

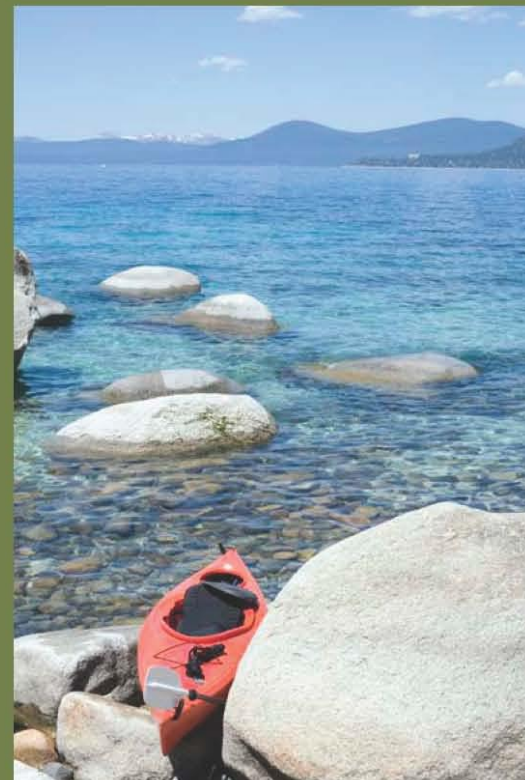


**TAHOE
REGIONAL
PLANNING
AGENCY**

Adopted by the
TRPA Governing Board
December 12, 2012
Effective February 9, 2013
Amended December 13, 2023

CODE OF ORDINANCES

TAHOE REGIONAL PLANNING AGENCY



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TRPA

Code of Ordinances

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General Provisions

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CHAPTER 1: INTRODUCTION TO THE CODE OF ORDINANCES

1.1. PURPOSE

This chapter describes the Code of Ordinances ("Code") and the scope of the Code's application to the Tahoe region.

1.2. SHORT TITLE

The Code of Ordinances may be cited and referred to as the "Code."

1.3. OVERVIEW OF THE ORGANIZATION OF THE CODE OF ORDINANCES

This section summarizes the contents of the Code of Ordinances in a brief, user-friendly format. This overview section is intended solely as a guide for administrative officials and the public to use in understanding the organization of the Code.

This Code is divided into nine divisions, each of which contains one or more chapters. The divisions are organized as outlined below. Not all individual Code chapters are addressed in this summary overview.

1.3.1. General Provisions (Chapters 1 through 6)

This division contains materials that are generally applicable and useful for administering and understanding the entire Code of Ordinances. In addition to this introduction to the Code (which includes descriptions of the documents that support the Code of Ordinances), major features of this division include:

- A. Chapter 2: *Applicability of the Code of Ordinances* - Descriptions of projects and activities subject to review by the Tahoe Regional Planning Agency, projects and activities that are exempt or qualified exempt from agency review, and projects and activities delegated to local governments for review;
- B. Chapter 3: *Environmental Documentation* - Provisions identifying when environmental impact statements or environmental assessments are required, and the required content of such reports;
- C. Chapter 4: *Required Findings* - An overview of the procedures required for making findings necessary for project review and approval; and
- D. Chapter 5: *Compliance* – Descriptions of enforcement mechanisms concerning project applications, project approvals, conditions of approval, and other elements of the Regional Plan and supporting documents.

1.3.2. Planning (Chapters 10 through 16)

This division contains materials that address the development, adoption, amendment, and regulatory effect of different types of plans and maps that support the Regional Code of Ordinances. Major features of this division include:

CHAPTER 1: INTRODUCTION TO THE CODE OF ORDINANCES

1.3 Overview of the Organization of the Code of Ordinances

1.3.3 Land Use (Chapters 20 through 23)

-
- A. Chapter 10: *TRPA Regional Plan Maps* – A description of the coordinated system of official maps that support the Regional Plan;
 - B. Chapter 11: *Plan Area Statements and Plan Area Maps* – The relationship of Plan Area Statements (PAS) to Goals and Policies and community plans, the required content of PAS statements and maps, and the PAS amendment process;
 - C. Chapter 12: *Community Plans* – Areas eligible for community plans, the relationship of community plans to PAS and the Goals and Policies, and the processes for developing and amending community plans;
 - D. Chapter 13: *Area Plans* – The procedures and standards by which Area Plans may be approved by TRPA as in conformity with the TRPA’s Goals and Policies, Codes, Environmental Thresholds, and the Compact, and the long-term monitoring and review requirements for maintaining conformity;
 - E. Chapter 15: *Environmental Improvement Program* – A description of the development and administration of the EIP, which is designed to attain, maintain, or surpass multiple environmental thresholds through an integrated approach; and
 - F. Chapter 16: *Regional Plan and Environmental Threshold Review* – Identification of the means and time schedules by which environmental threshold carrying capacities and applicable air and water quality standards shall be attained or maintained, including compliance measures and effects of projects on attainment and maintenance of thresholds and standards.

1.3.3. Land Use (Chapters 20 through 23)

This division contains materials that describe and regulate permissible land uses within the Tahoe region (not including areas covered in the Shorezone division, chapters 80 through 84). Major features of this division include:

- A. Chapter 20: [reserved];
- B. Chapter 21: *Permissible Uses* – Lists, definitions, and standards of the permissible primary and accessory land uses, including standards for uses that existed prior to adoption of this Code; and
- C. Chapter 22: *Temporary Uses, Structures, and Activities* - Standards for uses, structures, and activities of limited duration.

1.3.4. Site Development (Chapters 30 through 39)

This division contains a variety of materials that affect the location, quantity, and quality of development that may occur on a particular site or parcel. Major features of this division include:

- A. Chapter 30: *Land Coverage* – A description of TRPA’s land capability system and land capability overlay districts; standards for base allowable land coverage, transferred land coverage, and land coverage in redevelopment project areas;

CHAPTER 1: INTRODUCTION TO THE CODE OF ORDINANCES

1.3 Overview of the Organization of the Code of Ordinances

1.3.5 Growth Management (Chapters 50 through 53)

prohibitions on additional land coverage in certain sensitive areas; and the excess land coverage mitigation program;

- B. Chapter 31: *Density* – A general overview of maximum density rules, special situations and circumstances that allow increases to maximum density, rules for calculating maximum density, and standards for addressing density existing prior to the adoption of this Code;
- C. Chapter 33: *Grading and Construction* – Standards for grading, including requirements for special information reports and plans to inform the grading and construction process in certain situations, plus standards for tree and vegetation protection during construction;
- D. Chapter 35: *Natural Hazard Standards* – Standards to protect life and property from natural hazard risks, including avalanche and mass instability, flooding, and wildfires;
- E. Chapter 36: *Design Standards* – Standards affecting the quality of the built environment, including site design, building design, landscaping, exterior lighting, water conservation, and miscellaneous related site and building features;
- F. Chapter 37: *Height* – The general rules for determining the maximum height of buildings and other structures, plus exceptions that allow additional height in certain locations and for structures when additional findings are met; and
- G. Chapter 38: *Signs* – The standards governing the erection and maintenance of signs in the Tahoe basin, including general standards applicable to all signs and specific standards for individual sign types.

1.3.5. Growth Management (Chapters 50 through 53)

This division contains materials that control the timing, amount, and location of growth and development that may occur within the Tahoe region. Major features of this division include:

- A. Chapter 50: *Allocation of Development* – The rules governing the rate and timing of growth within the region, including standards for awarding and distributing residential allocations;
- B. Chapter 51: *Banking, Conversion, and Transfer of Development Rights* – Provisions for the banking, conversion, and transfer of commercial floor area, tourist accommodation units, and single and multi-family existing residential units of use;
- C. Chapter 52: *Bonus Unit Incentive Program* – Standard for assigning multi-residential and tourist accommodation bonus units in accordance with the Goals and Policies; and
- D. Chapter 53: *Individual Parcel Evaluation System* – Establishment of the IPES and related procedures, which provides a mechanism for the evaluation of vacant residential parcels, the assignment to each parcel of a numerical score, and the ranking of such parcels in terms of suitability for development.

1.3.6. Resource Management and Protection (Chapters 60 through 68)

This division contains materials that are intended to protect the natural environment in the Tahoe basin. Major features of this division include:

- A.** Chapter 60: *Water Quality* – Standards intended to protect water quality through discharge limits, snow disposal limits, fertilizer management, and similar techniques; requirements that new residential, commercial, and public projects completely offset their water quality impacts; requirements for source water protection; and requirements for the installation of Best Management Practices to protect and restore water quality;
- B.** Chapter 61: *Vegetation and Forest Health* – Standards that regulate the management of forest resources to achieve and maintain the thresholds for species and structural diversity, provide wildlife habitat, and reduce potential wildfire threats;
- C.** Chapter 62: *Wildlife Resources* – Standards to protect and enhance wildlife habitats, especially habitats of special significance such as deciduous trees, wetlands, meadows, and riparian areas;
- D.** Chapter 63: *Fish Resources* – Standards to protect fish habitat and enhance degraded habitat, including standards intended to prevent the introduction and spread of aquatic invasive species;
- E.** Chapter 64: *Livestock Grazing* – Standards to implement livestock grazing management practices in a manner that supports other resource management goals;
- F.** Chapter 65: *Air Quality/Transportation* – Standards to protect air quality and thus attain and maintain applicable standards and thresholds, including limits on direct sources of air pollution, and new and modified stationary source review; and establishment of programs to maintain and improve air quality, including a traffic and air quality mitigation program, a rental car mitigation program, and an employer-based trip reduction program;
- G.** Chapter 66: *Scenic Quality* - Standards to protect scenic quality within the Tahoe region, including the establishment of scenic highway corridors and related design standards, and scenic quality review in shoreland areas,
- H.** Chapter 67: *Historic Resource Protection* – Standards to identify and protect significant cultural, historical, and archaeological resources; and
- I.** Chapter 68: *Noise Limitations* – Limitations on single noise events and maintenance of community noise levels.

1.3.7. Shorezone (Chapters 80 through 85)

This division contains materials that identify and protect areas within the lakezone, shorezone, and lagoon areas of lakes within the region. Major features of this division include:

CHAPTER 1: INTRODUCTION TO THE CODE OF ORDINANCES

1.4 Land Use Documents Supporting the Code of Ordinances

1.3.8 Definitions (Chapter 90)

- A. Chapter 80: *Review of Projects in the Shorezone and Lakezone* – Introduction of shorezone concepts, designations, and procedures,;
- B. Chapter 81: *Permissible Uses and Structures in the Shorezone and Lakezone* – Identification of and standards for the primary and accessory land uses allowed within the lakezone, shorezone, and lagoons of lakes;
- C. Chapter 82: *Existing Structures* and Exempt Activities – Regulations affecting the maintenance, repair, and expansion of existing structures within the shorezone of Lake Tahoe;
- D. Chapter 83: *Shorezone Tolerance Districts and Development Standards* – Shorezone tolerance district challenges and development standards applicable to shorezone projects, including project location and design standards.
- E. Chapter 84: *Development Standards Lakeward of High Water in the Shorezone and Lakezone* – Regulations affecting development lakeward of the high water line, including fish habitat and spawning, standards for man-made structures, filling and dredging, and motorized watercraft;
- F. Chapter 85: *Development Standards in the Backshore* – Regulations affecting development in the backshore, including applicability and backshore delineation, allowable land coverage, vegetation, and project review and development standards; and

1.3.8. Definitions (Chapter 90)

This division consists of one chapter that contains general rules of interpretation and construction, plus descriptions of all key terms used in this Code of Ordinances (except for definitions of land uses, which are in Chapter 21).

1.4. LAND USE DOCUMENTS SUPPORTING THE CODE OF ORDINANCES

The Code represents the coordination of a series of documents relating to land use regulation and environmental protection in the Tahoe region. The documents are:

- A. The Tahoe Regional Planning Compact, as amended ("Compact");
- B. The environmental threshold carrying capacities adopted in Resolution 82-11;
- C. The Goals and Policies Plan;
- D. The Plan Area Statements and Maps; and
- E. Other TRPA plans and programs.

1.4.2. Tahoe Regional Planning Compact as Amended

- A.** The Compact represents an endeavor by the States of California and Nevada, approved by Congress, to address numerous pressing environmental and other problems facing the Tahoe region. Originally enacted in 1969 (P.L. 91-148, 83 Stat. 360), the Compact was amended in 1980 (P.L. 96-551, 94 Stat. 3233). The factual background against which the amended Compact was adopted is set forth in Article I(a) where it is declared, among other things, that:
1. "The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.
 2. The public and private interests and investments in the region are substantial.
 3. The region exhibits unique environmental and ecological values which are irreplaceable.
 4. By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution, and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.
 5. Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.
 6. Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific natural and public health values provided by the Lake Tahoe Basin.
 7. There is a public interest in protecting, preserving, and enhancing these values for the residents of the region and for visitors to the region.
 8. Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public, who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.
 9. In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to ensure an equilibrium between the region's natural endowment and its manmade environment."
- B. Article I(b) of the Compact Provides:**
- "In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this Compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities."

1.4.3. Environmental Threshold Carrying Capacities

Article V(b) of the Compact requires TRPA to adopt environmental threshold carrying capacities for the Tahoe region. Article II (i) of the Compact defines "environmental threshold carrying capacity" as "an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region." Thresholds are required to address matters such as air quality, water quality, soil conservation, vegetation preservation, and noise. After preparation and review of a study report for establishment of environmental thresholds, as well as an environmental impact statement, the TRPA Governing Board enacted Resolution No. 82-11 on August 26, 1982, adopting environmental threshold carrying capacities for the Tahoe Region.

1.4.4. Goals and Policies Plan

The Goals and Policies are the core of the Regional Plan. The Goals and Policies provide statements of goals and policies to guide decision-making affecting the region's resources and remaining resource capacities. The Goals and Policies are intended to provide for the attainment and maintenance of the environmental thresholds while providing opportunities for orderly growth and development consistent with the thresholds.

1.4.5. Code of Ordinances

The Code is designed, among other things, to implement the Goals and Policies in a manner attaining and maintaining the environmental thresholds. The Code compiles all the ordinances of TRPA into one document except for certain procedural ordinances such as the ordinances adopting plan amendments. The Code addresses many subjects, including, but not limited to, required permits for development, findings required for approval of projects, environmental impact statements, plan area statements, land use, density and coverage, development standards, allocations of development, the Individual Parcel Evaluation System, shorezone, grading and construction practices, resource management, water quality, air quality and transportation.

1.5. 208 PLAN

The portions of the Code inconsistent with the existing Lake Tahoe Water Quality Management Plan ("208 Plan" or "WQMP") shall not be implemented until the necessary amendments to the 208 Plan are certified by the States of California and Nevada and the Environmental Protection Agency (EPA).

1.6. INTERPRETATION AND SEVERABILITY

The provisions of the Code and the Goals and Policies effectuated and implemented by the Code shall be liberally construed to effect their purposes. If any section, clause, provision, or portion of the Code or of the Goals and Policies is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Code or the Goals and Policies, as the case may be, shall not be affected. For this purpose, the provisions of the Goals and Policies are declared respectively severable and the provisions of the Code also are declared severable.

CHAPTER 1: INTRODUCTION TO THE CODE OF ORDINANCES

1.7 Administrative Fees

1.8.1 Ordinance No. 2013-02, adopted 6/26/13

1.7. ADMINISTRATIVE FEES

All fees authorized and collected pursuant to this Code and held by TRPA in trust for mitigation purposes shall be subject to an administrative fee for mitigation fund management. Such administrative fee shall be levied each month by collecting a fixed percentage of the monthly interest generated by each mitigation account. The percentage shall be established by Governing Board resolution and shall be based on the administrative costs to TRPA for managing the mitigation funds. The provisions in this section shall apply to all such mitigation funds and shall supersede any limitation in this Code on the use of such interest.

1.8. CODE AMENDMENTS

1.8.1. Ordinance No. 2013-02, adopted 6/26/13

Chapter 2: Subparagraph 2.3.2.E, Subparagraph 2.3.7.A.4, Subparagraph 2.3.7.B.4

Chapter 5: Subparagraph 5.3.1.C

Chapter 13: Section 13.5.2, Subparagraph 13.5.3.C.3, Subparagraph 13.5.3.D

Chapter 21: Table 21.4.A

Chapter 30: Subparagraph 30.4.3.B.2, Subsection 30.4.6

Chapter 31: Subsection 31.5.3

Chapter 37: Subsection 37.4.2, Subparagraph 37.5.4.C.1, Subsection 37.5.6

Chapter 50: Subparagraph 50.7.1.C.1.a, Subsection 50.10.1

Chapter 53: Section 53.10

Chapter 63: Subparagraph 63.4.2.C

Chapter 65: Subparagraph 65.1.8.C

Chapter 90: Section 90.2

1.8.2. Ordinance No. 2013-03, adopted 6/26/13

Chapter 50: Subsections 50.4.1, 50.5.1, 50.5.2

Chapter 51: Subsections 51.3.3, 51.5.3

1.8.3 Ordinance No. 2013-05, adopted 9/25/13

Chapter 36: Subsection 36.2.2

1.8.4 Ordinance No. 2013-06, adopted 9/25/13

Chapter 2: Table 2.5-1

1.8.5 Ordinance No. 2013-07, adopted 9/25/13

Chapter 2: Table 2.6-1

CHAPTER 1: INTRODUCTION TO THE CODE OF ORDINANCES

1.8 Code Amendments

0 1.8.6 Ordinance No. 2013-08, adopted 11/20/13

1.8.6 Ordinance No. 2013-08, adopted 11/20/13

Chapter 13: Table 13.5.3-1

Chapter 36: Subsection 36.2.2

Chapter 38: Subparagraph 38.2.3.D

1.8.7 Ordinance No. 2013-09, adopted 11/20/13

Chapter 13: Subparagraph 13.5.3.E

Chapter 36: Subsection 36.6.1

Chapter 37: Subsection 37.6.2

Chapter 65: Subsection 65.1.8

Chapter 68: Subsection 68.4, Subsection 68.8.3

1.8.8 Ordinance No. 2014-01, adopted 2/26/2014

Chapter 50: Subsection 50.5.2

1.8.9 Ordinance No. 2014-04, adopted 7/23/2014

Chapter 50: Subsection 50.5.1, Subsection 50.5.2

Chapter 51: Subparagraph 51.3.3.C

1.8.10. Ordinance No. 2014-05, adopted 10/22/2014

Chapter 50: Subsection 50.7.1

Chapter 52: Section 52.4, Section 52.5

1.8.11. Ordinance No. 2014-06, adopted 12/17/2014

Chapter 1: Section 1.5

Chapter 2: Subpargraphs 2.2.3.B and 2.3.6.A

Chapter 5: Subsections 5.3.2 and 5.12.8

Chapter 11: Subparagraph 11.6.2.A.7, Subsection 11.6.8, and Subparagraph 11.6.11.C

Chapter 13: Subsection 13.4.2

Chapter 21: Subsection 21.2.4, Section 21.4, and Table 21.4-A

Chapter 23

Chapter 30: Subparagraphs 30.4.2.A.1.b, 30.4.2.A.4, 30.4.6.C, 30.5.1.B.3, and 30.5.2.B.3

Chapter 33: Subparagraph 33.3.1.D

Chapter 35: Subsection 35.4.1

CHAPTER 1: INTRODUCTION TO THE CODE OF ORDINANCES

1.8 Code Amendments

1.8.12 Ordinance No. 2014-07, adopted 12/17/2014

Chapter 36: Subsections 36.7.2 and 36.7.3

Chapter 37: Subparagraphs 37.5.1.B and 37.5.2.C, and Subsection 37.5.8

Chapter 39: Subparagraph 39.2.5.F

Chapter 51: Table 51.5.3-1

Chapter 52: Subparagraph 52.3.4.A

Chapter 53: Subsection 53.5.1, Subparagraphs 53.7.7.A and 53.9.1.B.1, and Subsection 53.9.3

Chapter 60: Subparagraphs 60.1.3.E.6 and 60.2.2.B.2

Chapter 61: Subparagraph 61.3.3.B.3

Chapter 84: Subsection 84.15.5

Chapter 90: Section 90.2 (208 Plan, Designated Flood Plain, Floodplain, Stream Environment Zone)

1.8.12. Ordinance No. 2014-07, adopted 12/17/2014

Chapter 50: Subparagraph 50.5.1.C, Subparagraph 50.5.2.E

1.8.13. Ordinance No. 2015-01, adopted 1/28/2015

Chapter 2: Section 2.5

1.8.14. Ordinance No. 2015-06, adopted 7/22/2015

Chapter 34: Section 34.2.3

Chapter 36: Subparagraph 36.2.2.C

Chapter 38: Subparagraph 38.2.3.D.3

1.8.15. Ordinance No. 2015-07, adopted 12/16/2015

Chapter 30: Subsections 30.4.3 and 30.6.1.C.2

1.8.16. Ordinance No. 2016-01, adopted 1/27/2015

Chapter 50: Subsection 50.10.8

1.8.17. Ordinance No. 2016-02, adopted 2/24/2016

Chapter 1: Subsection 1.3.7

Chapter 5: Subparagraph 5.9.4.A

Chapter 13: Subparagraph 13.5.3.H

Chapter 16: Subsection 16.9.1

CHAPTER 1: INTRODUCTION TO THE CODE OF ORDINANCES

1.8 Code Amendments

1.8.18 Ordinance No. 2016-03, adopted 11/16/2016

Chapter 30: Subparagraph 30.4.2.B.2

Chapter 31: Subsection 31.3.3

Chapter 50: Subsection 50.4.1, and Subparagraphs 50.5.2.F and 50.9.1.D

Chapter 53: Subsection 53.10.10

Chapter 60: Subsection 60.4.2

Chapter 82: Subparagraph 82.4.5.B

Chapter 90: Section 90.2 (Commercial Floor Area)

1.8.18. Ordinance No. 2016-03, adopted 11/16/2016

Chapter 84: Section 84.10

1.8.19. Ordinance No. 2016-04, adopted 12/14/2016

Chapter 10: Section 10.2 and 10.3, and Subsections 10.3.1, 10.3.2, 10.3.3, 10.4.1, and 10.4.2

Chapter 11: Section 11.3, Subsection 11.6.3, and Section 11.7

Chapter 12: Section 12.3

Chapter 14: Section 14.3

Chapter 30: Subparagraph 30.4.3.E

Chapter 60: Subparagraph 60.3.3.C

Chapter 61: Subparagraph 61.3.6.C

Chapter 62: Subsection 62.4.1

Chapter 66: Subsection 66.2.3

Chapter 67: Section 67.5

Chapter 68: Section 68.4

Chapter 90: Section 90.2 (Eastside Forest Type, Environmental Improvement Program, Geographic Information System, Geomorphic Unit, Natural Hazard Maps and GIS Data Layers, Scenic Units GIS Data Layers, Westside Forest Type)

1.8.20. Ordinance No. 2017-02, adopted 2/22/2017

Chapter 34: Subsection 34.2.2

Chapter 36: Subparagraph 36.2.1.B

CHAPTER 1: INTRODUCTION TO THE CODE OF ORDINANCES

1.8 Code Amendments

1.8.21 Ordinance No. 2017-04, adopted 5/24/2017

Chapter 38: Subparagraph 38.2.3.D.2

1.8.21. Ordinance No. 2017-04, adopted 5/24/2017

Chapter 63: Subsection 63.4.2

1.8.22. Ordinance No. 2017-05, adopted 12/24/2017

Chapters 2: Subparagraph 2.3.6.A.1; Tables 2.5-1 and 2.6-1

Chapter 21: Table 21.4-A

Chapter 30: Subparagraph 30.4.3.A.2 and Subsection 30.5.1

Chapter 31: Subparagraph 31.5.2.B.5

Chapter 35: Subsection 35.4.1

Chapter 36: Subparagraph 36.5.2.B and Subsection 36.5.5

Chapter 50: Subsection 50.5.2 and Subparagraph 50.7.1.C.1

Chapter 52: Sections 52.1 and 52.2

Chapter 61: Subparagraph 61.1.7.I

Chapter 90: Section 90.2 (Active Transportation, Designated Floodplain)

1.8.23. Ordinance No. 2018-02, adopted 2/28/2018

Chapter 34: Subsection 34.2.5

Chapter 36: Section 36.3

Chapter 38: Subparagraph 38.2.3.D.6

1.8.24. Ordinance No. 2018-03, adopted 10/24/2018

Chapter 1: Subparagraph 1.3.5.B

Chapter 3: Subparagraph 3.2.2.A.3

Chapter 6: Subsection 6.4.7, Subparagraph 6.7.1.F, and Section 6.9

Chapter 11: Subparagraph 11.6.3.B

Chapter 21: Subsection 21.3.2

Chapter 31: Subparagraph 31.3.1.C

Chapter 39: Subparagraphs 39.1.3.A.1, 39.1.3.A.2, 39.2.3.B.2, 39.2.5.C, and 39.2.5.D

CHAPTER 1: INTRODUCTION TO THE CODE OF ORDINANCES

1.8 Code Amendments

1.8.25 Ordinance No. 2018-04, adopted 10/24/2018

Chapter 50: Section 50.3; Subsections 50.3.1, 50.3.2, and 50.3.3; Section 50.4; Subsections 50.4.1, 50.4.2, 50.4.3, and 50.5.1; Subparagraphs 50.5.1.B, 50.5.1.C.2, 50.5.1.E, and 50.5.2.D; Subsections 50.5.3, 50.6.1, 50.7.1, and 50.8.4; and Section 50.10

Chapter 51: Sections 51.1, 51.2, 51.3, 51.4, 51.5, and 51.6

Chapter 52: Sections 52.1, 52.2, and 52.3

Chapter 90: Section 90.2 (Accessory Dwelling Unit, Achievable Housing, Affordable Housing, Development Right, Moderate Income Housing, and Residential Units of Use)

1.8.25. Ordinance No. 2018-04, adopted 10/24/2018

Chapter 1: Subsection 1.3.7

Chapter 2: Subparagraph 2.2.2.F.1, Section 2.3, Subsection 2.3.6

Chapter 10: Subparagraphs 10.3.1.E, G, and H

Chapter 14: Subparagraph 14.2.2.C

Chapter 50: Sections 50.11 and 50.12

Chapter 63: Subparagraph 63.3.1.E

Chapter 66: Subparagraph 66.3.3.C and Subsection 66.3.6

Chapters 80, 81, 82, 83, 84, 85, and 86

Chapter 90: Section 90.2 (Average Peak Use; Beach Replenishment; Boat Launching Facility; Boat Slip; Catwalk; Commercial Boating; Essential Public Health and Safety Facility; Expansion; Marina; Mooring; Non-Contiguous Parcel; Personal Watercraft; Pier; Pier Relocation; Pier Transfer; Pier, Multiple Parcel; Pier, Single Parcel; Pierhead Line; Pump-Out Facilities; Revetment; Stacked Storage; Tour Boat Operation; Unserviceable)

1.8.26. Ordinance No. 2019-01, adopted 2/27/2019

Chapter 51: Subsection 51.4.3

1.8.27. Ordinance No. 2019-02, adopted 4/24/2019

Chapter 6: Subparagraphs 6.7.1.D, 6.8.1.C

Chapter 14: Sections 14.1, 14.6; Subsection 14.2.1; Subparagraph 14.10.1.C

Chapter 21: Sections 21.1, 21.2

Chapter 30: Subparagraph 30.6.1.C.2

Chapter 31: Subsection 31.4.4; Subparagraphs 31.5.2.B.4, 31.5.2.B.5.b, 31.5.2.B.7

CHAPTER 1: INTRODUCTION TO THE CODE OF ORDINANCES

1.8 Code Amendments

1.8.28 Ordinance No. 2019-04, adopted 6/26/2019

Chapter 34: Section 34.2

Chapter 36: Subsection 36.2.2

Chapter 37: Subparagraphs 37.5.9.C.3.g, 37.7.15.C.7, 37.9.3.C

Chapter 50: Subparagraph 50.5.2.B.3

Chapter 51: Subparagraph 51.3.2.G

Chapter 52: Subparagraph 52.3.2.C; Subsection 52.3.5

Chapter 65: Subparagraph 65.2.3

Chapter 66: Subsection 66.3.6

Chapter 80: Subsection 80.3.3

Chapter 81: Subsections 81.3.2, 81.4.4; Subparagraph 81.6.1.A

Chapter 82: Subparagraphs 82.5.1.I, 82.7.1.B

Chapter 84: Subsections 84.2.3, 84.4.2, 84.7.1, 84.8.2; Subparagraph 84.3.2.E.7, 84.4.3.A.10.c, 84.4.3.B.2, 84.4.3.C.2, 84.4.4.B.2, 84.6.2.A.2, 84.11.2

Chapter 90: Section 90.2 (Local Plan; Pier, Multiple-Use; Pier, Single-Use)

1.8.28. Ordinance No. 2019-04, adopted 6/26/2019

Chapter 84: Subsection 84.3.3; Figures 84.3.3-1, 84.3.3-2, and 84.4.3-1; Subparagraphs 84.4.3.C.2.f, 84.4.3.C.2.k, and 84.8.1.B.3

Chapter 90: Section 90.2 (Parcel Boundary Projection Line)

1.8.29. Ordinance No. 2019-05, adopted 7/24/2019

Chapter 36: Subparagraph 36.8.1.E

1.8.30. Ordinance No. 2019-06, adopted 10/23/2019

Chapter 50: Subparagraph 50.5.2.E

1.8.31. Ordinance No. 2019-07, adopted 12/18/2019

Chapter 2: Subparagraphs 2.2.2.B and 2.3.2.D

Chapter 21: Subparagraph 21.3.2.B.3 and Subsection 21.3.6

Chapter 30: Subparagraph 30.4.3.A.2.b and Table 30.4.4-1Chapter 37: Subsection 37.3.1

Chapter 50: Subparagraph 50.8.4.C

CHAPTER 1: INTRODUCTION TO THE CODE OF ORDINANCES

1.8 Code Amendments

1.8.32 Ordinance No. 2019-08, adopted 12/18/2019

Chapter 51: Figures 51.2-A and 51.4-A and Subparagraph 51.5.1.C.1

Chapter 53: Section 53.10

Chapter 84: Subparagraph 84.3.3.E.1.c

1.8.32. Ordinance No. 2019-08, adopted 12/18/2019

Chapter 84: Subparagraph 84.3.3.E.3

1.8.33. Ordinance No. 2020-01, adopted 2/26/2020

Chapter 84: Subparagraph 84.4.3.A.1.b

1.8.34. Ordinance No. 2020-02, adopted 2/26/2020

Chapter 61: Subsections 61.1.4 through 61.1.8, Subsection 61.2.3, Subparagraph 61.2.5.B, and Subsections 61.3.7 through 61.3.10

1.8.35. Ordinance No. 2020-05, adopted 9/23/2020

Chapter 61: Subparagraphs 61.3.3.C and 61.3.7.A, and Subsection 61.3.8

1.8.36. Ordinance No. 2021-05, adopted 4/28/2021

Chapter 2: Subparagraphs 2.2.2.A and 2.3.6.A.8

Chapter 3: Subparagraph 3.2.2.A.2

Chapter 22: Subsection 22.7.6

Chapter 34: Section 34.3

Chapter 39: Subparagraphs 39.2.3.J and 39.2.5.K

Chapter 50: Subsection 50.4.3; Subparagraph 50.6.1.B.2.b; and Subsection 50.9.2

Chapter 65: Section 65.2; Subsection 65.3.1; and Subparagraph 65.3.3.E.1

Chapter 82: Subsection 82.5.6

Chapter 90: Section 90.2 (Approved Center; Change in Operation; Insignificant Increase; Maintenance Area; Previous Use; Trip Table; and Vehicle Trip)

1.8.37. Ordinance No. 2021-07, adopted 5/26/2021

Chapter 34: Section 34.2

Chapter 36: Section 36.2

Chapter 38: Section 38.2

CHAPTER 1: INTRODUCTION TO THE CODE OF ORDINANCES

1.8 Code Amendments

1.8.38 Ordinance No. 2021-08, adopted 7/29/2021

1.8.38. Ordinance No. 2021-08, adopted 7/29/2021

Chapter 21: Section 21.3; Table 21.4-A

Chapter 31: Subsection 31.3.2; Section 31.4; Table 31.3.2

Chapter 39: Subsection 39.2.5

Chapter 50: Subparagraphs 50.5.1.A and 50.5.1.C

Chapter 52: Subsection 52.3.4

1.8.39. Ordinance No. 2022-01, adopted 2/23/2022

Chapter 61: Subsection 61.1.6; Tables 61.1.6-1, 61.1.6-3, and 61.1.6-4

1.8.40. Ordinance No. 2022-04, adopted 5/25/2022

Chapter 2: Subsection 2.2.2

Chapter 84: Subsection 84.3.3

1.8.41. Ordinance No. 2023-06, adopted 9/27/2023

Chapter 2: Subparagraphs 2.2.2.A.2.c; 2.2.2.A.2.d; 2.2.2.B; 2.2.2.D1.a; 2.2.2.E.1.a; 2.2.2.F; 2.3.2.A; 2.3.2.E; 2.3.2.H; 2.3.3.P; 2.3.4.A; 2.3.6.A.1; 2.3.6.A.6; 2.3.6.A.9; 2.3.6.A.11; 2.3.6.B.

Chapter 30: Subparagraphs 30.4.2.A.4; 30.4.3.B.3; 30.4.3.B.4; Table 30.4.3-2; Subparagraphs 30.4.6.A; 30.4.6.D.1.e; 30.4.6.D.2.e; 30.4.6.E; 30.4.6.G; 30.4.6.H; Subsection 30.4.7; Section 30.6; Subparagraph 30.6.1.C.2

Chapter 37: Subsections 37.3.4 and 37.4.2

Chapter 50: Subparagraphs 50.5.2.A and 50.5.2.E.3

Chapter 60: Subsection 60.2.4

Chapter 65: Subparagraphs 65.1.4.A.2 and 65.2.4.D; Subsection 65.2.6

Chapter 66: Subsection 66.1.6; Section 67.4; Subsection 67.7.3

Chapter 82: Subsection 82.5.8

Chapter 84: Subparagraphs 84.3.2.G and 84.3.3.C; Figure 84.3.3-2; Subparagraph 84.11.2.E

Chapter 90: Subsection 90.1.14; Section 90.2 (Active Solar Energy System, Deck, Electric Vehicle Charger, Land Coverage, Walkway)

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.1. GENERAL PROVISIONS

2.1.1. Purpose

This chapter implements the Compact provisions relating to projects and permits. This chapter also implements Article VI(a) of the Compact, which requires TRPA to prescribe by ordinance those activities that the agency has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the Tahoe region and therefore are exempt from the agency's review and approval.

2.1.2. Applicability

This chapter identifies activities that may have a substantial effect on the land, air, water, space or any other natural resources and therefore are projects subject to TRPA review and approval. This chapter also identifies activities that will not have a substantial effect on the land, air, water, space and any other natural resource in the region and therefore are exempt from TRPA review and approval. Exemption of activities from TRPA review and approval shall not be construed to exempt such activities from applicable provisions of the Code. Special applicability provisions for signs and for activities in the shorezone are set forth in Chapters 38 and 80.

2.1.3. Organization of this Chapter

- A. Section 2.2 implements the Compact provisions relating to projects and permits. An activity that is not exempt or granted a qualified exemption from this Code pursuant to Section 2.3 is a project subject to TRPA review and approval pursuant to Section 2.2.
- B. Section 2.3 identifies activities that will not have a substantial effect on the land, air, water, space, or any other natural resources in the Tahoe region and therefore are exempt or are eligible for a qualified exemption from TRPA review and approval. Exemption or qualified exemption of activities from TRPA review and approval shall not be construed to exempt such activities from other applicable provisions of the Code.

2.2. PROJECT REVIEW

2.2.1. Project Review

Activities that may have a substantial effect on the land, air, water, space, or any other natural resources in the Tahoe region are projects subject to TRPA review and approval. Projects shall be reviewed by TRPA in accordance with TRPA's Rules of Procedure and pursuant to the applicable Code provisions. Projects approved by TRPA shall be issued permits in accordance with the Rules of Procedure.

2.2.2. Projects and Matters to be Approved by the Governing Board or Hearings Officer

Categories of projects and matters listed in this subsection 2.2.2 or as otherwise required by law shall require Governing Board or Hearings Officer approval, as indicated.

