely that a modest increase would disrupt the broader objective of focusing density within town centers.

Reflecting on the challenges posed by the current Commercial Floor Area (CFA) requirement, especially in relation to business flexibility, Mr. Young noted that, once purchased, CFA either remains tied up for resale or is permanently used by the buyer, limiting its future availability. Consequently, mandating businesses to acquire additional CFA for something temporary—such as seating for up to 25 seasonal tables—might not be beneficial from a policy standpoint. He suggested that this requirement removes CFA from the basin-wide market, potentially restricting resources for other developments.

Mr. Jason Drew sought clarification on the status of parcels located at the south end near the airport, questioning the discrepancy between the City of South Lake Tahoe's desired density and TRPA's allowable limits. He asked if there was consideration to just integrate these parcels into the town center. Ms. Kashuba explained that these parcels could not make the findings to be integrated into the town center because they're primarily vacant, making them ineligible.

Ms. Kashuba continued that if this area were to be included as proposed, TRPA's Phase 2 amendments would allow for deed-restricted housing on these parcels at up to 25 units per acre, but the City wants to expand this flexibility to also include market-rate units at the same density. Mr. Hitchcock added that this is driven by the City's goal to provide housing across all income levels, not just deed-restricted units. South Lake Tahoe's current housing needs include more market-rate units, as they have surpassed their target for deed-restricted housing but lag in meeting market-rate and moderate-income unit requirements.

Mr. Drew appreciated the clarification and agreed that with the current need for total housing increases, it seems logical to consider higher density on these parcels, especially since they can't qualify as part of the town center.

Mr. Hester said that during the Phase 2 housing amendment discussions, a gradient approach to density was initially proposed. This would have allowed slightly reduced densities as developments moved away from the town center, but it was ultimately excluded due to the lack of comprehensive environmental analysis across the region, and the legal challenges. TRPA's current stance on such flexibility is cautious due to the need for regional environmental analysis, which is necessary to manage development rights across the basin and maintain balanced growth with ecological impacts in mind. It is something we probably need to look at in the near future.

Mr. Drew asked if the City's inclusion of these housing updates would help facilitate conversations with the TRPA Governing Board. Mr. Hester confirmed that it would likely be discussed in the Phase 3 housing amendments, which begins in the fall. Mr. Hester suggested that improved infrastructure, like stormwater systems, could justify flexible coverage requirements, benefiting all types of housing, not just deed-restricted units.

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Mr. Drew asked if the City's intent in proposing these changes is to respond to TRPA's invitation to define its housing goals. Mr. Hitchcock agreed that was part of it, along with considering community feedback for increased density in areas already zoned for multifamily housing, without rezoning single-family lots.

Ms. Setzer expressed general support for the amendment direction, noting her enthusiasm for these changes while highlighting concerns raised in the Tahoe Living Working Group about potential impacts if higher density allowances lead to excessive second-home development. She pointed out that in a normal economy we might not think about that, but things might differ in Tahoe, where the demand for second homes often overshadows the available supply. From the Working Group perspective, we did want to incentivize the higher density to really get that deed restricted housing, but I'm open to this.

Ms. Setzer raised a question regarding a public comment made earlier in the meeting, asking if it related to the current agenda item. Ms. Kashuba confirmed that it did and elaborated on past proposals to prohibit subdivisions in this area, particularly concerning multifamily developments converting into condominiums and their eligibility for rental permits. This proposal was discussed by the planning commission and initially brought to the City council in June 2024, but was ultimately removed. Mr. Hitchcock added that due to Measure T, the Emerald Bay Corridor Connection district does not qualify for vacation home permits, meaning that any future developments in this area would be residential units available for full ownership or rental at market rates, not just deed-restricted units.

Mr. Drake emphasized support for the proposed housing amendments while also introducing the idea of using seasonal permits for outdoor dining as a flexible management tool. He asked if TRPA would currently prohibit that. Ms. Bettinger said that under the TRPA code, temporary activities are allowed for up to six months, with the possibility of applying for a six-month extension, but that's not in perpetuity. This means that, in theory, outdoor dining could be permitted for two seasons.

Speaking as someone who owns bars and restaurants, Mr. Drake underscored the importance of outdoor dining for their business model and advocated for measures that would facilitate seasonal outdoor dining. He highlighted the need to support small businesses, such as cafes and coffee shops, in leveraging outdoor spaces to enhance their annual operations. Any efforts to ease regulations around seasonal outdoor dining would be beneficial for the local economy and small business sustainability.

Mr. Hester added that during the COVID-19 pandemic, the requirement for CFA was suspended, which allowed businesses to use outdoor areas more freely. The idea of making this suspension permanent was discussed, although challenges around monitoring and tracking outdoor seating arrangements were acknowledged. There was a consensus that while there may be hurdles to overcome, the objective of supporting small businesses by easing outdoor dining regulations is worthwhile.

Public Comment

None.

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APC Comments/Questions

Referring to slide 10, Ms. Carr said that unlike the first agenda item, which is proposed alongside a Chapter 13 Code of Ordinance Amendment, this item includes a proposed amendment that is not in conformance with TRPA Code. So, it seems we would not be able to move forward with the second bullet point (residential density increase to 25 units per acre outside of Town Center) as part of a motion because there is no 'fix' proposed. Mr. Hester agreed and suggested the APC could recommend approval of everything but that.

Mr. Young made a motion to recommend TRPA Governing Board approval of the required findings, including a finding of no significant effect, for adoption of proposed Tahoe Valley Area Plan amendments as provided in Attachment D, with the exception of the proposed increase in density to 25 units per acre in the Emerald Bay Connection Corridor, and provided that the Governing Board can make the necessary amendments to Chapter 13 to resolve the other density inconsistencies.

Mr. Hitchcock seconded the motion

Ayes: Ms. Ferris, Mr. Young, Mr. Drew, Mr. Stephen, Ms. Carr, Mr. Drake, Ms. Setzer, Mr. McNamara, Ms. Chandler, Mr. Hitchcock, Ms. Stahler

Motion Passed.

Mr. Young made a motion to recommend removal of the proposed increase in density to 25 units per acre in the Emerald Bay Connection Corridor (EB-CC), Table 4, Development Standards in Attachment B, Exhibit 1.

Mr. Drake seconded the motion

Ayes: Ms. Ferris, Mr. Young, Mr. Stephen, Ms. Carr, Mr. Drake, Ms. Chandler, Ms. Setzer, Mr. McNamara, Ms. Stahler

Nays: Mr. Drew, Mr. Hitchcock

Motion Passed.

Mr. Young made a motion to recommend TRPA Governing Board adoption of Ordinance 2024-__, amending Ordinance 2021-01, as previously amended, to amend the Tahoe Valley Area Plan to include the additions and revisions as provided in Attachment B, Exhibit 1 and the maps in Exhibit 2, provided that the Governing Board can make the necessary amendments to Chapter 13 to resolve the inconsistencies as noted in the record.

Mr. Hitchcock seconded the motion.

Ayes: Mr. McNamara, Mr. Hitchcock, Mr. Drake, Ms. Chandler, Ms. Carr, Ms. Setzer, Mr. Young, Mr. Stephen, Mr. Drew, Ms. Ferris, Ms. Stahler

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Motion Passed.