A. General Projects or Matters

1. Governing Board Review

The following projects or matters require review and approval by the Governing Board:

- a. EIS certification (Chapter 3: *Environmental Documentation*);
- b. Projects for which an EIS has, or will be prepared, or at the discretion of the Executive Director;
- c. Plan amendments, ordinances and resolutions;
- d. Community Plans, including preliminary plan or work program, redevelopment, master or special plans;
- e. Problem assessments and remedial action plans, excluding voluntary problem assessments and remedial action plans (Section 5.12 Remedial Action Plans);
- f. Increases in supply of land coverage (Chapter 30: *Land Coverage*);
- g. Delegation Memoranda of Understanding pursuant to Section 2.5 (except as otherwise provided in this Code);
- h. Substantial harvest or tree removal plans (61.1.8) except for fuels management projects (61.1.7.D);
- i. Mitigation fund expenditures and projects (Section 60.2 and Section 65.2);
- j. Permit revocations (Chapter 5: *Compliance*);
- k. Historic resource designations (Chapter 67: *Historic Resource Protection*);
- l. Allocation systems (Chapter 50: *Allocation of Development*);
- m. Establishing the level defining the top-ranked parcels, lowering the line defining the top-ranked parcels pursuant to subsection 53.5.1 and determining allowable base land coverage pursuant to subsection 53.8.1;
- n. Findings of the demonstration of commitment for affordable housing pursuant to subparagraph 39.2.5.F;
- o. Special project allocations (subparagraph 50.6.4.D);
- p. Area Plan conformity review (Chapter 13: *Area Plans*); and
- q. In jurisdictions with conforming Area Plans, projects that are not eligible to be delegated from TRPA review, and delegated projects that are appealed to TRPA.

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.2 Project Review

2.2.2 Projects and Matters to be Approved by the Governing Board or Hearings Officer

2. Hearings Officer Review

The following projects or matters require review and approval by the Hearings Officer:

- a. Special uses, including changes, expansions or intensifications of existing uses (Chapter 21: *Permissible Uses*);
- b. Additional height for eligible structures, in special height districts for adopted community and redevelopment plan areas (subsection 37.5.4);
- c. Additions, reconstruction, or demolition of eligible or designated historic resources (Chapter 67: *Historic Resource Protection*);
- d. Modification to SEZs, excluding modifications for residential projects and underground utility replacement projects in accordance with subparagraph 30.5.2.A and erosion control and other environmentally oriented projects and facilities in accordance with subparagraph 30.5.2.D;
- e. Land capability challenges and man-modified challenges, except land capability challenges pursuant to subsection 30.3.4 submitted under the special provisions for designated land banks (Chapter 30 and 80);
- f. Additional land coverage in excess of 1,000 square feet in land capability districts 1-3; and

B. Residential Projects

1. Governing Board Review

Residential projects involving the following require review and approval by the Governing Board:

- a. Mobile home developments involving the creation or elimination of ten or more mobile homes, including conversions to other uses.

2. Hearings Officer

Residential projects involving the following require review and approval by the Hearings Officer:

- a. Multi-residential and employee housing greater than four units; and
- b. Projects that require special use findings (except those identified for Governing Board review) involving changes, expansions or intensification of existing uses.

C. Commercial Projects

1. Governing Board Review

A commercial project involving the allocation or transfer of floor area of 3,000 or more square feet.

2. Hearings Officer

A commercial project involving the allocation or transfer of floor area less than 3,000 square feet.

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.2 Project Review

2.2.2 Projects and Matters to be Approved by the Governing Board or Hearings Officer

D. Public Service Projects

1. Governing Board Review

Public service projects involving the following require review and approval by the Governing Board:

- a. New facilities or additions involving over 3,000 square feet of floor area or 3,500 square feet of new land coverage, except Environmental Improvement Projects involving no more than 3,000 square feet of floor area or 15,000 square feet of land coverage; and
- b. Airport expansion.

E. Recreation Projects

1. Governing Board Review

Recreation projects involving the following require review and approval by the Governing Board:

- a. New facilities or additions involving more than 3,000 square feet of building floor area or 3,500 square feet of land coverage, with the following exceptions:
 - (1) Recreational trails; and
 - (2) Environmental Improvement Projects involving no more than 3,000 square feet of floor area or 15,000 square feet of land coverage.
- b. New recreational trails exceeding one mile in length, or shorter trails that create new land coverage on low capability land or pass through sensitive wildlife habitat; and
- c. Projects requiring an allocation of PAOTs from the overnight pool of 1,000 PAOTs.

2. Hearings Officer

Recreation projects involving the following require review and approval by the Hearings Officer:

- a. New recreational trails that are between 1,000 feet and one mile in length, provided the new land coverage is all on high capability land and the trails do not pass through sensitive wildlife habitat.

F. Shorezone Projects

1. Governing Board Review

Shorezone projects involving the following require review and approval by the Governing Board:

- a. Tour boat operations (new or expansion);
- b. Waterborne transit (new or expansion);
- c. Seaplane operation (new or expansion);
- d. Marinas (new or expansion);

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.2 Project Review

2.2.3 Special Provisions

- e. Boat launching facilities (new or expansion); and,
- f. Recognition of multiple-use facilities (Section 84.4), except recognition of new multiple parcel/use piers and buoy field expansions.

2. **Hearings Officer**

Shorezone projects involving the following require review and approval by the Hearings Officer:

- a. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensifications of existing uses; and
- b. New structures (except those identified for Governing Board review), with the following exceptions:
 - (1) New mooring buoys and piers for eligible private, single-family littoral parcels.
 - (2) Buoy field expansions.
 - (3) Other structures that are identified in Section 84.8 and are not special uses.

G. **Delegation to Executive Director**

1. **Governing Board Action**

The Governing Board hereby delegates to the Executive Director the review and final action on all projects and matters not reserved for Hearings Officer or Governing Board approval pursuant to subsection 2.2.2.

2. **Unusual Circumstances**

The Executive Director may determine that a project or matter not listed in subsection 2.2.2, because of unusual circumstances, warrants Hearings Officer or Governing Board review and action and may schedule the project for Hearings Officer or Governing Board consideration.

3. **Appeals**

The final action of the Executive Director or Hearings Officer may be appealed to the Governing Board pursuant to TRPA's Rules of Procedure. Final action of the Governing Board may be appealed to a court of competent jurisdiction pursuant to Article VI(j) of the Compact.

2.2.3. **Special Provisions**

The following special provisions apply to certain projects:

A. **Emergency Projects**

Emergency projects shall be reviewed and acted upon in accordance with the TRPA Rules of Procedure.

B. **Structures that Do Not Comply with Site Development Provisions**

Repair, remodeling, reconstruction, modification, or expansion of structures that do not comply with site development provisions (Chapters 30-39), may be approved provided TRPA determines that:

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.2 Project Review

2.2.4 Expiration of TRPA Approvals

1. The structure is not subject to a specific program of removal or modification pursuant to the site development provisions or other implementing programs of TRPA, or that the structure shall comply with the requirements of the applicable programs;
2. The repair, remodeling, reconstruction, modification, or expansion does not increase the extent to which the structure does not comply with the site development provisions;
3. In the shorezone, all modifications or expansions to structures comply with the requirements of this Code; and
4. Any expansion complies with all applicable site development provisions.

C. **Buildings Damaged or Destroyed by Fire or Other Similar Calamity**

Buildings damaged or destroyed by fire or other similar calamity may be repaired or rebuilt, except as prescribed by Chapter 35: *Natural Hazard Standards*, in areas of identified avalanche or mass instability danger, and except as set forth in Chapters 80-86, inclusive, in the shorezone, with no requirement for excess coverage mitigation or height reduction, by fee or otherwise. Repair or reconstruction shall be in substantial conformance with the original structure, with no increase in floor area, land coverage, height, or volume.

1. **Application**

A complete application, as defined in the TRPA Rules of Procedure, shall be submitted to TRPA within eighteen months of the damage or destruction resulting from the calamity. Structures for which applications are not timely filed shall be considered derelict and not as existing structures.

2. **Findings**

TRPA may approve such projects provided TRPA determines that:

- a. The repair or reconstruction does not increase the extent to which the structure does not comply with the site development provisions; and
- b. There is no increase in height, floor area, land coverage, or volume of the structure.

2.2.4. **Expiration of TRPA Approvals**

Approval by TRPA of any project expires three years after the date the approval is granted by TRPA as defined in TRPA's Rules of Procedure, or December 19, 1980, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced.

A. **Operation of Law**

Expiration of TRPA approvals shall be by operation of law. Failure to give notice of expiration shall not affect the applicability of this provision.

B. Commencement of Construction

Commencement of construction shall be the pouring of concrete for a foundation, or work of a similar nature upon the permitted structure. Commencement of construction does not include grading, plan preparation, installation of utilities or landscaping.

C. Diligent Pursuit

“Diligent pursuit” is defined as follows:

1. Diligent pursuit shall be defined by the condition of approval relating to completion of the project. Project approvals shall state the time for completion of the project.
2. For projects approved without a condition of approval relating to completion of the project, diligent pursuit shall be defined as reasonable onsite progress toward completion of the project each building season beginning with the building season in which construction is commenced. Failure to accomplish onsite progress toward completion in any building season after construction has commenced and the three year approval period has passed shall result in expiration of the approval for failure to diligently pursue construction. Failure to give notice of such expiration shall not affect the applicability of this section.

D. Single-Family Homes

Construction of new single-family homes shall be completed within two years from the date of the TRPA pregrading inspection. The two-year period may be extended once for up to one year provided the request is made in writing prior to the expiration of the two-year period, a security is posted to ensure completion or abatement of the project, and TRPA determines either of the following:

1. The project was diligently pursued, as defined in subparagraph 2.2.4.C, during each building season (May 1 - October 15) since commencement of construction; or
2. Events beyond the control of the permittee, which may include engineering problems, labor disputes, natural disasters, or weather problems, have prevented diligent pursuit of the project.

E. Other Projects

Construction of projects other than new single-family homes shall be complete by the date set forth in the conditions of approval. Extension of a completion schedule for a project other than a single family home may be granted provided the request is made in writing prior to the expiration of the completion schedule, a security is posted to ensure completion or abatement of the project and TRPA makes either of the following findings:

1. The project was diligently pursued, as defined in subparagraph 2.2.4.C, during each building season (May 1 - October 15) since commencement of construction; or

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.3 Exempt Activities

2.2.5 TRPA Contractor Certification Program

2. Events beyond the control of the permittee, which may include engineering problems, labor disputes, natural disasters, or weather problems, have prevented diligent pursuit of the project.

F. Completion of Project

Completion of a building shall be defined as a fully enclosed structure with all permanent drainage improvements, slope stabilization, and revegetation installed. Completion of projects that do not consist of a building or buildings, shall be defined as commencement of the use or activity permitted and installation of all permanent drainage improvements, slope stabilization, and revegetation.

2.2.5. TRPA Contractor Certification Program

[reserved]

2.3. EXEMPT ACTIVITIES

2.3.1. Purpose

The following activities are not subject to review and approval by TRPA, provided they do not result in the creation of additional land coverage or relocation of land coverage, comply with Sections 36.6 (Building Design Standards), 36.9 (Water Conservation Standards), 65.1 (Air Quality Control), and meet all restrictions set forth below.

2.3.2. General Activities

The following general activities are exempt.

A. Structural Repair

Exterior Structural repair of existing structures of less than \$50,000 per year, provided there is:

1. No excavation, filling, or backfilling in excess of that exempted by subparagraph E below;
2. No increase in the dimensions of a structure;
3. No intensification or change in use;
4. No increase in commercial floor area, and
5. No increase in density.

This amount shall be calculated on an objective market valuation of the materials involved.

B. Interior Remodeling

Interior remodeling provided there is no change or intensification of use and no increase in density; and interior structural remodeling of commercial or tourist accommodation structures that is less than \$40,000 in value.

C. Ordinary Maintenance and Repair

Ordinary maintenance and repair, which is the upkeep, or preservation of the condition of property and includes: painting; re-roofing with non-metallic material; replacement of windows, siding, doors; air conditioning, sewer, water and electrical equipment, and other fixtures; and construction of overlays upon existing paved surfaces. For structures visible from the Scenic Threshold Travel Routes and from the Public Recreation Areas and Bicycle Trails identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation, painting and siding shall be consistent with subparagraph 36.6.1.D.

D. Repair of Fences

Repair or replacement of existing fences not located in SEZs or bodies of water.

E. Excavation, Filling, or Backfilling

Excavation, filling, or backfilling for a volume not in excess of three cubic yards, provided the activity is completed within a 48-hour period and the excavation site is stabilized to prevent erosion. Excavation, filling, or backfilling for a volume up to ten cubic yards is exempt on non-sensitive land only and provided the activity occurs during the grading season (May 1 to October 15) and the excavation site is stabilized within 48 hours to prevent erosion. Changes to existing grade shall not exceed two vertical feet in any location and shall not alter existing drainage patterns except as needed to implement water quality BMPs. This exemption shall not be construed to exempt a series of excavations, filling, or backfilling that collectively would constitute a project.

F. Removal of Dead Trees

1. Removal of dead trees less than or equal to 30 inches dbh in westside forest types and snags less than or equal to 24 inches dbh in eastside forest types; or
2. Removal of dead trees of any size provided the tree is not on a lakeshore property, is not within a SEZ or Conservation and Recreation Land, and poses a hazard to life and property.

G. Seasonal Lighting

Seasonal lighting displays that are displayed between Thanksgiving and March 1 of the following year.

H. Seasonal Outdoor Retail Sales Use

An outdoor retail sales use associated with a holiday season such as Christmas tree and pumpkin patch sales, provided the use:

1. Does not cause parking on unpaved areas;
2. Does not operate for more than six consecutive weeks in a 12-month period;
3. Is located in a plan area designated mixed-use, commercial, public service, or tourist;

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.3 Exempt Activities

2.3.3 Sign Activities

4. Does not create noise in excess of the limits in Chapter 68: Noise Limitations; and
5. Does not create permanent land coverage or disturbance. Any disturbed area shall be revegetated and stabilized to prevent erosion.

I. Demolition

Demolition of structures, improvements, or facilities less than 50 years of age, provided any associated excavation and backfill is exempt pursuant to subparagraph D above. TRPA approval shall be required to obtain credit for land coverage or existing development.

J. Landscaping and Gardening

Additional or new landscaping and gardening in stream environment zones and the backshore shall not be exempt. However, landscaping and gardening outside of SEZ or backshore areas shall be exempt provided all excavation or backfill is exempt pursuant to subparagraph D, the landscaping is in accordance with Chapter 61: *Vegetation and Forest Health*, the BMP Handbook, Code subparagraphs 60.1.8.A through D requirements for fertilizer use, and the TRPA plant list.

K. Home Occupation

A home occupation that meets the definition of home occupation in Ch. 90: *Definitions*.

L. New Residential Fences

Construction of new residential fences, provided the fence shall not be more than six feet high, shall not obstruct the public's view of Lake Tahoe from a Scenic Threshold Travel Route or from a Public Recreational Area and Bicycle Trail identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation and shall not be located in an SEZ or body of water.

M. Parcel Consolidations

Parcel consolidations, provided deed restrictions permanently consolidating the parcels are recorded by the affected owners.

N. Replacement of Combustion Heaters and Woodstoves

Replacement of combustion heaters (water or space) and woodstoves with units on TRPA's list of approved combustion heaters.

O. Removal of Live Trees

The removal of live trees 14 inches dbh or less that are not on lakeshore properties is exempt as provided in subsection 61.1.5 and subparagraph 61.3.3.B.3.

2.3.3. Sign Activities

The sign activities listed below are not subject to review and approval by TRPA provided they do not result in the creation of additional land coverage or relocation of land coverage and they comply with all restrictions set forth below.

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.3 Exempt Activities

2.3.3 Sign Activities

A. Changing of Advertising Copy

The changing of the advertising copy of message on a lawfully erected changeable copy sign.

B. Sign Maintenance or Cleaning

Maintenance or cleaning of a sign. This exception shall not include any structural, electrical, copy, or color changes of a sign.

C. Advertisement of Credit

For each street frontage of the primary use, one sign not over one square foot in area advertising that credit is available.

D. Identification Sign

For each parcel, one identification sign that contains no advertising matter; is nonelectrical, nonilluminated, and two square feet or less in area; and is permanently affixed in a plane parallel to a wall located entirely on private property.

E. Temporary Sign

For each parcel, one temporary sign per street frontage that is not greater than 12 square feet in area, is not internally illuminated, and is not displayed for more than 30 days in a calendar year, except that for 60 days preceding a general or special election more than one such sign may be placed on each parcel, provided they are removed immediately after the election.

F. Construction Site Identification Sign

Construction site identification signs, which may identify the project, the owner or developer, architect or other designer, engineer, contractor and subcontractors, funding sources, and other related information. Not more than one such sign shall be erected per site, and it shall not exceed 32 square feet in area or eight feet in height. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within ten days of site or building occupancy.

G. Building Name and Erection Date Signs

Signs or tablets with names of buildings and dates of erection when cut into masonry surface or when constructed of bronze or other metals.

H. Danger and/or Safety Signs

Signs of public service entities indicating danger and/or service and safety information.

I. Residential Property Identification Signs

In residential areas, signs not exceeding four square feet in area such as (i) signs giving property identification names or numbers or names of occupants, (ii) signs on mailboxes or newspaper tubes, and (iii) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

J. Signs Not Visible

Any sign not visible from a street, public recreation area, bicycle trail, or Lake Tahoe.

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.3 Exempt Activities

2.3.4 Mail Delivery Activities

K. Interior Signs

1. Any sign that is located within a building and that is clearly intended to be visible primarily to people located within the building;
2. Signs located within structures, including window signs intended to be seen from outside of the building when such signs are limited to five percent of the area of each window. See also subsection 38.4.19.

L. Small Access, Identification, and Stop Signs

The following signs: Signs on private property 12" x 18" or smaller that limit access, provide direction or parking admittance, or pertain to security provisions; signs 18" x 18" or smaller that identify an entrance or exit; and octagonal stop signs 24" or smaller.

M. Signs Approved Under Intergovernmental MOUs

Signs that are reviewed and approved consistent with this Code (except for subparagraph 38.12.3.D) by the US Forest Service, a state agency, or a local government pursuant to a memorandum of understanding with TRPA.

N. Signs Approved Under Local Government Substitute Standards

Signs that are reviewed and approved by a local government provided the standards used in the review and approval are adopted as substitute standards by TRPA pursuant to subsection 38.2.3.

O. Replacement of Street and Directional Signs

Replacement of street signs and other regulatory or directional signs when the area or height of the replacement sign does not exceed the area or height of the sign to be replaced and when the sign conforms to the applicable standards of the *Manual on Uniform Traffic Control Devices*, 1978, as amended. Installation of new street signs and other regulatory or directional signs or replacement of such signs where the area or height of the replacement sign is greater than the area or height of the sign to be replaced shall be reviewed as a project unless specifically exempted by means of a memorandum of understanding or other agreement.

P. Subdivision Identification Signs

Installation or replacement of subdivision identification names or letters, provided the name or lettering shall be installed on an existing wall or similar structure, shall not be over 12 inches high, and shall not be internally illuminated; and

Q. Replacement of Approved Sign Faces

Replacement of sign faces on signs approved by TRPA pursuant to Chapter 38: *Signs*, provided the new sign face remains in compliance with Chapter 38.

2.3.4. Mail Delivery Activities

The mail delivery activities listed below are exempt.

- A. Mail delivery receptacles and support structures that comply with the following standards:

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.3 Exempt Activities

2.3.5 Temporary Activities

1. A maximum of one mail box shall be allowed for each parcel or project area provided that:
 - a. Complies with all U.S. Postal Service standards;
 - b. Is located in a manner and place that can be accessed by mail delivery vehicles such that the vehicles will not cause compaction or disturbance of previously uncompacted or undisturbed road or driveway shoulders or aprons; and
 - c. If located within a scenic highway corridor pursuant to Section 66.2, is colored using dark shades of earthtone colors and matte finish.
2. One set of cluster boxes shall be allowed provided that the number of boxes is equal to the number of parcels or project areas being served and the set meets the design and scenic standards listed in subparagraph 1 above.

2.3.5. Temporary Activities

The temporary activities listed below are exempt.

- A. A temporary activity that:
 1. Does not cause parking on unpaved areas;
 2. Does not create or relocate land coverage or disturbance;
 3. Does not require closure of a traffic lane or intersection of a state or federal high way for more than one hour, or the closure of U.S. 50 at any point between the South Y and S.R. 207 (Kingsbury) Grade for any period of time;
 4. Does not create noise in excess of the limits in Chapter 68: *Noise Limitations*;
 5. Does not exceed fourteen consecutive days in duration and will not occur more than four times in a calendar year; and
 6. If the temporary activity, other than the parking, is located on unpaved areas, the temporary activity does not occur on an unpaved area that has been used for temporary projects more than four times in the past calendar year;
- B. Temporary activities in TRPA-approved special event areas in accordance with the TRPA approval; and
- C. Temporary activities that are reviewed and approved by a local government, the Forest Service, or a state agency pursuant to a memorandum of understanding with TRPA consistent with Chapter 22: *Temporary Uses, Structures, and Activities*.

2.3.6. Qualified Exempt Activities

The activities listed below are not subject to review and approval by TRPA, provided the applicant certifies on a TRPA-qualified exempt form that the activity fits within one or more of the following categories and the activity shall not result in the creation of additional land coverage or relocation of existing land coverage, and will comply with all restrictions set forth below. The statement shall be filed with TRPA for all qualified exempt activities at least three working days, before the activity commences and shall be made under penalty of perjury.

A. General Activities

The general activities listed below are qualified exempt.

1. Structural Modifications

Structural modifications to existing structures required to comply with applicable building department, provided:

- a. Documentation by the local building department is submitted to TRPA;
- b. The modification is the minimum necessary; and
- c. There is:
 - (1) No excavation, filling, or backfilling in excess of that exempted by subsection 2.3.2E;
 - (2) No increase in the dimensions of a structure visible from any TRPA-designated scenic threshold travel route;
 - (3) No height created greater than that allowed by Table 37.3.1-1;
 - (4) No intensification or change in use, and
 - (5) No increase in commercial floor area.

2. Structural Remodeling or Additions

Structural remodeling or additions to existing structures, provided:

- a. There is:
 - (1) No excavation and backfilling in excess of that exempted by subsection 2.3.2.E;
 - (2) No increase in the dimensions of a structure visible from any TRPA-designated scenic threshold travel route;
 - (3) No height created greater than that allowed by Table 37.3.1-1;
 - (4) No intensification or change in use;
 - (5) No increase in commercial floor area;
 - (6) No increase in density; and
 - (7) No increase in existing hard coverage.
- b. A BMP retrofit plan and compliance schedule as set forth in Chapter 60: *Water Quality*, is submitted to TRPA;
- c. All excess coverage mitigation requirements, if any, are satisfied in accordance with Chapter 30: *Land Coverage*; and
- d. There is existing paved access and parking.

3. Non-Permanent Structures

Non-permanent structures meeting the requirements of subparagraph 30.4.6.A, provided a land capability verification has been completed in accordance with Section 30.3 and TRPA has verified that all land coverage on

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.3 Exempt Activities

2.3.6 Qualified Exempt Activities

the parcel was legally established in accordance with the definition of “Existing” in Section 90.2.

4. Replacement of Existing Mobile Home

Replacement of an existing mobile home in a legally established mobile home space that does not result in a change in use or additional land coverage.

5. Demolition of Structures, Improvements, or Facilities 50 Years or Greater

Demolition of structures, improvements, or facilities 50 years or greater in age, provided the structure, improvement, or facility is not designated, or pending for designation, on the Historic Resource Map. Any maintenance or repair that qualifies under this provision shall be consistent with the requirements in Ch. 67: *Historic Resource Protection*. Prior TRPA approval is required to obtain credit for coverage or existing development.

6. Changes in Operation

Changes in operation resulting in generation of less than 650 vehicle miles travelled, in connection with a commercial, recreation or public service use, provided there is no change from one major use classification to another, the resulting use is an allowed use, and the applicant pays a mobility mitigation fee in accordance with subparagraph 65.2.4.D.

7. Timber Harvesting

Timber harvesting for (1) the removal of dead, dying, and diseased trees (salvage cuts) less than or equal to 30 inches dbh in westside forest types and less than or equal to 24 inches dbh in eastside forest types, and (2) on parcels of 20 acres or less in size that are not part of a larger parcel of land in the same ownership provided that:

- a. A Tahoe Basin Tree Removal Permit that expires twelve months after issuance has been issued for trees marked pursuant to the memorandum of understanding between the appropriate state forestry agency and TRPA;
- b. Dying trees are defined as those determined to be dead within one year by a qualified forester authorized to issue a Tahoe Basin Tree Removal Permit by the Memoranda of Understanding between TRPA and the Nevada Division of Forestry;
- c. A pre-operations field inspection shall be completed by TRPA that is attended by a representative from the appropriate state forestry agency, property owner or authorized representative, and the licensed timber operator. TRPA shall notify the local representative from the appropriate state forest agency no less than five business days prior to the pre-operation field inspection to choose to attend the pre-operation field inspection;
- d. Grading shall not be in excess of seven cubic yards for activities occurring between May 1 and October 15, or not in excess of three cubic yards for

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.4 Previously Approved Projects, Uses, and Activities

2.3.7 Loss of Exemption

activities occurring between October 15 and May 1, and is limited to land capability districts 3, 4, 5, 6, and 7;

- e. All slash shall be treated by chipping, piling for burning, or hauled away within 15 days following cutting, and any burning of piled slash shall be completed within 30 days during permissible burn periods or no later than May 1 of the following year;
- f. Soil erosion protection and stabilization of disturbed areas shall be done concurrently with logging operations, with full completion no later than 48 hours following the end of cutting; and
- g. There shall be no watercourse or stream environment zone crossings except for existing bridges and culverts.

8. Replacement of Existing Roof with Metal Roof

Replacement of an existing roof with a metal roof that is composed of non-glare earthtone colors. For this subparagraph, non-glare earthtone colors are defined as Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines that have a value and chroma of 0-4 or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G. The applicant shall provide color and material information to TRPA with their qualified exempt form.

2.3.7. Loss of Exemption

An exempt or qualified exempt activity shall be considered a project if TRPA finds that the activity may have a substantial effect on the land, air, water, space, or any other natural resources in the region.

2.4. PREVIOUSLY APPROVED PROJECTS, USES, AND ACTIVITIES

2.4.1. Purpose

This section sets forth the relationship between the Code and previously approved projects, activities and uses.

2.4.2. Applicability

The provisions of this Code apply to all projects and activities approved by TRPA, prior to the effective date of the Regional Plan, July 1, 1987. Subject to the allocation limits and other provisions set forth in Chapter 50: *Allocation of Development*, projects approved by TRPA prior to the effective date of the Regional Plan, July 1, 1987, that are not complete, shall be permitted to proceed in accordance with the terms and conditions of the TRPA approval.

2.4.3. Prior Conditions of Approval

Activities and projects approved by TRPA prior to the effective date of the Regional Plan shall be permitted to proceed in accordance with the prior conditions of approval subject to the following provisions:

- A. Article VI(p) of the Compact governing the expiration of project approvals;

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.5 Activities Delegated to Local Governments for Review Under Memoranda of Understanding

2.4.3 Prior Conditions of Approval

- B. The allocation limits and other applicable provisions of Chapter 50; and
- C. Code provisions concerning the installation of BMPs, woodstoves and heaters.

2.5. ACTIVITIES DELEGATED TO LOCAL GOVERNMENTS FOR REVIEW UNDER MEMORANDA OF UNDERSTANDING

Activities delegated to a Local Government pursuant to a memorandum of understanding (MOU) shall be reviewed and approved by a local government in accordance with the TRPA Regional Plan and this Code shall therefore be exempt from separate TRPA review and approval. TRPA shall maintain a publicly available list of adopted delegation MOUs.

2.6. EXEMPT ACTIVITIES UNDER MEMORANDA OF UNDERSTANDING WITH PUBLIC AND QUASI-PUBLIC ENTITIES

Activities included in memoranda of understanding (MOU) between TRPA and the public and quasi-public entities are exempt from TRPA review and approval, or subject to limited review and approval as outlined in the individual MOU. TRPA shall maintain a publicly available list of adopted MOUs for exempt activities.

CHAPTER 3: ENVIRONMENTAL DOCUMENTATION

3.1. PURPOSE

This chapter sets forth the provisions regarding environmental documentation.

3.2. APPLICABILITY

3.2.1. Environmental Impact Statement Required

Article VII(a)(2) of the Compact requires TRPA, when acting upon matters that may have a significant effect on the environment, to prepare and consider a detailed environmental impact statement (EIS) before deciding to approve or carry out any project.

3.2.2. Activities and Projects Exempt from Preparation of Environmental Impact Statement

Article VII(f) of the Compact, requires TRPA to adopt by ordinance a list of classes of projects which TRPA has determined will not have a significant effect on the environment and therefore shall be exempt from the requirement for the preparation of an environmental impact statement.

A. Projects Exempt From Preparation of Environmental Impact Statement

The projects listed below shall be exempt from preparation of an EIS and other environmental documents.

1. Construction of single-family houses and additions and accessory structures thereto, in compliance with the provisions of the Code;
2. Changes in use consisting of an increase in no more than 650 vehicle miles travelled (See Subparagraph 65.2.3.D.2); and
3. Transfers or conversions of development rights (does not include construction of new units).

B. Significant Effect

The categorical exemptions listed above shall not be used for a project where there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.

3.3. DETERMINATION OF NEED TO PREPARE ENVIRONMENTAL IMPACT STATEMENT

Except for planning matters, ordinary administrative and operational functions of TRPA, or exempt classes of projects, TRPA shall use either an initial environmental checklist or environmental assessment to determine whether an environmental impact statement shall be prepared for a project or other matter.

3.3.1. Initial Environmental Checklist

Applicants for projects shall complete a TRPA initial environmental checklist (IEC) and shall submit the checklist as part of the project application.

CHAPTER 3: ENVIRONMENTAL DOCUMENTATION

3.4 Environmental Assessments

3.3.2 Findings for Initial Environmental Checklist

- A. The applicant shall describe and evaluate the significance of all impacts receiving "yes" answers.
- B. The applicant shall describe and evaluate the significance of all impacts receiving "no with mitigation" answers and shall describe, in detail, the mitigation measures proposed to mitigate these impacts to a less than a significant level.

3.3.2. Findings for Initial Environmental Checklist

Based on the information submitted in the IEC, and other information known to TRPA, TRPA shall make one of the following findings and take the identified action:

- 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 Rules of Procedure Section 6.6;
- B. The proposed project could have a significant effect on the environment but, due to the listed mitigation measures that have been added to the project, the project could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with Rules of Procedure Section 6.7; or
- 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 the Rules of Procedure, Article 6.

3.4. ENVIRONMENTAL ASSESSMENTS

If TRPA determines the IEC will not provide sufficient information to make the findings in subsection 3.3.2, TRPA shall require the preparation of an environmental assessment in lieu of an initial environmental checklist.

3.4.1. Environmental Assessment Contents

Environmental assessments shall contain the following elements:

- A. A brief discussion of the need for the project;
- B. Alternatives to the proposed project;
- C. A discussion of the environmental impacts of the proposed project and the alternatives; and
- D. A list of agencies and persons consulted.

3.4.2. Findings for Environmental Assessment

Based on the information contained in the environmental assessment and other information known to TRPA, TRPA shall make one of the findings listed under subsection 3.3.2 and take the action prescribed in the applicable finding.

3.4.3. Availability of Environmental Assessments

TRPA shall make environmental assessments available for public review not less than five working days before TRPA intends to take action on the project.

3.5. FINDING OF NO SIGNIFICANT EFFECT

If TRPA finds that a project or matter will not have a significant effect, no further environmental documentation shall be required.

3.6. MITIGATED FINDING OF NO SIGNIFICANT EFFECT

If TRPA finds a project or matter will not have a significant effect if certain mitigation measures are incorporated into and made a part of the project, the project description shall be correspondingly modified and no further environmental documentation shall be required.

3.7. ENVIRONMENTAL IMPACT STATEMENT

If TRPA finds a project or matter may have a significant effect on the environment, TRPA shall cause to be prepared an EIS in accordance with its Rules of Procedure, this chapter, and the Compact.

3.7.1. Preparation of EIS

When preparing an EIS, TRPA shall:

- A.** Utilize a systematic interdisciplinary approach that integrates natural and social sciences and the environmental design arts in planning and decision making that may have an impact on man's environment;
- B.** Study, develop, and describe appropriate alternatives to recommended courses of action for any project that involves unresolved conflicts concerning alternative uses of available resources;
- C.** Consult with and obtain the comments of any federal, state, or local agency that has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state, and local agencies that are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes; and
- D.** Consult the public during the environmental impact statement process and solicit views during a public comment period of not less than 60 days.

3.7.2. Contents of EIS

An EIS shall include, at a minimum, the following:

- A.** Description of the project;
- B.** The significant environmental impacts of the proposed project;

CHAPTER 3: ENVIRONMENTAL DOCUMENTATION

3.7 Environmental Impact Statement

3.7.3 Inclusion of Other Data and Information

- C.** Any significant adverse environmental effects that cannot be avoided should the project be implemented;
- D.** Alternatives to the proposed project;
- E.** Mitigation measures that must be implemented to assure meeting standards of the region;
- F.** The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;
- G.** Any significant irreversible and irretrievable commitments of resources that would be involved in the proposed project should it be implemented; and
- H.** The growth-inducing impact of the proposed project.

3.7.3. Inclusion of Other Data and Information

An environmental impact statement need not repeat in its entirety any information or data that is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

3.7.4. Findings for Environmental Impact Statement

Prior to approving a project for which an EIS was prepared, TRPA shall make either of the following findings for each significant adverse effect identified in the EIS:

- A.** Changes or alterations have been required in or incorporated into such project that avoid or reduce the significant adverse environmental effects to a less than significant level; or
- B.** Specific considerations, such as economic, social, or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.

CHAPTER 4: REQUIRED FINDINGS

4.1. PURPOSE

The Tahoe Regional Planning Compact requires TRPA to make findings before taking certain actions. In addition, the Regional Plan package, including the Code and plan area statements, sets forth other findings that must be made. This chapter sets forth procedures describing how TRPA shall make the findings required.

4.2. APPLICABILITY

Prior to approving any project or taking any other action specified in this Code, TRPA shall make the findings required by the provisions of the Regional Plan package, including the Goals and Policies, the Code, and specifically this chapter and any other requirement of law. All such findings shall be made in accordance with this chapter.

4.3. PROCEDURE FOR FINDINGS

Findings shall be made as provided below.

4.3.1. Written Findings

All required findings shall be in writing and shall be supported by substantial evidence in the record of review. The findings required by Section 4.4 shall be in writing prior to the approval of the proposed matter.

4.3.2. Statement

Required findings shall be accompanied by a brief statement of the facts and rationales upon which they are based.

4.4. THRESHOLD-RELATED FINDINGS

The following specific findings shall be made, pursuant to Articles V(c), V(g) and VI(b) of the Compact, in addition to any other findings required by law.

4.4.1. Findings Necessary to Approve Any Project

To approve any project TRPA shall find, in accordance with Sections 4.2 and 4.3, that:

- A. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs;
- B. The project will not cause the environmental threshold carrying capacities to be exceeded; and
- C. Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

CHAPTER 4: REQUIRED FINDINGS

4.5 Findings Necessary to Amend the Regional Plan, Including the Goals and Policies and Plan Area Statements and Maps

4.4.2 Making Specific Findings

As part of the findings required by subparagraph 4.4.1, TRPA shall:

- A.** Identify the nature, extent, and timing or rate of effects of the project, using applicable measurement standards consistent with the available information, on all applicable:
 - 1.** Compliance measures (Section 16.6);
 - 2.** Indicators (Section 16.4);
 - 3.** Additional factors (subsection 16.4.5); and
 - 4.** Supplemental compliance measures (subsection 16.3.8).
- B.** Quantify any contribution of the project to any of the cumulative accounts for the items listed in subsection 16.8.2 and record that contribution in the current cumulative account;
- C.** Confirm that any resource capacity utilized by the project is within the amount of the remaining capacity available, as that remaining capacity has been identified in any environmental documentation applicable to the project, including the environmental impact statement for the Regional Plan package;
- D.** Confirm that the project will not prevent attainment of any adopted target date (subsection 16.5.1) or interim target (subsection 16.5.2);
- E.** For project-specific mitigation measures relied upon to confirm the matters in subparagraphs 4.4.1.B and C, TRPA shall identify an adequate means, including setting a baseline status, by which the mitigation measure's effectiveness shall be evaluated; and
- F.** Except for recreation projects in the EIP for which an environmental assessment or an environmental impact statement is prepared, and that will use additional water supply, additional sewage capacity, or will create additional vehicle miles of travel greater than forecast in the environmental assessment for the most recent Evaluation Report, TRPA shall confirm that sufficient capacity remains in each of the respective capacities that are utilized by the project to permit development of recreation projects contained in the EIP.

4.5. FINDINGS NECESSARY TO AMEND THE REGIONAL PLAN, INCLUDING THE GOALS AND POLICIES AND PLAN AREA STATEMENTS AND MAPS

To approve any amendment to the Regional Plan, TRPA shall find, in addition to the findings required pursuant to subparagraphs 4.4.1.A and 4.4.1.B, subsection 4.4.2, and Sections 4.2 and 4.3, that the Regional Plan, as amended, achieves and maintains the thresholds.

CHAPTER 4: REQUIRED FINDINGS

4.6 Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs

4.4.2 Making Specific Findings

4.6. FINDINGS NECESSARY TO AMEND OR ADOPT TRPA ORDINANCES, RULES, OR OTHER TRPA PLANS AND PROGRAMS

To approve any amendment or adoption of the Code, Rules, or other TRPA plans and programs that implement the Regional Plan, TRPA shall find, in addition to the findings required pursuant to Section 4.4, and in accordance with Sections 4.2 and 4.3, that the Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

CHAPTER 5: COMPLIANCE

5.1. PURPOSE

This chapter provides enforcement mechanisms concerning project applications, project approvals, conditions of approval, provisions of the Compact, Goals and Policies, and the Code of Ordinances

5.2. APPLICABILITY

This chapter applies to all projects and activities. As used in this chapter, the term "provisions of law" means provisions of the Compact, Goals and Policies, and Code.

5.3. PROJECT INSPECTIONS

Projects approved by TRPA shall be subject to inspections by TRPA at any reasonable time. The permittee shall be responsible for making the project area accessible for inspection purposes. TRPA shall not be liable for any expense incurred by the permittee as a result of TRPA inspections.

5.3.1. Required Inspection

TRPA shall conduct the following inspections, as appropriate:

- A. For projects that require grading, TRPA shall conduct a pregrading inspection to determine if the permittee has satisfied pregrading conditions of approval, including installation of temporary erosion control and vegetation protection, and construction site boundary fencing. Other than actions to satisfy pregrading conditions of approval, no grading or construction shall be undertaken in the project area by the permittee until TRPA has notified the permittee that, based on the pregrading inspection, TRPA has verified that the pregrading conditions of approval have been satisfied.
- B. For all projects, TRPA may conduct inspections as necessary to assure that the permittee has complied with the project approval and provisions of law.
- C. Prior to issuance of a local certificate of occupancy, the scheduled date of project completion, or project completion, whichever is earliest, TRPA shall conduct a final project inspection to ensure that all conditions of project approval shall be satisfied. Section 5.9 sets forth provisions regarding release of securities at the time of final project inspection. With the cooperation of local jurisdictions, a certificate of occupancy may be withheld until applicable conditions are satisfied.

5.3.2. Other Inspections

In addition to the above inspections, TRPA may require, or make, other inspections of any project or activity to ensure compliance with provisions of law or conditions of approval. If a grading and construction schedule is required (see Chapter 33), TRPA shall conduct the inspections set forth in the approved schedule.

5.3.3. Permittee Inspection Requests

The permittee shall notify TRPA, by telephone, in person, or in writing, when the project is ready for required inspections. TRPA shall conduct these inspections expeditiously. Notification of readiness for inspection should be given at least two days in advance of the desired date for inspection. Inspections may be delayed by TRPA when the project area is covered with snow and if such conditions prevent proper inspection. The permittee shall be responsible for providing access to, and the means for, conducting the inspection.

5.3.4. Inspection Records

TRPA shall maintain a record of all inspections made. The record shall include the date, time, place, and scope and results of the inspection, the reason for the inspection, and the name of the person who conducted the inspection.

5.3.5. Inspection Card

TRPA may post an inspection card within the construction site boundary and require the permittee to maintain the card until the final inspection. The inspection card shall state the date and comment on any inspection made, and be initialed by the TRPA employee making the inspection.

5.4. NONCOMPLIANCE

In the event a person fails to comply with provisions of law or conditions of project approval, TRPA may take any of the following actions:

5.4.1. Correction Notice

TRPA may issue a correction notice for any project or activity in violation of provisions of law or the conditions of project approval. The correction notice shall describe the action which shall be taken to effect compliance. Notice pursuant to TRPA's Rules of Procedure shall be given. The correction notice shall require compliance with its term by a date certain and state that failure to comply shall result in issuance of a cease and desist order, revocation of the permit, if applicable, or other enforcement action.

5.4.2. Cease and Desist Orders

TRPA may issue a cease and desist order for any project or activity in violation of provisions of law or conditions of project approval. The cease and desist order shall describe the action which shall be taken before the cease and desist order will be withdrawn. Notice pursuant to TRPA's Rules of Procedure shall be given. The order shall require compliance with its terms by a date and state that failure to comply shall result in revocation of the permit, if applicable, or other enforcement action.

5.5. PERMIT SUSPENSION AND REVOCATION

In the event that the permittee fails to comply with the terms of a correction notice or cease and desist order, TRPA may proceed to suspend or revoke the permit. TRPA shall provide notice and an opportunity to be heard on the suspension or revocation to the permittee pursuant to its Rules of Procedure. Upon revocation of a permit, the permittee shall have no further rights under the permit. Upon suspension of a permit, the matter shall be scheduled for the next Governing Board meeting for which notice can be given pursuant to the Rules of Procedure.

5.6. PENALTIES

TRPA may establish a monetary penalty for the resolution of a compliance matter. TRPA also may adopt, by resolution, a schedule of such monetary penalties.

5.7. (RESERVED)

5.8. (RESERVED)

5.9. SECURITIES

As a condition of approval, permittees may be required to post a security with TRPA to ensure compliance with certain conditions of approval. The approval shall state which conditions are the subject of the security.

5.9.1. Types of Securities

Acceptable types of securities are:

- A.** Cash;
- B.** Assignment of a personal savings account;
- C.** Letter of credit;
- D.** Hold on a personal savings account or certificate of deposit;
- E.** Certificate of deposit; or
- F.** Faithful performance bond.

5.9.2. Calculation of Security

Securities shall be calculated as follows:

- A.** Except as provided in this chapter, a security shall be posted in an amount equal to 110 percent of the cost of the approved BMPs and other erosion control and water quality improvements required as a condition of approval, pursuant to a schedule established by resolution of the TRPA.

- B. TRPA may require other project conditions of approval to be secured by the posting of a security in an amount to be determined by TRPA.

5.9.3. Security Exemptions

The following projects shall be exempt from posting securities required in subparagraph 5.9.2.A:

- A. Projects in the TRPA Water Quality Capital Improvement Program;
- B. Projects in the TRPA Stream Restoration Program;
- C. Projects in the TRPA Regional Transportation Plan for the Lake Tahoe Basin;
- D. BMP retrofitting of the project area outside the construction site boundary which is to be accomplished following the completion of the project;
- E. Projects which do not require or include BMPs or other erosion control and water quality improvements; or
- F. Performance of the conditions of approval required to be secured is assured through an equivalent alternative mechanism.

5.9.4. Forfeiture of Security

Securities may be forfeited in either of the following ways:

A. Non-compliance

TRPA shall monitor compliance with secured conditions of approval pursuant to Section 5.3. A security, or portion thereof, shall be forfeited if TRPA finds that a secured condition of approval has not been timely complied with, and that the security, or a portion thereof, is necessary to achieve compliance. After notice and an opportunity to be heard are given to the permittee pursuant to the Rules of Procedure, TRPA may use the security to accomplish the condition of approval which was found to be not in compliance. Any portion of the security not used by TRPA shall remain posted until release pursuant to Subsection 5.9.4.c

B. Abandonment of Cash Securities

Securities posted in cash maybe forfeited after TRPA has mailed a check for the security amount, or sent the appropriate IRS form to allow the release of a check, to the person who posted the cash security (of a completed project), and received one of the following responses:

1. the check or IRS form was returned with no forwarding address,
2. the person who posted the cash security did not respond to the request to complete and return the IRS form necessary to release the check;
3. the person who posted the cash security did not cash the check within one year of receipt, or;

CHAPTER 5: COMPLIANCE

5.10 Judicial Relief

5.12.1 Purpose

4. The person who posted the cash security refused to claim the security. Prior to forfeiture abandonment of a cash security, TRPA shall publish a notice of forfeiture, which notice shall name the person who posted the security. The notice shall be published one time in a newspaper of general circulation in the Tahoe Region. If the person who posted the cash security does not claim the security within one year after the publication of the notice, the cash security shall be deemed abandoned and forfeited to a fund designated by the Governing Board.

C. Release of Security

A security shall be released to the permittee by TRPA after a final inspection, provided that all conditions of approval have been satisfied. Where revegetation is a condition of approval, apportion of the security shall be retained until the vegetation is established.

5.10. JUDICIAL RELIEF

Nothing in this chapter shall be construed to prevent TRPA from filing a legal action in an appropriate court and pursuing judicial relief, including, but not limited to, injunctive relief, declaratory relief, or civil penalties as provided for in Article VI(I).

5.11. CORRECT INFORMATION/NAMES REQUIRED

All applications, authorizations, and other documents filed with TRPA by applicants or their agents, shall be truthful and accurate. No applicant or agent shall sign a false or incorrect name, or shall forge another's name. No applicant or agent shall knowingly, intentionally, or recklessly provide any untrue information on an application, authorization, or other document. Each false, untrue name or forged name on any application, authorization or other document filed with TRPA shall be a separate violation of this Code. Each piece of false information provided knowingly, intentionally, or recklessly on an application, authorization or other document filed with TRPA shall be a separate violation of this Code.

All applications, authorizations and other documents filed with TRPA by applicants or their agents shall be originals or accurate photocopies or facsimiles of such applications.

5.12. REMEDIAL ACTION PLANS

5.12.1. Purpose

In conjunction with other provisions of Chapter 5, this section provides procedures to prepare and enforce remedial action plans which correct environmental degradation.

5.12.2. Applicability

TRPA may request or require a remedial action plan after identifying a significant environmental problem as set forth in Section 5.12.3.

5.12.3. Environmental Problem Assessment

TRPA shall develop, adopt, and maintain problem assessments which identify existing situations which adversely impact attainment or maintenance of the thresholds or constitute violation of a threshold, the Goals and Policies, or the Code. The problem assessments shall identify affected property owners, abatement measures, estimated costs, and sources of funding for implementation of abatement measures.

A. Consultation

In development of problem assessments, TRPA shall consult with affected local governments and state and federal agencies.

5.12.4. Contents of Remedial Action Plans

After adoption of a problem assessment, TRPA may either request or direct the preparation of a remedial action plan. TRPA may either assist in, or take responsibility for, the preparation of a remedial action plan. Remedial action plans shall include provisions for, and methods of, problem abatement, implementation schedules, and cost estimates.

A. Action Plan Guidance

TRPA may assist persons preparing an action plan with respect to plan contents, technical requirements for abatement practices, and other matters.

5.12.5. Preparation of Voluntary Remedial Action Plan

At any time, a person may prepare a remedial action plan and submit it to TRPA for review and approval. In the event TRPA adopts a problem assessment, TRPA may advise the responsible person and either request the preparation and submittal of an action plan or prepare an action plan itself. A request to prepare a remedial action plan shall include a response date. Notice of a request shall be given in accordance with TRPA's Rules of Procedure. TRPA shall emphasize consultation with the person involved to achieve preparation of a voluntary remedial action plan.

5.12.6. Preparation of a Mandatory Action Plan

In the event TRPA adopts a problem assessment, TRPA may advise the responsible person and require the preparation of a mandatory action plan. Notice of the requirement to prepare shall be given in accordance with TRPA's Rules of Procedure.

5.12.7. Approval of Action Plans

Upon submittal of a remedial action plan, TRPA shall review and take action to approve, require modification, or reject the proposed plan. In the event of a rejection, TRPA shall prepare and approve an appropriate action plan.

5.12.8. Failure to Deliver a Mandatory Action Plan

Failure to prepare a mandatory action plan constitutes a violation of the Code. If a person fails or refuses to prepare and submit a mandatory action plan to TRPA within the time limits set by TRPA, TRPA may enforce the terms of this chapter pursuant to the Rules of Procedure.

5.12.9. Compliance with Action Plans

A person shall comply with all provisions of an approved action plan including, but not limited to, the schedule for implementation in the plan. TRPA shall monitor implementation of action plans and may provide technical assistance and guidance on implementation.

5.12.10. Other Requirements, Permits, Or Procedures

Approval of an action plan by TRPA shall be subject to other applicable chapters of the Code. An action plan shall be processed by TRPA as a project, pursuant to its applicable Rules of Procedure.

5.12.11. Relationship to Chapter 5

Nothing in this section shall be construed to limit TRPA's ability to enforce compliance with the Compact, the Goals and Policies, or the Code pursuant to Chapter 5.

CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING

6.1. PURPOSE

The purpose of this chapter is to monitor development and to relate activities and projects on parcels to the development allocation and transfer provisions of the Code. This chapter sets forth the standards and procedures for a tracking and accounting system of basic data regarding each parcel of land, allocations, and land banks.

6.2. APPLICABILITY

TRPA shall maintain for all parcels, allocations, and land banks, as public information, the data required by this chapter. All TRPA actions shall be consistent with this data.

6.3. GENERAL PROVISIONS

6.3.1. Responsibility for Tracking and Accounting System

TRPA shall be responsible for establishing and maintaining a tracking and accounting system. TRPA shall coordinate record-keeping efforts with local governments and land banks established pursuant to this chapter. TRPA shall integrate the tracking and accounting system with environmental threshold maintenance efforts to minimize duplication of data gathering and processing. (See Chapter 16: *Regional Plan and Environmental Threshold Review*.)

6.3.2. Coordination and Cooperation with Land Banking Programs

TRPA shall develop and implement a program for coordinating files and data tracking systems with land banks. Land bank files shall be audited not less than once a year by TRPA to assure data base accuracy and consistency with TRPA files.

6.3.3. Accounting and Crediting Limitations

Land coverage and units of use subject to allocation or transfer limitations may be removed from a parcel and credited for future use pursuant to the Code. Land coverage and units of use may be credited to the parcel account if such coverage or units are verified by TRPA as legally existing on or after October 15, 1986.

6.4. TRACKING AND ACCOUNTING PROCEDURES

Tracking and accounting procedures are as follows:

6.4.1. Accounts and Tracking Described

An account file shall be maintained by TRPA on each parcel and shall contain the information set forth below. Tracking refers to the ongoing collection and recordation of data for each parcel. The account file shall allow a determination of the current status of a parcel and its future development potential.

6.4.2. Establishment of Account Files

TRPA shall establish a program for establishing account files for each parcel. If an application is made for credit on a parcel for which no account file has been established, TRPA shall promptly establish a file.

6.4.3. Responsibility and Timing for Filing Tracking Reports

Upon completion of any action taken by TRPA that affects a parcel in regards to allocation of development or transfer of development or land coverage, a tracking form shall be completed and filed with TRPA. The filing of the report shall be the responsibility of the party initiating the action affecting the status of the parcel.

6.4.4. Verification and Recording of Tracking Reports

Tracking reports shall be stamped by TRPA on the date received and recorded in the account file within 30 days of their receipt. TRPA shall verify the information contained in the tracking report prior to recordation.

6.4.5. Cross-Referencing Tracking Reports

Where a tracking report refers to a transfer of credit from one parcel to another, all affected parcel account files shall be properly adjusted and cross-referenced.

6.4.6. Mergers

When parcels are merged, data for each parcel shall be combined and a tracking and accounting file established for the newly created parcel.

6.4.7. Non-Parcel Accounts

TRPA may create a separate non-parcel account for each county, city, and state highway department for the purpose of receiving and crediting land coverage and units of use for future use or transfer. The sending parcel shall be restored and retired in accordance with Chapters 51: *Banking, Conversions and Transfer of Development Rights*, and 30: *Land Coverage*, as applicable. The non-parcel account shall be in accordance with this chapter, except that the account file number shall not be an assessor's parcel number and certain other basic data and information may not be applicable.

6.5. BASIC DATA FOR ACCOUNT FILES

The following basic information shall be maintained for each parcel for which an account file has been created:

6.5.1. Account File Number

The account file number shall be the assessor parcel number (APN).

6.5.2. Parcel Information

Parcel information shall include: assessor's parcel number; jurisdiction; owner of record; street address; and other relevant assessor information.

6.5.3. Geographic Information

Geographic information shall include: predominate land capability district and other districts; type of determination (e.g., mapped, field verified, land capability challenge); watershed; hydrologic-related area; shorezone tolerance district, and other geographic information.

6.5.4. IPES Score

If applicable, IPES score and allowable land coverage.

6.5.5. Parcel Size

Size of parcel in square feet or acres, and building site size if rated under IPES.

6.5.6. Plan Area Statement Status

Name, number, primary designation, and special designations of the applicable plan area statement.

6.5.7. Community Plan Status

If applicable, identification of the community plan in which the parcel is located.

6.5.8. Area Plan

If applicable, identification of the Area Plan in which the parcel is located.

6.5.9. Master Plan or Specific Plans

If applicable, name of master or specific plan in which the parcel is located.

6.5.10. Redevelopment Area

If applicable, name of redevelopment plan in which the parcel is located.

6.5.11. Existing Use

Land uses existing on the parcel and date of construction, if known.

6.5.12. TRPA Permits

TRPA permits granted on the parcel, date of issuance, permit number, and other relevant information.

6.5.13. BMP Status

Status and, if applicable, retrofit schedule of BMPs on parcel.

6.5.14. Deed Restrictions

CTRPA or TRPA-required deed restrictions, including date, number, and location of recorded restrictions.

6.5.15. Other Information

Information TRPA determines to be necessary.

6.6. LAND COVERAGE INFORMATION FOR ACCOUNT FILES

The following land coverage information shall be tracked, verified, and recorded for each parcel and updated upon receipt of new tracking reports:

6.6.1. Total Existing Coverage

Total existing coverage in square feet, distinguished as hard, soft, or potential coverage, and estimated date of coverage placement, including coverage credited but not yet transferred.

6.6.2. Allowable Base Coverage

Allowable base coverage in square feet pursuant to the Bailey coefficients, or, if applicable, IPES.

6.6.3. Record of Coverage Transfers

Coverage transfers shall be recorded as follows:

A. Receiving Site

Where a parcel is a receiving site for a land coverage transfer, the following information shall be recorded:

1. Project permit number and sending parcel account file number;
2. Date of transfer (date transaction is final);
3. The cost of transfer in dollars per square foot for each coverage type;
4. The mechanism for transfer (e.g., private transaction; land bank and land bank account number); and
5. The type of coverage transferred in square feet of each type transferred.

B. Sending Site

Where a parcel is a sending site for a land coverage transfer, the following information shall be recorded:

1. Receiving parcel account number and project permit number;
2. Date of transfer (date transaction is final);
3. The cost of transfer in dollars per square foot for each coverage type;
4. The mechanism for transfer (e.g., private transaction, land bank and land bank account number);
5. The type of coverage transferred in square feet of each type transferred;
6. The mechanism for assuring retirement; and
7. Coverage reduced in exchange for additional height pursuant to Chapter 37: *Height*.

6.6.4. Excess Land Coverage Mitigation Program

The following information shall be recorded for the excess land coverage mitigation program:

A. Fees Paid for Coverage Mitigation

When fees are paid for excess coverage mitigation, the following information shall be recorded:

1. The date and amount, in square feet, of coverage credited;
2. The type of coverage credited;
3. The cost per square foot of coverage credited; and
4. The mechanism for coverage mitigation (e.g., land bank, offsite restoration, or retirement of coverage).

B. Coverage Retired Onsite

When coverage is retired onsite, the following information shall be recorded:

1. The date and amount of coverage retired in square feet;
2. The type of coverage retired; and
3. The mechanism for assuring retirement.

6.6.5. Existing Authorized Coverage

Existing authorized coverage in square feet with date of entry.

6.6.6. Existing Excess Coverage

Excess land coverage in square feet with date of entry.

6.6.7. SEZ Restoration

The following information shall be recorded for projects that include SEZ restoration:

A. If the restoration mitigates new disturbance in an SEZ:

1. The amount (in square feet) of restoration required;
2. The amount restored; and
3. The amount, if any, to be credited for future projects.

B. If the restoration is not mitigation for new SEZ disturbance, the amount (in square feet) of the area restored.

6.7. UNITS OF USE AND OTHER INFORMATION FOR ACCOUNT FILES

The following information shall be tracked, verified, and recorded for each parcel and updated upon receipt of new tracking reports:

6.7.1. Residential Use

Account files for parcels containing existing residential density or for parcels that are related to a residential project approved by TRPA shall have the following information:

A. Number of Existing Units

Date of approval and number of units approved, including units credited but not yet transferred.

B. Number of Transfer Units

1. Receiving Site

Where the parcel is the receiving site, the following shall be recorded:

- a. Sending site account number or land bank and project permit number;
- b. Date of transfer (date transaction is final);
- c. Cost of transfer per unit, if applicable;
- d. The mechanism for transfer (e.g., land bank, private transaction or other); and
- e. Number of units added through transfer, including type and date of retirement or credit.

2. Sending Site

Where the parcel is the sending site, the following information shall be recorded:

- a. The receiving parcel and project permit number;
- b. Date of transfer (date transaction is final);
- c. Cost of transfer per unit, if applicable;
- d. The mechanism for transfer (e.g., land bank, private transaction or other); and
- e. Number of units retired.

C. Number of Bonus Incentive Units

Date, number, and reason for units awarded.

D. Number of Affordable, Moderate, and Achievable Units

Date of construction and number of affordable, moderate, and achievable units exempted from the allocation.

E. Number of Residential Unit Allocations Assigned

Number of allocations assigned to the parcel.

F. Number of Existing and Potential Residential Units of Use

Number of existing and potential residential units of use assigned to the parcel.

6.7.2. Commercial Use

Account files for parcels containing existing commercial gross floor area (CFA) or for parcels that are related to a commercial project approved by TRPA shall have the following information:

- A.** Amount of existing CFA in square feet and date of entry. Where transferred CFA is being held as credit on a parcel and not yet transferred, the amount of the CFA credit shall be included;
- B.** Where CFA has been transferred, the following additional information shall be recorded:
 - 1.** Sending parcel account number, land bank account, receiving parcel account number, and project permit number;
 - 2.** Cost of transfer in CFA per square foot, if applicable; and
 - 3.** Retired CFA, date of retirement, and verification;
- C.** Amount of CFA allocated, plus project permit number and date permit issued;
- D.** For improvements of 500 square feet or less or five percent of total floor area the amount of CFA, project permit number, and date permit issued; and
- E.** Identification of the parcel as part of a community plan, as shall be part of a community plan, or as outside of a community plan.

6.7.3. Tourist Accommodation Use

Account files for parcels containing existing tourist accommodation uses or for parcels that are related to a tourist accommodation project approved by TRPA shall have the following information:

- A.** Number of existing units and date of entry. Where the transfer unit is being held as credit on a parcel and not yet transferred, the number of units credited shall be included;
- B.** When units have been transferred, the following additional information shall be recorded:
 - 1.** Sending parcel account number, land bank account number, receiving parcel account number, and the project permit number;
 - 2.** Cost of the transfer units per unit, if applicable; and
 - 3.** Number of retired transferred units, date of retirement, and verification;
- C.** Amount of tourist accommodation units allocated, and the project permit number and date permit issued; and
- D.** Identification of the parcel as part of a community plan, as shall be part of a community plan, or as outside of a community plan.

6.7.4. Public Service Use

Account files for parcels containing existing public service uses or for parcels that are related to a public service project approved by TRPA shall have the following information.

- A. The primary existing public service use and, if applicable, the capacity;
- B. Use and dates proposed on the public service plan five-year list; and
- C. For approved uses, the project permit number and date permit issued.

6.7.5. Recreation Lands

Account files for parcels containing existing recreation uses or for parcels that are related to a recreation project approved by TRPA shall have the following information:

- A. Primary existing use and, if applicable, capacity in Persons At One Time (PAOT);
- B. PAOT allocation proposal on the Recreation Plan Five-year list, including dates, and use;
- C. Where a recreational unit is transferred the following additional information shall be recorded:
 - 1. Sending parcel account number, receiving parcel account number, and project permit number;
 - 2. Cost per unit transferred, if applicable;
 - 3. Retired units and date retired; and
 - 4. Where transferred PAOT is being held as a credit on a parcel and is not yet transferred, the amount of credit shall be included.
- D. For approved uses, the project permit number and date permit issued and PAOTs allocated.

6.8. REGIONAL ALLOCATION ACCOUNTING

TRPA shall maintain current allocation accounts and issue annual allocation account reports for each local jurisdiction, plan area statement, community plan, Area Plan, and specific or master plan. The report shall include:

6.8.1. Residential Allocation Report Contents

For residential allocation reports:

- A. For new allocations:
 - 1. Total number of allocations allowed;
 - 2. Total number of allocations allocated; and
 - 3. Total number of units (from allocation) constructed;

CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING

6.9 Regional Development Right Accounting

6.8.2 Commercial Allocation Report Contents

-
- B.** For bonus residential allocations:
 - 1.** Total number of allocations allowed;
 - 2.** Total number of allocations allocated; and
 - 3.** Total number of units (from allocation) constructed; and
 - C.** The total number of affordable, moderate, and achievable units constructed.

6.8.2. Commercial Allocation Report Contents

For commercial allocation reports:

- A.** Total number of allocations allowed in CFA;
- B.** Total number of allocations issued in CFA; and
- C.** Total number of CFA constructed.

6.8.3. Tourist Accommodations Allocation Report Contents

For tourist accommodation reports:

- A.** Total number of allocations allowed;
- B.** Total number of allocations issued; and
- C.** Total number of allocations constructed.

6.8.4. Recreation Allocation Report Contents

For recreation allocation reports:

- A.** Total number of units allowed in PAOTs;
- B.** Total number of allocations issued; and
- C.** Total number of allocations used.

6.9. REGIONAL DEVELOPMENT RIGHT ACCOUNTING

TRPA shall prepare regional development right reports every two years (consistent with *Section 51.6 Local Government Approval*) for each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan. The report shall include:

- A.** Total number of existing development rights being used within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.
- B.** The net change of existing development rights being used within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.

CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING

6.10 Land Bank

6.10.1 Designation of Land Bank

- C. Total number of banked development rights within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.
- D. Total number of banked or potential development rights transferred out of each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan by development type and location.
- E. Total number of banked or potential development rights transferred into each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan by development type and location.
- F. Total number of development rights converted by development type and quantity within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.

6.10. LAND BANK

6.10.1. Designation of Land Bank

TRPA may designate one or more entities, whose functions include land acquisition and land restoration, as a land bank.

6.10.2. Fee

An applicant for transfer of land coverage, land coverage mitigation, or development transfer within the jurisdiction of a land bank may pay a fee to the land bank in lieu of actual land coverage or development retirement.

6.10.3. Calculation of Fee

The fee shall be based on the amount of land coverage or development to be retired and the cost of such retirement to the land bank. TRPA and the land banks shall establish reasonable and standardized fee schedules that may be modified periodically. In establishing or modifying fee schedules, TRPA may use an appropriate study group to provide advice on the environmental and economic efficiency of the proposed fees. Fees may be reduced below cost because of donations, subsidies by government programs, or other similar measures.

6.10.4. Tracking Report

Prior to approval, a project with land coverage transfer, land coverage mitigation, or development transfer pursuant to a land bank shall submit a tracking report to TRPA indicating that the correct amount of land coverage or development has been retired.

6.11. CUMULATIVE ACCOUNTING

TRPA shall maintain a current cumulative account for all projects approved in accordance with subsection 16.8.2.



TRPA

Code of Ordinances

Adopted by Governing Board

December 12, 2012

Effective February 9, 2013

Amended September 27, 2023

Planning

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CHAPTER 10: TRPA REGIONAL PLAN MAPS

10.1. PURPOSE

This chapter establishes a coordinated mapping system for the official TRPA maps. This chapter identifies the official maps and sets forth provisions for the adoption and amendment of maps.

10.2. APPLICABILITY

Any map or Geographic Information System (GIS) data layer referenced by Code Section 10.3.1 shall be an official TRPA Regional Plan map or an official TRPA Regional Plan GIS data layer. TRPA shall not approve any project or implement any program that is inconsistent with an official TRPA map or GIS dataset, unless otherwise provided by this Code.

10.3. ESTABLISHMENT OF OFFICIAL TRPA MAPS AND GIS DATA LAYERS

The maps and GIS data layers listed below in Code Section 10.3.1 are established as the official TRPA Regional Plan maps and GIS data layers. The official TRPA Maps and GIS Data Layers shall include mapped information and GIS data layer produced and maintained by TRPA that outlines the boundaries for adopted TRPA goals, policies and Code.

10.3.1. Regional Plan Map Layers

The following series of geographic data layers are the official TRPA Regional Plan GIS Data Layers and Maps.

A. Plan Area GIS Layers

The plan area GIS data layers relate to the Plan Area Statements, Regional Plan Map 1: *Conceptual Regional Land Use*, Community Plans, and Area Plans and indicate plan area boundaries, special area boundaries, community plan boundaries, redevelopment and master plan boundaries, hydrologic related areas boundaries, regional land use classification boundaries, special planning districts (includes Town Centers), Area Plan zoning district boundaries, and other relevant information.

B. Land Capability Overlay

The land capability overlay maps indicate the boundaries of land capability districts, the boundaries of stream environment zones, the boundaries of shorezone tolerance districts, and other relevant information.

C. Prime Fish Habitat GIS Layer

The prime fish habitat GIS data layer identifies the location of spawning areas and habitat of game and forage fish in Lake Tahoe. Spawning and habitat areas targeted for restoration are also identified.

D. Stream Habitat Quality GIS Layer

The stream habitat quality GIS data layer indicates the existing and potential quality (excellent, good, or marginal) of instream fish habitat.

E. Pierhead Line GIS Layer

The pierhead line is established as depicted on the TRPA Shorezone Tolerance/Pierhead Line Maps and digitized by TRPA. Specific project applications may propose a more refined pierhead line based on new site-specific survey and proof of location of piers constructed before 1972 (i.e., aerial photos, historical maps or surveys).

F. Scenic Units GIS Layers

The scenic units GIS data layers indicate the location of the roadway units, the shoreline units, the recreation areas, and the bicycle trails established by the scenic thresholds. Scenic highway corridors, including specific urban, transition and natural corridor designations are also identified.

G. Shorezone Preservation Areas

Shorezone Preservation Areas are areas along the shoreline of Lake Tahoe that warrant additional protection from shorezone development to maintain biological, scenic, and other natural resources.

H. Stream Mouth Protection Zones

The Stream Mouth Protection Zones are locations of streams connecting to Lake Tahoe within a 100-year floodplain. These locations define sensitive watershed areas and support or could support migrating populations of fish.

10.3.2. Other Maps, GIS Layers, and Data

TRPA produces other maps and GIS layers not listed above that are not official TRPA Regional Plan Maps and GIS data layers. Updates to this other mapped information based on better quality data and completed in compliance with this Code may be made regularly as a matter of day-to-day operations of the Agency.

10.3.3. TRPA Jurisdictional Boundary Amendments

Amendments to the TRPA jurisdictional boundaries shall be based on a survey provided by a certified Engineer or Surveyor and reviewed by TRPA staff for consistency with the TRPA Regional Plan. The TRPA jurisdictional boundary should be consistent with the definition of “Region” in Article II. Definitions – in the Tahoe Regional Planning Compact. The survey used to delineate the TRPA jurisdictional boundary shall evaluate both the topography and hydrology of a site using the best available, most current, more accurate data and shall be submitted in a GIS compatible format. Certified Engineers and/or Surveyors must rely on the most current, more precise, and most comprehensively surveyed boundary information to indicate the reason the proposed boundary is a more accurate one. All proposals to change this boundary shall include an explanation of the reason the data they used are superior to those used for any prior surveys of that portion of the boundary.

10.4. MAP AMENDMENT

10.4.1. Procedure for Map and GIS Layer Amendment

Amendments to the official Regional Plan Maps and GIS Data Layers identified in subsection 10.3.2 and 10.3.3 shall be processed as plan amendments pursuant to TRPA's Rules of Procedure.

10.4.2. Notice of Map and GIS Layer Amendments

Amendments to the official TRPA GIS layers and maps that substantially impact properties shall require notice given to affected property owners as provided in TRPA's Rules of Procedure.

CHAPTER 11: PLAN AREA STATEMENTS AND PLAN AREA MAPS

11.1. PURPOSE

As set forth in the Goals and Policies, plan area statements provide detailed plans for specific areas. A plan area statement, which consists of a written text and applicable plan area map, provides specific land use policies and regulations for a given geographic area. A plan area is the area depicted on the plan area map to which the text relates.

11.2. APPLICABILITY

All projects and activities shall be consistent with the provisions of the applicable plan area statement. In the event a redevelopment, specific, or master plan governs the plan area, projects and activities also shall be consistent with such plans.

11.3. ESTABLISHMENT OF PLAN AREAS AND PLAN AREA STATEMENTS

The plan areas where related plan area statements apply are established as depicted on the Plan Area Map included in the TRPA Regional Plan Maps, and in the document entitled “Regional Plan for the Lake Tahoe Basin, Plan Area Statements.”

11.4. RELATIONSHIP TO GOALS AND POLICIES AND THE CODE

The Goals and Policies and the Code shall apply to the plan area statements. Plan area statements shall be consistent with the Code.

11.5. RELATIONSHIP TO COMMUNITY PLANS

A plan area statement may be replaced or modified by the adoption of a community plan pursuant to Chapter 12: *Community Plans*.

11.6. CONTENT OF PLAN AREA STATEMENTS

Each plan area statement shall include the following:

11.6.1. Name and Number

Each plan area statement shall have a name and number for identification purposes.

11.6.2. Plan Area Designation

Each plan area statement shall be assigned a plan designation. A plan designation shall consist of one of the following five land use classifications and one of the following three management strategies.

A. Land Use Classifications

The land use classifications are:

1. Wilderness

Wilderness areas are designated and defined by the U.S. Congress as part of the National Wilderness Preservation System. These lands offer outstanding opportunities for solitude and primitive, unconfined recreation experiences, and they contain ecological, geological, and other features of scientific, educational, scenic, and historic value. The wilderness designation is intended to protect and preserve such areas for present and future generations. These lands are managed to prevent the degradation of wilderness character. Natural ecological processes and functions are preserved, and restored where necessary. Permanent improvements and mechanized uses are prohibited. Wilderness District lands within the Tahoe Region include portions of the Desolation, Granite Chief, and Mount Rose Wilderness Areas.

2. Backcountry

Backcountry areas are designated and defined by the U.S. Forest Service as part of their Resource Management Plans. These lands are roadless areas, including Dardanelles/Meiss, Freel Peak and Lincoln Creek. On these lands, natural ecological processes are primarily free from human influences. Backcountry areas offer a recreation experience similar to Wilderness, with places for people seeking natural scenery and solitude. Primitive and semi-primitive recreation opportunities include hiking, camping, wildlife viewing, and cross-country skiing, in addition to more developed or mechanized activities not allowed in Wilderness areas (e.g., mountain biking, snowmobiling). Management activities that support administrative and dispersed recreation activities are minimal, but may have a limited influence. Limited roads may be present in some backcountry areas; road reconstruction may be permitted on Backcountry lands where additional restrictions do not apply. Backcountry areas contribute to ecosystem and species diversity and sustainability, serve as habitat for fauna and flora, and offer wildlife corridors. These areas provide a diversity of terrestrial and aquatic habitats, and support species dependent on large, undisturbed areas of land. Backcountry areas are managed to preserve and restore healthy watersheds with clean water and air, and healthy soils. Watershed processes operate in harmony with their setting, providing high quality aquatic habitats.