V.C. Agenda Item No. V.C. TRPA Code of Ordinance Chapter 13 Draft Amendments

Ms. Alyssa Bettinger, TRPA Senior Planner, presented the item. She explained that the subject of discussion was proposed amendments aimed at streamlining processes for town center redevelopment and activation, specifically by clarifying and updating codes related to density and height in area plans. This item is informational only and no action is required today.

The two main changes being proposed respond to requests from local jurisdictions to simplify and streamline existing regulatory processes to better support regional goals of redevelopment. These updates are intended to formalize certain processes already in place, reinforcing regional policies that promote the revitalization of town centers.

The first proposed amendment concerns Chapter 13, which governs density and height regulations within town centers and designated areas. Currently, Chapter 13 outlines maximum density and height limits (slide 3), but local jurisdictions may request exceptions to these standards as part of their area plan amendments. The amendment aims to establish a clearer process for allowing higher density and height in centers, based on requests like the City's proposal for 65 units per acre within its centers.

Currently, if a jurisdiction wants to exceed the height or density limits, it must go through a two-step approval process: first, obtaining local and TRPA (Tahoe Regional Planning Agency) approval for the area plan amendment, and second, seeking a TRPA code amendment to allow the proposed changes in specific sites or districts. Over time, this process has led to "spot zoning" for individual areas or sites, creating a patchwork of specific allowances that complicate the regulatory landscape.

Ms. Bettinger said these amendments are aimed at creating a more cohesive and streamlined approach for such cases, reducing the need for individualized zoning adjustments and making the standards for height and density more predictable and applicable across similar regions. The aim is to bring greater clarity and efficiency to the redevelopment process while still supporting local jurisdictional needs within the framework of the Regional Plan.

The proposed draft code language aims to give local jurisdictions greater autonomy over planning decisions within their regions, particularly in cases where they seek alternative standards beyond the maximum density and height limits outlined in Chapter 13. The objective here is to empower local authorities, who are more attuned to their community needs, to have a more significant say in planning while still aligning with regional priorities.

Under this new draft, local jurisdictions could propose alternative density or height standards if they meet specific requirements. First, any alternative must align with the overall goals and policies of the Regional Plan. Second, the proposal would need to undergo environmental review as prescribed in Chapter 3 of the Code, ensuring that it complies with environmental protection standards, as required for all area plan amendments.

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Additionally, approval from both the Advisory Planning Commission (APC) and the TRPA Governing Board would still be mandatory, however, this draft language removes the need for a separate TRPA code amendment.

The second topic for discussion revolves around outdoor dining policy, with a focus on how we can encourage outdoor dining while adhering to growth caps, specifically Commercial Floor Area (CFA) requirements. This conversation follows some challenges we've faced regarding the clarity of our policies for outdoor dining and outdoor seating and how these have been communicated to the public and Memorandum of Understanding (MOU) partners.

Ms. Bettinger said there is a distinction between "outdoor dining" and "outdoor seating." Currently, outdoor dining is defined as an area where patrons are served by waitstaff and can pay for their meals, often enclosed on multiple sides. In contrast, outdoor seating is typically a more casual setup where customers bring food from inside to eat outside, without active commercial transactions happening in that space.

Under the current interpretation, outdoor seating does not require additional CFA, whereas outdoor dining does, except in cases where up to 500 square feet of outdoor dining is permitted without needing extra CFA, though this limit can still be restrictive for some businesses.

During COVID-19, we relaxed some of these requirements temporarily, which allowed greater flexibility for businesses to utilize outdoor spaces. There's now an opportunity to consider reinstating similar guidelines more permanently as a way to support local businesses and encourage outdoor dining.

In the near term, we're aiming to clarify the current policies around CFA (Commercial Floor Area) by making a couple of specific adjustments. The first change would involve introducing two new definitions to Chapter 90 of the TRPA code: one for "outdoor dining" and another for "outdoor seating." This would codify the existing rules, making it clearer when CFA is required and when it isn't. Outdoor seating would continue to be excluded from CFA requirements, while outdoor dining would still require CFA, aligning with the current policy.

Additionally, we would like to reinstate COVID-era guidelines that allowed restaurants to shift some indoor seating capacity outdoors on a seasonal basis. For example, a restaurant with 20 indoor tables could move five tables to an outdoor setting temporarily. This would offer flexibility, provided it remains seasonal and temporary. However, we would need collaboration with local jurisdictions to ensure these outdoor arrangements don't become permanent fixtures without proper tracking.

It's important to note that these adjustments wouldn't alter existing coverage requirements. We're not proposing any immediate code amendments specifically related to outdoor dining at this time but would like to gather initial feedback on these ideas before developing formal amendments.

Moving forward, we plan to incorporate your input and bring proposed amendments to the TRPA Code of Ordinances and the Regional Plan to APC, the Regional Planning Committee, and the Governing Board later this fall. This process would proceed in tandem with or before the City's area plan amendments, allowing those changes to take effect as needed.

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APC Comments/Questions

Mr. Drew asked for clarification asked for clarification on outdoor dining as an accessory use. Ms. Bettinger said the current policy has created some inconsistencies, partly due to enforcement challenges. In some cases, establishments may have expanded their outdoor dining over time without the necessary CFA. Moving forward, we're aiming to clarify these policies, including when CFA is and isn't required, to create a standard that's clear and enforceable. This will help ensure consistency across projects while still allowing for reasonable expansions, especially within the 500 square feet allowance for accessory use.

Under the clarified guidelines, outdoor dining can be up to 500 square feet (or 5% of the existing commercial floor area, whichever is less) without requiring additional CFA, as long as it meets the accessory use criteria.

For businesses in multi-unit complexes, this exemption applies only once per project area, meaning only one establishment in such a complex would qualify for the 500-square-foot exemption. Additionally, this outdoor dining space should still be considered accessory to the primary dining space, meaning that any outdoor seating must support an indoor area with its operations.

In specific cases like restaurants within casinos, the primary indoor dining area may be deemed accessory depending on whether it meets certain criteria (e.g., no separate advertising or entrance). If it's classified as accessory, then outdoor seating stemming from that space would also be considered accessory and follow the same guidelines. This ensures that the exemption isn't used to expand beyond what's intended for accessory use and maintains the balance between indoor and outdoor capacities.

Ms. Carr asked for clarification on what was meant by "shifting seats outdoors", as compared to adding additional seats. Ms. Bettinger said that for the arrangements during COVID-19, it was a literal shift rather than an addition. This means that a business can move a certain number of seats from indoors to an outdoor setting without increasing the total seating capacity of the establishment.

Ms. Setzer said she's ok with these changes because they provide some additional flexibility to business owners, but she does not think it is enough. It is also a temporary use, but takes up CFA for something that is only a 6-month use. That doesn't seem like the best idea in the long run.

She expressed her preference to eventually see an allowance for outdoor dining with a certain number of tables in addition to existing indoor seating, without the need for additional CFA. She emphasized that activating street presence and fostering a sense of place are essential for business success, especially given the challenges of operating in the region. She noted that she had additional comments regarding density but would wait until the current discussion was complete.

Mr. Drake agreed, and said the ability to increase the total number of seats is the practical need of businesses during peak times. He added that simply reconfiguring indoor space to accommodate outdoor service is often impractical. He asked whether acquiring additional CFA

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for outdoor dining would trigger further parking requirements. Mr. Hitchcock replied that it would at the City of South Lake Tahoe, and Ms. Bettinger added that an increase in total restaurant capacity could result in additional parking requirements.

Mr. Marshall posed a question to the APC members, noting that the issue of outdoor seating has traditionally been discussed mainly in the context of restaurants. We know that other businesses, like retail stores, sometimes extend their operations onto sidewalks during the summer. He asked if it would be reasonable to distinguish between restaurants and other types of businesses that may want to expand their CFA footprint by moving elements of their operations outside, or if this issue is unique to restaurants. He questioned whether there is a basis for differentiating restaurants from these other activities, such as clothing racks set up by retail stores or book racks.

Mr. Drake said the first thought that came to mind is that businesses like bookstores or outdoor gear retailers, any outdoor display would be very temporary. These items would be put outside in the morning and brought back in at night, indicating that their use would be measured in hours rather than months. In contrast, outdoor seating for dining represents a significant investment, which he identified as the main distinction between these types of activities.

He expressed uncertainty about how well current city and county codes address issues such as storefront displays, outdoor signage, and the potential for these regulations to be misapplied. He acknowledged the challenges and the complexity of the situation, stating it could be a slippery slope. However, he urged members to consider the current trends of restaurant closures versus openings, suggesting it might be time to think more progressively about outdoor dining regulations.

Mr. Young emphasized the importance of revisiting the original purpose of CFA (Commercial Footprint Area) regulations. He questioned why CFA was initially deemed necessary and urged the group to ensure they were answering that foundational question, as it would guide their current discussions. He challenged whether allowing businesses to place merchandise, such as books or shirts, outside in the summer aligns with the original intent of CFA regulations, indicating that he doubts it was ever meant to support such practices. He doesn't have a definitive answer, it is crucial to reflect on the regulation's purpose as they navigate these issues.

Mr. Hitchcock explained how the City determined its square footage regulations for outdoor dining. He noted that these regulations are tied to STPUD regulations, which allow restaurants to expand by up to 20 seats without requiring a new restaurant permit. This expansion is calculated to be approximately 300 square feet. He clarified that if a restaurant exceeds this limit of 20 seats, it automatically must obtain a new restaurant permit.

Mr. Drake said that in Truckee, California, where the sewer district assesses a fee based on the number of seats. There's a one-time hookup fee of $550 for indoor seating, while outdoor seating incurs a fee that is half that amount. This fee structure ensures that the utility covers any additional usage caused by the expanded seating.

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Mr. Hester thinks we will be looking at fractional development rights scaled to housing size in Phase 3 of their planning process. He suggested the idea of scaling development rights based on seasonal use, referring back to hookup fees.

Mr. Drake agreed with Mr. Youngs comments regarding the original purpose of CFA (Commercial Footprint Area) regulations. Ms. Setzer also agreed and proposed that maintaining a certain limit for outdoor dining expansions, with the possibility of allowing fractional development rights for businesses wishing to exceed that limit. She shared her view that the core purpose of the CFA (Commercial Floor Area) is primarily about managing building growth and preventing excessive built environments. She added that while traffic and trip generation are essential considerations, most visitors come to Lake Tahoe for its natural beauty rather than its restaurants.

Ms. Setzer asked whether there would be an unlimited increase in height under the proposed code. Ms. Bettinger affirmed that as written there would be no cap.

Regarding the redline to the Code of Ordinances, Ms. Carr referenced the specific changes proposed on page 223 of the packet, which included the addition of alternative heightened density standards within town centers and area plans. She expressed her support for this streamlined approach, noting that it would allow area plans to be processed without needing to undergo both the area plan process and the TRPA (Tahoe Regional Planning Agency) Governing Board code amendment process, thereby improving efficiency.

Ms. Carr sought clarification to ensure that these changes would not circumvent the necessary public processes. She asked if the adoption of height and density standards would still involve a public process through the area plan amendment, similar to the discussions held earlier. Mr. Hester confirmed that was correct and added that there are other existing provisions related to building heights not included in the current table. and further details about these would be addressed by Alyssa.

Mr. St. Michel reiterated that any proposed changes would remain within the local governance structure, requiring further reviews and approvals from both the APC (Advisory Planning Commission) and the Governing Board before any amendments could be finalized. He added that staff still need to work on this language, and the final form will come back at some point. This is just the bare form as part of a transparent and inclusive decision-making process at the local level.

Ms. Carr raised a question regarding part B of the discussion, specifically about the lead agency's responsibility to “prepare the required environmental documentation”. She pointed out that the documentation must demonstrate that the alternative standards will not have a significant environmental impact. Ms. Carr sought clarification on whether all thresholds considered environmental impacts—including noise—are encapsulated by the term "environmental." She proposed that the word "environmental" might need to be removed, suggesting that it should rather state there would be no significant impact on any threshold, particularly if some thresholds fall outside traditional environmental categories.

Mr. Hester noted that scenic quality is one of those thresholds that might not fit neatly within the definition of "environmental," but it remains a critical consideration. Mr. Marshall added

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that there are also other potential environmental impacts, other than thresholds, associated with development. The obligation under Section 7 of the compact is to consider both the impacts of the thresholds and other areas of environmental concern that may not be explicitly covered.

Ms. Stahler, as the Nevada Regional Planning Agency, which regulates structures, housing, and gaming in the basin, underscored the historical context of development in the basin, particularly the proliferation of casinos and large structures along the shoreline during the late seventies and early eighties. This led to a regulatory environment aimed at preserving the scenic qualities of the area, capping the cubic volume of these structures and preventing further expansion. She urged staff to keep that in mind as they consider amendments that might allow for increased height or density in certain areas.

Ms. Karen Fink acknowledged the importance of environmental analysis in the decision-making process, reinforcing the need to consider potential impacts comprehensively as the amendments move forward.

The meeting lost quorum so took a short break before Brian Judge, Alternate Commissioner for the Lahontan Regional Water Quality Control Board, joined the dias.

V.D. Agenda Item No. V.D. Meeks Bay Restoration Project

Ms. Rebecca Cremeen, TRPA Senior Planner, said that staff would be requesting approval of the final Environmental Impact Statement (EIS) for the Meeks Bay Restoration Project. She described this as a major milestone, the product of collaboration between TRPA, the U.S. Forest Service, and the Lahontan Regional Water Quality Control Board on a joint environmental document. Today's TRPA motion aims to advance the TRPA portion of the environmental analysis to the Governing Board. She introduced key project contributors, including Teresa Cody from the Forest Service, a hydrologist who has been a joint project lead, Brian Judge from the Lahontan Water Board to address CEQA-related questions, and Adam Lewandowski from Ascent Environmental, the main presenter for the project.

Ms. Cremeen extended thanks to the stakeholders who have provided substantial input throughout the process. These include various homeowner associations around Meeks Bay, the Tahoe Lakefront Owners Association, the Meeks Bay Vista Property Owners Association, and the League to Save Lake Tahoe, among others. Additionally, representatives from the Washoe Tribe, Meeks Bay Yacht Club, Meeks Bay Fire District, and the West Shore community also contributed to shaping the project's alternatives.