3. Conservation

Conservation areas are non-urban areas with value as primitive or natural areas, with strong environmental limitations on use, and with a potential for dispersed recreation or low-intensity resource management. Conservation areas shall include:

- a. Public lands already set aside for this purpose;
- b. High-hazard lands, stream environment zones, and other fragile areas without substantial existing improvements;

- c. Isolated areas that do not contain the necessary infrastructure for development;
- d. Areas capable of sustaining only passive recreation or non-intensive agriculture; and
- e. Areas suitable for low to moderate resource management.

4. Recreation

Recreation areas are non-urban areas with good potential for developed outdoor recreation, park use, or concentrated recreation. Lands identified as recreation areas shall include:

- a. Areas of existing private and public recreation use;
- b. Designated local, state, and federal recreation areas;
- c. Areas without overriding environmental constraints on resource management or recreational purposes; and
- d. Areas with unique recreational resources that may service public needs, such as beaches and ski areas.

5. Resort Recreation

Resort Recreation areas are the specific Edgewood and Heavenly parcels depicted on Map 1 of the Regional Plan.

6. Residential

Residential areas are urban areas having potential to provide housing for the residents of the region. In addition, the purpose of this classification is to identify density patterns related to both the physical and manmade characteristics of the land and to allow accessory and nonresidential uses that complement the residential neighborhood. These lands shall include:

- a. Areas already developed for residential purposes;
- b. Areas of moderate to good land capability;
- c. Areas within urban boundaries and serviced by utilities; and
- d. Areas of centralized location in close proximity to commercial services and public facilities.

7. Mixed-Use (Formerly Commercial and Public Service Areas)

Mixed-use areas are urban areas that have been designated to provide a mix of commercial, public services, light industrial, office, and residential uses to the region or have the potential to provide future commercial, public services, light industrial, office, and residential uses. The purpose of this classification is to concentrate higher intensity land uses for public convenience and enhanced sustainability. Any amendment to a plan area statement that is adopted after the adoption of this Code may retain the name of the Commercial and Public Services Area land use classification, however, Area Plans shall utilize the Mixed-use classification.

8. Tourist

Tourist areas are urban areas that have the potential to provide intensive tourist accommodations and services or intensive recreation. This land use classification also includes areas recognized by the Compact as suitable for gaming. These lands shall include:

- a. Areas already developed with high concentrations of visitor services, visitor accommodations, and related uses;
- b. Lands of good to moderate land capability (land capability districts 4 – 7);
- c. Lands with existing excess coverage; and
- d. Areas located near commercial services, employment centers, public services, transit facilities, pedestrian paths, and bicycle connections.

B. Management Strategies

The management strategies are:

1. Maximum Regulation

The maximum regulation designation applies primarily to conservation areas. Areas with this designation shall be strictly regulated to ensure preservation and enhancement of the existing environment, with little or no additional development of residential, commercial, tourist, recreational, or public service uses.

2. Development With Mitigation

The development with mitigation designation is the predominant management strategy. Most areas of existing residential or recreational use carry this designation. Areas with this designation may accommodate additional development if the impacts are fully mitigated and the land is capable of withstanding the use. Both onsite and offsite mitigation of environmental impacts from development shall be required.

3. Redirection of Development

The redirection of development designation is designed primarily to improve environmental quality and community character by changing the direction of development or density through relocation of facilities and rehabilitation or restoration of existing structures and uses. The purpose of this designation is to reduce impervious coverage, restore natural environments, improve the efficiency of transportation systems, improve scenic quality, and provide high quality facilities for residents and visitors alike. Local government participation in redevelopment of appropriate areas shall be encouraged.

11.6.3. Special Designations

Eligibility for a specific planning program shall be limited to those plan area statements with the applicable special designations. Each plan area statement may include special designations for specific planning programs as follows:

A. Preliminary Community Plan Areas

Preliminary boundaries for community plans are set forth on the plan area maps. The areas within preliminary boundaries are eligible for community plans adopted pursuant to Chapter 12, and incentives pursuant to Chapter 50: *Allocation of Development*. The final boundaries of community plans shall be as prescribed by the adoptions.

B. Transfer of Development Rights (TDR) Receiving Areas

For transfers of development rights other than those solely for banking purposes as permitted in accordance with 51.5.3.A.1, for the following designations determine which areas, or portions thereof, are receiving areas for transfer of the development as specified in Chapter 51: *Banking, Conversion, and Transfer of Development Rights*:

1. Existing Development

The existing development designation determines which areas are eligible for the transfer of existing uses that are permissible uses in the plan area.

2. Multi-Residential Units

The multi-residential unit designation determines which areas are eligible for the transfer of potential residential units of use.

C. Scenic Restoration Areas

The scenic restoration area designation indicates one or more highway units or shoreline units in the plan area that are not in compliance with the Scenic Threshold rating and are therefore subject to the scenic quality provisions of Chapter 66: *Scenic Quality*.

D. Preferred Affordable Housing Areas

Plan areas with the preferred affordable housing area designation are preferred locations for affordable housing and are eligible for subdivision of post-1987 residential projects pursuant to subparagraph 39.2.5.F.

E. Preferred Industrial Areas

Plan areas with the preferred industrial area designation are eligible for the commercial allocation and transfer incentives pursuant to Chapters 50 and 51.

F. Town Center

Town Centers contain most of the region's non-residential services and have been identified as a significant source of sediments and other contaminants that continue to enter Lake Tahoe. Town Centers are targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, and provides economic opportunities in the region.

G. Regional Center

The Regional Center includes a variety of land uses in the core of South Lake Tahoe, including the Gondola and base lodge facilities for Heavenly Ski Area. Development patterns in the Regional Center have been and should continue to be more intensive than Town Centers and less intensive than the High Density Tourist District. Older

development within the Regional Center is a significant source of sediment and other water contaminants. The Regional Center is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, and provides economic opportunities in the region.

H. High Density Tourist District

The High Density Tourist District contains a concentration of hotel/casino towers and is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, and provides economic opportunities for local residents. The High Density Tourist District is the appropriate location for the region's highest intensity development.

I. Stream Restoration Plan Area

Stream Restoration Plan Areas are Stream Environment Zones along major waterways that have been substantially degraded by prior development. Individual Restoration Plans should be developed for each Stream Restoration Plan Area in coordination with the applicable Local Government and property owners in the Plan area. Restoration Plans may be developed as a component of an Area Plan or as a separate document and should identify feasible opportunities for environmental restoration.

11.6.4. Description

Each plan area statement shall have a description of the location, existing uses, and existing environment of the plan area.

11.6.5. Planning Statement

Each plan area statement shall have a summary narrative that describes the general planning direction for the plan area.

11.6.6. Planning Considerations

Each plan area statement shall list, under "Planning Considerations," the major planning issues and concerns specific to that area. TRPA shall take these considerations into account in all decisions affecting the plan area.

11.6.7. Special Policies

Each plan area statement shall set forth any special policies addressing issues and concerns for the area that are not adequately addressed by the Goals and Policies.

11.6.8. Permissible Uses

Pursuant to Chapter 21: *Permissible Uses*, and Chapter 81: *Permissible Uses and Structures in the Shorezone and Lakezone*, each plan area statement shall list all allowable and special uses that may be permitted in the plan area. Uses may be designated for one or more special areas or shorezone tolerance districts as follows:

A. General List

The General List section provides a list of allowed and special uses that may be permitted throughout the land area of a plan area, except as modified by subparagraph B below.

B. Special Areas

The Special Area section provides a list of one or more special areas within a plan area that have lists of allowed and special uses that are different from the General List.

C. Nearshore and Foreshore of the Shorezone

The Nearshore and Foreshore of the Shorezone section provides a list of allowed and special uses that may be permitted within the nearshore and foreshore of the shorezone tolerance districts.

11.6.9. Maximum Densities

Pursuant to Chapter 31: *Density*, each plan area statement shall designate the maximum densities of use that may be permitted within the plan area.

11.6.10. Maximum Community Noise Equivalent Levels

Each plan area statement shall specify the maximum community noise equivalent levels (CNEL) that are permissible within the plan area.

11.6.11. Additional Developed Outdoor Recreation

- A.** Additional recreational capacity shall be measured in people at one time (PAOT). Each plan area statement shall specify the amount of additional recreational capacity subject to the PAOT allocations permissible within that plan area, pursuant to subsection 50.9.2.
- B.** Additional recreational capacity beyond that amount specified in the plan area statements may be drawn from pools reserved for summer day uses or overnight uses. Such reserved capacity shall be allocated upon permit approval by TRPA or may be allocated to a specific plan area pursuant to 11.8.1.
- C.** Allocations shall be consistent with the targets for outdoor recreation set forth in Subsection 50.9.

11.6.12. Improvement Programs

Each plan area statement shall make reference to major improvement or restoration programs that affect the plan area.

11.7. PLAN AREA MAPS

Plan area boundaries and other relevant information shall be depicted on the plan area maps. The plan area maps shall consist of base map information and the plan area and land capability overlays, as described in Chapter 10: *TRPA Regional Plan Maps*.

CHAPTER 11: PLAN AREA STATEMENTS AND PLAN AREA MAPS

11.8 Plan Area Statement and Plan Area Map Amendment

11.7.1 Plan Area Boundaries

11.7.1. Plan Area Boundaries

When uncertainty exists with respect to the boundaries of any plan area or special area because of the scale of the maps, or for any other reasons that make exact boundary determination difficult or uncertain, the precise boundary line shall be established by using the following criteria:

- A. Where plan area boundaries appear to follow the center or right-of-way lines of streets or highways, such lines shall be treated as the plan area boundaries;
- B. Where plan area 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 plan area maps;
- C. Where plan area boundaries appear to follow ownership boundaries, such boundaries shall be the plan area boundaries; and
- D. Where plan area boundaries appear to follow land capability or shorezone tolerance district boundaries, such boundaries, as field-verified, shall be the plan area boundaries.

11.8. PLAN AREA STATEMENT AND PLAN AREA MAP AMENDMENT

The amendment of a plan area statement or plan area map shall be in accordance with the following procedures:

11.8.1. Plan Amendments

Modification of plan area boundaries, special area boundaries, plan area name and number, Land Use Classification, Management Strategy, Special Designations, Planning Statement, Special Policies, and Additional Recreation Development shall be by plan amendment. TRPA shall modify the plan area maps and statements pursuant to this subsection 11.8.1, and subsections 11.8.2 and 11.8.3, to reflect current data.

11.8.2. Amendment by Ordinance

Modification of Permissible Uses, Maximum Densities, and assigned Maximum Community Noise Equivalent Levels shall be by ordinance.

11.8.3. Amendment by Resolution

Modification of Description, Planning Considerations, and Improvement Programs shall be by resolution.

11.8.4. Findings for Plan Area Amendments

Prior to adopting any plan area amendment, TRPA shall find:

A. General

The amendment is substantially consistent with the plan area designation criteria in subsections 11.6.2 and 11.6.3; and

B. Expansion of Urban Plan Area Boundary or Addition of Residential, Tourist, Commercial, or Public Service Uses to Non-urban Plan Area

If the amendment is to expand an existing urban plan area boundary or to add residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area, TRPA shall find that the amendment will make the plan area statement consistent with an adopted policy or standard of the Regional Plan, and that the amendment will satisfy one or more of the following criteria:

1. The amendment corrects an error that occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or
2. The amendment enables TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 16: *Regional Plan and Environmental Threshold Review*, indicators; or
3. The amendment is needed to protect public health and safety and there is no reasonable alternative.

C. Addition of Multiple-Family as Permissible Use

1. If the amendment proposes to add multiple-family as a permissible use to a plan area or for one or more parcels, except as provided for in subparagraph 3 below, the plan area or affected parcel shall be found suitable for transit-oriented development (TOD). When determining TOD suitability, TRPA shall find that the site contains the following features, or functional equivalents, that facilitate TOD in a manner that is equal or superior to the listed features:
 - a. Access to operational transit within one-half mile walk;
 - b. Neighborhood services within one-half mile walk(e.g., grocery/drug stores, medical services, retail stores, and laundry facilities);
 - c. Good pedestrian and bike connections;
 - d. Opportunities for residential infill (at densities greater than eight units per acre) or infill with mixed uses; and
 - e. Public facilities adequate to service increased demand from the addition of multi-family units (e.g., public schools, urban or developed recreation sites, government services, and post offices).
2. In order for TRPA to find a proposal is the functional equivalent of one of the factors listed in 11.8.4.C.1 or 11.8.4.C.3.a, the proposal must be found to facilitate TOD in a manner that is equal or superior to that feature.
3. If the amendment is to add multiple-family dwellings as a permissible use to a plan area or for one or more parcels and would result in deed-restricted affordable housing units, the plan area or affected parcel shall be found suitable for transit-oriented development (TOD). When determining TOD suitability, TRPA shall find that the following factors are satisfied when determining TOD suitability:

CHAPTER 11: PLAN AREA STATEMENTS AND PLAN AREA MAPS

11.8 Plan Area Statement and Plan Area Map Amendment

11.8.4 Findings for Plan Area Amendments

- a. Access to operational transit within one-half mile, or a functional equivalent as provided for in 2 above; and
- b. Neighborhood services; or
- c. Public facilities.

CHAPTER 12: COMMUNITY PLANS

12.1. PURPOSE

This chapter sets forth the provisions for the development, adoption, and amendment of community plans pursuant to the Goals and Policies provided for in plan area statements.

12.2. APPLICABILITY

Community plans may be developed for areas designated in the Goals and Policies. Following adoption of a community plan, all projects within the community plan boundaries shall be consistent with the provisions of the community plan, as well as all applicable provisions of this Code. Approval of a community plan shall not be considered approval of any project included in the community plan.

12.3. ESTABLISHMENT OF COMMUNITY PLANS

Community plans, upon adoption, shall be depicted on the TRPA Plan Maps and in the Regional Plan for the Lake Tahoe Basin, Special Plans.

12.4. ELIGIBLE AREAS

12.4.1. Areas Eligible for Community Plans

Areas eligible for community plans are designated on the map referred to in the Goals and Policies, Land Use Subelement, Land Use Element Goal 2, Policy 6.1.

12.4.2. Preliminary and Adopted Community Plan Boundaries

Preliminary and adopted community plan boundaries are shown on the plan area maps. The preliminary boundaries may be adjusted as part of the community plan process.

12.4.3. Adjustment of Preliminary Community Plan Boundaries

The preliminary boundaries may be adjusted as part of the community plan adoption process. A community plan area may consist of more than one part, provided each part is distinctly enclosed within its own boundary and complies with the requirements of this section. Any adjustment of boundaries, including the establishment of parts, shall be subject to TRPA making the following findings at the time of adoption:

A. Use Considerations

1. The area within the boundaries:
 - a. Is an area where commercial, tourist, and related uses are concentrated or where commercial, tourist, or affordable residential uses should be concentrated;
 - b. Is served or easily served by transit systems;
 - c. Has adequate highway access;

CHAPTER 12: COMMUNITY PLANS

12.5 Incentives

12.6.1 Goals and Policies

- d. Has or can have housing in the vicinity available for employees working in the area; and
 - e. Otherwise qualifies as an area suitable for continued or increased levels of commercial activity.
2. In areas where existing and proposed development patterns are found to support affordable housing, the community plan shall limit the applicable community plan incentives to uses classified as deed-restricted affordable housing or employee housing with the employment base nexus identified within close proximity to the proposed employee housing.

B. Traffic Considerations

The nature and intensity of uses proposed for the area within the boundaries is demonstrably consistent with the achievement of VMT reduction policies and level of service goals for street and highway traffic established for the plan area.

C. Concentration

The area within the boundaries shall encourage concentration of commercial development, discourage the maintenance or exacerbation of strip commercial development, and shall not allow isolated areas of commercial or tourist accommodations unrelated to the central commercial area.

D. Size

The area within the boundaries is a size consistent with the needs for additional commercial development established by the needs assessment that evaluated the entire area of the community plan, taking into account the needs and opportunities of the region as a whole.

12.5. INCENTIVES

Areas within the boundaries of adopted community plans shall be eligible for incentives as set forth in Chapters 30: *Land Coverage*, 34: *Driveway and Parking Standards*, 36: *Design Standards*, 50: *Allocation of Development*, 52: *Bonus Unit Incentive Program*, 65: *Air Quality/Transportation*, and elsewhere in this chapter.

12.6. RELATIONSHIP

The relationship of community plans to the Goals and Policies, plan area statements, and Code is as follows:

12.6.1. Goals and Policies

Community plans are subject to the Goals and Policies.

12.6.2. Plan Area Statements

Community plans replace the plan area statements for the areas within the community plan boundaries, but are required to retain certain features of the plan area statements as set forth in this chapter.

12.6.3. Code of Ordinances

All standards of the Code apply to the community plans, except that the community plan may establish standards that provide equal or superior measures to achieve environmental thresholds in the following areas:

- A. Density of use (Chapter 31);
- B. Noise (Chapter 68);
- C. Driveway and parking (Chapter 34);
- D. Outdoor advertising (Chapter 38);
- E. Historic resource protection (Chapter 67); and
- F. Design standards (Chapter 36).

12.7. COMMUNITY PLAN PROCESS

In consultation with local governments and the community, TRPA shall set priorities for the development and updating of community plans. Community plans shall be prepared, updated, and adopted as follows:

12.7.1. Initiation of Process

The process to develop a community plan may be initiated as follows:

- A. A local government or TRPA, in recognition of local interest or in accordance with a work program for the development of community plans, may initiate the planning process. The community plan may be considered in the context of a larger study area that includes other related plan areas.
- B. A planning team shall be formed by the initiating entity. The team shall represent a wide range of community interests and shall include the executive director of the TRPA or his or her designee, and a representative of the local government within whose jurisdiction the community plan area is located. The planning team shall appoint a planning staff.
- C. The planning team shall be reviewed and approved by the local government and TRPA prior to commencement of the planning process. With this approval, the local government or TRPA shall assign staff and resources to complete an initial assessment. It is intended that TRPA, local government, and the community work in partnership throughout the community planning process.
- D. The initial assessment shall include a survey of existing conditions, an initial needs and opportunities study, a survey of applicable standards and constraints, and a determination of community goals and objectives. TRPA shall seek review and comment from all responsible public agencies at appropriate points in the community planning process. From this information the preliminary plan shall be developed.

12.7.2. Approval of Preliminary Plan and Work Program

Upon completion of the initial assessment, the planning team shall develop a preliminary plan and work program.

- A.** The preliminary plan shall include proposed plan boundaries, estimations of additional commercial floor area and tourist accommodation unit requirements, public recreation objectives, vehicle trip reduction targets, land coverage reduction targets, other threshold related targets consistent with this Code, new standards to be included in the plan, the level of environmental documentation required, and other detail on the scope and scale of the proposed plan. It also shall include a theme for the community plan, such as the following:
 - 1.** Major retail and services;
 - 2.** Major tourist accommodation, retail, and services;
 - 3.** Industrial, storage, and services;
 - 4.** Local-serving retail, services, and storage;
 - 5.** Local and minor recreation area serving retail and services; or
 - 6.** Minor tourist accommodation.
- B.** Section 12.9 provides guidelines for mixes of uses that may be appropriate for the themes listed above.
- C.** After consultation with responsible public agencies, a work program shall be included with the preliminary plan and shall indicate time schedules for individual work elements, staffing requirements, and funding sources.
- D.** The preliminary plan and work plan shall be presented to the TRPA and local government.
- E.** TRPA and local government shall consider the recommendations of the planning team and approve, deny, or modify the preliminary plan and work program.
- F.** Based on the preliminary plan, TRPA shall make a preliminary allocation to that community plan for additional commercial floor area from the amount allocated by TRPA to that jurisdiction.

12.7.3. Community Plan Preparation

Upon approval of the preliminary plan and work program or approval of an alternative process pursuant to subsection 12.7.5, the planning team or staff shall carry out its work as follows:

- A.** Refine the goals for the community plan;

CHAPTER 12: COMMUNITY PLANS

12.7 Community Plan Process

12.7.3 Community Plan Preparation

- B.** Complete the assessment of environmental opportunities and limitations. This shall include the establishment of baseline information about the location, amount, and condition of all threshold-related elements applicable to the community plan. At a minimum, this also shall include:
1. Stream environment zones;
 2. Fish habitat;
 3. Coverage (hard, soft, and potential);
 4. Scenic resources;
 5. Traffic level of service;
 6. Vehicle miles travelled;
 7. Outdoor recreation facilities;
 8. Tributary and littoral water quality;
 9. Air quality;
 10. Visibility; and
 11. Noise;
- C.** Refine the inventory and needs assessment. This refinement shall include determining the following:
1. The amount and land capability of vacant land;
 2. The amount, type, and condition of the inventory of commercial floor area, housing, public service facilities (including transportation facilities) and recreational facilities;
 3. The type and amount of commercial, housing, public services, and recreational facilities needed to meet the community goals, with priorities for each; and
 4. A description of environmental improvement projects needed in the area to meet environmental thresholds.
- D.** Identify the applicable ordinance standards, constraints, and direction from federal, state, local, and TRPA sources.
- E.** Develop a draft plan that addresses the following:
1. Description;
 2. Planning statement;
 3. Planning considerations;
 4. Special designations;

CHAPTER 12: COMMUNITY PLANS

12.7 Community Plan Process

12.7.3 Community Plan Preparation

5. Plan boundaries;
 6. Land use element with uses and locations addressed in the following categories:
 - a. Existing and new uses appropriate and compatible that shall be designated allowed uses;
 - b. Existing and new uses appropriate under some circumstances or in some limited amount that shall be designated special uses; and
 - c. Existing uses that are inappropriate or incompatible that shall be designated nonconforming.
 7. Appropriate findings, in addition to those in Chapter 21: *Permissible Uses*, that would be required for approving special uses;
 8. Transportation provisions, including traffic circulation routes, pedestrian and bicycle routes, and any transit modes, routes, and stops;
 9. Parking provisions;
 10. Public service provisions, including snow removal and storage;
 11. Housing provisions;
 12. Recreation, open space, and public access provisions;
 13. Special features or policies, including setbacks and height restrictions;
 14. Special standards pursuant to subsection 12.6.3;
 15. Provisions for the allocation of commercial floor area, tourist accommodation, outdoor recreation allocations, and multi-residential units;
 16. Relationship to plan area statements, including those nearby and affected by the community plan;
 17. Monitoring provisions;
 18. Implementation schedule showing how development is to be coordinated with environmental improvement projects, including transportation and water quality improvements. At least one major community plan environmental improvement project shall be completed or an irrevocable commitment made to such a project relying on the incentives of the community plan. For the purposes of this provision, an “irrevocable commitment” is defined in Chapter 90;
 19. The manner in which the targets and requirements set forth in the preliminary plan shall be achieved (see 12.7.2.A) including location of proposed projects;
 20. Mitigation measures;
 21. Manner in which the goals established in 12.7.3.A shall be achieved; and
-

- 22. Other relevant provisions that may include applicable state or local planning provisions.
- F. Prepare environmental documents with appropriate circulation for public review.
- G. Recommend preferred alternative to TRPA and local government.

12.7.4. Approval of the Community Plan

The final plan shall contain all the elements set forth in 12.7.3.E and shall be approved as follows:

A. TRPA Advisory Planning Commission

Upon receipt of a recommended final plan from the planning team or staff, the TRPA Advisory Planning Commission (APC) shall review the proposed final plan and make recommendations to the TRPA Governing Board. The APC shall obtain and consider the recommendations and comments of the local government and other responsible public agencies. The review, to the extent possible, shall be coordinated with the processes of local government.

B. Governing Board

- 1. The Governing Board shall consider the proposed final plan as a Regional Plan amendment and either approve, deny, or modify the community plan, based on all applicable factors, including consistency with the Goals and Policies, the Code, the attainment of the targets and requirements of 12.7.2.A, and consideration of comments of responsible public agencies. The Governing Board also shall determine the effect, if any, on other plan areas considered in the study but not included within the community plan boundaries. (See 12.7.1.A). The Governing Board may consider appropriate amendments to those plan areas pursuant to Chapter 11: *Plan Area Statements and Plan Area Maps*.
- 2. The Governing Board shall establish the initial allocation of additional commercial floor area for the planning period, pursuant to Chapter 50.
- 3. The Governing Board shall allocate the appropriate amount of tourist accommodation units for the planning period, pursuant to Chapter 50.
- 4. The Governing Board shall allocate the appropriate outdoor recreation units, pursuant to Chapter 50.

12.7.5. Alternate Process

If TRPA finds that an alternate process to subsections 12.7.1 and 12.7.2 would better facilitate the planning process while still meeting the objectives of this chapter, a modified process may be approved provided community input shall be included as a component of the modified process.

12.8. MAINTENANCE AND MODIFICATION OF COMMUNITY PLANS

Adopted community plans shall be reviewed by TRPA at five-year intervals to determine conformance with approved schedules of development and adequacy of programs, standards, mitigation, and monitoring. TRPA may defer approval of projects within community plans if the review indicates approved goals, targets, and requirements are not being achieved. Community plans may be modified as a result of such reviews as deemed appropriate by TRPA to achieve environmental thresholds or to otherwise improve the community plans. The procedure for modification shall be consistent with this chapter.

12.9. GUIDELINES FOR MIXES OF USES FOR COMMUNITY PLAN THEMES

This section is provided for the limited purpose of providing guidelines for mixes of uses that may be used to identify appropriate themes for preliminary community plans.

12.9.1. Major Retail and Services

A. Residential

1. Employee housing.
2. Multi-family dwelling.
3. Multi-person dwelling.
4. Nursing and personal care.
5. Residential care.
6. Single-family dwelling.

B. Tourist Accommodation

1. Bed and breakfast facilities.
2. Hotels, motels, and other transient dwelling units.
3. Time sharing (hotel/motel design).
4. Time sharing (residential design).

C. Commercial

1. Retail

- a. Auto, mobile home, and vehicle dealers.
- b. Building materials and hardware.
- c. Eating and drinking places.
- d. Food and beverage retail sales.
- e. Furniture, home furnishings, and equipment.
- f. General merchandise stores.
- g. Mail order and vending.
- h. Nursery.

CHAPTER 12: COMMUNITY PLANS

12.9 Guidelines for Mixes of Uses for Community Plan Themes

12.9.1 Major Retail and Services

- i. Outdoor retail sales (S).
- 2. **Entertainment**
 - a. Amusements and recreation services.
 - b. Outdoor amusements (S).
 - c. Privately owned assembly and entertainment.
- 3. **Services**
 - a. Animal husbandry services (S).
 - b. Auto repair and service (S).
 - c. Broadcasting studios.
 - d. Business support services.
 - e. Contract construction services (S).
 - f. Financial services.
 - g. Health care services plants (S).
 - h. Personal services.
 - i. Professional offices.
 - j. Repair services.
 - k. Sales lots (S).
 - l. Schools - business and vocational.
 - m. Schools - pre-schools (S).
 - n. Secondary storage.
- 4. **Light Industrial**
 - Printing and publishing (S).
- 5. **Wholesale/Storage**
 - a. Storage yards (S).
 - b. Vehicle and freight terminals (S).
 - c. Vehicle storage and parking (S).
 - d. Warehousing (S).
 - e. Wholesale and distribution (S).
- D. **Public Service**
 - 1. **General**
 - a. Churches.
 - b. Cultural facilities.
 - c. Day care centers (S).
 - d. Government offices.

CHAPTER 12: COMMUNITY PLANS

12.9 Guidelines for Mixes of Uses for Community Plan Themes

12.9.2 Major Tourist Accommodation, Retail, and Services

- e. Hospitals (S).
- f. Local assembly and entertainment.
- g. Local post office.
- h. Local public health and safety facilities.
- i. Membership organizations.
- j. Public utility centers (S).
- k. Publicly owned assembly and entertainment (S).
- l. Regional public health and safety facilities (S).
- m. Schools – college.
- n. Social service organizations.

2. Linear Public Facilities

- a. Pipelines and power transmission (S).
- b. Transit stations and terminals (S).
- c. Transmission and receiving facilities.
- d. Transportation routes (S).

E. Recreation

1. Urban Recreation

- a. Day use areas.
- b. Participant sports facilities.
- c. Sport assembly (S).

2. Developed Outdoor Recreation

- a. Beach recreation.
- b. Marinas (S).
- c. Outdoor recreation concessions.
- d. Recreational vehicle parks (S).
- e. Visitor information center.

F. Resource Management

1. Watershed Improvements

- a. Erosion control.
- b. Runoff control.
- c. Stream environment zone restoration.

12.9.2. Major Tourist Accommodation, Retail, and Services

A. Residential

- 1.** Employee housing.
 - 2.** Multi-family dwelling.
-

CHAPTER 12: COMMUNITY PLANS

12.9 Guidelines for Mixes of Uses for Community Plan Themes

12.9.2 Major Tourist Accommodation, Retail, and Services

3. Multi-person dwelling.
 4. Nursing and personal care.
 5. Residential care.
 6. Single-family dwelling.
- B. Tourist Accommodation**
1. Bed and breakfast facilities.
 2. Time sharing (hotel/motel design).
 3. Time sharing (residential design).
 4. Hotels, motels, and other transient units.
- C. Commercial**
1. **Retail**
 - a. Auto, mobile home, and vehicle dealers (S).
 - b. General merchandise stores.
 - c. Mail order and vending.
 - d. Building materials and hardware (S).
 - e. Nursery.
 - f. Outdoor retail sales (S).
 - g. Eating and drinking places.
 - h. Service stations.
 - i. Food and beverage sales.
 - j. Furniture, home furnishings, and equipment.
 2. **Entertainment**
 - a. Amusements and recreation services.
 - b. Privately owned assembly and entertainment.
 - c. Gaming – nonrestrictive (Nevada).
 - d. Outdoor amusements (S).
 3. **Services**
 - a. Auto repair and services (S).
 - b. Personal services.
 - c. Professional offices.
 - d. Broadcasting studios.
 - e. Repair services.
 - f. Business support services.

CHAPTER 12: COMMUNITY PLANS

12.9 Guidelines for Mixes of Uses for Community Plan Themes

12.9.2 Major Tourist Accommodation, Retail, and Services

- g. Sales lots (S).
 - h. Contract construction services (S).
 - i. Schools - business and vocational.
 - j. Financial services.
 - k. Schools - pre-schools (S).
 - l. Health care services.
 - m. Secondary storage.
 - 4. **Light Industrial**
Printing and publishing (S).
 - 5. **Wholesale/Storage**
Vehicle storage and storage (S).
- D. **Public Service**
 - 1. **General**
 - a. Churches.
 - b. Membership organizations.
 - c. Cultural facilities.
 - d. Publicly owned assembly and entertainment (S).
 - e. Day care centers (S).
 - f. Government offices.
 - g. Public utility centers (S).
 - h. Hospitals (S).
 - i. Regional public health and safety facilities (S).
 - j. Local assembly and entertainment.
 - k. Schools – college.
 - l. Local post office.
 - m. Social service organizations.
 - n. Local public health and safety facilities.
 - 2. **Linear Public Facilities**
 - a. Pipelines and power transmission (S).
 - b. Transportation routes (S).
 - c. Transmission and receiving facilities (S).
 - d. Transit stations and terminals (S).

E. Recreation

1. Urban Recreation

- a. Day use areas.
- b. Sports assembly (S).
- c. Participant sports facilities.

2. Developed Outdoor Recreation

- a. Beach recreation.
- b. Marinas (S).
- c. Outdoor recreation concessions.
- d. Recreational vehicle parks (S).

F. Resource Management

1. Watershed Improvements

- a. Erosion control.
- b. Stream environment zone restoration.
- c. Runoff control.

12.9.3. Industrial, Storage, and Services

A. Commercial

1. Retail

- a. Auto, mobile home, and vehicle dealers.
- b. General merchandise stores.
- c. Mail order and vending.
- d. Building materials and hardware.
- e. Nursery.
- f. Outdoor retail sales (S).
- g. Eating and drinking places.
- h. Service stations.
- i. Food and beverage retail sales.
- j. Furniture, home furnishings, and equipment.

2. Services

- a. Animal husbandry services.
- b. Personal services.
- c. Auto repair and service.
- d. Professional offices.
- e. Broadcasting studios.
- f. Repair services.

CHAPTER 12: COMMUNITY PLANS

12.9 Guidelines for Mixes of Uses for Community Plan Themes

12.9.3 Industrial, Storage, and Services

- g. Business support services.
 - h. Sales lots (S).
 - i. Contract construction services.
 - j. Schools - business and vocational.
 - k. Financial services.
 - l. Secondary storage.
 - m. Laundries and dry cleaning plants.
- 3. Light Industrial**
 - a. Batch plants (S).
 - b. Printing and publishing.
 - c. Food and kindred products.
 - d. Recycling and scrap (S).
 - e. Fuel and ice dealers.
 - f. Small scale manufacturing.
 - g. Industrial services.
- 4. Wholesale/Storage**
 - a. Storage yards.
 - b. Warehousing.
 - c. Vehicle and freight terminals.
 - d. Wholesale and distribution.
 - e. Vehicle storage and parking.
- B. Public Service**
 - 1. General**
 - a. Collection stations (S).
 - b. Public utility centers.
 - c. Government offices.
 - d. Regional public health and safety facilities.
 - e. Local post office.
 - f. Local public health and safety facilities.
 - 2. Linear Public Facilities**
 - a. Pipelines and power transmissions (S).
 - b. Transportation routes.
 - c. Transmission and receiving facilities (S).
 - d. Transit stations and terminals (S).

CHAPTER 12: COMMUNITY PLANS

12.9 Guidelines for Mixes of Uses for Community Plan Themes

12.9.4 Local-Serving Retail, Services, and Storage

C. Resource Management

1. Watershed Improvement

- a. Erosion control.
- b. Stream environment zone restoration.
- c. Runoff control.

12.9.4. Local-Serving Retail, Services, and Storage

A. Residential

1. Employee housing (S).
2. Nursing and personal care (S).
3. Multi-family dwelling (S).
4. Residential care (S).
5. Multi-person dwelling (S).
6. Single-family dwelling.

B. Tourist Accommodation

1. Bed and breakfast facilities.
2. Time sharing (hotel/motel design) (S).
3. Time sharing (residential design) (S).
4. Hotels, motels, and other transient units (S).

C. Commercial

1. Retail

- a. Building materials and hardware (S).
- b. General merchandise stores.
- c. Nursery (S).
- d. Eating and drinking places.
- e. Outdoor retail sales (S).
- f. Food and beverage retail sales.
- g. Service stations (S).
- h. Furniture, home furnishings, and equipment (S).

2. Services

- a. Auto repair and service (S).
- b. Repair shops (S).
- c. Schools - pre-schools.
- d. Professional offices (S).
- e. Secondary storage.

CHAPTER 12: COMMUNITY PLANS

12.9 Guidelines for Mixes of Uses for Community Plan Themes

12.9.5 Local and Minor Recreation Area Serving Retail and Services Community Planning Areas

D. Public Service

1. General

- a. Churches (S).
- b. Local public health and safety facilities (S).
- c. Cultural facilities (S).
- d. Day care centers.
- e. Membership organizations (S).
- f. Government offices (S).
- g. Public utility centers (S).
- h. Local post office.
- i. Schools - kindergarten through secondary (S).

2. Linear Public Facilities

- a. Pipelines and power transmission (S).
- b. Transportation routes (S).
- c. Transmission and receiving facilities (S).
- d. Transit stations and terminals (S).

E. Recreation

1. Urban Recreation

- a. Day use areas (S).
- b. Participant sports facilities (S).

2. Developed Outdoor Recreation

- a. Beach recreation (S).
- b. Outdoor recreation concessions (S).

F. Resource Management

1. Watershed Improvements

- a. Erosion control.
- b. Stream environment zone restoration.
- c. Runoff control.