For those unfamiliar with the area, Ms. Cremeen noted that Meeks Bay is located on Lake Tahoe's west shore, between Emerald Bay and Sugar Pine Point State Park (slide 3), and is a popular recreational area and gateway to the Desolation Wilderness. In describing the project area, she highlighted Meeks Creek (slide 4), which contains a lagoon that was dredged in 1960 to create a marina. The area has seen removal of docks and initial invasive species work in preparation for the full restoration project.

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In the northern part of Meeks Bay, there are amenities including RV camping, gift shops, beaches, and a restaurant. To the south lies the Meeks Bay Campground, which, along with these other amenities, is managed under a concession contract with the Washoe Tribe. Adjacent to the bay, Meeks Meadow is an area of ecological significance currently undergoing restoration led by the Washoe Tribe to restore the meadow and improve its hydrology.

The Meeks Bay Restoration Project is interconnected with several broader initiatives on the west shore. Restoring this watershed is part of the Lake Tahoe West Landscape Restoration Strategy, and the project includes transportation improvements like replacing the bridge on Highway 89, identified in the SR 89 Corridor Management Plan. Additionally, the project aims to connect local trails and ensure that any shoreline structures align with Lake Tahoe's environmental standards.

At the Lake Tahoe Summit, Chairman Smokey discussed the ongoing Meeks Meadow restoration efforts. The work (slide 6) includes removing invasive conifers to raise the water table, promote native plant growth, and eventually reintroduce cultural burning practices.

Ms. Theresa Cody from the Forest Service highlighted the project's primary goals: restoring Meeks Creek and the historical lagoon, which had been converted into a marina, as well as enhancing the functionality and accessibility of the recreational sites on both sides of Meeks Creek. She noted that the Forest Service acquired the Meeks Creek property in the 1960s, inheriting the marina, which in recent years has required frequent maintenance.

The Meeks Bay Marina, which has been inactive since 2000, previously required regular dredging to maintain accessibility, particularly during periods of low lake levels. This maintenance was also essential for addressing the spread of aquatic invasive species (AIS), a common issue in marinas around Lake Tahoe. Efforts to treat AIS included the installation of bottom barriers to prevent growth.

A major component of the Meeks Bay Restoration Project is the replacement of the Highway 89 bridge over Meeks Creek, which currently acts as a barrier to fish passage due to a significant drop at the end of the existing culverts. This has led to channel degradation downstream, impacting the aquatic habitat. Caltrans has partnered with the project team to align the bridge replacement with broader restoration objectives, including creating a lagoon instead of a marina by removing the sheet piling at the creek’s mouth. This change will restore a natural barrier beach system, benefiting local species like Tahoe Yellow Cress.

The Meeks Creek watershed has been identified as a priority for Lahontan Cutthroat Trout reintroduction by the Tahoe Basin Recovery Implementation Team, which has collaborated on improvements to aquatic habitats as part of this restoration.

Beyond ecological restoration, the project aims to enhance the recreational infrastructure at Meeks Bay. With campgrounds on both sides of the creek, the plan includes circulation upgrades, a bike and pedestrian path to safely connect both sides, and interpretive signage to educate visitors. The Washoe Tribe, who will manage the campgrounds, will play a role in creating culturally relevant educational materials. The overall project will promote sustainable recreation, improve accessibility, and support the ecological restoration of Meeks Creek and its surrounding areas.

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Ms. Cody said the Meeks Bay Restoration Project planning process has been highly collaborative, beginning with initial scoping in 2018. A stakeholder assessment was conducted to identify individuals and groups essential to the project's planning, forming a Stakeholder Forum and Group to ensure ongoing engagement. These stakeholders played a crucial role in narrowing down alternatives for the project's environmental documentation, ultimately helping select a preferred restoration approach.

Mr. Adam Lewandowski, Ascent Environmental, discussed the collaborative approach that shaped the final alternatives to meet both the restoration goals for Meeks Creek and the diverse interests of stakeholders. Early in the planning process, it was apparent that stakeholders broadly supported the creek's restoration but were concerned about losing the motorized and sailing access that the marina once offered. In response, several alternatives were explored, including a scaled-down marina with limited restoration, a new boat ramp, and even a buoy field. However, the team concluded that maintaining a marina or motorized boat access would conflict with the creek restoration efforts.

This led to alternatives focused on non-motorized access, such as a pier or floating paddlecraft launch. Two potential pier designs (slide 11) were developed as part of the environmental review. Concerns about potential conflicts with swimmers and non-motorized boat users were addressed with proposed solutions, including designated swim beaches and strict enforcement of the no-wake zone, visible on the plans.

The alternative simulations (slide 13) show what each pier design would look like, offering a clear view of how these new access points could integrate with the natural landscape of Meeks Bay while offsetting the loss of motorized access at the marina. The first alternative was a 300-foot fixed pier that would allow boats launched from other locations on the lake to dock, giving people access to Meeks Bay from the water. This pier would also accommodate a single public safety vessel. The second option was a smaller, 100-foot floating pier intended only for pedestrian access, without the capacity for motorized boats, offering visitors a unique way to engage with the lake.

Scenic quality emerged as a major concern in the environmental analysis. The study found that the 300-foot pier would have a significant impact on scenic resources, as it would introduce a prominent new structure into the view from the beach toward the lake, with no feasible way to mitigate this impact. Although the 100-foot pedestrian pier also presented a visual change, it had a far less significant impact on the area's scenic quality compared to the larger pier. This was one of the reasons that neither pier option was included in the project's preferred alternative.

Another key concern raised was managing visitation and crowding. Meeks Bay is already a popular destination, especially during summer weekends, and the project's recreational improvements are not intended to attract more visitors or significantly increase the area's visitor capacity. Instead, these improvements aim to sustain and enhance current recreational offerings to compensate for the loss of the marina, ensuring that the area remains accessible and enjoyable for current levels of visitation.

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To accurately assess the impact of these changes, the environmental review incorporated up-to-date visitation data. This data allowed for a thorough analysis of how each alternative might influence visitor patterns, ensuring that the project supports sustainable recreation without overwhelming the area.

Mr. Lewandowski said a series of alternatives were developed for enhancing recreation amenities at Meeks Bay without increasing visitor capacity. This involved reconfiguring current amenities while accounting for a reduction in visitors due to the marina's removal. Where possible, we identified ways to increase usable beach space and improve day-use areas to optimize visitor experience.

As we transitioned into environmental review, we selected the most relevant baseline conditions for analysis. Since the marina's temporary closure in 2015 was not intended as a long-term decision, this project serves to determine the marina's ultimate fate. Although movable infrastructure (such as floating slips) has been removed, permanent structures—including bulkheads and the boat ramp—remain intact. The environmental review considers that without restoration, the marina could potentially reopen, which is reflected in the "no action" alternative. This alternative presents a scenario in which the marina resumes operations, providing an accurate comparison for decision-makers.

The no action alternative retains the marina and assumes ongoing management with no major facility changes. The layout (slide 16) illustrates existing campgrounds (in green), parking areas (in gray), internal roadways (in dark gray), cabins and lodges on the north side, as well as beach (tan) and day-use areas (orange) along the waterfront.

So to address stakeholder concerns and identified issues, we developed four action alternatives that were evaluated in the environmental document. To arrive at the most effective plan for Meeks Bay, we initially created three alternatives and then gathered feedback from agencies and the public through workshops and meetings before the environmental review began. Based on this input, the lead agency developed a preferred alternative, blending the most favorable aspects of each initial option.

The table (slide 17) outlines the main differences between the alternatives, with more detail available in Chapter 2 of the environmental document. Really, all action alternatives involve removing the marina, restoring Meeks Creek, and replacing the State Route 89 bridge. The primary differences lie in recreation type and design.

The diagram on slide 18 illustrates the preferred alternative recommended for approval. This includes removal of the marina, replacing the State Route 89 bridge, full restoration of the creek and lagoon, and a small, floating paddle craft launch. Shoreline lodges would be relocated and replaced with smaller cabins set back from the lake to improve scenic quality, allow for enhanced shoreline protection, and open additional recreation beach space.

Reconfiguring the existing camping and recreation facilities will improve privacy and circulation within the campgrounds. This reconfiguration could also provide options like yurts while maintaining a similar number of campsites. Parking areas will be formalized to optimize water management and reduce coverage, and potentially add up to 14 new spaces. The plan also

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includes a Class 1 shared-use bike path and a single trail bridge over Meeks Creek, with an additional crossing option via the State Highway bridge.

The day-use areas will be reconfigured and expanded slightly, offering new interpretive amenities, along with continued efforts for AIS control and protection of Tahoe Yellow Cress. After evaluating all options in detail, the draft Environmental Impact Statement (EIS) was made available for public comment, with three forums held to gather input.

The environmental analysis determined that all action alternatives would have beneficial effects, particularly the preferred alternative, which aims at environmental restoration while also improving recreational facilities and reducing motorized boat traffic at Meeks Bay. This collaborative process led to addressing most key issues, though two significant and unavoidable impacts were identified:

- Loss of Motorized Watercraft Access: Removing the existing marina eliminates 119 slips, representing approximately 6% of Lake Tahoe's total public marina moorings and 11% of the west shore's public moorings. As a mitigation measure, these removed moorings would be returned to a pool of available moorings around the lake, with the likelihood they'll be replaced at other marinas over time. Since they could be replaced away from the west shore, the environmental document determined this could result in a localized significant and unavoidable impact

- Construction Noise: The second significant and unavoidable impact identified in the Meeks Bay project is related to temporary construction noise during the replacement of the State Route 89 Bridge. To minimize traffic disruption, overnight construction may be necessary, which could significantly impact nearby residents with temporary elevated noise levels.

Following public review of the draft environmental documents, the lead agencies addressed all comments, resulting in a final Environmental Impact Statement (EIS) and Environmental Impact Report (EIR) in April 2024. This final document, incorporating clarifications and responses to public feedback (found in Appendix F), was recently certified by the Forest Service, approving the preferred alternative.

Ms. Cremeen said the next steps involve seeking endorsement from the Tahoe Regional Planning Agency (TRPA) Governing Board, who will decide on certifying the document. If approved, the Lahontan Water Board will sign a resolution. Concurrently, Caltrans is advancing the bridge design and conducting environmental assessments. Caltrans representatives were available for questions about the ongoing public process and bridge design.

Ms. Cremeen said the Forest Service is working on the design of both the restoration project and any recreation site improvements that may be implemented as part of the Meeks Bay project. The actual work for these components is projected to commence around late 2026 or early 2027.

<u>APC Comments/Questions</u>
Ms. Carr expressed their appreciation for the APC field visit, which provided a spatial context for understanding the site and the proposed changes. Seeing the site firsthand clarified many

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aspects of the project, especially the bridge component. While her comments were not specifically related to the Environmental Impact Statement (EIS), she acknowledged the importance of preserving Lake Tahoe's scenic quality, especially in relation to bridge design and its visual impact on the environment.

Ms. Carr said that one of those scenic elements is its history. From an engineering perspective, she recognized that you can't just pick up and save all the beautiful stone, it's neither structurally possible nor practical. But for the scenic quality and historic nature of the existing bridge, built in 1920, she encouraged the bridge designers to explore ways to retain some of the bridge's historical characteristics and aesthetics, rather than simply opting for a functional design that might lack visual appeal.

Ms. Sarah-Jane Gerstman, Caltrans Environmental Scientist, acknowledged this feedback and assured Ms. Carr that a visual impact assessment would be conducted. She and her team would communicate these concerns to the specialists involved, reinforcing the significance of aesthetics in the Tahoe area and ensuring that this consideration would be integrated into the design phase.

Mr. Drew recognized the project's scale and its potential for public benefit. He expressed gratitude for the efforts made thus far, highlighting the project's long history and the opportunities it presents for community enhancement. This will be a very significant improvement on the west shore, especially for those who want to engage in non-motorized recreation on the lake.

Ms. Setzer and Ms. Stahler both agreed this is a great project. Ms. Cremeen acknowledged Ms. Sarah-Jane Gerstman, Caltrans Environmental Scientist, who has been very instrumental in bringing this project forward, and coordinating the funding.

Ms. Setzer raised a question about potential wildlife corridors, specifically asking if the bridge replacement would include pathways that allow animals to cross without needing to go over the road. She highlighted the importance of this feature, especially given the enhanced habitat the fish restoration portion of the project would create. Ms. Gerstman explained that the bridge project includes plans for terrestrial connectivity, likely in the form of an earthen bench or similar passage under the bridge. Although not specifically designed for bears—given the ongoing management challenges bears pose at Lake Tahoe—the corridor is expected to accommodate smaller mammals. However, bears would likely use it as well. This wildlife undercrossing, along with the fish passage, is a core component of the Caltrans project, named the Meeks Creek Bridge project. The related environmental document is set for circulation in late fall or early winter, when stakeholders such as the TRPA, Forest Service, and Lahontan Water Board will review and comment on it.

Public Comment

Mr. Jim Phelan, who has been closely following the project as a member of the stakeholder group, shared his positive view on the restoration efforts, describing it as a wonderful project that complements the beauty of the area. However, he voiced a suggestion about incorporating a public access pier.

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Mr. Phelan emphasized his belief that a public pier would be beneficial for the area, particularly if it were located near the Khelet Mansion where a rock jetty already exists. Placing it there would prevent conflicts with non-motorized users and reduce scenic impacts, as it would avoid obstructing the beach view.

He clarified that his comment was not intended to hinder the acceptance of the environmental document, but he urged the Forest Service to consider the possibility of adding a public access pier in the future to accommodate motorized boats or potentially public transit.

Mr. Kirk Robinson, who co-owns a cabin directly south of the creek near the bridge, expressed strong support for the entire project, particularly the bridge replacement. He mentioned that the existing bridge has contributed to flooding issues at their property in the past, which adds to his support for the bridge's replacement.

Mr. Robinson praised the public process for the project, describing it as highly professional and responsive. He commended the Forest Service, TRPA, and all sponsoring agencies for listening carefully to participants and creating a forward-looking plan that exceeded his initial expectations. He contrasted this positive approach with some community perspectives that focus on preserving the past.