12.9.5. Local and Minor Recreation Area Serving Retail and Services Community Planning Areas

A. Residential

1. Employee housing (S).
2. Nursing and personal care (S).
3. Multi-family dwelling (S).
4. Residential care (S).

CHAPTER 12: COMMUNITY PLANS

12.9 Guidelines for Mixes of Uses for Community Plan Themes

12.9.5 Local and Minor Recreation Area Serving Retail and Services Community Planning Areas

5. Multi-person dwelling (S).
6. Single-family dwelling.
- B. Tourist Accommodation**
 1. Bed and breakfast facilities.
 2. Time sharing (hotel/motel design) (S).
 3. Hotels, motels, and other transient units (S).
 4. Time sharing (residential design) (S).
- C. Commercial**
 - 1. Retail**
 - a. Building materials and hardware (S).
 - b. General merchandise stores.
 - c. Nursery (S).
 - d. Eating and drinking places.
 - e. Outdoor retail sales (S).
 - f. Food and beverage retail sales.
 - g. Service stations (S).
 - h. Furniture, home furnishings, and equipment (S).
 - 2. Entertainment**
 - a. Amusements and recreation services (S).
 - b. Outdoor amusements (S).
 - c. Privately owned assembly and entertainment (S).
 - 3. Services**
 - a. Auto repair and service (S).
 - b. Repair shops (S).
 - c. Schools - pre-schools.
 - d. Personal services (S).
 - e. Secondary storage.
 - f. Professional offices (S).
- D. Public Service**
 - 1. General**
 - a. Churches (S).
 - b. Local public health and safety facilities (S).
 - c. Cultural facilities (S).
 - d. Day care centers.

CHAPTER 12: COMMUNITY PLANS

12.9 Guidelines for Mixes of Uses for Community Plan Themes

12.9.6 Minor Tourist Accommodation

- e. Membership organizations (S).
 - f. Government offices (S).
 - g. Public utility centers (S).
 - h. Local post office.
 - i. Schools - kindergarten through secondary (S).
 - 2. **Linear Public Facilities**
 - a. Pipelines and power transmission (S).
 - b. Transportation routes (S).
 - c. Transmission and receiving facilities (S).
 - d. Transit stations and terminals (S).
- E. Recreation**
- 1. **Urban Recreation**
 - a. Day use areas (S).
 - b. Participant sports facilities (S).
 - 2. **Developed Outdoor Recreation**
 - a. Beach recreation (S).
 - b. Outdoor recreation concessions (S).
- F. Resource Management**
- 1. **Watershed Improvements**
 - a. Erosion control.
 - b. Stream environment zone restoration.
 - c. Runoff control.
- 12.9.6. Minor Tourist Accommodation**
- A. Residential**
- 1. Employee housing.
 - 2. Nursing and personal care.
 - 3. Multi-family dwelling.
 - 4. Residential care.
 - 5. Multi-person dwelling.
 - 6. Single-family dwelling.
- B. Tourist Accommodation**
- 1. Bed and breakfast facilities.
 - 2. Time sharing (hotel/motel design).
 - 3. Hotels, motels, and other transient units.
-

- 4. Time sharing (residential design).
- C. **Commercial**
 - 1. **Retail**
 - a. Eating and drinking places.
 - b. Service stations (S).
 - c. Food and beverage retail sales.
 - 2. **Entertainment**
 - a. Amusements and recreation services.
 - b. Outdoor amusements (S).
 - c. Privately owned assembly and entertainment (S).
 - 3. **Services**
 - a. Broadcasting studios.
 - b. Schools - business and vocational.
 - c. Personal services.
 - d. Professional offices (S).
 - e. Secondary storage.
- D. **Public Service**
 - 1. **General**
 - a. Churches.
 - b. Membership organizations.
 - c. Cultural facilities.
 - d. Public utility centers.
 - e. Day care centers (S).
 - f. Regional public health and safety facilities (S).
 - g. Government offices (S).
 - h. Local post office.
 - i. Schools - college (S).
 - j. Local public health and safety facilities.
 - k. Social services organizations.
 - 2. **Linear Public Facilities**
 - a. Pipelines and power transmission (S).
 - b. Transportation routes (S).
 - c. Transmission and receiving facilities (S).
 - d. Transit stations and terminals (S).

E. Recreation

1. Urban Recreation

- a. Day use areas (S).
- b. Participant sports facilities (S).

2. Developed Outdoor Recreation

- a. Beach recreation (S).
- b. Outdoor recreation concessions (S).

F. Resource Management

1. Watershed Improvements

- a. Erosion control.
- b. Stream environment zone restoration.
- c. Runoff control.

CHAPTER 13: AREA PLANS

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]	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.)		
Land Coverage	Sec. 30.4 or Alternative Comprehensive Coverage Management System [See 13.5.3.B.1]										
Complete Streets	Sec. 36.5								[4]		
<p>[1] With adoption of an Area Plan. To ensure compatibility with adjacent uses and viewshed protection, the findings in Sec. 37.7.16 shall apply.</p> <p>[2] Limited to replacement structures, provided, the structures to be demolished and replaced are an existing casino hotel, with existing structures of at least eight stories, or 85 feet of height as measured from the lowest point of natural grade. Such structures shall also comply with Sec. 37.7.17.</p> <p>[3] Areas of Community Plans outside of Centers shall not be eligible for the alternative height and density allowances authorized in Area Plans for Centers. Any existing project density approved pursuant to Section 31.4.3 may be retained in an Area Plan.</p> <p>[4] Plan for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within Centers, as applicable, and incorporating the Regional Bike and Pedestrian Plan.</p>											

B. Alternative Development Standards and Guidelines Authorized in Area Plans

1. Alternative Comprehensive Coverage Management Systems

An Area Plan may propose a comprehensive coverage management system as an alternative to the parcel-level coverage requirements outlined in

subsections 30.4.1 and 30.4.2, provided that the alternative system shall: 1) reduce the total coverage and not increase the cumulative base allowable coverage in the area covered by the comprehensive coverage management system; 2) reduce the total amount of coverage and not increase the cumulative base allowable coverage in Land Capability Districts 1 and 2; and 3) not increase the amount of coverage otherwise allowed within 300 feet of high water of Lake Tahoe (excluding those areas landward of Highways 28 and 89 in Kings Beach and Tahoe City Town Centers within that zone). For purposes of this provision, “total” coverage is the greater of existing or allowed coverage.

Alternative Comprehensive Management System: Process for Establishing Maximum Coverage

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

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

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

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

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

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

2. Alternative Parking Strategies

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

- a. Reduction or relaxation of minimum parking standards;
- b. Creation of maximum parking standards;
- c. Shared parking;
- d. In-lieu payment to meet parking requirements;
- e. On-street parking;
- f. Parking along major regional travel routes;
- g. Creation of bicycle parking standards;
- h. Free or discounted transit;
- i. Deeply discounted transit passes for community residents; and
- j. Paid parking management.

3. Area-wide Water Quality Treatments and Funding Mechanisms

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

- a. Area-wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits than certain site-specific BMPs. For registered catchments, the water quality benefits of area-wide BMPs shall comply with applicable TMDL requirements. BMPs for unregistered catchments shall be shown to infiltrate the 20 year one hour storm (or address requirements in Code Section 60.4.8 (Special Circumstances));
- b. Plans should be developed in coordination with TRPA and applicable state agencies, consistent with applicable TMDL requirements;
- c. Area-wide BMP project areas shall be identified in Area Plans and shall address both installation and ongoing maintenance;
- d. Strong consideration shall be given to areas connected to surface waters;
- e. Area-wide BMP plans shall consider area-wide and parcel-level BMP requirements as an integrated system; and
- f. Consideration shall be given to properties that have already installed and maintained parcel-level BMPs, and financing components of area-wide BMP plans shall reflect prior BMP installation in terms of the charges levied against projects that already complied with BMP requirements with systems that are in place and operational in accordance with applicable BMP standards.
- g. Area-wide BMP Plans shall require that BMPs be installed concurrent with development activities. Prior to construction of area-wide treatment facilities, development projects shall either install parcel-level BMPs or construct area-wide improvements that provide equal or greater water quality benefits than parcel level BMPs.

4. Alternative Transfer Ratios for Development Rights

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

C. Development Standards and Guidelines Encouraged in Area Plans

1. Urban Bear Strategy

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

2. Urban Forestry

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

D. Development on Resort Recreation Parcels

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

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

E. Greenhouse Gas Reduction Strategy

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

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

F. Community Design Standards

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

1. Site Design

a. Development in All Areas

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

Existing natural features retained and incorporated into the site design;

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

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

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

b. Development in Regional Center or Town Center

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

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

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

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

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

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

2. Building Height

- a. Area Plans may allow building heights up to the maximum limits in Table 13.5.3-1 above.
- b. Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed.
- c. Area Plans that allow buildings over two stories in height shall, where feasible, include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height.

3. Building Design

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

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

4. Landscaping

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

- a. Native vegetation should be utilized whenever possible, consistent with Fire Defensible Space Requirements.
- b. Vegetation should be used to screen parking, alleviate long strips of parking space, and accommodate stormwater runoff where feasible.
- c. Vegetation should be used to give privacy, reduce glare and heat, deflect wind, muffle noise, prevent erosion, and soften the line of architecture where feasible.

5. Lighting

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

- a. Exterior lighting should be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design.
- b. Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light.
- c. Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well-placed, low-intensity lights.
- d. Lights should not blink, flash, or change intensity except for temporary public safety signs.

6. Signing

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

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

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

Signs should be incorporated into building design;

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

Signage should be attached to buildings when possible; and

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

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

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

1. Boundaries of Centers shall be drawn to include only properties that are developed, unless undeveloped parcels proposed for inclusion have either at least three sides of their boundary adjacent to developed parcels (for four-sided parcels), or 75 percent of their boundary adjacent to developed parcels (for non-four-sided parcels). For purposes of this requirement, a parcel shall be considered developed if it includes any of the following: 30 percent or

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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

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13.6 Conformity Review Procedures for Area Plans

13.6.1 Initiation of Area Planning Process by Lead Agency

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

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13.6 Conformity Review Procedures for Area Plans

13.6.5 Findings of Conformance with the Regional Plan

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.

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13.6 Conformity Review Procedures for Area Plans 13.6.5 Findings of Conformance with the Regional Plan

B. TRPA Utilization of Load Reduction Plans

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

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

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

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

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

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

1. Include building and site design standards that substantially enhance the appearance of existing buildings in the High-Density Tourist District;
2. Provide pedestrian, bicycle and transit facilities connecting the High-Density Tourist District with other regional attractions; and
3. Demonstrate that all development activity within the High-Density Tourist District will provide or not interfere with Threshold gain, including but not

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13.6 Conformity Review Procedures for Area Plans

13.6.6 Conformity Review for Amendments to Area Plans

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.

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13.7 Procedures for Adoption of Memorandum of Understanding

13.7.1 Memorandum of Understanding (MOU) Required

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:

CHAPTER 13: AREA PLANS

13.7 Procedures for Adoption of Memorandum of Understanding

13.7.4 Concurrent Review of Area Plan and MOU

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

TABLE 13.7.3 -1: THRESHOLDS FOR GOVERNING BOARD REVIEW OF PROJECTS IN CENTERS			
(All measurements are new building floor area.)			
	Regional Center	Town Center	Not in Center
Residential	≥ 100,000 sq. ft.	≥ 50,000 sq. ft.	≥ 25,000 sq. ft.
Non-residential	≥ 80,000 sq. ft.	≥ 40,000 sq. ft.	≥ 12, 500 sq. ft.

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

13.7.4. Concurrent Review of Area Plan and MOU

By agreement between TRPA and the lead agency, the Area Plan and associated MOU may be reviewed concurrently at a single meeting, or sequentially at separate meetings. In all cases, the Area Plan and the MOU shall receive separate votes from the Governing Board based on the applicable criteria in this chapter. In all cases, the Area Plan shall be approved first, followed by approval of the MOU. Activities that are delegated or exempt from TRPA review shall be prescribed by ordinance immediately following MOU approval.

13.7.5. Deadline for MOU Approval and Suspension

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

13.8. MONITORING, CERTIFICATION, AND ENFORCEMENT OF AREA PLAN

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

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

13.8.2. Monitoring

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

13.8.3. Annual Review

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

13.8.4. Effect of Annual Review; Annual Report

A. Certification

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

B. Certification Conditionally Granted

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

C. Revocation of Part or All of MOU

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

13.8.5. Four-Year Recertification

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

13.9. APPEALS

13.9.1. Purpose

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

13.9.2. Appeal Allowed

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

13.9.3. Basis of Appeal

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

13.9.4. Exhaustion Required

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

13.9.5. Deadline

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

13.9.6. Content of Appeal

An application for appeal shall contain the following:

- A.** A clearly written statement explaining the grounds for appeal;
- B.** Documentation to support the appeal claim; and
- C.** Additional documentation may be provided by the applicant or lead agency to augment the record.

13.9.7. Fee

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

13.9.8. Stay of Lead Agency Decision

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

13.9.9. Review of Appeal

A. Staff Recommendation and Hearing

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

B. Governing Board Action

- 1.** The voting structure for the Governing Board for appeal decisions shall be the same as project votes before the Governing Board as defined in the Compact.
- 2.** The Governing Board may take action the first time the appeal is presented to the Board or, after hearing the appeal, continue the action to the next Governing Board meeting.

3. If no action is taken by the Governing Board at the initial meeting at which the appeal is presented, the Governing Board shall take action at the next Governing Board meeting.

C. Standard of Review

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

13.9.10. Effect of Decision

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

CHAPTER 14: SPECIFIC AND MASTER PLANS

14.1. PURPOSE

In accordance with the Goals and Policies, TRPA may adopt area-wide specific plans or project-oriented master plans to augment local plans. Specific or master plans are needed to provide more detailed planning to ensure that projects and activities are consistent with the Goals and Policies, the local plans, and the Code. Also, specific and master plans shall provide for phasing of development, systematic environmental and project review, and implementation of environmental control measures. A specific or master plan shall not be construed as a project approval and its adoption shall not guarantee approval of any level of development.

14.2. APPLICABILITY

14.2.1. General

Prior to adoption of a specific or master plan, all projects and activities shall be reviewed pursuant to the Code, applicable local plan, and the Goals and Policies.

14.2.2. Special Uses

The uses below require approval of either a specific or master plan.

A. Airports

Expansion of facilities or commercial air service at the South Lake Tahoe Airport, other than temporary expansions for testing purposes or projects for which exemptions from the federal court injunction of August 9, 1984, have been obtained, is prohibited until the adoption of an airport master plan.

B. Ski Areas

Expansion of use of ski areas, or the establishment of new ski areas, is prohibited until the adoption of a specific or master plan for the ski area.

C. Existing Commercial Facilities

Expansion of existing commercial facilities in areas subject to a requirement to prepare a specific or master plan may be approved pursuant to Chapter 50: *Allocation of Development*.

D. Cutting Trees on Private Lands

On private lands a forest management plan developed pursuant to this chapter and Section 61.1 may allow for the cutting of trees larger than 30 inches in westside forest types or trees larger than 24 inches in eastside forest types on private land.

14.3. ESTABLISHMENT OF SPECIFIC PLANS OR MASTER PLANS

The boundaries of specific or master plans, upon adoption, shall be depicted on the TRPA Plan Maps pursuant to Chapter 10: *TRPA Regional Plan Maps*, and the adopted supporting documents shall be set forth in the Regional Plan for the Lake Tahoe Basin, Special Plans.

14.4. ELIGIBLE AND REQUIRED AREAS

All areas are eligible for a specific or master plan. Some areas, such as the South Lake Tahoe Airport and ski areas are required by the Goals and Policies, Plan Area Statements, or the Code to have a TRPA-approved specific or master plan.

14.5. TIME LIMITS

Specific or master plans shall take effect upon adoption and shall remain in effect until amended or revoked by TRPA.

14.6. RELATIONSHIP TO PLAN AREA STATEMENTS AND COMMUNITY PLANS

Specific or master plans shall supplement, but shall not replace local plans, as they may be amended from time to time, and shall be consistent with local plans as follows:

14.6.1. Plan Area Statement Limitations

Where part or all of a specific or master plan falls within a plan area boundary, that portion of the specific or master plan shall be subject to the plan area statement limitations set forth for special designations, special policies, permissible land uses, density, bonus units, additional outdoor recreation limitations, and improvement programs.

14.6.2. Area and Community Plan Limitations

Where part or all of a specific or master plan falls within an area or community plan boundary, that portion of the specific or master plan shall be subject to the adopted area or community plan. No master or specific plan for an area within a community plan boundary shall be adopted unless the community plan is adopted, or the community plan is expected to be adopted within three years. In the latter case, a specific or master plan may be approved, provided the specific or master plan complies with those provisions of subparagraphs 12.7.3.A through E, inclusive, as applicable to the area impacted by the specific or master plan.

14.7. RELATIONSHIP TO GOALS AND POLICIES AND THE CODE

Specific or master plans shall be consistent with the Code and the Goals and Policies, as they may be amended from time to time.

14.8. SPECIFIC AND MASTER PLAN PROCESS

Specific or master plans shall be prepared, processed, and adopted as follows:

14.8.1. Initiation of Process

The initiation process shall be as follows:

- A.** TRPA, other agencies of jurisdiction, or the owner of the lands subject to the plan (hereinafter referred to as the “proponent”) may initiate the process.

CHAPTER 14: SPECIFIC AND MASTER PLANS

14.8 Specific and Master Plan Process

14.8.2 Approval of Work Program

- B.** A steering committee shall be formed representing community interests and shall include a designee of the Executive Director, a representative of the local government in whose jurisdiction the specific or master plan area is located, and a representative of the U.S. Forest Service if federal lands are within the specific or master plan area. The steering committee shall establish a planning team to prepare the specific or master plan.

14.8.2. Approval of Work Program

The planning team shall develop a specific or master work program consistent with subsection 14.8.3 and Section 14.9. The steering committee shall submit a recommended work program to the Executive Director of TRPA for approval. The Executive Director shall consider the recommendations of the steering committee and approve, deny, or modify the proposed work program.

14.8.3. Specific or Master Plan Preparation

Upon approval of the work program, the planning team shall prepare the specific or master plan as follows, with oversight from the steering committee:

- A.** Prepare a complete assessment of environmental opportunities and limitations;
- B.** Refine inventory and needs assessment;
- C.** Identify applicable plan and ordinance standards and policies and development guidelines;
- D.** Develop draft alternative plans, including a preferred alternative;
- E.** Prepare draft environmental documents;
- F.** Submit draft master plan and draft environmental documents to TRPA for circulation and public and agency review; and
- G.** Prepare recommended final plan and final environmental documents for TRPA and local government consideration.

14.8.4. Approval of a Specific or Master Plan

Upon receipt of a recommended final specific or master plan from the steering committee, the Advisory Planning Commission shall review the proposed plan and make recommendations to the Governing Board. Ski area master plans shall be prepared and reviewed in accordance with TRPA's "Ski Area Master Plan Guidelines," November 1990. The Governing Board shall consider the proposed plan as a regional plan amendment and approve, deny, or modify the specific or master plan.

14.8.5. Alternative Process

A. Minor Plans or Minor Modifications of Existing Plans

If TRPA finds that a specific or master plan, or modification thereof, does not propose any significant expansion of development and does not require an EIS, TRPA may waive the steering committee requirement.

B. Alternate Process

If TRPA finds that an alternate process to subsections 14.8.1 and 14.8.2 would better facilitate the planning process while still meeting the objectives of this chapter, a modified process may be approved. Modification of the process shall not alter the requirements of any other section of the Code applicable to specific or master plans.

14.9. CONTENT OF SPECIFIC AND MASTER PLANS

Each specific or master plan shall be tailored to fit the individual situation and proposed activities. An adopted specific or master plan shall be an integrated document consistent with the terminology of the Regional Plan. Each specific or master plan shall include, at a minimum, the items described below.

14.9.1. Physical Plan

The physical plan shall describe all existing and proposed improvements, including but not limited to, buildings, parking areas, roads, trails, temporary or permanent land disturbance, and utility connections. The physical plan shall address the phasing or scheduling of the proposed improvements and any special provisions for project review. For ski areas, the physical plan shall not propose any expansion of parking for day use, pursuant to Goal 2, Policy 11, of the Developed Recreation Subelement, Recreation Element of the Goals and Policies.

14.9.2. Operational Plan

The operational plan shall describe all existing and proposed operations, including but not limited to, traffic and circulation patterns, commercial operations, primary and accessory uses, periods of operation, and seasonal operations.

14.9.3. Mitigation Program

The mitigation program shall describe all mitigation measures incorporated into the plan to offset potential impacts identified in the environmental documentation, including but not limited to, erosion and runoff controls, revegetation and restoration, traffic mitigation, mitigation of shorezone impacts, mitigation of scenic impacts, and mitigation of impacts on fish and wildlife habitat. It shall also include construction schedules, maintenance programs, methods of mitigation, and dates of completion.

14.9.4. Monitoring Program

The monitoring program shall describe all monitoring necessary to ensure that the implementation of the plan is consistent with the Tahoe Regional Planning Compact, the Goals and Policies, environmental threshold carrying capacities, state and federal air and

water quality standards, and other applicable standards. The monitoring program shall include a summary of proposed funding sources.

14.10. FINDINGS FOR APPROVAL

14.10.1. General Findings

Before approving or amending a specific or master plan, the Governing Board shall find:

- A.** The plan is consistent with the Goals and Policies;
- B.** The plan is consistent with the Code;
- C.** The plan is consistent with the adopted plan area statement, area plan, or community plan applicable to the area;
- D.** The plan does not propose development of residential units, tourist accommodation units, commercial floor area, recreational PAOTs, or other limitations in excess of the limits set forth in the Regional Plan for the plan area; and
- E.** The plan is consistent with the attainment and maintenance of environmental threshold carrying capacities.

14.10.2. Exception

When portions of the area subject to a specific or master plan are outside the region, the foregoing findings shall apply only to the area within the region. When the project and activities proposed within the region, in combination with other projects and activities proposed in the specific or master plan outside the region, would prevent the attainment or maintenance of environmental thresholds, the finding set forth in 14.10.1.E shall not be made and the proposed specific or master plan shall not be approved.

CHAPTER 15: ENVIRONMENTAL IMPROVEMENT PROGRAM

15.1. PURPOSE

Consistent with the Implementation Element of the Regional Plan Goals and Policies, the Environmental Improvement Program (EIP) is designed to attain, maintain, or surpass multiple environmental thresholds through an integrated approach. This chapter relates to projects, programs, and studies identified by TRPA that address the attainment, maintenance, or surpassing of the environmental thresholds. This chapter defines the program and addresses the role that development projects and land use activities play in the implementation of threshold-related improvements.

15.2. APPLICABILITY

This chapter applies to all projects and activities in the region. All projects and activities that contribute or have the ability to contribute to the attainment, maintenance, or surpassing of thresholds are subject to the EIP.

15.3. DEFINITION OF ENVIRONMENTAL IMPROVEMENT PROGRAM (EIP)

The EIP is a process for identifying and implementing threshold improvements. Tools used in the process include the Code of Ordinances, capital improvement planning, programs, studies, a monitoring and tracking system, and a finance plan. The capital improvement component of the EIP shall identify physical project needs related to the adopted thresholds. Other needs shall be identified as continuing programs that typically require resources beyond a physical improvement project or require a long period of time to implement, and studies that are needed to improve knowledge regarding threshold attainment.

15.4. DEVELOPMENT AND ADMINISTRATION OF THE EIP

TRPA shall maintain a master list of threshold-related projects, programs, and studies from which priorities can be derived and implementation plans prepared. TRPA shall also develop a finance plan to implement and guide the EIP.

15.4.1. Preparation of the Priority EIP Project List

TRPA, in consultation with all appropriate public and private implementation entities, shall prepare a priority list of projects, studies, and programs that are anticipated or need to be completed for progressive threshold attainment. At a minimum, TRPA shall update the list annually.

A. Eligibility for Inclusion on the EIP List

Projects, programs, and studies shall be placed on the list if TRPA determines that:

1. The project, program, or study is needed for the attainment or maintenance of environmental thresholds;
2. The project, program, or study complies with the Goals and Policies, the applicable plan area statement, and the Code;

CHAPTER 15: ENVIRONMENTAL IMPROVEMENT PROGRAM

15.5 EIP Relationship to Other Plan Provisions

15.4.2 Finance Plan

3. The project, program, or study is consistent with the priorities and schedule of the EIP; and
4. The project, program, or study meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: *Required Findings*, in regards to consistency with threshold attainment.

B. Five-Year Priority List

TRPA shall establish and maintain a five-year priority list of projects, studies, and programs. This list shall be based on evaluations of progress toward threshold attainment, funding availability, and feasibility of implementation.

C. Amendment of the EIP or Priority Lists

After adoption of the initial lists by TRPA's Governing Board, the lists of projects, programs, and studies may be amended by TRPA's Executive Director provided that:

1. The findings in subparagraph 15.4.1.A are met for additions and for substitutes; and
2. For replacements, the project, program, or study is of equal or superior value to the one it is replacing.

15.4.2. Finance Plan

TRPA shall prepare a finance plan for the EIP that addresses all thresholds. It shall include short-term financing of the five-year priority list and long-term financing for threshold attainment. It shall be used to guide the implementation of the EIP and be updated annually.

15.5. EIP RELATIONSHIP TO OTHER PLAN PROVISIONS

The projects, studies, and programs listed in the EIP shall be consistent with applicable provisions of the Regional Plan.

15.5.1. Mitigation Fees

Priority for the release of mitigation fees collected under the requirements of Chapters 86: *Mitigation Fee Requirements*, 60: *Water Quality*, or 65: *Air Quality/Transportation*, shall be given to EIP projects or related improvement needs. The EIP list may also be used for securing the release of mitigation fees as provided in Section 15.6.

15.5.2. Residential Allocations

Pursuant to subparagraph 50.5.2.E, the number of residential allocations assigned to local government for distribution shall be contingent upon the development and implementation of an annual five-year water quality capital improvement project (CIP) list that is consistent with the EIP. The CIP list shall be submitted to TRPA annually for review and approval.

15.5.3. Commercial Special Project Allocations

Pursuant to subparagraph 50.6.4.D, a project, program, or study shall be identified in the EIP to qualify as a special project eligible for a commercial floor area allocation.

15.5.4. Relationship to State Transportation Department Responsibilities

In the case of the state transportation departments, the development of a five-year water quality improvement project list and performance shall be related to the implementation of their respective obligations under the Water Quality Management Plan for the Lake Tahoe Region (208 Plan).

15.5.5. Relationship to 208 Plan Capital Improvement Program and the Regional Transportation Plan/Air Quality Plan

Projects, studies, and programs listed in the EIP shall be considered as part of the capital improvement programs for the 208 Plan and the Regional Transportation Plan/Air Quality Plan.

15.6. LINKED PROJECT STATUS

The Governing Board may, upon making the findings in 15.6.1.A below, and after holding a public hearing, designate a project application within a special category: "Linked Project Status" or "Linked Industrial Project Status." Designation allows the applicant and TRPA to engage in negotiations for approval of a development project that encompasses or is linked to a parcel beyond the proposed project area and accomplishment of one or more EIP improvement projects. Linked industrial project status may be granted to noncontiguous parcels for land coverage calculations pursuant to subparagraph 30.4.1.C.2.a(v).

15.6.1. Designation Parameters

Upon designation of a project to this special category, the applicant and TRPA staff shall have a maximum of two years to obtain TRPA approval. Failure to meet this deadline shall void the designation of the project's linked project status unless an extension of time is approved by the Board.

A. Criteria

A development project may be designated as a candidate for linked project or linked industrial project status if:

1. The development project is linked to accomplishment of one or more EIP projects, but is not an EIP project itself;
2. Participation in creating environmental improvements goes beyond that otherwise required on site for the non-EIP project;
3. There is more than one stakeholder required to accomplish the EIP improvements;
4. Accomplishment of the EIP project(s) may require an agreement between TRPA and implementation partners;
5. A combination of public and private funds may be required to accomplish the affected EIP projects; and
6. Status designation is justified as the best approach to EIP Implementation.

15.6.2. Acceptance of Pre-Development Agreement

In the event a pre-development agreement is needed, the Board shall approve it prior to submittal of a project application. Completion of this step does not guarantee Board adoption of any proposed ordinance amendments that may be identified.

15.6.3. Findings for Linked Project Status Designation

TRPA shall make the following findings prior to acceptance of a pre-development agreement:

- A.** The applicant has acknowledged in writing that there is no guarantee a non-EIP project will be approved as a result of linked project status, and has agreed to follow all TRPA rules and regulations if the application is approved by the TRPA Governing Board;
- B.** The project confers public benefit or use, and results in threshold improvement beyond that which would be required to mitigate the threshold impacts of the non-EIP project;
- C.** The applicant has submitted appropriate fees related to review and identified mitigation, consistent with current fee schedules for a completed project, and agrees to pay all added necessary fees for the negotiated project;
- D.** At a minimum, the project shall contribute to the construction of at least one EIP project or portion thereof larger than that required on the subject parcel; and
- E.** The project will need a combination of private and public funding support, and demonstrates the necessity of a partnership approach in order to accomplish an EIP project with substantial threshold improvement.

15.6.4. Findings for Linked Industrial Project Status

The TRPA Governing Board may designate projects as “Linked Industrial Project Status” if it is found that:

- A.** The project qualifies for linked project status pursuant to subsection 15.6.1;
- B.** The noncontiguous parcel to be developed is in a community plan designated as a “Preferred Industrial Area”;
- C.** The noncontiguous parcels are within the same hydrologic area;
- D.** The parcel on which the EIP project occurs is classified as sensitive and will be restored pursuant to the conditions of the approved EIP project; and
- E.** The land coverage for the noncontiguous parcel within the community plan does not exceed the maximum coverage limits of 70 percent, pursuant to Section 30.4.

CHAPTER 16: REGIONAL PLAN AND ENVIRONMENTAL THRESHOLD REVIEW

16.1. PURPOSE

The purpose of this chapter is to identify the means and time schedules by which environmental threshold carrying capacities ("thresholds") and applicable local, state, and federal air and water quality standards ("standards") shall be attained or maintained, pursuant to the requirements of the Tahoe Regional Planning Compact and the Goals and Policies. This chapter also sets forth the procedures for determining the status of progress on attainment of thresholds and standards, identifying supplemental measures to ensure progress on attainment of thresholds and standards, and reviewing projects in light of progress on attainment of thresholds and standards.

16.2. APPLICABILITY

The provisions of this chapter implement and monitor the Regional Plan package, including, but not limited to, the Goals and Policies, Plan Area Statements, and this Code. This chapter also applies to the findings required for approval of any project, or to amend the Regional Plan, as set forth in Chapter 4: *Required Findings*, of this Code.

16.3. DEFINITIONS

16.3.1. Additional Factors

A factor related to attainment or maintenance of a threshold or standard that, unlike an indicator, does not have a direct, quantifiable relationship to attainment or maintenance of that threshold or standard (e.g., allocations of residential development, funding commitments for erosion control projects).

16.3.2. Compliance Measure

A program, regulation, or measure including, but not limited to, capital improvements, operational improvements, or controls on additional development to reduce, avoid, or remedy an environmental impact of activities within the Tahoe region or to promote attainment or maintenance of any threshold or standard.

16.3.3. Indicator

Any measurable physical phenomena within the Tahoe region whose status, according to the best available scientific information, has a direct relationship to the status of attainment or maintenance of one or more threshold or standards (e.g., traffic volume).

16.3.4. Interim Target

A goal expressed in terms of the applicable measurement standard that reflects the status of a threshold or standard that TRPA expects to achieve at a major evaluation interval specified for that threshold or standard.

16.3.5. Major Evaluation Interval

A fixed period of time during which TRPA will monitor and at the end of which TRPA will evaluate and report upon the interim status of a threshold or standard. Such intervals may be different for each threshold or standard.

16.3.6. Measurement Standard

A standard scientific unit for the measurement of the status of a threshold, standard, or indicator (e.g., for suspended sediment concentrations in a water body, milligrams per liter (mg/l)).

16.3.7. Target Date

A specific calendar date on which TRPA expects to attain a threshold or standard that is not now in attainment.

16.3.8. Supplemental Compliance Measure

A compliance measure that is not being implemented at a given time but that TRPA may employ to attain or maintain a threshold or standard at a later date.

16.4. INDICATORS OF THRESHOLD AND STANDARD ATTAINMENT AND MAINTENANCE

The TRPA shall identify and apply indicators applicable to each threshold and standard according to the provisions below.

16.4.1. Identification and Monitoring of Indicators

A. TRPA Identification of Indicators

TRPA shall identify sufficient indicators for each threshold and standard so that, evaluated separately or in combination, the indicators shall accurately measure, on a continuing basis, the status of attainment or maintenance of that threshold or standard, taking into account the impacts of both development in the region and implementation of compliance measures. In monitoring and reporting on the status of indicators, as called for in this chapter, TRPA shall use the appropriate measurement standards for those indicators. TRPA shall use consistent measurement standards over time so that reports will provide easily comparable data throughout the evaluation period.

B. Sub-Regional Indicators

Most indicators will have region-wide applicability. However, where necessary to ensure compliance with sub-regional thresholds or standards, sub-regional indicators shall be identified as well.

16.4.2. List of Indicators

TRPA shall maintain and update from time to time a list of all indicators and the threshold or thresholds to which they apply.

16.4.3. Identification of Current Status

As necessary, to ensure adequate monitoring of progress toward attaining and maintaining thresholds and standards, at least annually, TRPA shall provide the following status report:

- A.** List the current status, expressed using the appropriate measurement standard, of each indicator for which TRPA has reliable data; and
- B.** List those indicators for which TRPA lacks reliable data sufficient to identify current status, and a program, including an implementation timetable, to provide sufficient reliable data to allow TRPA to report, on a continuing basis, the status of that indicator.

16.4.4. Reliance on Indicators

For as long as TRPA lacks reliable data sufficient to identify the current status of any indicator identified pursuant to subsection 16.4.1, TRPA shall not rely on that indicator to determine the status of or progress toward attainment and maintenance of any affected threshold or standard.

16.4.5. Additional Factors

TRPA shall identify and report on the status of additional factors that may be useful as short-term or indirect measures of attainment or maintenance of thresholds and standards. Such factors shall not substitute for or override the indicators identified pursuant to subsection 16.4.1, but may be used to evaluate progress toward threshold attainment or maintenance.

16.5. THRESHOLD ATTAINMENT SCHEDULES

TRPA shall identify the attainment status of each threshold and standard and applicable target dates, taking into account compliance measures and expected development supported by adequate evidence in the record, according to the provisions below.

16.5.1. Listing of Attainment Status and Target Dates

Within 120 days of the effective date of the Regional Plan, TRPA shall list each threshold and standard that is then in attainment status. At the same time, TRPA shall establish a target date to achieve attainment of all other thresholds and standards. Thereafter, if TRPA finds that any threshold or standard is not in attainment, and without a target date for attainment, TRPA shall promptly establish a target date for that threshold or standard.

16.5.2. Interim Targets

At the time of establishment of any target date, TRPA shall identify major evaluation intervals for each threshold and standard, whether in attainment or not. The major evaluation intervals for each threshold shall be correlated with interim targets for that threshold.

16.5.3. Use of Measurement Standards

In establishing the dates and targets pursuant to subsections 16.5.1 and 16.5.2, TRPA shall utilize the measurement standards applicable to the indicators for each threshold.

16.6. COMPLIANCE MEASURES

TRPA shall identify and evaluate compliance measures necessary to ensure attainment and maintenance of the thresholds and standards according to the following provisions:

16.6.1. List of Compliance Measures

Within 120 days of the effective date of the Regional Plan, TRPA shall maintain a separate list for each threshold and standard of all compliance measures actually being implemented to attain or maintain that threshold or standard.

16.6.2. Effectiveness of Compliance Measures

The list maintained pursuant to subsection 16.6.1 shall include, for each compliance measure, a schedule showing how much and at what rate that measure is contributing and is expected to contribute to the attainment or maintenance of the affected threshold or standard. These schedules shall be at a level of detail consistent with the best scientific information available on cause and effect relationships. Each schedule shall be consistent with the dates and targets called for pursuant to subsections 16.5.1 and 16.5.2.

16.6.3. Updating of Compliance Measure List

Based on the reports produced pursuant to this subsection 16.6.3 and other relevant data, TRPA shall periodically update the information set forth in the list of compliance measures maintained pursuant to subsections 16.6.1 and 16.6.2.