Regarding the potential noise during bridge construction, he acknowledged that, as the closest resident to the bridge, he and his family are willing to tolerate the noise for a year to achieve the benefits of a new bridge.

APC Comments

Mr. Drew made a motion to recommend the TRPA Governing Board make the findings required by the Compact, Article 7, Chapter 3 of the TRPA Code of Ordinances and Article 6 of the Rules of Procedure

Ms. Carr seconded the motion.

Ayes: Ms. Ferris, Mr. Drew, Ms. Carr, Mr. Drake, Ms. Chandler, Ms. Setzer, Mr. McNamara, Mr. Hitchcock, Mr. Judge, Ms. Stahler
Motion Passed.

Mr. Drew made a motion to recommend the TRPA Governing Board certify the final impact statement for the Meeks Bay Restoration Project.

Ms. Carr seconded the motion.

Ayes: Mr. Judge, Mr. McNamara, Mr. Hitchcock, Mr. Drake, Ms. Chandler, Ms. Setzer, Ms. Carr, Mr. Drew, Ms. Ferris, Ms. Stahler

VI. REPORTS

A. Executive Director

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TRPA Chief Operating Officer and Deputy Director, Mr. John Hester provided an overview of upcoming agenda items. He said that the Chapter 13 amendments, previously discussed by Ms. Bettinger, would be addressed at the next meeting. There might also be a presentation on the Homewood project, with possible actions depending on the progress. Additionally, an information presentation on the Tahoe City Dam Project is anticipated.

B. General Counsel

TRPA Associate Counsel, Mr. Graham St. Michel provided a brief update on the status of the lawsuit filed by the Mountain Area Preservation (MAP) Foundation against TRPA. He explained that the Federal District Court in Sacramento formally dismissed the lawsuit with prejudice on July 22. This case, originally filed by MAP in February, challenged TRPA's Phase 2 amendments.

The dismissal was part of a settlement negotiated between TRPA and MAP. As part of the agreement, TRPA will appoint a MAP staff representative to the Tahoe Living Working Group. Additionally, TRPA has agreed to discuss a range of issues identified by MAP as part of the next phase of housing-related amendments the working group will consider. There is no obligation for TRPA to take any specific actions from these discussions; the commitment is to engage in good-faith dialogue on the topics outlined in the settlement.

Finally, if TRPA proceeds with future amendments, it will ensure compliance with existing environmental review requirements. Mr. St. Michel expressed satisfaction that the litigation was resolved and looked forward to productive dialogue with MAP and the working group in the future.

C. APC Member Reports

Mr. Drake shared that he and a few active citizens in North Lake Tahoe recently formed a local conversation group called Strong Tahoe, affiliated with the national organization Strong Towns. He described Strong Towns as a refreshing organization that promotes a "bottom-up" revolution in urban planning, aimed at fostering more community-driven engagement in local issues. Although not a formal group, Strong Tahoe is a movement encouraging civic involvement and simplifying the often complex language around urban planning discussions.

Mr. Drake explained that the group seeks to keep the public informed, particularly those who may not regularly attend meetings or provide public comments. They maintain an email list to keep the community in the loop on important developments. He emphasized that Strong Tahoe is one of the first groups organized to support positive, progressive changes, especially in areas like Placer County and through TRPA initiatives.

Additionally, Mr. Drake said that one of their members, skilled in technology, created a chatbot for the group's website. This tool is intended to enhance accessibility and keep North Shore residents engaged and informed about local planning and community matters. This tool has been trained on various plans relevant to North Lake Tahoe’s development, including transportation and land use plans like the TRPA Regional Plan, the Resort Triangle Transportation Plan, and the Kings Beach Vision Plan, among others. The chatbot can answer planning-related questions, presenting information through the lens of Strong Towns’ principles.

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Mr. Drake emphasized that this chatbot serves as an example of how technology can simplify and make accessible the often dense and complex planning documents that many people may not have time to read or fully understand. He encouraged attendees to try the chatbot at strongnorthtahoe.org by asking it questions to see how it works, noting that it's a basic but functional version. Mr. Drake believes this tool could be valuable not only for the public but also potentially for agency staff or those in the private sector to gain quick insights into local planning topics.

VII. PUBLIC COMMENT

None.

VIII. ADJOURNMENT

Mr. Drew moved to adjourn

Chair Ferry adjourned the meeting at 4:59 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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STAFF REPORT

Date: November 6, 2024

To: TRPA Advisory Planning Commission

From: TRPA Staff

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Environmental Review:

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

[1]**Height findings:**

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

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

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

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

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

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

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

Attachments:

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

Attachment A

Environmental Findings & Finding of No Significant Effect (FONSE)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rationale:

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

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

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

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

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FINDING OF NO SIGNIFICANT EFFECT

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

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

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

7/24/24

TRPA Executive Director/Designee

Date

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

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

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

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

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

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

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

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

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

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

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

I. Environmental Impacts

1. Land

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

- Impervious Cover
- Stream Environment Zone

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

Discussion

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

2. Air Quality

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

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

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

Discussion

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

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

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

3. Water Quality

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

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

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

Discussion

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

4. Vegetation

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

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

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

Discussion

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

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

5. Wildlife

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

- Special Interest Species

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

- Instream Flow
- Lake Habitat
- Stream Habitat

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

Discussion

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

6. Noise

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

- Cumulative Noise Events
- Single Noise Events

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

Discussion

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

7. Light and Glare

Will the proposal:

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

Discussion

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

8. Land Use

Will the proposal:

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

Discussion

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

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

9. Natural Resources

Will the proposal result in:

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

Discussion

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

10. Risk of Upset

Will the proposal:

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

Discussion

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

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

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

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

11. Population

Will the proposal:

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

Discussion

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

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

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

12. Housing

Will the proposal:

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

Discussion

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

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

13. Transportation / Circulation

Will the proposal result in:

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

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

Discussion

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

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

14. Public Services

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

Discussion

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

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

15. Energy

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

Discussion:

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

16. Utilities

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

Discussion

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

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

17. Human Health

Will the proposal result in:

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

Discussion

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

18. Scenic Resources / Community Design

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

- Built Environment
- Other Areas
- Roadway and Shoreline Units

Will the proposal:

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

Discussion

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

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

Chapter 37 Findings for Additional Height:

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

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

19. Recreation

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

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

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

Discussion

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

20. Archaeological / Historical

Will the proposal result in:

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

Discussion

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

21. Findings of Significance

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

Discussion

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

DECLARATION:

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

Signature:

	at	
Person preparing application	County	Date

Applicant Written Comments: (Attach additional sheets if necessary)

Determination:

On the basis of this evaluation:

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

_____ Date _____

Signature of Evaluator

_____

Title of Evaluator

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

Compliance Measures Evaluation

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

Compliance Measures Evaluation

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

Compliance Measures Evaluation

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

Compliance Measures Evaluation

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

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

Compliance Measures Evaluation

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

Compliance Measures Evaluation

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

Compliance Measures Evaluation

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

Compliance Measures Evaluation

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

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

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

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

Compliance Measures Evaluation

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

Attachment B

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

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

Draft Amendments to the Regional Plan:

COMMUNITY DESIGN

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

POLICY STATEMENT

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

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

GOAL CD-1

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

POLICIES:

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

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

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

GOAL CD-2

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

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

POLICIES:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ii. Signs should be incorporated into building design

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

iv. Signage should be attached to buildings when possible

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

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

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

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

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

Draft Amendments to the TRPA Code of Ordinances:

13.1 PURPOSE

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

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

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

13.2 APPLICABILITY

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

13.3 RELATIONSHIP TO EXISTING REGULATIONS

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

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

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

13.4 DEVELOPMENT OF AREA PLANS

13.4.1. Development of Area Plan is Optional

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

13.4.2 Statements of Intent to Develop an Area Plan

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

13.5 CONTENTS OF AREA PLANS

13.5.1 General

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

13.5.2 Relationship to Other Sections of the Code

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

13.5.3 Development and Community Design Standards for Area Plans

A. Minimum Development Standards

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

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

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

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

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

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

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

B. Alternative Development Standards and Guidelines Authorized in Area Plans

1. Alternative Comprehensive Coverage Management Systems

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

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

Alternative Comprehensive Management System: Process for Establishing Maximum Coverage

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

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

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

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

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

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

2. Alternative Parking Strategies

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

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

g) Creation of bicycle parking standards;

h) Free or discounted transit;

i) Deeply discounted transit passes for community residents; and

j) Paid parking management.

3. Area-wide Water Quality Treatments and Funding Mechanisms

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

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

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

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

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

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

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

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

4. Alternative Transfer Ratios for Development Rights

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

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

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

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

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

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

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

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

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

3. The local jurisdiction has adopted design standards.

C. Development Standards and Guidelines Encouraged in Area Plans

1. Urban Bear Strategy

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

2. Urban Forestry

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

D. Development on Resort Recreation Parcels

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

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

E. Greenhouse Gas Reduction Strategy

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

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

F. Community Design Standards

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

1. Site Design

a. Development in All Areas

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

Existing natural features retained and incorporated into the site design;

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

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

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

b. Development in Regional Center or Town Center

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

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

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

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

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

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

2. Building Height

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

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

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

3. Building Design

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

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

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

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

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

4. Landscaping

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

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

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

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

5. Lighting

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

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

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

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

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

6. Signing

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

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

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

Signs should be incorporated into building design;

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

Signage should be attached to buildings when possible; and

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

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

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

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

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

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

H. Procedures for Establishing Land Use Boundaries within Area Plans

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

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

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

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

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

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

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

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

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

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

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

13.6 CONFORMITY REVIEW PROCEDURES FOR AREA PLANS

13.6.1 Initiation of Area Planning Process by Lead Agency

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

13.6.2 Initial Approval of Area Plan by Lead Agency

A. When TRPA is Not the Lead Agency

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

B. When TRPA is the Lead Agency

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

13.6.3 Review by Advisory Planning Commission

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

13.6.4 Approval of Area Plan by TRPA

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

13.6.5 Findings of Conformance with the Regional Plan

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

A. General Review Standards for All Area Plans

The submitted Area Plan shall:

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

B. TRPA Utilization of Load Reduction Plans

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

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

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

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

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

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

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

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

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

13.6.6 Conformity Review for Amendments to Area Plans

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

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

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

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

13.6.8 Effect of Finding of Conformance of Area Plan

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

13.7 PROCEDURES FOR ADOPTION OF MEMORANDUM OF UNDERSTANDING

13.7.1 Memorandum of Understanding (MOU) Required

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

13.7.2 Contents of MOU

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

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

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

13.7.3 Activities Requiring TRPA Approval

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

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

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

(All measurements are new building floor area.)

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

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

13.7.4 Concurrent Review of Area Plan and MOU

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

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

13.7.5 Deadline for MOU Approval and Suspension

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

13.8 MONITORING, CERTIFICATION, AND ENFORCEMENT OF AREA PLAN

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

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

13.8.2 Monitoring

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

13.8.3 Annual Review

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

13.8.4 Effect of Annual Review; Annual Report

A. Certification

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

B. Certification Conditionally Granted

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

C. Revocation of Part or All of MOU

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

13.8.5 Four-Year Recertification

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

13.9 APPEALS

13.9.1 Purpose

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

13.9.2 Appeal Allowed

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

13.9.3 Basis of Appeal

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

13.9.4 Exhaustion Required

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

13.9.5 Deadline

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

13.9.6 Content of Appeal

An application for appeal shall contain the following:

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

13.9.7 Fee

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

13.9.8 Stay of Lead Agency Decision

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

13.9.9 Review of Appeal

A. Staff Recommendation and Hearing

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

B. Governing Board Action

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

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

D. Standard of Review

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

13.9.10 Effect of Decision

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

Attachment C

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

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2024-___

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

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

Section 1.0 Findings

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

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

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

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

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

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

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

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

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

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

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

Section 2.0 Amendment of the TRPA Regional Plan Goals and Policies

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

Section 3.0 Interpretation and Severability

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

Section 4.0 Effective Date

4.10 This ordinance shall be effective 60 days after adoption.

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

Ayes:

Nays:

Abstain:

Absent:

_____
Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board

Attachment D

Adopting Ordinance for Amendments to the TRPA Code of Ordinances

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2024-___

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

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

Section 1.0 Findings

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

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

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

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

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

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

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

Section 2.0 Amendment of the TRPA Code of Ordinances

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

Section 3.0 Interpretation and Severability

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

Section 4.0 Effective Date

4.10 This ordinance shall be effective 60 days after adoption.

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

Ayes:

Nays:

Abstain:

Absent:

_____
Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board

TAHOE REGIONAL PLANNING AGENCY

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STAFF REPORT

Date: November 6, 2024

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Lake Tahoe Dam Concrete Investigation – Department of the Interior Bureau of Reclamation, Region 10, Lake Tahoe Dam, Tahoe City, Placer County, California, Assessor's Parcel Numbers (APNs) 094-290-033, 094-540-008, & 094-540-017 (entirely within Reclamation's easement)

Summary and Staff Recommendation:
Staff will provide an informational presentation to the Advisory Planning Commission (APC) on the Lake Tahoe Dam rehabilitation feasibility study and associated investigatory work.

Required Motions:
This is an informational item only.

Background:
The Newlands Project was one of the first five projects authorized and built under the 1902 Reclamation Act, Public Law 57-161. The Newlands Project was initially planned to irrigate more than 400,000 acres using the combined waters of the Truckee and Carson Rivers. To accomplish this, in 1915 Reclamation acquired a small dam constructed at the outlet of Lake Tahoe, the source of the Truckee River, to control releases into the river. Lake Tahoe was initially envisioned as the main storage facility for the Newlands Project to bring water to the desert.