16.6.4. Adequacy of Compliance Measures

At all times, TRPA shall ensure that attainment or maintenance of thresholds and standards shall be achieved in accordance with the target dates established pursuant to subsections 16.5.1 and 16.5.2, taking into account the actual and anticipated impacts of all projects permitted and expected to be permitted in the region and the implementation of compliance measures listed in subsection 16.6.1 and supplemented as necessary by measures listed in subsection 16.7.1. When a compliance measure listed in subsection 16.7.1 or any other measure is actually implemented, it shall be added to the list maintained pursuant to subsection 16.6.1.

16.7. SUPPLEMENTAL COMPLIANCE MEASURES

To ensure attainment and maintenance of thresholds and standards, TRPA may employ supplemental compliance measures according to the following provisions:

16.7.1. List of Supplemental Compliance Measures

In addition to the compliance measures implemented pursuant to Section 16.6, TRPA shall maintain a list of compliance measures that it plans to implement, or could implement if necessary, to ensure the attainment and maintenance of all thresholds and standards pursuant to subsection 16.6.4.

16.7.2. Effectiveness of Supplemental Compliance Measures

The list maintained pursuant to subsection 16.7.1 shall include for each measure a schedule showing how much and at what rate that measure will contribute to the attainment or maintenance of thresholds and standards. These schedules shall be at a level of detail consistent with the best scientific information available on cause and effect relationships. The expected contribution of each supplemental compliance measure shall be expressed, as to any threshold, in the applicable measurement standards.

16.7.3. Updating of Supplemental Compliance Measure List

TRPA shall periodically update the information set forth in its list of supplemental compliance measures maintained pursuant to subsections 16.7.1 and 16.7.2.

16.7.4. Identification of Additional Compliance Measures

TRPA shall endeavor to identify additional compliance measures, to provide maximum flexibility in determining compliance with subsection 16.6.4. Whenever TRPA identifies an additional compliance measure appropriate for possible implementation pursuant to subsection 16.6.4, TRPA shall add that measure to the list maintained pursuant to subsection 16.7.1 until it is removed from the list or implemented, in which case it shall be added to the list maintained pursuant to subsection 16.6.1.

16.8. EFFECTS OF PROJECTS ON ATTAINMENT AND MAINTENANCE OF THRESHOLDS AND STANDARDS

TRPA shall utilize the information developed pursuant to Sections 16.5, 16.6, and 16.7 in the project review process according to the following provisions:

16.8.1. Project Review

For each proposed project, TRPA shall, as part of its record of review, identify the nature, extent, and timing of impacts on any threshold that would be affected by the project, including mitigation measures required as part of the proposal. Positive and negative impacts shall be identified separately, using, wherever possible, measurement standards consistent with the indicators identified pursuant to subsection 16.4.1.

16.8.2. Cumulative Account

Using the information identified pursuant to subsection 16.8.1, and in conjunction with the tracking and accounting provisions of Chapter 6: *Tracking and Accounting*, TRPA shall maintain a current cumulative account, for the purpose of assessing cumulative impacts on interim targets established pursuant to subsection 16.5.2, for projects approved after the effective date of the Regional Plan, of at least the following items:

A. Units of Use

Residential, commercial, tourist, and recreational allocations.

B. Resource Utilization

Additional vehicle miles traveled, vehicle trip ends, impervious coverage, water demand, sewage disposal capacity, and area of SEZ disturbance.

C. Threshold Attainment and Maintenance

Value of investments in water quality, air quality, transportation and coverage mitigation programs, and area of SEZ restoration.

16.9. REPORTS

TRPA shall prepare periodic reports on the attainment and maintenance of thresholds and standards as follows:

16.9.1. Periodic Progress Reports

No later than four years from the effective date of the Regional Plan, and every four years thereafter, and more frequently if necessary to ensure adequate monitoring of progress toward attainment and maintenance of thresholds and standards, TRPA shall issue a progress report. The report shall include, at a minimum:

- A.** A report on the amount and rate of actual progress toward threshold and standard attainment contributed by each compliance measure listed pursuant to Section 16.6, and toward the interim targets established pursuant to Section 16.5, using the applicable measurements standards for each compliance measure;
- B.** A report on the current cumulative impacts on each threshold of projects approved by TRPA from the effective date of the Regional Plan and from the date of the previous periodic report, including but not limited to the information maintained by TRPA pursuant to subsection 16.8.2;
- C.** A report on the status of each of the additional factors identified pursuant to subsection 16.4.5;
- D.** A report on the extent to which the region, or applicable sub-region, is making progress toward achieving each threshold and standard, the current status of any applicable indicators identified pursuant to subsection 16.4.1, the relationship of that status to meeting or failing to meet applicable target dates and interim targets established pursuant to Section 16.5; and
- E.** Recommendations, as necessary, based on the information provided in subparagraphs A through E, inclusive, for implementation of any supplemental compliance measures identified pursuant to Section 16.7 or otherwise, or modification or elimination of compliance measures listed pursuant to Section 16.6, to ensure that progress toward attainment and maintenance of all thresholds and standards is consistent with the target dates established pursuant to subsection 16.5.1.

16.9.2. Annual Reports

At least annually, TRPA shall issue a report on the status of each program identified by TRPA pursuant to subsection 16.4.3 to ensure the provision of reliable and sufficient data for all indicators.

16.9.3. Other Reports

State or federal laws may require TRPA to prepare evaluation reports on specific subjects and schedules (e.g., Reasonable Further Progress Reports under the federal Clean Air Act, triennial review of state 303(e) basin plans under the federal Clean Water Act). To the extent feasible, the TRPA shall coordinate these reviews with the evaluation process and reports described herein, while still complying with the requirements of other agencies or state or federal law.

16.10. LOCAL, STATE, AND FEDERAL AIR AND WATER QUALITY STANDARDS

Pursuant to Article V(d) of the Tahoe Regional Planning Compact, TRPA shall provide for attaining and maintaining local, state, and federal air and water quality standards, whichever are strictest, in the portions of the region where they are applicable. To the extent that such standards are more stringent than the TRPA thresholds, TRPA shall monitor and ensure the attainment and maintenance of such standards consistent with the provisions of this chapter.

16.11. MONITORING PROGRAM

Pursuant to the Goals and Policies and as required to implement this chapter, TRPA shall prepare and carry out a Monitoring Program, including a long-term monitoring strategy and short-term monitoring work plans. The monitoring program shall evaluate environmental quality, indicators, compliance measures, interim targets, and other related items by the specific methods set forth in the Monitoring Program.



TRPA

Code of Ordinances

Adopted by Governing Board

December 12, 2012

Effective February 9, 2013

Amended September 27, 2023

Land Uses

TRPA Code of Ordinances

Adopted by Governing Board December 12, 2012 | Amended December 13, 2023

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CHAPTER 20: RESERVED

CHAPTER 21: PERMISSIBLE USES

21.1. PURPOSE

This chapter sets forth the allowable uses for the land areas within the region. Allowable uses for the nearshore, foreshore, backshore, and lakezone are set forth in Chapter 81: *Permissible Uses and Structures in the Shorezone and Lakezone*. The concept of "use" includes any activity, whether related to land, water, air, or other resources of the region. The primary uses are "allowed," "special," and "nonconforming," the applicability of which terms to a particular parcel shall be determined by reference to the plan area statements and maps, area plans, community plans, redevelopment plans, and specific or master plans, as the case may be. The list of primary uses is in Section 21.4.

21.2. APPLICABILITY

All parcels have one or more primary uses as defined in this Code, except for parcels that are undeveloped or unimproved and have no established use. Such parcels are considered vacant parcels. Vacant parcels are entitled to apply for a use pursuant to the provisions of the Code. The regulation of projects and activities pursuant to primary uses is described in this section.

21.2.1. Allowed Uses

Uses listed in applicable local plans, redevelopment plans, or specific or master plans as "allowed" ("A") are appropriate uses for the specified area, and projects and activities pursuant to such uses may be permitted. Allowed uses are assumed to be compatible with the direction of the Regional Plan and the surrounding uses.

21.2.2. Special Uses

Uses listed in applicable local plans, redevelopment plans, or specific or master plans as "special" ("S") may be determined to be appropriate uses for the specified area, and projects and activities pursuant to such uses found to be appropriate may be permitted. To allow a special use, TRPA shall conduct a public hearing according to the procedures in the TRPA Rules of Procedure. Before issuing an approval, TRPA shall make the following findings:

- A. The project to which the use pertains is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which and surrounding area in which it will be located;
- B. The project to which the use pertains will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners; and
- C. The project to which the use pertains will not change the character of the neighborhood, or detrimentally affect or alter the purpose of the applicable local plan, and specific or master plan, as the case may be.

CHAPTER 21: PERMISSIBLE USES

21.3 Accessory Uses

21.2.3 Nonconforming Uses

Uses legally commenced prior to the effective date of the Regional Plan, July 1, 1987, that would be prohibited if new are nonconforming uses and may be continued, subject to the provisions of Section 21.5. Existing development in a special use category for which the findings in subsection 21.2.2 have not been or cannot be made are nonconforming uses.

21.2.4. Prohibited Uses

Proposed uses not listed in applicable plan area statements, community plans, redevelopment plans, Area Plans, and specific or master plans are prohibited. Also, proposed special uses for which the findings in subsection 21.2.2 cannot be made are prohibited uses.

21.2.5. Gaming Uses

Gaming uses that are recognized as permitted and conforming uses are set forth in Article VI(d) of the Compact.

21.3. ACCESSORY USES

Accessory uses shall be regulated pursuant to the regulations applicable for the primary use upon which the accessory use is dependent. No project or activity pursuant to an accessory use may be permitted without a related existing or approved primary use on the same parcel.

21.3.1. Examples of Accessory Use

Accessory uses are defined in Section 90.2. Examples of accessory uses and related major categories of primary uses are as follows:

A. Residential

Accessory uses such as garages, green houses, homeowner association offices, art studios, workshops, swimming pools, storage structures, exempt home occupations, tennis courts, dog runs, emergency facilities, home occupations, accessory dwelling units, and other uses listed in the definition of a “primary use” as accessory.

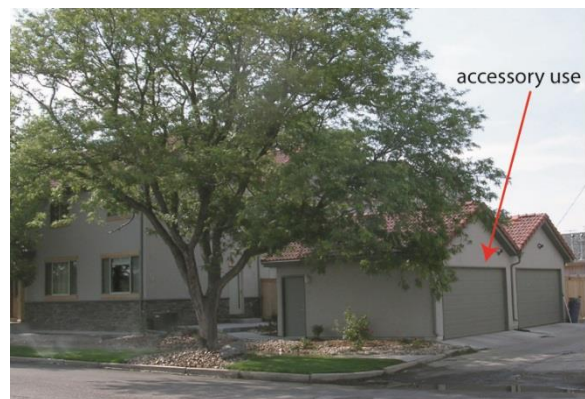


Figure 21.3.1-A: Example Residential Accessory Use

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21.3 Accessory Uses

21.3.2 Accessory Dwelling Units (formerly Secondary Residences)

B. Tourist Accommodation

Accessory uses such as garages, parking lots, swimming pools, tennis courts, bars and restaurants, equipment rental, maintenance facilities, laundries, gymnasiums, coin operated amusements, meeting rooms, managers quarters, child care facilities, emergency facilities, employee facilities other than housing, accessory dwelling units, restricted gaming (Nevada only), and other uses listed in the definition of a “primary use” as accessory.



Figure 21.3.1-B: Example Tourist Accommodation Accessory Use

C. Commercial

Accessory uses such as garages, parking lots, emergency facilities, maintenance facilities, employee facilities other than housing, accessory dwelling units, restricted gaming (Nevada only), storage buildings, and other uses listed in the definition of a “primary use” as accessory.

D. Public Service

Accessory uses such as garages, accessory dwelling units, and emergency facilities.

E. Recreation

Accessory uses such as garages, emergency facilities, child care, related commercial sales and services such as ski shops, pro shops, marine sales and repairs, parking lots, maintenance facilities, swimming pools, tennis courts, employee facilities other than housing, accessory dwelling units, outdoor recreation concessions, bars and restaurants, and other uses listed in the definition of a “primary use” as accessory.



Figure 21.3.1-C: Example Recreation Accessory Use

21.3.2. Accessory Dwelling Units (formerly Secondary Residences)

Accessory dwelling units (ADUs) shall be considered an accessory use to the primary use it serves and may be permitted where the primary use is a permissible use. An accessory dwelling unit shall be considered a residential unit subject to the residential

CHAPTER 21: PERMISSIBLE USES

21.3 Accessory Uses

21.3.3 Local Utility Lines

allocation limitations and transfer provisions. An accessory dwelling unit shall be eligible for a residential bonus unit provided it meets the requirements of Section 52.3.4. Accessory dwelling units shall not be considered in the calculation of density.

- A.** Up to two accessory dwelling units per parcel shall be considered accessory uses where the primary use is a single-family or multi-family use and is a permissible use. These units may include a guest house or an affordable, moderate, achievable, or market-rate rental unit. They may be attached, within, or detached from the main dwelling.
- B.** One accessory dwelling unit shall be considered an accessory use where the primary use is a commercial use, public service, or recreational use. These units may include an affordable or market-rate rental unit; a caretaker residence; and a manager's quarters for a tourist accommodation use or multi residential use other than multi-family.

21.3.3. Local Utility Lines

Service drops and connections and local distribution lines are accessory to the structure that they serve and may be permitted even though they are not on the same parcel.

21.3.4. Outside Display and Storage

Unless the definition of a primary use states that outside storage or display of material or merchandise is included as part of the use, such storage or display shall be considered accessory uses and subject to TRPA approval. TRPA may permit accessory outside display or storage of material or merchandise, as defined in subparagraphs A and B below, on an overnight basis only if the plan area lists secondary storage as a permissible use. Accessory outside display of merchandise for commercial purposes on a daily basis may be permitted by TRPA under the special use provisions of Section 21.2, provided the merchandise does not remain outside when the primary use is not in operation. Temporary outdoor sales are regulated under Chapter 22: *Temporary Uses, Structures, and Activities*.

- A. Accessory Outside Storage**
Storage of materials and equipment that constitutes secondary storage and that is located outside of a walled building or under the roof of a non-walled building.
- B. Accessory Outside Display**
Exhibition of merchandise for public view that constitutes secondary storage and that is located outside of a walled building or under the roof of a non-walled building.

21.3.5. Determination of Accessory Use

Accessory uses not listed as accessory by example above may be considered accessory upon a finding by TRPA that the use is accessory based on the criteria in subsection 21.3.1.

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21.4 List of Primary Uses

21.3.6 Living Area Associated with Residential Accessory Structures

21.3.6. Living Area Associated with Residential Accessory Structures

Living area associated with a permissible residential accessory structure that does not constitute a residential unit, as defined in Chapter 90: *Definitions* may be permitted provided that such living area does not contain any of the following:

- A. Any item listed under “cooking facilities” as defined in Chapter 90: *Definitions*, or areas for the insertion of these items;
- B. Both a bathing facility and a wet bar (either a bathing facility or a wet bar may be permitted);
- C. More than one toilet or more than one bathing facility; or
- D. Living area greater than 50 percent of the living area of the primary residence, or greater than 640 square feet, whichever area is less.

21.3.7. Threshold-Related Research Facilities

Facilities may be designated “Threshold-Related Research Facilities” if they meet the following criteria:

- A. The facilities shall be primarily used to implement social, political, and scientific research relating to the Lake Tahoe Environmental Thresholds or the Lake Tahoe ecosystem;
- B. Structures and related improvements designated as “Threshold-Related Research Facilities” shall provide adequate security, such as a bond, lease requirement, deed restriction, or other appropriate mechanism, to assure their removal or conversion consistent with TRPA ordinances upon discontinuance of threshold research;
- C. “Threshold-Related Research Facilities” shall be located in community plan areas unless TRPA finds that there is a demonstrated need to locate them outside a community plan area, the use is designated a special use by the applicable plan area statement, and the project area for which the threshold related research facility is proposed contains existing development; and
- D. Subject to the provisions for development rights and allocation of residential development, overnight multi-person facilities for up to 25 persons and caretaker facilities may be deemed accessory to this use.

21.3.8. Accessory Biofuel Facilities

Biofuel facilities that are considered an accessory use may be permitted under the special use provisions of Section 21.2.

21.4. LIST OF PRIMARY USES

This section lists all primary uses that may be permitted within the land area of the region. Each use is defined in this section. Any use not listed in this section, presently or as amended,

CHAPTER 21: PERMISSIBLE USES

21.4 List of Primary Uses

21.3.8 Accessory Biofuel Facilities

is prohibited. Plan area statements, community plans, redevelopment plans, Area Plans, and specific or master plans shall determine if a use is an allowable use, a special use, a prohibited use, or a nonconforming use for a specific parcel. The uses listed in this section, including the definitions of the uses in this section, shall apply to and govern all other chapters of this Code, plan area statements, community plans, redevelopment plans, Area Plans, and specific or master plans. Uses listed in this section may be considered accessory uses if they are listed in Section 21.3.

CHAPTER 21: PERMISSIBLE USES

21.4 List of Primary Uses

21.3.8 Accessory Biofuel Facilities

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
RESIDENTIAL	
Employee housing	Residential units owned and maintained by public or private entities for purposes of housing employees of said public or private entity.
Mobile home dwelling	A home built entirely in the factory on a non-removable steel chassis that is transported to the building site on its own wheels and was installed prior to June 15, 1976, when the Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect.
Multiple-family dwelling	More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. Up to two accessory dwelling units are included; see “Accessory Dwelling Unit.”
Multi-person dwelling	A building designed primarily for permanent occupancy by individuals unrelated by blood, marriage, or adoption in other than single-family dwelling units or transient dwelling units. A multi-person dwelling includes, but is not limited to, facilities such as dormitories and boarding houses, but not such facilities as hotels, motels, and apartment houses.
Nursing and personal care	Residential establishments with in-patient beds providing nursing and health-related care as a principal use, such as skilled nursing care facilities, extended care facilities, convalescent and rest homes, and board and care homes.
Raising domestic animals	The keeping, feeding, or grazing of animals as an avocation, hobby, or school project, secondary to the principal residential use of a property greater than two acres. The use applies to species commonly considered as farm animals, but does not include exotic animals. Household pets, such as dogs and cats, are included when such animals are being bred for commercial reasons. Outside storage or display is included as part of the use.
Residential care	Establishments primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on ability for self care, but where medical care is not a major element. The use includes, but is not limited to, children's homes, halfway houses, orphanages, rehabilitation centers, and self-help group homes.
Single-family dwelling	One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. Up to two Accessory Dwelling Units are included; see “Accessory Dwelling Unit.”
Summer home	A cabin-type single-family house intended primarily for intermittent vacation use and located in USFS summer home tracts or other remote recreation sites. Such structures are generally located in areas of restricted winter access.

CHAPTER 21: PERMISSIBLE USES

21.4 List of Primary Uses

21.3.8 Accessory Biofuel Facilities

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
TOURIST ACCOMMODATION	
Bed and breakfast facilities	Residential-type structures that have been converted to or constructed as tourist accommodation facilities where bedrooms without individual cooking facilities are rented for overnight lodging, and where at least one meal daily is provided. The use does not include "Hotels and Motels," which are defined separately; nor rooming and boarding houses (see "Multi-Person Dwellings").
Hotel, motel, and other transient dwelling units	Commercial transient lodging establishments, including hotels, motor-hotels, motels, tourist courts, or cabins, primarily engaged in providing overnight lodging for the general public whose permanent residence is elsewhere. This use does not include "Bed and Breakfast Facilities" or "Vacation Rentals."
Time sharing (hotel/motel design)	A right to exclusively use, occupy, or possess a tourist accommodation unit of a hotel/motel design without kitchen units, according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three years.
Time sharing (residential design)	A right to exclusively use, occupy, or possess a tourist accommodation unit of a residential design with kitchen units, according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three years.
COMMERCIAL	
Retail	
Auto, mobile home and vehicle dealers	Retail trade establishments selling new and used automobiles, boats, vans, campers, trucks, mobile homes, recreational and utility trailers, motorcycles, golf carts, snowmobile and jet skis (except bicycles and mopeds; see "General Merchandise"). Such businesses are considered a primary use when the establishment sells more than six vehicles per calendar year. The use also includes establishments selling new automobile parts, tires, and accessories (including tire recapping establishments), as well as establishments dealing in used automobiles exclusively. Includes automobile repair shops only when maintained by an establishment selling new vehicles on the same site. Does not include establishments dealing exclusively in used parts (see "Recycling and Scrap") or outside sales (see "Secondary Storage" or "Sales Lots").
Building materials and hardware	Retail trade establishments within buildings primarily engaged in selling lumber and other building materials, including paint, wallpaper, glass, hardware, nursery stock, and lawn and garden supplies. The use includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales. Outside storage or display is included as part of the use. Establishments primarily wholesaling plumbing, heating and air conditioning equipment, and electrical supplies are classified in "Wholesale and Distribution."

CHAPTER 21: PERMISSIBLE USES

21.4 List of Primary Uses

21.3.8 Accessory Biofuel Facilities

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Eating and drinking places	Restaurants, bars, and other establishments selling prepared foods and drinks for on-premise consumption, as well as facilities for dancing and other entertainment that are accessory to the principal use of the establishment as an eating and drinking place. The use also includes drive-in restaurants, lunch counters, and refreshment stands selling prepared goods and drinks for immediate consumption.
Food and beverage retail sales	Retail trade establishments primarily engaged in selling food for home preparation and consumption, as well as the retail sale of packaged alcoholic beverages for consumption off the premises. The use includes establishments such as grocery stores, convenience stores, and liquor stores. Such establishments may include no more than two gas pumps as an accessory use.
Furniture, home furnishings and equipment	Retail trade establishments primarily engaged in selling home furnishings such as furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances, including televisions and home sound systems. Also includes the retail sale of office furniture.
General merchandise stores	Retail trade establishments such as department stores, variety stores, drug and discount stores, and general stores engaged in retail sales of one or more lines of new and used merchandise, including: dry goods, apparel and accessories; small wares; sporting goods and equipment; bicycles and mopeds, parts and accessories. The use also includes sales of miscellaneous shopping goods such as: books; stationery; jewelry; hobby materials, toys and games; cameras and photographic supplies; gifts, novelties and souvenirs; luggage and leather goods; fabrics and sewing supplies; florist and house plant stores; cigar and newsstands; artists supplies; orthopedic supplies; religious goods; handcrafted items (stores for which may include space for crafting operations when such area is accessory to retail sales); and other miscellaneous retail shopping goods.
Mail order and vending	Establishments primarily engaged in retail sale of products by catalog and mail order. The use includes vending machine distributorships and suppliers. The use does not include product manufacturing, which is included under the appropriate manufacturing use.
Nursery	Commercial retail and wholesale establishment where plants are grown or stored for transplanting at other sites. Outside storage or display is included as part of the use.
Outdoor retail sales	Retail trade establishments operating outside of buildings on a daily or weekly basis, such as: roadside stands; flea markets; swap meets; seasonal sales involving Christmas trees, fireworks, pumpkins, or other seasonal items; regular sales of art or handcrafted items in conjunction with community festivals or art shows; and retail sales of various products from individual motor vehicles locations outside the public right-of-way, not including bakery, ice cream, and similar vending vehicles that conduct all sales within the right-of-way and do not stop in any location except on customer demand. Outside storage or display is included as part of the use.

CHAPTER 21: PERMISSIBLE USES

21.4 List of Primary Uses

21.3.8 Accessory Biofuel Facilities

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Service stations	Retail trade establishments primarily engaged in the sale of gasoline, which may also provide lubrication, oil change and tune-up services, and the sale of automotive products incidental to gasoline sales. The use may also include as accessory uses towing, mechanical repair services, car washing and waxing, and trailer rental. The use does not include storage of wrecked or abandoned vehicles, paint spraying body and fender work, and retail sale of gasoline as an accessory use to food and beverage retail sales when limited to not more than two pumps.
Entertainment	
Amusements and recreation services	Establishments providing amusement or entertainment for a fee or admission charge, such as: arcades and coin-operated amusements; billiard and pool halls; bowling alleys; card rooms; clubs and ballrooms that are principal uses rather than being subordinate to an eating or drinking place; dance halls; gymnasiums; health and athletic clubs; ice skating and roller skating facilities; indoor sauna, spa, or hot tub facilities; motion picture theaters; reducing salons; and tennis, handball, racquetball, indoor archery and shooting ranges, and other indoor sports activities.
Gaming-non restricted (Nevada only)	Establishments, regulated pursuant to Article VI(d) through (i) of the Compact, that deal, operate, carry on, conduct, maintain, or expose for play any banking or percentage game played with cards, dice, or any mechanical device or machine for money, property, checks, credit, or any representative of value. The use does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes, or games operated by charitable or educational organizations to the extent excluded by state law. Restricted gaming is permissible only as an accessory use.
Outdoor amusements	Commercial establishments for outdoor amusement and entertainment such as: amusement parks; theme and kiddie parks; go cart and miniature auto race tracks; moped, bicycle, and skate rentals; and miniature golf courses. Outside storage or display is included as part of the use.
Privately owned assembly and entertainment	Commercially operated facilities for public assembly and group entertainment with a capacity of greater than 300 people, such as: auditoriums; exhibition and convention halls; theaters, meeting halls and facilities for "live" theatrical presentations or concerts by bands and orchestras; amphitheaters; meeting halls for rent; and similar public assembly uses.
Services	
Animal husbandry services	Establishments primarily engaged in performing services for animals, such as veterinary services, animal hospitals, and animal kennels. The use does not include publicly operated animal control and wildlife care (see "Local Public Health and Safety Facilities").
Auto repair and service	Service establishments engaged in repair, alteration, painting, washing, or waxing of automobiles as a principal use. The use also includes storage and maintenance yards for rental of cars, trucks, or trailers. Outside storage or display is included as part of the use. The use does not include: automobile parking (see "Transportation"); repair shops subordinate to and maintained by

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21.4 List of Primary Uses

21.3.8 Accessory Biofuel Facilities

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
	a vehicle dealership; service stations (which are separately defined); or automobile wrecking yards (see "Recycling and Scrap").
Broadcasting studios	Communication establishments such as telegraph, telephone, radio and television broadcasting and receiving stations, and studios, contained entirely within buildings. Transmission and receiving apparatus, such as towers, lines, reflectors, and antennas are included under the definition for "Transmission and Receiving Facilities."
Business support services	Service establishments within buildings that provide other businesses with services including maintenance, repair and service, testing, and rental. This includes establishments such as: outdoor advertising services, mail advertising services (reproduction and shipping); blueprinting, photocopying, and photofinishing; computer-related services (rental, repair, and maintenance); commercial art and design (production); film processing laboratories; and services to structures such as window cleaning, exterminators, janitorial services, and business equipment repair services.
Contract construction services	Service establishments primarily engaged in construction, such as new development, additions, alterations, and repairs. Construction activities are generally administered or managed from a relatively fixed place of business, but actual construction work is performed at one or more different sites that may be dispersed geographically. Three broad types of construction activity are covered: (a) building construction by general contractors or by operative builders; (b) other construction by general contractors; and (c) construction by special trade contractors such as electrical, air conditioning and plumbing contractors, or others such as well drilling services. Establishments engaged in the installation of prefabricated buildings and equipment also are included. Outside storage or display is included as part of the use. An office not associated with a construction site or without secondary storage is considered under "Professional Offices."
Financial services	Service establishments primarily engaged in the field of finance, such as banks and trust companies, lending and thrift institutions, credit agencies, brokers and dealers in securities and commodity contracts, security and commodity exchanges, holding (but not predominantly operating) companies, vehicle finance (equity) leasing agencies, and other investment companies.
Health care services	Service establishments primarily engaged in furnishing medical, mental health, surgical, and other personal health services such as: medical, dental, and psychiatric offices; medical and dental laboratories; outpatient care facilities; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included. Nursing homes and similar long-term personal care facilities are classified in "Nursing and Personal Care," and mental health-related services, including various types of counseling practiced by licensed individuals other than medical doctors or psychiatrists or unlicensed individuals, are included under "Professional Offices."

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21.4 List of Primary Uses

21.3.8 Accessory Biofuel Facilities

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Laundries and dry cleaning plant	Service establishments primarily engaged in high-volume laundry and garment services, such as power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; and carpet and upholstery cleaners. The use does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment (see "Personal Services").
Personal services	Establishments primarily engaged in providing non-medical services generally involving the care of persons, such as: beauty and barber shops; shoe repair shops; saunas and hot tubs; laundromats (self-service laundries); dry cleaning pick-up stores and small-scale dry cleaners without pick-up and delivery services; clothing rental; dating and escort services; funeral parlors, cemetery real estate sales and related facilities; offsite rental of sporting equipment; and wedding chapels. The use may also include the accessory retail sales of products related to the services provided.
Professional offices	A place where the following kinds of business are transacted or services rendered: engineering, architectural and surveying; real estate agencies; educational, scientific and research organizations; accounting, auditing, and bookkeeping services; writers and artists; advertising agencies; photography and commercial art studios; publishing with offsite printing facilities; employment, stenographic, secretarial, and word processing services; off premise concessions (OPC); reporting services; data processing and computer services; management, public relations, and consulting services; organizational offices; detective agencies; professional services; attorneys; and counseling services (other than licensed psychiatrists; see "Health Care Services"). Incidental offices are considered accessory uses to a primary use.
Repair services	Service establishments where repair of consumer products is the principal business activity, such as: electrical repair shops; television, radio, and other appliance repair; watch, clock, and jewelry repair; boat repair; small engine repair; and reupholstery and furniture repair. An outdoor storage yard associated with these uses is considered under "Secondary Storage." The use does not include businesses serving the repair needs of heavy equipment (see "Industrial Services").
Sales lots	Outdoor sales area for permanent display of motor vehicles, recreational vehicles, mobile homes, construction equipment, farm machinery, or other heavy equipment; outdoor equipment rental yards (not including recreational equipment rental); and large-scale, permanent outdoor sales activities such as livestock auctions and sales. Outside storage or display is included as part of the use.
Schools - business and vocational	Business and secretarial schools and vocational schools offering specialized trade and commercial courses. The use includes specialized non-degree granting schools including, but not limited to: music schools; dramatic schools; language schools; driver education schools; ballet and other dance studios; seminaries and other establishments exclusively engaged in training for religious ministries; and establishments furnishing educational courses by mail.

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21.4 List of Primary Uses

21.3.8 Accessory Biofuel Facilities

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Secondary storage	The outdoor storage of various materials or the public display of merchandise on the same site as a principal building or use that supports the activities or conduct of the principle use and does not increase the intensity of the use. This does not apply to primary uses that include outside storage and display as part of the use.
Light Industrial	
Batch plant	Manufacturing establishment for the production of paving materials or concrete. Outside storage or display is included as part of the use. The use does not include quarrying operations supplying material for the production of such materials.
Food and kindred products	Manufacturing establishments producing or processing foods and beverages for human consumption and certain related products for distribution within the region, such as meat and poultry processing, dairy products processing, beverages and liquors processing, and miscellaneous food preparation from raw products. Outside storage or display is included as part of the use.
Fuel and ice dealers	Retail trade establishments primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane, and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use. Outside storage or display is included as part of the use.
Industrial services	Service establishments providing other businesses with services, including maintenance, repair, service, testing, and rental. This includes establishments such as: welding repair, armature rewinding, and heavy equipment repair (except vehicle repair; see "Auto Repair and Service"); research and development laboratories, including testing facilities; soils and materials testing laboratories; equipment rental businesses that are entirely within buildings (for equipment rental yards, see "Sales Lots"), including leasing tools, machinery and other business items except vehicles; and other business services of a "heavy service" nature. Outside storage or display is included as part of the use.
Printing and publishing	Establishments engaged in printing onsite by letterpress, lithography, gravure, screen, offset or other common process including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade such as book binding, typesetting, engraving, photo engraving, and electro-typing. The use also includes establishments manufacturing business forms and binding devices.
Recycling and scrap	Establishments engaged in assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap. Outside storage or display is included as part of the use. The use does not include terminal waste disposal sites, which are prohibited, and temporary storage of toxic or radioactive waste materials.

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21.4 List of Primary Uses

21.3.8 Accessory Biofuel Facilities

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Small scale manufacturing	Establishments considered to be light manufacturing or cottage industry that produce jewelry, silverware and plated ware; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; caskets; and other miscellaneous manufacturing industries. The use also includes artisan and craftsman-type operations that are not home occupations and that are not secondary to on-site retail sales. The use also includes small-scale blacksmith and welding services and the manufacture of trusses. Outside storage or display is included as part of the use.
Wholesale/Storage	
Storage yards	Service establishments primarily engaged in the outdoor storage of motor vehicles, construction equipment, materials or supplies, fire wood lots, farm machinery, or industrial supplies on a parcel. Outside storage or display is included as part of the use.
Vehicle and freight terminals	Transportation establishments furnishing services incidental to transportation, such as: freight forwarding services; transportation arrangement services; packing, crating, inspection and weighing services; freight terminal facilities; joint terminal and service facilities; trucking facilities, including transfer and storage; and postal service bulk mailing distribution centers. Outside storage or display is included as part of the use.
Vehicle storage & parking	Service establishments primarily engaged in the business of storing operative cars, buses, or other motor vehicles. The use includes both day use and long-term public and commercial garages, parking lots, and structures. Outside storage or display is included as part of the use. The use does not include wrecking yards (see "Recycling and Scrap").
Warehousing	Establishments primarily engaged in the storage of furniture, household goods, or other commercial goods, such as warehouses and storage or mini-storage facilities offered for rent or lease to the general public. The use does not include warehouse facilities where the primary purpose of storage is for goods for wholesaling distribution. Outside storage or display is included as part of the use. The use does not include terminal facilities for handling freight (see "Vehicle and Freight Terminals").
Wholesale and distribution	Establishments engaged in the storage of merchandise for sale to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The use includes such establishments as: merchant wholesalers; agents, merchandise or commodity brokers, and commission merchants; and assemblers. Outside storage or display is included as part of the use.
PUBLIC SERVICE	
General	
Airfields, landing strips and heliports (new non-emergency sites prohibited)	Transportation facilities that are used for the landing or take-off of aircraft, including helicopters, such as airports, heliports, helipads, and seaplane bases. The use also includes any appurtenant areas used for airport buildings and

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TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
	accessory facilities, including terminals, aircraft sales and rentals, and fueling facilities. Outside storage or display is included as part of the use.
Cemetery	Internment establishment engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. This includes establishments such as: animal cemeteries; cemetery associations; and cemetery, mausoleum, and columbarium operations. The use does not include funeral parlors, cemetery real estate operations, and related facilities listed under "Personal Services."
Religious assembly	Religious organization assembly or institutional facility operated for worship or promotion of religious activities, including churches and incidental religious education. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals, and other potentially related operations (such as a recreational camp) are not considered a religious assembly and are classified according to their respective activities.
Collection stations	Establishments engaged in the temporary accumulation and storage of recyclable or discarded materials, including toxic and hazardous wastes, which are subsequently transported to recycling centers or solid waste disposal sites for further processing on a regular and consistent schedule. Outside storage or display is included as part of the use. The use does not include automobile wrecking yards or any recycling processing facilities, which are listed under "Recycling and Scrap" or regional solid waste transfer stations, which are listed under "Recycling and Scrap" or "Regional Public Health and Safety Facilities."
Cultural facilities	Permanent public or quasi-public facilities generally of a noncommercial nature, such as art exhibitions, planetariums, botanical gardens, libraries, museums, archives, and arboretums.
Day care centers/pre-schools	Establishments used for the care of seven or more children residing elsewhere.
Government offices	Buildings containing offices for public agencies, including administrative offices, meeting rooms, and regional post offices. The use does not include offices that are incidental and accessory to another government use such as transit terminals, vehicle storage, campground, or storage yards.
Hospitals	Establishments primarily engaged in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. Such establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care.
Local assembly and entertainment	Facilities for public assembly and entertainment for the local community, not to exceed a capacity of 300 people, such as community centers, meeting halls, and multi-purpose centers.
Local post office	Establishments providing local neighborhoods with mail service and delivery, such as postal substations and neighborhood delivery centers.
Local public health and safety facilities	Facilities operated by public or quasi-public entities for the local protection of the public, such as: fire stations and other fire prevention facilities; police and sheriff substations; satellite highway maintenance and snow removal facilities; water tanks, pumps, wells and related facilities; monitoring facilities; sewage pumps and related facilities; and emergency services. Outside storage or display is included as part of the use.