Lake Tahoe Dam, part of the Newlands Project, is located in Tahoe City, California. The first dam on the Truckee River was constructed in the early 1870s to increase the river's flow to help transport logs for construction of the transcontinental railroad and growing mining industry. In 1909, Reclamation began reconstructing a new dam in its place as part of the Newlands Project, one of Reclamation's oldest projects. Completed in 1913, Lake Tahoe Dam is an 18-foot high, 109-foot-long concrete slab and buttress structure that regulates the lake outflow into the Truckee River. The dam controls the top 6.1 feet of Lake Tahoe, creating a reservoir that is about 22 miles long and 12 miles wide with a surface area of about 193 square miles and around 71 miles of shoreline. The maximum lake level elevation controlled by the dam is 6,229.1 feet. With the large surface area, the relatively small, regulated lake elevation produces a reservoir capacity of 744,600 acre-feet. This water storage regulated by Lake Tahoe Dam accounts for approximately 72 percent of the storage in the Truckee River Basin.
On February 24, 1909, Reclamation began condemnation proceedings to acquire this dam (*United States v. Floriston Pulp and Paper Company*) and ensure reliable Truckee River flows for Newlands Project use. Between 1909 and 1913, Reclamation and the Truckee River General Electric Company replaced the original dam with the existing concrete slab and buttress dam. A judgement and consent decree

(Truckee River General Electric Decree) was entered on June 4, 1915, in federal court between the United States and the Truckee River General Electric Company in *United States v. Truckee River General Electric Company* (Case No. 2:68-cv-643 (E.D. Cal.); formerly *United States v. Floriston Pulp and Paper Company*). As of July 1, 1915, this decree effectively granted the United States a perpetual exclusive easement to operate the dam and to use 14 acres of adjoining property at the lake outlet owned by the power company; no change of title occurred associated with this easement.
From 1926 to 1999, Lake Tahoe Dam was operated and maintained by the Truckee Carson Irrigation District as a transferred works as part of the Newlands Project. In 1999 Truckee Carson Irrigation District requested Lake Tahoe Dam be returned to Reclamation at which time Lake Tahoe Dam became a reserved works facility operated and maintained by Reclamation.

Flows out of Lake Tahoe Dam are dictated by a federal watermaster to ensure that the proper volume of water is released to meet minimum requirements for downstream users per the Truckee River Operating Agreement (TROA). Signed in 2008 and implemented in December 2015, TROA is an agreement developed by Federal, State, Tribal, and local agencies and organizations regarding the operation of the Truckee Basin reservoirs. This agreement is prescribed in section 205(a) of Public Law 101-618, which directed the Secretary of the Interior to negotiate an agreement with California and Nevada to increase the operational flexibility and efficiency of certain reservoirs in the Lake Tahoe and Truckee River basins. TROA creates flexibility in water use and storage while ensuring that existing water rights are served, and flood control and dam safety requirements are met. It allows for coordination of reservoir operations on the Truckee River, stable water supply, enhances streamflow in the Truckee River for threatened and endangered fish species, and improves water quality.

Lake Tahoe Dam Repairs and Modifications To-Date

Reclamation modified Lake Tahoe Dam in 1988 under the Safety of Dams program. Modifications included reinforcing the earth embankment abutments and then covering them with a reinforced concrete cap. The modifications also included saw cutting the existing concrete apron at 20 feet downstream from the dam and replacing that portion of apron with a new concrete apron with a sheet pile cutoff wall and adding concrete energy dissipation blocks.

Reclamation also conducted a structural evaluation of the concrete in 2004/2005 to determine the cause and extent of concrete deterioration. Analysis of the concrete indicated signs of deterioration from alkali-aggregate reactions. Attempted surface concrete repairs have been unsuccessful as the underlying concrete continues to deteriorate beneath the new repair materials. Gate operations have been affected as gates become stuck in the concrete slots or are unable to fully close due to concrete deteriorating and falling between the gate and the concrete wall potentially affecting the ability to provide minimum releases as required by the TROA. Maintenance to restore gate operations often must wait until the water surface elevation in Lake Tahoe drops sufficiently to allow safe access.

Lake Tahoe Dam Rehabilitation Feasibility Study

Since the completion of Lake Tahoe Dam in 1913, substantial deterioration of the structure's concrete has occurred. Much of the deterioration stems from the lack of air entrainment in the concrete, which was not widely used until the 1940's. Air entrainment allows space for the expansion and contraction of water molecules as the concrete goes through freeze-thaw cycles. The temperatures at Lake Tahoe Dam routinely drop below freezing at night and climb above freezing during the day, resulting in deterioration of the concrete. Attempted concrete repairs have been unsuccessful as the underlying concrete continues to deteriorate beneath the new repair materials. Gate operations are often affected as gates

become stuck in the concrete slots or are unable to close due to concrete deteriorating and falling between the gate and the concrete walls.

A feasibility study to analyze potential alternatives for the rehabilitation or repair of Lake Tahoe Dam began in October 2023. The work will include completion of a feasibility-level study and environmental compliance documents that analyze project alternatives for the rehabilitation or replacement of the dam.

Initial work has included: developing project objectives, defining the study area, and identifying planning constraints and considerations. Initial data gathering efforts to support the study will include the collection of concrete core samples from the existing structure to characterize strength of existing concrete and rate of deterioration, and geotechnical data to inform feasibility design of potential dam rehabilitation or replacement alternatives. These investigations are expected to begin in fall 2024. Following data gathering/investigation work, Reclamation will develop evaluation criteria to identify project alternatives for more detailed feasibility-level design and analysis. Feasibility analysis will include environmental analysis under the National Environmental Protection Act, as well as the California Environmental Quality Act and Tahoe Regional Planning Agency environmental review.

TRPA's Role and Coordination with Lahontan Regional Water Quality Control Board

For the initial investigatory work of concrete corings, the Bureau of Reclamation submitted a Notice of Intent to the Lahontan Regional Water Quality Control Board (Lahontan RWQCB) for authorization of work under Order Number WQ 2021-0048-DWQ, which has been approved by the RWQCB. The Bureau did not submit an application to TRPA for this investigatory work, as Lahontan RWQCB issued the Notice of Applicability under the Order, consistent with the Memorandum of Understanding (MOU) between TRPA and the Lahontan RWQCB, in recognition of existing areas of overlapping authority and regulatory effort and to avoid duplicative regulation. Reclamation submitted a Pre-Construction Notification to the US Army Corps of Engineers for the concrete work in September 2024.

The work necessary to complete the concrete corings will not require any permanent lake bottom disturbance. The work area will be temporarily isolated with coffer dams and dewatered to prevent discharge.

Once the results of the concrete work have been obtained, Reclamation will proceed with permitting and execution of the geotechnical investigations. The geotechnical work will occur entirely from a barge with barge-mounted equipment. The barge will be subject to AIS inspections and launched at a public ramp, likely Lake Forest. The barge will enter the area where investigatory work will occur, which will be lakeward of the Lake Tahoe Dam. There will be no permanent or temporary disturbance to the upland area immediately adjacent to the work area, and the geotechnical work will be reviewed and permitted consistent with the MOU between TRPA and the Lahontan RWQCB following a similar process as with the concrete coring work.

Contact Information:

For questions regarding this agenda item, please contact Tiffany Good, Principal Planner at (775) 589-5283 or tgood@trpa.gov.

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

written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

Attachments:

A. Geotechnical Project Location and Study Area

Attachment A
Geotechnical Project Location and Study Area

TAHOE REGIONAL PLANNING AGENCY

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
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STAFF REPORT

Date: November 6, 2024

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: NV Energy Resilience Corridor Project

Summary:
NV Energy will provide the Advisory Planning Commission (APC) with a brief overview of system hardening initiatives, vegetation management, and resilient corridor work completed and planned in the Tahoe Basin. This is an information item only, and no APC action is necessary.

Contact Information:
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