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21.4 List of Primary Uses

21.3.8 Accessory Biofuel Facilities

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Membership organizations	Permanent meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, such as: business associations; professional membership organizations; labor unions and similar organizations; civic, social and fraternal organizations; political organizations; and other membership organizations. The use does not include country clubs in conjunction with golf courses (see "Golf Courses"); religious organizations ("see Churches"); and lodging (see "Multi-person Dwelling").
Power generating	Establishments engaged in the generation of electrical energy for sale to consumers, including biofuel facilities, hydro facilities, gas facilities, and diesel facilities. Outside storage or display is included as part of the use. The use does not include biofuel facilities accessory to a primary use. Transmission lines located off the site of the power plant are included under "Pipelines and Power Transmission." Electrical substations are included under "Public Utility Centers."
Public owned assembly and entertainment	Facilities owned and operated by a public or nonprofit entity for public assembly and group entertainment with a capacity of greater than 300 people, such as: public auditoriums; exhibition and convention halls; civic theaters, meeting halls and facilities for live theatrical presentations or concerts by bands, choirs, and orchestras; meeting halls for rent; community centers; and similar public assembly uses.
Public utility centers	Public and quasi-public facilities serving as junction points for transferring utility services from one transmission to another or to local distribution and service, such as: electrical substations and switching stations; major telephone switching centers; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; and community wastewater treatment plants and settling ponds. Outside storage or display is included as part of the use. The use does not include office or service centers (see "Professional Offices or Government Offices").
Regional public health and safety facilities	Regional facilities operated by public or quasi-public entities for protection of the public, such as: fire stations and other fire prevention facilities; water and sewage facilities; transportation maintenance/storage facilities; police and sheriff substations and headquarters, including secondary county short-term incarceration facilities; and solid waste transfer stations that TRPA finds to be regionally serving. "Secondary county short-term incarceration facility" means a county jail (not a state or federal prison facility) that is not the primary jail for the county.
Schools – college	Junior colleges, colleges, universities, and professional schools granting associate arts degrees, certificates, undergraduate and graduate degrees, and requiring for admission at least a high school diploma or equivalent general academic training.
Schools - kindergarten through secondary	Kindergarten, elementary, and secondary schools serving grades up to 12, including denominational and sectarian.

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21.3.8 Accessory Biofuel Facilities

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Social service organizations	Public and quasi-public establishments providing social services and rehabilitation services, counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies, serving persons with social or personal problems requiring special services and the handicapped and the disadvantaged. The use includes organizations soliciting funds to be used directly for these and related services. The use also includes establishments engaged in community improvement and neighborhood development.
Threshold related research facilities	Public or non-profit research establishments primarily engaged in implementing social, political, and scientific research relating to the Lake Tahoe Environmental Thresholds or the Lake Tahoe ecosystem. The use includes laboratories, monitoring stations, scientific interpretive centers, research and training classrooms, and related support facilities. Overnight multi-person facilities, outside storage, and caretaker facilities may be considered as accessory to this use. The use does not include facilities unrelated to threshold-related research, such as: general college administrative offices and classrooms (see "Schools-College"); and government administrative offices (see "Government Offices"); or non-threshold-related research (which may be conducted under the "Professional Office" use).
Linear Public Facilities	
Pipelines and power transmission	Transportation facilities primarily engaged in the pipeline transportation of refined products of petroleum, such as: gasoline and fuel oils; natural gas; mixed, manufactured, or liquefied petroleum gas; or the pipeline transmission of other commodities. The use includes facilities for the transmission of electrical energy for sale, including transmission and distribution facilities. Outside storage or display is included as part of the use. The use does not include offices or service centers (see "Professional Offices"); equipment and material storage yards (see "Storage Yards"); distribution substations (see "Public Utility Centers"); and power plants (see "Power Generating Plants").
Transit stations and terminals	Passenger stations for vehicular and mass transit systems; also, terminal facilities providing maintenance and service for the vehicles operated in the transit system. The use includes, but is not limited to, buses, taxis, railway, and ferries. Outside storage or display is included as part of the use.
Transmission and receiving facilities	Communication facilities for public or quasi-public, commercial, and private electronic, optic, radio, microwave, electromagnetic, and photo-electrical transmission and distribution, such as: repeater and receiving facilities, feeder lines, and earth stations for satellite communications for radio, television, telegraph, telephone, data network, and other microwave applications. The use includes local distribution facilities such as lines, poles, cabinets, and conduits. Outside storage or display is included as part of the use. The use does not include uses described under "Broadcasting Studios."
Transportation routes	Public right-of-ways that are improved to permit vehicular, pedestrian, and bicycle travel.

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21.4 List of Primary Uses

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TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
RECREATION	
Beach recreation	Recreational use of a beach, supported by developed facilities such as sanitation facilities, parking, and picnic sites, and nearshore facilities such as multiple-use piers and buoys. Nearshore and foreshore facilities are included in Chapter 81: <i>Permissible Uses and Structures in the Shorezone and Lakezone</i> .
Boat launching facilities	Recreational establishments that provide boat launching, parking, and short-term trailer storage for the general public. The storage, mooring, and maintenance of boats are included under "Marinas." Raft launching is included under "Day Use Areas." Outside storage or display is included as part of the use.
Cross country ski courses	Land or premises used as a commercial operation for nordic skiing. Outside storage or display is included as part of the use.
Day use areas	Land or premises, other than "Participant Sports Facilities," designated by the owner to be used by individuals or the general public, for a fee or otherwise, for outdoor recreation purposes on a daily basis such as regional and local parks, picnic sites, vista points, snow play areas, rafting facilities, and playgrounds.
Developed campgrounds	Land or premises designed to be used, let, or rented for temporary occupancy by campers traveling by motorized vehicle, and that contain such facilities as campsites with parking area, barbecue grills, tables, restrooms, and at least some utilities.
Downhill ski facilities	Uses and facilities pertaining to ski areas, including but not limited to: runs, trails, lift-lines cables, chairs, cars, warming huts, care taking quarters, parking, vehicles, day lodges, shops for sale and rental of ski equipment, ski pro shop, first aid stations, ski school facilities and assembly areas, day nurseries, maintenance facilities, lounges, eating and drinking establishments, and other ski oriented shops. Outside storage or display is included as part of the use. Uses and facilities serving non-skiing activities or operating year-round such as tennis courts, swimming pools, hot tubs, restaurants, bars, and retail sales constructed on lands which serve or are utilized in the operation of a ski area shall be considered under the appropriate use classification in this Code.
Golf courses	An area of land laid out for the game of golf, including driving ranges and putting greens. A golf course may include accessory uses such as an eating and drinking place, clubhouse, and general merchandise store. Outside storage or display is included as part of the use.
Group facilities	Establishments that provide overnight accommodations and outdoor recreation to organized groups such as recreational camps, group or organized camps, and religious camps.

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TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Marinas	Establishments primarily providing water-oriented services, such as: yachting and rowing clubs; boat rentals; storage and launching facilities; sport fishing activities, excursion boat and sightseeing facilities; and other marina-related activities, including but not limited to fuel sales and boat and engine repair. Marinas contain water-oriented facilities and structures, which are regulated and defined in Chapter 81. Outside storage or display is included as part of the use. The use does not include condominiums, hotels, restaurants, and other such uses with accessory water-oriented, multiple-use facilities.
Off-road vehicle courses	Areas authorized by the Agency for the use of off-road vehicles including, but not limited to, dirt bike, enduro, hill climbing, or other off-road motorcycle courses. The use also includes areas authorized by the Agency for competitive events utilizing four-wheel-drive vehicles. The use does not include the use of vehicles associated with timber harvest activities on approved skid trails or maintenance vehicles.
Outdoor recreation concessions	Facilities that are dependent on the use of outdoor recreation areas, such as onsite food and beverage sales, onsite recreational equipment rentals, parasailing, rafting, and onsite recreation instruction. The use also includes outfitter or guide service establishments whose base facilities are located on or near a recreation area, such as horse packing outfitters or snowmobiling outfitters. Outside storage or display is included as part of the use.
Participant sports facilities	Facilities for various outdoor sports and recreation including, but not limited to, tennis courts, swim and tennis clubs, ice skating rinks, and athletic fields (non-professional). Outside storage or display is included as part of the use.
Recreation centers	Indoor recreation establishments operated by a public or quasi-public agency providing indoor sports and community services, such as swimming pools, ice skating rinks, multi-purpose courts, weight rooms, and meeting and crafts rooms.
Recreational vehicle parks	Transient lodging establishments engaged in renting, leasing, or otherwise providing overnight sites for trailers, campers, and recreation vehicles with individual utility hookups. The use also includes accessory facilities such as public restrooms, swimming pools, and manager's quarters.
Riding and hiking trails	Planned paths for pedestrian and equestrian traffic, including trail heads.
Rural sports	Establishments that provide for special outdoor recreation group activities, such as: outdoor archery, pistol, rifle, and skeet clubs and facilities; hunting and fishing clubs; and equestrian facilities, stables, and exhibition facilities. The use does not include indoor shooting facilities (see "Amusements and Recreational Services").
Snowmobile courses	Mapped areas, pathways, and trails utilized in, and approved for, commercial snowmobile operations.
Sport assembly	Commercial facilities for spectator-oriented, specialized, sports assembly that do not exceed a 5,000-person seating capacity, such as stadiums, arenas, and field houses.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Undeveloped campgrounds	Land permanently established to be used for temporary occupancy by campers traveling by foot or horse, which may contain tent sites, fire rings, and sanitary facilities, but which does not contain utilities.
Visitor information centers	Nonprofit establishments providing visitor information and orientation.
RESOURCE MANAGEMENT	
Management	
Reforestation	Reestablishment of trees on forest land to perpetuate tree cover, such as ground preparation prior to natural seed fall, artificial seeding or planting, fertilizing, and protecting young plants until established. Both mechanical and chemical techniques may be used. In heavily used recreation areas, special tending techniques may be necessary.
Regeneration harvest	Removal of all trees in one or more cuts from an area for the purpose of creating a new, even-aged stand, especially one dominated by species intolerant of shade. Openings created by regeneration harvests will be reforested by natural seeding, artificial seeding, or through planting.
Sanitation salvage cut	Removal of dead, dying, deteriorating, or highly susceptible trees where insects, disease, animals, fire, wind, or other natural disaster has caused damage. The purpose is to prevent further loss and by allowing salvage of wood before it deteriorates.
Selection cut	A method for maintaining or producing an uneven aged stand, preferably of mixed species. In the Lake Tahoe Basin, the method may be applied to convert even-aged stands to an uneven aged condition, to maintain scenic quality, to prepare an area for use as a developed recreation site, or to maintain tree cover within a developed recreation site. The use includes annual or periodic removal of individual or small groups of trees in order to realize the yield and establish a new crop.
Special cut	<p>The cutting of trees for purposes other than timber production, including reasons such as:</p> <ol style="list-style-type: none"> 1. Maintenance of a healthy forest so that losses due to insect, disease, or fire will not result in harmful effects to watershed or visual quality on land of Land Capability Districts 1a, 1c, 2, and 1b (stream environment zone), where conventional logging techniques may cause unacceptable water quality impacts or permanent soil damage; 2. Maintenance of a healthy forest, removal of hazardous trees, and enhancement of foreground views on land developed for recreational, administrative or private purposes, or land intensively used for dispersed recreation; and 3. Provision of ski trails, conversion of meadow encroachments, provision of vista openings, increase in water yield, or increase in range and wildlife forage. <p>Harvesting may require aerial techniques, and cutting without removal for consumption may be necessary. Cut trees may be utilized on site for fuel wood, wildlife habitat, traffic barriers, or for other purposes.</p>
Thinning	Reducing the number of trees in a stand to achieve the desired density for healthy, vigorous, fast-growing trees. See also "Selection Cut."

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TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Timber stand improvement	Mechanical or chemical investment-type treatments intended to increase the future value of a timber stand by improving the composition, constitution, condition, and/or growth rate of a timber stand, including, but not limited to thinning, pruning, fertilization, and weeding.
Tree farms	An area where trees or other vegetation on the TRPA-approved species list are grown for commercial harvest. The use includes establishments where Christmas trees are cultivated or where other native trees and plants are grown for harvest at a later date.
Wildlife and Fishes	
Early successional vegetation management	Habitat management that results in an area being converted to and/or being maintained in an early successional stage, such as a meadow.
Nonstructural fish habitat management	Habitat management that maintains or improves fish habitat of any species through non-structural means for the primary purpose of perpetuating the cold water fisheries resource through management of their habitat. Includes stream barrier removal, human access control, protection and enhancement of riparian vegetation, and beaver control.
Nonstructural wildlife habitat management	Habitat management that maintains or improves wildlife habitat of any species through nonstructural means for the primary purpose of perpetuating viable populations of wildlife species native to the area through management of their habitat. Includes activities such as prescribed burning, snag protection, seeding and planting, maintenance of canopy closure, control of livestock, and access control.
Structural fish habitat management	Habitat management that includes improvements, such as channel stabilization, fish ladders, the construction and operation of dams, and removal of barriers to fish movement, to benefit specific fish species by replacing or repairing habitat features that have been diminished or altered.
Structural wildlife habitat management	Habitat management that includes improvements, such as installation of nest structures, creation of snags from green trees, water impoundments, guzzlers, shelters, and fencing, to benefit specific wildlife species by replacing or repairing habitat features that have been diminished or altered.
Range	
Farm/Ranch accessory structures	An uninhabited structure or building designed and built to provide cover for cattle, horses, and other related ranch animals, or for storage of farm or ranch implements, supplies, and products. Outside storage or display is included as part of the use. The use does not include any residential use and is not open to the public.
Grazing	Utilizing natural forage as subsistence for livestock.
Range improvement	Structural and nonstructural improvements and their maintenance designed to increase the forage, make forage areas accessible, provide water, and control livestock movement. The use includes prescribed burning, irrigation, fertilization, water developments, fencing, noxious plant control, type conversion, and seeding.

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TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Range pasture management	Activities required to manage the use of pastures for grazing. The primary purpose is to utilize a fenced closure or other type of confined area, and the available forage therein, for livestock, such as pack and saddle horses, mules, and cattle.
Open Space	
Allowed in all areas of the region	Land with no land coverage and maintained in a natural condition or landscaped condition consistent with best management practices, such as deed-restricted properties and designated open space areas.
Vegetation Protection	
Fire detection and suppression	Facilities for the detection and suppression of wildfire to protect life, property, public safety, and resource values. The use includes the operation of lookout towers, aircraft, or other surveillance techniques.
Fuels treatment management	Activities required to treat fuels in order to reduce potential for damaging wildfires and secondarily to enhance visual quality and forest health, such as: tree cutting, treating slash by lopping and scattering, piling and burning, chipping, hauling slash to another area for utilization, burning or burial, and broadcast burning. The use also includes pruning limbs, removing ladder fuels such as brush and small diameter trees, thinning for adequate crown spacing, removing ground and surface fuels, etc. Any treatment that disrupts the vertical and horizontal continuity of fuels could be included. "Fuels Treatment" is equivalent to the following terms: "Fuels Treatment Management," "Fuels Management," "Fire Hazard Reduction," "Fuel Hazard Reduction," and "Hazardous Fuels Reduction."
Insect and disease suppression	Activities, including use of biological or chemical means, required to suppress wildland infestations of insects or disease, where silvicultural and other management practices have been insufficient to prevent loss of resources.
Prescribed fire/ burning management	Planned burning under controlled conditions to dispose of slash or fuels, control unwanted vegetation, stimulate the growth of vegetation, control insects and pathogens, and maintain natural ecological succession in order to achieve vegetation and wildlife habitat management goals.
Sensitive plant management	Activities or improvements intended to protect, enhance, perpetuate, or increase the habitat of plant species listed by the state, federal government, or the TRPA as threatened, endangered, rare, or sensitive, such as: protective fencing and cages, livestock control, public education, direct control of people access, rerouting of trails, and other protective measures deemed appropriate to secure the survival of the species.
Uncommon plant community management	Activities or improvements designed to protect, enhance, or perpetuate and ensure the normal ecological processes of a plant community that is of local, regional, state, or national interest.
Watershed Improvements	
Erosion control	Structural or nonstructural techniques applied to a particular site or region to prevent or minimize over land loss of soil or nutrients.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Runoff control	Structural or nonstructural practices designed to provide reasonable assurance that the runoff water quality standards to the surface or ground waters will be achieved.
Stream environment zone restoration	The reestablishment of the natural functions of areas that, prior to modification, were directly influenced by the presence of surface water or near surface groundwater and that have been identified by TRPA as a stream environment zone. Reestablishment includes activities such as the removal of fill material or other encroachments, recontouring, revegetation, or restoration of physical, chemical, and biological attributes. The natural functions of an SEZ include the reestablishment of natural floodplains, the provision of wildlife habitat, protection of the soil resource, and filtration of nutrients and sediments from tributary or storm runoff.

21.5. EXISTING USES

The following standards apply to existing uses:

21.5.1. Right to Continue Existing Uses

Uses legally commenced prior to the effective date of the Regional Plan, July 1, 1987, are recognized as existing uses and may be continued, except as otherwise set forth in subparagraphs 21.5.1.A and 21.5.1.B. Continuation of an existing use includes a change in ownership, tenancy, or management, where the nature and character of the existing use remain substantially unchanged. Short-term or seasonal uses existing pursuant to legally issued TRPA permits may continue only for the duration of the permits authorizing them. Neither this section nor this chapter shall be construed as a limitation upon TRPA's authority to regulate all uses, present or future, by permit, prohibition, or otherwise.

A. Nonconforming Uses

If an existing nonconforming use is discontinued for a period of one year or more, any subsequent use shall comply with the use regulations set forth in the plan area statement. In the event a use is discontinued because a structure destroyed by fire or other calamity is being reconstructed, the period of time between the calamity and completion of reconstruction shall not be considered a discontinuance of use.

B. Uses Subject to a Specific Program Requiring Discontinuance or Modification of the Uses

Uses subject to a specific program requiring discontinuance or modification of the use shall be discontinued or modified in accordance with the requirements of such program.

21.5.2. Changes, Expansions, or Intensifications of Existing Uses

Expansions and intensifications of existing uses or changes in uses, to the extent permitted by this chapter, shall be subject to the requirements for a permit set forth in Chapter 2: *Applicability of the Code of Ordinances*. Modifications, expansions, and other changes to structures shall be governed by other provisions of this Code and also are subject to the requirements of Chapter 2.

A. Allowed Uses

Uses identified as allowed uses may be changed, expanded, or intensified in conformance with this Code. Any change, expansion, or intensification resulting in a special use shall be subject to the special use requirements.

B. Special Uses

Uses identified as special uses and for which the required findings pursuant to subsection 21.2.2 have been made by TRPA may be changed, expanded, or intensified subject to subsection 21.2.2. Special uses for which the required findings have not been made may not be changed, expanded, or intensified except in accordance with subparagraph 21.5.2.C.

C. Nonconforming Uses

Uses identified as nonconforming shall not be expanded intensified beyond the use existing on the effective date of the Regional Plan. A nonconforming use may not be changed unless the new use conforms to the use regulations set forth in the Code. Expansions of structures containing a nonconforming use shall not be permitted. Modifications may be permitted only when TRPA finds that the modifications do not increase the extent of nonconformity. Such approval shall occur through direct TRPA review, through the conformance review process for Area Plans, or through Memoranda of Understanding with public agencies.

CHAPTER 22: TEMPORARY USES, STRUCTURES, AND ACTIVITIES

22.1. PURPOSE

This chapter sets forth the regulations governing temporary uses, structures, and activities, and the procedures for the review of such projects.

22.2. APPLICABILITY

This chapter applies to all temporary uses, structures, and activities, which are collectively referred to as “temporary projects.”

22.3. GENERAL STANDARDS

Temporary projects shall not result in impacts that continue beyond or occur after the period of approval. Approval of temporary projects shall be conditioned upon the posting of an appropriate security to ensure removal of temporary structures and implementation of mitigation measures and other conditions of approval. Temporary projects shall be exempt from the provisions of Chapter 50: *Allocation of Development*, scenic shoreland mitigation requirements of Chapter 36: *Design Standards* for temporary buoy placement needed to temporarily replace boat slips in an existing marina during construction or dredging, and the mitigation fee requirements of Chapters 37, 61, 66 and 83. Prior to approval of a temporary project, site inspection shall be conducted to determine if the project area is capable of withstanding the impacts of the project and can be feasibly restored to its original condition or better. Temporary projects shall comply with applicable provisions of the Code unless specifically exempted.

22.4. TEMPORARY USES

TRPA may approve a temporary use for a period not to exceed six months and may approve one six-month extension. A temporary use shall be reviewed in accordance with the applicable plan area statement. A use not listed in a plan area statement shall be reviewed as a special use in accordance with subsection 21.2.2.

22.5. TEMPORARY STRUCTURES

Except as set forth in subsections 22.5.2 and 22.5.3, TRPA may approve a temporary structure for a period not to exceed six months and may approve one six-month extension.

22.5.1. Review Standards

Temporary structures are exempt from the requirement in Chapter 60: *Water Quality* to install permanent BMPs. A temporary structure associated with a temporary activity shall comply with the standards set forth in Section 22.7, below. In approving a temporary structure, TRPA shall determine the expiration date based upon the anticipated length of the associated use or activity.

22.5.2. Temporary Classrooms

Temporary classrooms for public schools may be approved for a period not to exceed three years. Temporary classrooms approved for a period in excess of one year shall comply with the permanent BMP requirement of Chapter 60: *Water Quality*.

22.5.3. Temporary Structures Associated with Construction

Temporary structures associated with the construction of a TRPA-approved project may be approved for a period consistent with the construction schedule of the project.

22.6. TEMPORARY ACTIVITIES WITHIN COMMUNITY PLANS OR SPECIAL EVENT AREAS

A temporary activity in a community plan area or TRPA-approved special event area shall comply with the standards in this section.

22.6.1. Community Plan Area

An adopted community plan may set plan standards for temporary activities that are equal or superior to the standards in Section 22.7. Upon adoption of the community plan, the community plan standards for temporary activities, if any, shall supersede the standards in this chapter.

22.6.2. Interim Community Plan Standards

Until adoption of a community plan with temporary activity standards, or if the adopted community plan does not include such standards, the provisions of Section 22.7 shall apply to temporary activities in community plan areas.

22.6.3. Special Event Areas

TRPA may approve special event areas as designated sites for temporary activities. A special event area shall be reviewed as a special use in accordance with subsection 21.2.2.

- A.** Temporary activities may occur in the special event area without further TRPA review consistent with the project approval for the special event area.
- B.** A community plan shall consider designation of a special event area within the community plan boundaries. A special event area project may be approved by TRPA in conjunction with adoption of a community plan.

22.7. STANDARDS FOR TEMPORARY ACTIVITIES

Except as otherwise provided in Section 22.6, temporary activities shall comply with the standards in this section.

22.7.1. Land Coverage

A temporary activity may create temporary land coverage and disturbance subject to following conditions:

CHAPTER 22: TEMPORARY USES, STRUCTURES, AND ACTIVITIES

22.7 Standards for Temporary Activities

22.7.2 Parking

- A. The temporary coverage or disturbance shall be the minimum necessary for the activity;
- B. The activity shall not include grading or vegetation removal that requires a TRPA permit;
- C. No coverage or disturbance, except as exempted from TRPA review in Chapter 2: *Applicability of the Code of Ordinances*, shall be permitted in land capability districts 1a, 1b(SEZ), 1c, 2, 3, or the backshore unless the land to be covered or disturbed is presently disturbed and there is no feasible alternative that reduces the impacts of continued disturbance; and
- D. Temporary coverage shall be removed, disturbed areas associated with the activity shall be revegetated, and other required mitigation measures shall be implemented upon completion of the activity.

22.7.2. Parking

If there is good cause to question the sufficiency of parking for the temporary activity, the applicant may be required to submit a parking analysis and plan pursuant to Chapter 34: *Driveway and Parking Standards*. A parking plan shall include an identification of available parking, a proposed parking plan and identification of impacts that may result from the plan and mitigation measures necessary to offset such impacts, and a program to ensure implementation of the plan and mitigation measures. Parking for temporary activities may be approved for unpaved, offsite or onstreet areas, subject to the conditions of subsection 22.7.1, where applicable.

22.7.3. BMPs

Temporary activities shall comply with the requirement for installation of temporary BMPs in Chapter 60: *Water Quality*. If the temporary activity causes or perpetuates land disturbance, the applicant may be required to implement permanent BMPs on all or a portion of the project area.

22.7.4. Outdoor Advertising

Temporary activities shall comply with the standards for temporary signs set forth in Chapter 38: *Signs*, as applicable.

22.7.5. Noise

Temporary activities are exempt from the noise limitations set forth in Chapter 68: *Noise Limitations*. Notwithstanding the foregoing, prior to approving a temporary activity that may exceed such limitations, TRPA shall provide notice and an opportunity to be heard. TRPA may approve such temporary activities provided it finds that:

- A. The activity is not injurious or disturbing to the health, safety and general welfare of persons or property in the neighborhood, and the general welfare of the region, and the applicant will take reasonable steps to protect against such injury; and

CHAPTER 22: TEMPORARY USES, STRUCTURES, AND ACTIVITIES

22.8 Seasonal Projects Distinguished

22.7.6 Traffic Mitigation

- B.** The activity is in a plan area designated commercial, public service, or tourist; is limited to no more than ten hours duration, and is between the hours of 8:00 am to 10:00 pm; or the activity is a race or exhibition, is limited to no more than six hours in duration, and is conducted during daylight hours.

22.7.6. Traffic Mitigation

For a temporary activity that includes the closure of a traffic lane or intersection of a state or federal highway for more than one hour, or the closure of U.S. 50 at any point between the South Y and Kingsbury Grade for any period of time, the applicant shall submit a traffic control plan.

22.7.7. Existing Temporary Activities

An existing temporary activity may be continued in accordance with the terms of the TRPA permit until expiration of the permit.

22.8. SEASONAL PROJECTS DISTINGUISHED

Except as set forth above, uses and structures that exist annually for more than 14 consecutive days shall not be considered temporary projects.

22.9. EXISTING SEASONAL AND SHORT-TERM PROJECTS

Existing short-term or seasonal uses and structures shall be permitted to continue for the duration of the applicable permit.

CHAPTER 23: RESERVED



TRPA

Code of Ordinances

Adopted by Governing Board

December 12, 2012

Effective February 9, 2013

Amended September 27, 2023

Site Development

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CHAPTER 30: LAND COVERAGE

30.1. PURPOSE

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

30.2. APPLICABILITY

30.2.1. General

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

30.2.2. Individual Parcel Evaluation System

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

30.3. LAND CAPABILITY SYSTEM

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

30.3.1. Implementation of Land Capability System

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

30.3.2. Establishment of Land Capability Districts

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

30.3.3. Land Capability Verification

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

A. Classifications Subject to Field Verification

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

B. Procedure for Site Visit

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

C. Report

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

D. Results of Field Verification

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

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

E. Supersession of Actions Under Subparagraph 30.3.3.D

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

F. Procedure After Verification

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

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

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

G. Special Procedure for TRPA-Designated Land Banks

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

30.3.4. Land Capability Challenge

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

A. Team of Experts

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

B. Land Capability Report

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

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

C. Review and Approval of Report

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

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30.3 Land Capability System

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

the Hearings Officer. The challenge may be approved if the Hearings Officer finds that the pertinent land, due to natural characteristics specifically identified, properly belongs in a land capability district(s) other than that in which it is presently classified.

D. Procedure for Notification of Appeal

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

E. Procedure After Action on Land Capability Challenge

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

F. Special Procedure for TRPA-Designated Land Banks

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

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

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

A. Minimum Area of Land

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

B. Team of Experts

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

C. Land Capability Report

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

D. Amendment

An amendment of the Regional Plan pursuant to this subsection shall be processed, both procedurally and substantively, in the manner of amendment to the Regional Plan generally. The amendment may be approved if TRPA finds that the pertinent land, due to natural characteristics specifically identified, properly belongs in a land capability district other than that in which it is presently classified.

E. Other Matters Considered Plan Amendments

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

1. Line Adjustments

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

2. Creation of New Land Capability Districts or Geomorphic Units

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

F. Procedure After Amendment

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

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

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

A. Team of Experts

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

B. Man-Modified Report

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

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30.3.6 Amendment of Land Capability Overlays for Man-Modified Areas

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

C. Action on Amendment

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

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

D. Effect of Approval

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

E. Conditions Upon Amendment

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

F. Procedure After Amendment

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

30.4. LAND COVERAGE LIMITATIONS

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

30.4.1. Base Allowable Land Coverage

A. Base Allowable Land Coverage Coefficients

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

TABLE 30.4.1-1: BASE ALLOWABLE LAND COVERAGE COEFFICIENTS

Lands Located in Land Capability District*	Base Allowable Land Coverage
1a, 1b, 1c	1%
2	1%
3	5%
4	20%
5	25%
6, 7	30%

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

B. General Rule and Exceptions

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

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

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

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

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

Example of Calculation – PUD

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

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

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

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

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

3. Relationship to IPES

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

C. Method of Calculating Base Allowable Land Coverage

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

1. Calculation of Base Allowable Land Coverage Under IPES

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

2. Determination of the Project Area

The project area shall be calculated as follows:

a. Boundaries or Area of Land Involved

(i) Single Parcel up to 20 Acres

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

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

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

(iii) Two or More Contiguous Parcels

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

(iv) Proposed Accessory Use

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

(v) Noncontiguous Parcels

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

b. Land Not Included in the Project Area

The project area shall not include the following:

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

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

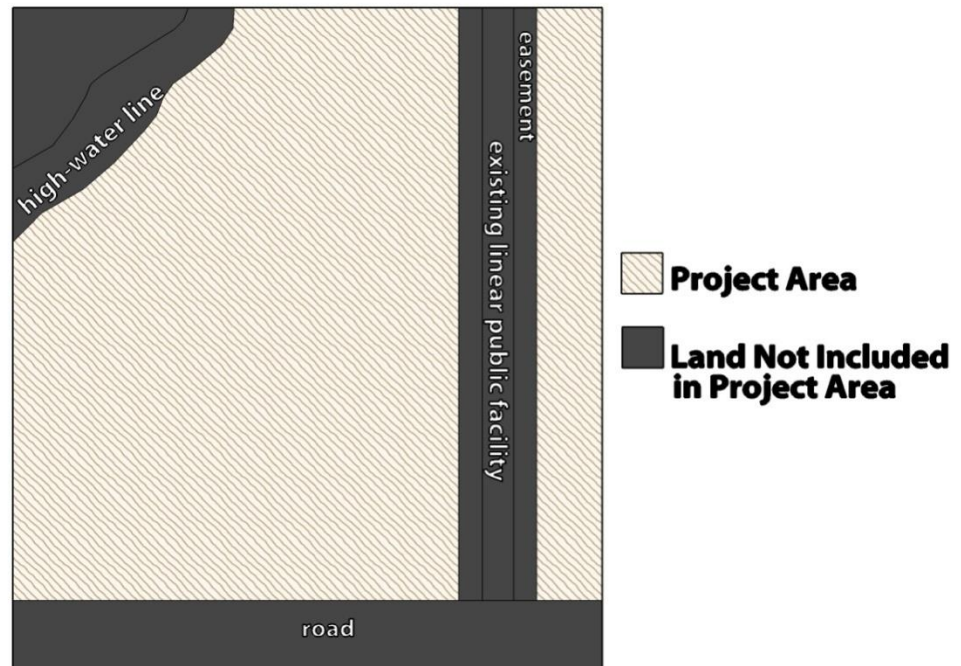


Figure 31.4.1-A: Land Not Included in Project Area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Option 1

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

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

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

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

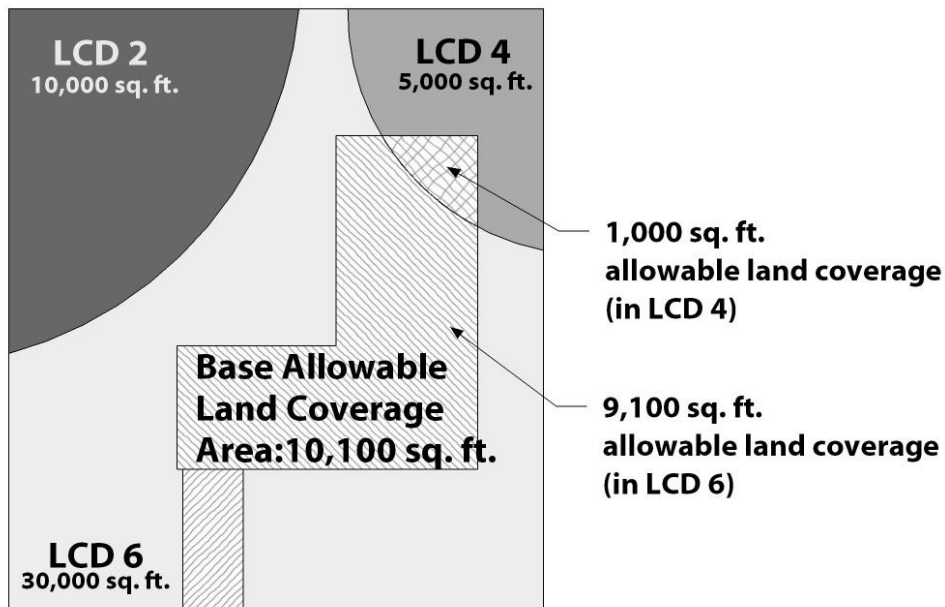


Figure 30.4.1-B: Option 1: Base Allowable Land Coverage in Multiple Land Capability Districts (LCDs)

(ii) Option 2

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

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

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

Given that:

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

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

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

d. Transferred Coverage

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

e. Land Coverage in Right-Of-Way

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

30.4.2. Transferred Land Coverage Requirements

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

A. General Standards Applicable in All Locations

1. Residential Facilities (One to Four Units)

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

a. Maximum Parcel Coverages

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

b. Planned Unit Developments

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

c. Special Transfer Programs

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

d. Driveways

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

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

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

2. Linear Public Facilities and Public Health and Safety Facilities

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

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

3. Highways, Streets, and Roads

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

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

4. Facilities for Public Safety and Access of the Disabled

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

a. Transfer Standards

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

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

b. Eligible Improvements

Eligible improvements include:

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

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

5. Water Quality Control Facilities

Transfers of land coverage for water quality control facilities, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities, may be permitted the minimum amount of land

coverage needed to achieve their purpose provided there is not a reasonable alternative, including relocation, that avoids or reduces the land coverage.

B. Location-Specific Standards

1. Facilities Within Centers

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

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

2. Commercial Facilities Within Community Plans

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

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

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

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

4. Public Service Facilities Outside Community Plans and Centers

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

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

5. Affordable, Moderate, and Achievable Housing outside Centers

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

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

component of the TMDL pollutant load reduction measures credited to the entity or entities where the system is located.

- b. To transfer in coverage above the base allowable coverage, the project shall not construct any parking spaces above the parking minimums set by local or state standards, except when required to meet Americans with Disabilities Act requirements or to provide parking for bicycles.
- c. The project is exempt from the density maximums per section 31.4.1.A and subject to the parking standards specified in Section 34.4.1, unless an area plan specifies alternative standards per Section 13.5.3.I.C.1.
- d. The additional coverage for accessory dwelling units is limited to 1,200 square feet or 70 percent of the project area, whichever is less, that is located within Land Capability Districts 4 through 7 or on parcels that are buildable based on their IPES score. Additional land coverage shall be used only for the accessory dwelling unit, and includes decks and walkways associated with the accessory dwelling unit. This coverage shall not be used for parking.

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

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

- a. All runoff from the project area must be treated by a stormwater collection and treatment system if a system is available for the project area. The stormwater collection and treatment system must meet applicable TRPA requirements, a county or city, a utility, a community service or improvement district, or similar public entity with a sustainable funding source must assume perpetual responsibility for operation and maintenance; and the system must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located), as required to be included as a component of the TMDL pollutant load reduction measures credited to the entity or entities where the system is located.
- b. To transfer in coverage above 70 percent, the project shall not construct any parking spaces above the parking minimums set by local or state

standards, except when required to meet Americans with Disabilities Act requirements or to provide parking for bicycles.

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

C. Transfer of Nonconforming Land Coverage

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

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

30.4.3. Method of Transferring Land Coverage

Land coverage may be transferred to eligible parcels for eligible uses, in accordance with the percentage limitations set forth in subsection 30.4.2 and the requirements of this subsection. A transfer of land coverage shall be from one parcel or project area to another and shall only be transferred in conjunction with a project approved by TRPA. Land coverage banks may be designated by TRPA pursuant to Section 6.9, to provide land coverage for transfer purposes.

A. Land Coverage Transfer Ratios

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

1. General

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

2. Uses Within Approved Community Plans or Centers

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

a. Transfers from Sensitive Lands

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

b. Transfers from Non-Sensitive Lands

From non-sensitive lands, land coverage shall be transferred at a ratio of 1:1 up to 50 percent, and shall be transferred at the ratio set forth in Table 30.4.3-1 for projects with coverage in excess of 50 percent until the total land coverage reaches the maximum allowed except as provided in subparagraph c. below:

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

Example of Land Coverage Transfer from Non-Sensitive Sending Parcel

Receiving Parcel:

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Types of Land Coverage Eligible for Transfer

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

1. Hard Land Coverage

Hard land coverage may be transferred in all cases.

2. Soft Land Coverage

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

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

3. Base Land Coverage

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

a. General Rule for Transfer Amounts

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

b. Exceptions to the General Rule:

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

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

4. Land Coverage for Single-Family House

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

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

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

5. Land Coverage for Water Quality Control Facilities

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

6. Land Coverage Transfers Across Hydrologically Related Areas

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

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

C. Sending Parcels Classified as Sensitive Lands

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

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

D. Sending Parcels Classified as Non-Sensitive Lands

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

E. Hydrologically Related Area Transfer Limitation

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

F. Inadequate Supply of Land Coverage

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

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

G. Restoration and Retirement of Land Coverage

Land coverage shall be restored and retired pursuant to Section 51.6 and the following:

1. Transfers

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

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

2. Removal of Land Coverage for Credit

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

H. Land Bank

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

30.4.4. Relocation of TRPA-Verified Existing Land Coverage

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

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

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30.4 Land Coverage Limitations

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

- C. The relocation shall not be to Land Capability Districts 1a, 1b, 1c, 2, or 3, from any higher numbered land capability district.
- D. If the relocation is from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone. "Net environmental benefit to a stream environment zone" is defined as an improvement in the functioning of the stream environment zone and includes, but is not limited to:
 - 1. Relocation of coverage from a less disturbed area to a more disturbed area or to an area further away from the stream channel or water body, as applicable;
 - 2. Retirement of land coverage in the affected stream environment zone in the amount of 1.5:1 of the amount of land coverage being relocated within a stream environment zone; or
 - 3. For projects involving the relocation of more than 1,000 square feet of land coverage within a stream environment zone, a finding, based on a report prepared by a qualified professional, that the relocation will improve the functioning of the stream environment zone and will not negatively affect the quality of existing habitats, considering factors such as, but not limited to, soil function, hydrologic function, vegetation, and wildlife habitat.

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

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

A. Eligibility

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

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

B. Construction Standards

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

- 1. The synthetic turf design shall include a subsurface drainage system that discharges to a water quality treatment area. The subsurface drainage system shall comply with groundwater interception regulations pursuant to subsection 33.3.6 and shall not adversely affect water levels within a stream environment zone;

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2. The synthetic turf shall be limited to team playing fields and player staging areas only;
3. Synthetic turf components and fields shall not contain or utilize materials for construction or maintenance that could leach into the ground water, present a health hazard to people, or adversely affect flora or fauna; and
4. The synthetic turf shall not receive runoff or overflow from adjacent lands, except under extraordinary circumstances, such as 20 year or greater storm events.

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

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

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

D. Synthetic Turf Coverage Transfer or Conversion Limitations

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

30.4.6. Exemptions and Partial Exemptions from Calculation of Land Coverage

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

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

1. For purposes of this provision only, non-permanent structures are those with no permanent foundation, do not exceed 120 square feet in aggregate size, and do not require a permit from TRPA. Non-permanent structures may include emergency power generators, hot tubs, sheds, greenhouses, and similar improvements when installed without a permanent foundation. Non-permanent structures with sanitary sewer service do not qualify
2. For purposes of this provision only, small utility installations may include up to 30 square feet of coverage for any combination of the improvements listed below.
 - a. Emergency power generators;
 - b. HVAC installations;
 - c. Electric vehicle chargers;

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- d. Active solar energy systems with panel reflectivity ratings of 11 percent or less; and
 - e. Utility improvements including boxes, vaults, and poles that are included in the definition of land coverage.
 3. Any existing installations that were legally established as coverage count as coverage and shall only qualify for this exemption if consistent with all approval criteria.
 4. In addition, the following limitations apply:
 - a. Exempted installations shall be on non-sensitive land;
 - b. Exempted installations shall not exceed two percent of the total amount of non-sensitive land on a parcel.
 - c. This exemption shall apply only to parcels with installed and maintained BMPs meeting TRPA requirements and the exempted non-permanent coverage shall also have BMPs installed and maintained to meet TRPA requirements; and
 - d. This exemption shall not apply to structures or facilities used for access, parking, or storage of motorized vehicles.
 - e. Total coverage exempted for non-permanent structures and small utility installations shall not exceed 120 square feet total.

B. Overhang Allowance

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

C. Americans with Disability Act (ADA) Compliance

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

1. This exemption shall apply only to ADA facilities that are constructed on or after January 1, 2013 to serve buildings that were constructed before January 1, 2013; and
2. The ADA facilities shall be constructed with the minimum amount of new coverage necessary to provide required access to buildings;
3. Where new coverage is required, pervious decking or other pervious surfaces shall be used wherever possible;
4. Facilities shall be constructed on non-sensitive land wherever possible;
5. This exemption shall not apply to land coverage associated with vehicle use, such as parking spaces;

6. This exemption shall not apply to single-family dwellings or multiple-family dwellings with three or fewer units; and
7. Parcels shall have a BMP Certificate to qualify for this exemption.

D. Partial Exemptions from Calculation of Land Coverage

1. Pervious Coverage

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

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

maintenance to ensure the installation allows at least 75 percent of precipitation to directly reach and infiltrate the ground throughout the life of the surface.

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

2. Pervious Decks

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

- b. The following exemptions are available:

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

Applicable to decking above the first 500 square feet:

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

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

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

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

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

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

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

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

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

- c. Existing decks that were legally established as of January 1, 2013, count as coverage and shall only qualify for this partial exemption if consistent with all approval criteria.
- d. This exemption shall apply only to residential parcels with installed and maintained BMPs meeting TRPA requirements.
- e. A deck shall be considered pervious if it has gaps that allow water to pass freely and in a distributed fashion consistent with the criteria below to deck armoring underneath the deck meeting BMP requirements in the BMP Handbook.

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30.4 Land Coverage Limitations

30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage

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

3. **Non-Motorized Public Trails**

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

a. **Accessibility**

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

b. **Trail Route Design**

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

- (1) Federal jurisdictional wetlands as mapped by the Army Corps of Engineers;
- (2) Other areas in Land Capability District 1b (Stream Environment Zones);
- (3) Other areas in Land Capability Districts 1 and 2;

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30.4 Land Coverage Limitations

30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage

- (4) Areas in Land Capability District 3; and
- (5) Areas requiring the removal of trees that are larger than 14 inches DBH.

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

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

c. Trail Design

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

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

d. Limit on Exemption

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

e. Existing Trails Do Not Qualify

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

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

The total amount of coverage exemptions and credits on parcels or project areas applies only to non-permanent structures, pervious decks, pervious coverage, and small utility installations and shall not exceed in aggregate ten percent of the total amount of non-sensitive land on a parcel.

F. Restriction on Parcels with Illegal or Excess Coverage

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

G. Fire Defensible Space

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

H. Facilities for Public Safety and Access of the Disabled

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

I. Relocating or Banking Exempted Coverage

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

30.4.7. Off-Site Land Coverage

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

A. General Standards

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

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

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

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

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

A. Individual Parcel Evaluation System (IPES)

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

B. Public Outdoor Recreation Facilities

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

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

C. Public Service Facilities

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

CHAPTER 30: LAND COVERAGE

30.5 Prohibition of Additional Land Coverage In Land Capability Districts 1a, 1c, 2, 3, and 1b (Stream Environment Zones)

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

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

D. Water Quality Control Facilities

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

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

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

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

A. Stream Crossings

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

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

B. Public Outdoor Recreation

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

CHAPTER 30: LAND COVERAGE

30.5 Prohibition of Additional Land Coverage In Land Capability Districts 1a, 1c, 2, 3, and 1b (Stream Environment Zones)

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

1. The project is a necessary part of a public agency's long-range plans for public outdoor recreation;
2. The project is consistent with the Recreation Element of the Regional Plan;
3. The project by its very nature must be sited in a stream environment zone, such as bridges, stream crossings, ski run crossings, fishing trails, and boat launching facilities;
4. There is no feasible alternative that would avoid or reduce the extent of encroachment in the stream environment zone; and
5. The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in subparagraph 30.5.1.B.5, with the exception that the restoration requirement in such subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

C. Public Service

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

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

D. Water Quality Control Facilities

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

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

E. Vegetation

Indigenous vegetation shall not be removed or damaged in Land Capability District 1b (Stream Environment Zone) unless otherwise authorized under TRPA permit pursuant

to subsections 30.5.2, 30.4.4, 61.1.6, 61.3.3, Sections 85.7, 61.2, 64.3, or Chapter 64: *Livestock Grazing*. Species used for revegetation or landscaping shall be species appropriate for the stream environment zone type (e.g., meadow, marsh).

30.5.3. Restoration Credit Requirements

The following requirements apply to restoration:

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

30.6. EXCESS LAND COVERAGE MITIGATION PROGRAM

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

30.6.1. Implementation of Program

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

A. Excess Coverage Calculation

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

Summary of Excess Land Coverage Calculation

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

B. Excess Land Coverage Mitigation Program Options

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

1. Reduce Land Coverage Onsite

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

2. Reduce Land Coverage Offsite

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

3. Land Coverage Mitigation Fee

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

4. Parcel Consolidation or Parcel Line Adjustment

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

5. Projects Within Community Plans

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

- a. The project is located within an area for which a community plan, as originally adopted or subsequently amended, includes a program to mitigate the excess land coverage within the area. Such a program shall ensure that coverage mitigation, when measured for individual parcels affected by the program, meets the standards set forth in subparagraphs 30.6.1.A through C. The options available for mitigating excess land

coverage under any such program shall be any combination of those options set forth in subparagraphs 1, 2, 3, or 4 above.

- b. There is an irrevocable commitment for the funding necessary to implement the program for mitigating excess land coverage. For purposes of this subparagraph, “irrevocable commitment” shall mean the following:

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

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

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

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

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

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

C. Determination of Excess Land Coverage Mitigation

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

1. Coverage Reduction Mitigation

For purposes of calculating the square footage reduction of excess coverage to be credited the parcel pursuant to Chapter 6: *Tracking, Accounting, and Banking*; the land coverage reduction square footage shall be calculated by determining the reduction percentage from Table 30.6.1-2 below, based on the amount of TRPA-verified existing excess land coverage on the parcel or

project area. The reduction percentage from Table 30.6.1-2 shall be multiplied by the estimated coverage mitigation construction cost of the project and then divided by the mitigation factor of eight.

Land Coverage Reduction (Sq. Ft.) = Fee Percentage x Land Coverage Mitigation Construction Cost (\$) / Mitigation Factor of 8.

2. Excess Land Coverage Mitigation Fee

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

The excess land coverage fee shall be as follows:

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

3. Land Coverage Mitigation Construction Cost

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

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

30.6.2. Exemptions From the Excess Land Coverage Mitigation Program

A. Parcels With Mitigated Land Coverage

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

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

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

C. Work Not Requiring a Permit

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

D. TRPA Requirements

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

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

E. Repair of Linear Public Facilities

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

F. Minor Utility Projects

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

G. Synthetic Turf Coverage

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

30.6.3. Onsite Removal and Retirement of Excess Coverage in Centers

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

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

CHAPTER 30: LAND COVERAGE

30.6 Excess Land Coverage Mitigation Program

30.6.3 Onsite Removal and Retirement of Excess Coverage in Centers

Land Capability District 1b (SEZ)	Coverage Reduced (sq. ft.)	Bonus Units Earned¹
1b (SEZ)	700	1
1a, 1c, 2, or 3	1400	1
4, 5, 6, or 7	2100	1

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

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

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

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

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

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

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

CHAPTER 31: DENSITY

31.1. PURPOSE

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

31.2. APPLICABILITY

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

31.3. MAXIMUM DENSITY

31.3.1. Maximum Density by Use Type

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

A. Residential Uses

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

B. Tourist Accommodation Uses

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

C. Recreation Uses

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

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

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

31.3.2. Table of Maximum Densities

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

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

31.3.3. Conversion Factors

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

31.4. INCREASES TO MAXIMUM DENSITY

31.4.1. Affordable, Moderate, and Achievable Housing

A. Affordable, Moderate, and Achievable Housing

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

31.4.2. Timeshare Uses (Residential Design)

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

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

31.4.3. Density in Special Height Districts

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

31.4.4. Density in Area Plan Overlays

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

31.4.5. Tourist Accommodation to Residential Conversion

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

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

31.4.6. Legal, Non-Conforming Tourist and Residential Density

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

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

31.4.7. Calculation of Density with Accessory Dwelling Units

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

31.5. CALCULATION OF MAXIMUM DENSITY

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

CHAPTER 31: DENSITY**31.5 Calculation of Maximum Density****31.5.1 Single Uses****31.5.1. Single Uses**

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

31.5.2. Mixed Uses

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

A. Categories of Mixed Use

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

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

B. Maximum Density for Mixed-Use Categories

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

31.5.2 Mixed Uses

CHAPTER 31: DENSITY

31.5 Calculation of Maximum Density

31.5.2 Mixed Uses

5. **Category E**

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

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

6. **Category F**

a. **Applicability**

Category F applies in the following cases:

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

When more than two uses are combined;

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

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

b. **Density Calculation**

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

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

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

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

CHAPTER 31: DENSITY

31.5 Calculation of Maximum Density

31.5.2 Mixed Uses

7. Category G

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

CATEGORY E: EXAMPLE DENSITY CALCULATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

CATEGORY F: EXAMPLE DENSITY CALCULATIONS

Example 1: One Use Requires Density Calculation

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

$$\text{Density of Bed \& Breakfast (10/acre)} \times \text{Land Area of Bed and Breakfast (0.5 acre)} = 5 \text{ units}$$

Example 2: More Than One Use Requires Density Calculation

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

Maximum Density of Use ×	Area Dedicated to Use =	Maximum Number of Units
Bed and Breakfast (10 units/acre)	0.5 acre	5 units
Other Tourist (> 10% kitchen) (15 units/acre)	1 acre	15 units

31.5.3. Redevelopment

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

31.5.4. Subdivisions

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

31.6. EXISTING DENSITY

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

31.6.1. Conforming Density

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

31.6.2. Nonconforming Density

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

CHAPTER 32: BASIC SERVICES

32.1. PURPOSE

The Goals and Policies set forth requirements for projects to be served by paved roads and water, electrical, and wastewater treatment services. This chapter establishes standards to implement those requirements.

32.2. APPLICABILITY

All projects proposing a new structure or reconstruction or expansion of an existing structure designed or intended for human occupancy shall meet the standards set forth in this chapter.

32.3. PAVED ROADS

All projects described in Section 32.2 and that require vehicular access shall be served by a paved roadway. To be considered “served,” a right-of-way or easement shall abut the driveway serving the parcel and shall contain a paved roadway of adequate size and construction to accommodate the vehicular traffic resulting from the project.

32.3.1. Waiver

TRPA may permit a waiver of this requirement if the agency finds that one of the following criteria is met:

- A. The project is subject to a variance for historically significant structures and districts pursuant to Chapter 67: *Historic Resource Protection*;
- B. The roadway is not designated to be paved by the surface water management plan (Volume I of the 208 Water Quality Plan as amended);
- C. The project is the expansion of a single-family dwelling;
- D. The permittee posts a security with TRPA in an amount equal to 110 percent of the permittee’s fair share of the estimated cost of paving the road serving the parcel. TRPA shall apply the procedures established in law by the local jurisdiction to determine a fair share, or in the absence of such procedures, shall adopt a procedure for determining a fair share. This waiver shall not apply to the construction or reconstruction of a commercial, tourist accommodation, or multi-family residential project; or
- E. A program has been established that provides assurance the road will be paved within five years.

32.4. WATER SERVICE

All projects described in Section 32.2 shall have adequate water rights and water supply systems.

CHAPTER 32: BASIC SERVICES

32.4 Water Service

32.4.1 Water Rights

32.4.1. Water Rights

Additional development requiring water shall not be approved unless:

- A.** There is an adequate water supply within an existing water right recognized under the laws of the state in which the use is to occur; or
- B.** Adequate water rights recognized under the laws of the state in which the use is to occur are furnished with the development.

32.4.2. Water Supply

Additional development requiring water shall not be approved unless there are distribution and storage or pumping systems to deliver an adequate quantity and quality of water to the development for domestic consumption and fire protection. A service connection to a water system or an approved well system shall be sufficient for domestic consumption.

A. Fire Flow Requirements

Fire flow standards shall be determined by the applicable local fire district and in compliance with the adopted fire code standards. If no such standards exist, the standards in Table 32.4.2-1 shall apply:

TABLE 32.4.2-1: MINIMUM FIRE FLOW REQUIREMENTS		
Land Use	Fire Flow (gallons per minute at 20 psi residual pressure)	Duration
I. Conservation and Recreation Plan Areas (minimum)	250 gpm	2 Hours
II. Residential Plan Areas (single-family only)	500 - 750 gpm	2 Hours
III. Residential Plan Areas (multi-residential)	750 - 1000 gpm	2 Hours
IV. Tourist Plan Areas	1000 - 1500 gpm	2 Hours
V. Commercial/Public Service Plan Areas	1500 - 2500 gpm	2 Hours
A) Hotel - Casino Areas	3500 - 6000 gpm	3 to 6 Hours
B) Institutional (Hospitals, Schools)	2000 - 3000 gpm	3 Hours

B. Waiver

If the above minimum fire flow requirements cannot be met, TRPA may waive the requirements in Table 32.4.2-1, if an alternative fire protection design that adequately complies with the intent of the adopted fire code has been approved by the applicable fire agency.

32.5. WASTE WATER TREATMENT SERVICE

Except as provided in Chapter 60: *Water Quality*, all projects described in Section 32.2 that generate wastewater shall be served by facilities for the treatment and export of wastewater from the Lake Tahoe Basin. To be considered “served,” a service connection shall be required to transport wastewater from the parcel to a treatment plant.

32.6. ELECTRICAL SERVICE

All projects described in Section 32.2 shall be served by facilities to provide adequate electrical supply. Such facilities shall include lines to supply electrical power to the parcel and only require a service connection to institute service.

CHAPTER 33: GRADING AND CONSTRUCTION

33.1. PURPOSE

This chapter:

- 33.1.1.** Protects the environment against significant adverse effects from excavation, filling, and clearing, due to such conditions as exposed soils, unstable earthworks, or groundwater interference;
- 33.1.2.** Provides for special investigations, reports, and plans that are determined to be necessary by TRPA to protect the environment against significant adverse effects from grading projects;
- 33.1.3.** Sets forth the requirements for grading and construction schedules when grading or construction is to occur pursuant to a TRPA permit; and
- 33.1.4.** Sets forth requirements for the protection of vegetation during construction.

33.2. APPLICABILITY

33.2.1. General

This chapter applies to grading, excavation, filling, clearing of vegetation, or disturbance of the soil, and protection of vegetation during construction. Except as exempted in Chapter 2: *Applicability of the Code of Ordinances*, all such activities require the review and approval of TRPA. Applicants for projects may be required to submit the investigations, reports, or plans specified in this chapter as part of an application or as a condition of project approval.

33.2.2. Exceptions

This chapter does not apply to falling, limbing, or removal of vegetation related to resource management activities, which are addressed in the Resource Management and Protection division of this Code. Except for subsections 33.3.2: *Discharge Prohibitions*, and 33.3.7: *Discovery of Historic Resources*, this chapter also does not apply to activities exempt from TRPA review pursuant to Chapter 2.

33.3. GRADING STANDARDS

33.3.1. Seasonal Limitations

The following seasonal limitations shall apply:

A. Grading Season

Excavation, filling, and clearing of vegetation or other disturbance of the soil shall not occur between October 15 and May 1 of each year, unless approval has been granted by TRPA pursuant to subparagraph B below. Prior to October 15, all construction sites shall be winterized pursuant to subparagraph D below.

B. Grading Season Exceptions

TRPA may approve grading after October 15 if TRPA finds either that an emergency exists and the grading is necessary for the protection of public health or safety, or that the grading is for erosion control purposes or protection of water quality.

C. Prohibition of Grading During Periods of Precipitation

Except as provided in subparagraph B above, grading is prohibited at any time of the year during periods of precipitation and for the resulting period of time when the site is covered with snow or is in a saturated, muddy, or unstable condition.

D. Winterization

All construction sites shall be winterized by October 15 to reduce the water quality impacts associated with winter weather as follows:

1. For sites that will be inactive between October 15 and May 1:
 - a. Temporary erosion controls shall be installed;
 - b. Temporary vegetation protection fencing shall be installed;
 - c. Disturbed areas shall be stabilized;
 - d. Onsite construction slash and debris shall be cleaned up and removed;
 - e. Where feasible mechanical stabilization and drainage improvements shall be installed; and
 - f. Spoil piles shall be removed from the site.
2. For sites that will be active between October 15 and May 1, in addition to the above requirements:
 - a. Permanent mechanical erosion control devices shall be installed, including paving of driveway and parking areas; and
 - b. Parking and operation of vehicles and equipment shall be restricted to paved areas unless approved by TRPA or the appropriate jurisdiction and subsequently restored pursuant to permit conditions.

33.3.2. Discharge Prohibitions

The following discharges are prohibited:

A. Direct Discharge

Direct discharges to the waters of the region of solid or liquid waste materials, including soil, silt, clay, sand, or other organic or earthen materials, are prohibited unless approved by TRPA.

B. Indirect Discharge

Indirect discharges to the waters of the region of solid or liquid waste materials, including soil, silt, clay, sand, or other organic or earthen materials, are prohibited unless controlled by discharge devices approved by TRPA.

C. Discharge Control Devices

Approved erosion and siltation control devices and measures shall be required for all grading. Approved control devices and measures include, but are not limited to, temporary and permanent erosion and sedimentation control devices and facilities and measures pursuant to the Handbook of Best Management Practices.

33.3.3. Dust Control

Dust control measures shall be required for any grading activity creating substantial quantities of dust. Dust control measures shall be approved by TRPA.

33.3.4. Disposal of Materials

The methods of disposal of solid or liquid materials, including soil, silt, clay, sand, or other organic or earthen materials, shall be reviewed and approved by TRPA. These methods shall include, but are not limited to:

- A.** Temporary stockpiling all or some of the top soil on the site for use on areas to be revegetated;
- B.** Disposal of the material at a location approved by TRPA; or
- C.** Export of the materials outside the region.

33.3.5. Cuts and Fills

The following standards shall apply to cutting and filling of earthen material:

A. Cuts

Standards for cuts are:

- 1.** The maximum cut slope shall be determined on the basis of the risk of soil instability or soil erodibility. Additional information, which may include a subsurface soil and geological report pursuant to Section 33.4, or other available information may be required.
- 2.** If the material of the slope is of such composition and character as to be unstable under anticipated conditions, TRPA shall require such measures as are necessary to ensure the stability of the slope. Such measures may include, but are not limited to, reduction of the slope angle and mechanical stabilization of the slope.
- 3.** TRPA may impose setbacks as set forth in the TRPA Design Review Guidelines.
- 4.** Where mechanical stabilization or containment of the slope by other than the use of natural material is employed, conditions of approval may require screening by vegetation.

B. Fills

Standards for fills shall be the following:

1. The maximum fill slope shall be determined on the basis of the risk of instability or soil erodibility. Additional information, which may include a subsurface soil and geological report pursuant to Section 33.4, or other available information may be required.
2. No organic material, such as vegetation or rubbish, or any other material not capable of proper compaction or stability, or that has the potential for environmental impact, shall be permitted in fills.
3. Borrowing for fill is prohibited unless approved by TRPA. Borrowing of material from rockfalls and slides may be allowed pursuant to memorandums of understanding between TRPA and road maintenance organizations. Approved borrow sites shall be subject to subparagraph 33.3.5.A above.
4. TRPA may impose setbacks as set forth in the Design Review Guidelines.

33.3.6. Excavation Limitations

The following limitations to excavation shall apply:

A. Groundwater Interception

Groundwater interception or interference is prohibited except as set forth below:

1. Excavation is prohibited that interferes with or intercepts the seasonal high water table by:
 - a. Altering the direction of groundwater flow;
 - b. Altering the rate of flow of ground water;
 - c. Intercepting ground water;
 - d. Adding or withdrawing ground water; or
 - e. Raising or lowering the water table.
2. TRPA may approve exceptions to the prohibition of groundwater interception or interference if TRPA finds that:
 - a. Excavation is required by the International Building Code (IBC) or local building code for minimum depth below natural ground for above ground structures;
 - b. Retaining walls are necessary to stabilize an existing unstable cut or fill slope;
 - c. Drainage structures are necessary to protect the structural integrity of an existing structure;
 - d. It is necessary for the public safety and health;
 - e. It is a necessary measure for the protection or improvement of water quality;
 - f. It is for a water well;

- g. There are no feasible alternatives for locating mechanical equipment, and measures are included in the project to prevent groundwater from leaving the project area as surface flow, and any groundwater that is interfered with is rerouted in the ground water flow to avoid adverse impacts to riparian vegetation;
- h. It is necessary to provide two off-street parking spaces, there is no less environmentally harmful alternative, and measures are taken to prevent groundwater from leaving the project area as surface flow;
- i. It is necessary to provide below grade parking for projects that qualify for additional height under subsection 37.5.4 or 37.5.9 to achieve environmental goals, including scenic improvements, land coverage reduction, and area-wide drainage systems. Measures shall also be included in the project to prevent ground water from leaving the project area as surface flow and that any groundwater, that is interfered with is rerouted into the groundwater flow to avoid adverse impacts to hydrologic conditions, SEZ vegetation, and mature trees; or
- j. It is necessary for a marina expansion approved pursuant to Chapter 14: *Specific and Master Plans*, and the environmental documentation demonstrates that there will be no adverse effect on water quality.

B. Excavations

Excavations in excess of five feet in depth or where there exists a reasonable possibility of interference or interception of a water table shall be prohibited unless TRPA finds that:

- 1. A soils/hydrologic report prepared by a qualified professional, which proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation;
- 2. The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to subsection 33.6.5: *Tree Removal*, including root systems and hydrologic conditions of the soil. To ensure the protection of vegetation necessary for screening, a special vegetation protection report shall be prepared by a qualified professional identifying measures necessary to ensure damage will not occur as a result of the excavation; and
- 3. Excavated material is disposed of pursuant to subsection 33.3.4: *Disposal of Materials*, and the project area's natural topography is maintained pursuant to subparagraph 36.5.1.A. If groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, then the excavation can be made as an exception pursuant to subparagraph 33.3.6.A.2, provided measures are included in the project to maintain groundwater flows to avoid adverse impacts to SEZ vegetation and to prevent any groundwater or subsurface water flow from leaving the project area as surface flow.

C. Minimum Excavation

The area and extent of all excavation shall be minimized to avoid unnecessary soil disturbance.

33.3.7. Discovery of Historic Resources

Whenever historical, pre-historical, or paleontological materials appearing to be 50 years or older are discovered during grading activity and have not been accounted for previously pursuant to Section 67.3, grading shall cease and TRPA shall be notified immediately. TRPA shall suspend grading and consult with the appropriate local, state, or federal entities and determine whether the site should be nominated as a historic resource. The property owner shall provide protection for the discovered material during this period. If a nomination is made, the site shall be subject to the provisions of Chapter 67: *Historic Resource Protection*.

33.4. SPECIAL INFORMATION REPORTS AND PLANS

33.4.1. Subsurface Investigations and Reports

When TRPA determines that stability on or in the vicinity of the project area may be lessened by the proposed grading, or that grading will be performed at any of the locations listed below, TRPA may require a subsurface investigation and preparation of a subsurface soil and geographical report by a qualified professional. The report shall provide information sufficient to determine the effect of grading on stability, groundwater, and, if present, antiquities.

A. List of Locations

Grading at any of the following locations may be grounds for requiring subsurface investigations and reports:

1. Fault zones;
2. Contact zones between two or more geologic formations;
3. Zones of trapped water or high water tables;
4. Areas where bodies of intrusive materials, such as rocks or boulders, are prevalent;
5. Historic landslide areas or where the topography indicates prehistoric landslides;
6. Adversely-sloped bedding planes, short-range folding areas, overturned folds, fractures, and other geologic formations of similar importance;
7. Proposed or existing fill slopes above a cut slope;
8. Proposed or existing cuts exceeding 20 feet in height, unless in competent rock;
9. Proposed or existing fills exceeding 20 feet in height;

CHAPTER 33: GRADING AND CONSTRUCTION

33.5 Grading and Construction Schedules

33.4.2 Additional Investigations and Reports

10. Areas where groundwater from either the grading or adjoining parcels is likely to reduce substantially the subsurface stability;
11. Areas showing characteristics of seeped soils or areas of water influence; or
12. Areas in the vicinity of historic resources (see Chapter 67, as identified by TRPA's Historic Resource map, or in other locations where antiquities could be located).

33.4.2. Additional Investigations and Reports

At the request of TRPA, the applicant shall provide, at his or her own expense, additional engineering, geologic, and ownership reports, plans, surveys, or other materials necessary to determine and evaluate project area conditions and the effect of the grading on adjoining properties, public rights-of-way, and the public welfare.

33.4.3. Slope Stabilization Plan

At the request of TRPA, the applicant shall submit a slope stabilization plan prepared by a qualified professional. The plan shall include a complete description of the erosion control and slope stabilization measures to be installed in connection with the project.

33.5. GRADING AND CONSTRUCTION SCHEDULES

33.5.1. Grading and Construction Schedules

For projects presenting special problems with regard to project completion, site development, or water quality management, such as crossings of stream environment zones, major earthworks, or major clearing projects, TRPA may require, as a condition of approval, submittal and approval of project schedules prior to site disturbance. Changes to the schedules shall be provided to TRPA prior to commencing the activity on the schedule. As appropriate, the grading and construction schedule shall identify dates for the following:

- A. When installation of temporary erosion control, and vegetation protection and construction site boundary fencing will occur;
- B. When construction will start;
- C. When all disturbed areas will be stabilized;
- D. When initial grading will be completed;
- E. When all construction slash and debris will be removed;
- F. When driveways, parking areas and other surfaces will be paved;
- G. When installation of permanent mechanical erosion control devices will occur;
- H. When installation of permanent drainage improvements will occur;
- I. When vegetation will be planted;
- J. When construction will be completed;

- K. When the site will be winterized; and
- L. Other information deemed necessary by TRPA to assure compliance with the purpose of this section.

Inspections shall determine if conditions of approval and other requirements of TRPA are being met. Other provisions with respect to construction timing are in Chapter 2: *Applicability of the Code of Ordinances*.

33.6. VEGETATION PROTECTION DURING CONSTRUCTION

The following vegetation protection provisions shall apply to construction:

33.6.1. Vegetation

Vegetation shall not be disturbed, injured, or removed except in accordance with the Code or conditions of project approval. All trees, major roots, and other vegetation, not specifically designated and approved for removal in connection with a project shall be protected according to methods approved by TRPA. All vegetation outside the construction site boundary, as well as other vegetation designated on the approved plans, shall be protected by installing temporary fencing pursuant to subsections 33.6.9 and 33.6.10.

33.6.2. Equipment

Use of equipment of a size and type that under prevailing site conditions will do the least amount of damage to the environment may be specified as a condition of approval. Construction equipment and materials shall be restricted to the construction site boundary.

33.6.3. Debris

Slash, trees cut for the project, uprooted stumps, or other vegetative debris shall not remain on the project area after October 15 of each year, or final inspection, whichever comes first, except trees bucked into firewood in TRPA-designated areas. Any remaining stump shall be cut within six inches of the ground on the uphill side of the tree.

33.6.4. Tree Treatment Plan

A plan to treat trees on the project area, in accordance with Section 61.1: *Tree Removal*, may be required as a condition of approval. At a minimum, the plan shall include the following:

- A. Provisions for identification and treatment of diseased or insect infested trees;
- B. Provisions for identification and removal of hazardous trees; and
- C. Provisions for optimum stocking levels of trees including the protection and establishment of younger-aged trees.

33.6.5. Tree Removal

Trees may be removed from within six feet of a foundation, or when other approved construction activities involving soil compaction, excavation, or paving encroach into more

than 25 percent of a tree's dripline. Falling, uprooting, or removal of trees and other materials shall be accomplished to avoid damage to remaining trees, vegetation, and soil.

33.6.6. Tree Roots

Tree roots four inches in diameter and larger encountered during excavation of utility trenches shall not be severed, if avoidable. All tree roots four inches in diameter or larger severed during excavation shall be cut flush with the surface of the excavation.

33.6.7. Prohibition

Trees shall not be used for the purpose of sign posts, telephone wires or temporary power, bracing for forms, or other similar types of uses.

33.6.8. Revegetation Plan

Areas outside the construction site boundary that sustain vegetation damage during construction shall be revegetated according to a revegetation plan in accordance with Section 61.4.

33.6.9. Standards for Soil and Vegetation Protection

- A.** The location and type of protective fencing shall be shown on approved plans.
- B.** No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas without prior approval from TRPA.
- C.** Protective fencing for soil and vegetation shall be constructed with metal posts and industry-standard mesh fencing that is least four feet tall, unless an alternative protection method is approved by TRPA.
- D.** All protective fencing shall be adequately maintained and provide a functional barrier during construction.

33.6.10. Standards for Retained Tree Protection

All trees designated to be retained during construction shall be protected as follows:

- A.** Fencing shall be placed no closer than the dripline of the tree(s) unless an alternative placement is approved prior by TRPA.
- B.** The location and type of the protective fencing shall be shown on approved plans.
- C.** No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas without prior approval from TRPA.
- D.** Protective fencing for trees shall be constructed with metal posts and industry-standard mesh fencing that is at least four feet tall, unless an alternative method is approved by TRPA.
- E.** All protective fencing shall be adequately maintained and provide a functional barrier during construction.

- F.** An alternative method of tree protection may be required if conditions warrant due to location of tree or the importance of the tree for visual screening. A tree treatment plan may be required per subsection 33.6.4.

CHAPTER 34: DRIVEWAY AND PARKING STANDARDS

34.1. PURPOSE

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

34.2. APPLICABILITY

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

34.2.1. Douglas County Substitutions

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

34.2.2. Placer County Substitutions

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

34.2.3. City of South Lake Tahoe Substitutions

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

34.2.4. Washoe County Substitutions

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

34.2.5. El Dorado County

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

34.3. DRIVEWAYS

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

34.3.1. Compliance Program

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

34.3.2. General Standards

Driveways shall comply with the following standards:

A. New Driveways

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

B. Shared Driveways

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

C. Role of Community Plans

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

D. Standards of Caltrans and Nevada Department of Transportation

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

E. Slope of Driveways

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

F. Best Management Practices

Driveways shall be managed in accordance with Section 60.4.

34.3.3. Numbers of Driveways

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

- A. One Accessory dwelling unit may be served by a separate driveway only when doing so would result in less environmental disturbance than a single driveway (e.g. sensitive land disturbance, land coverage, tree removal, grading, safety, etc.).

34.3.4. Width of Driveways

Driveway widths shall conform to the following standards:

A. Other Residential Uses

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

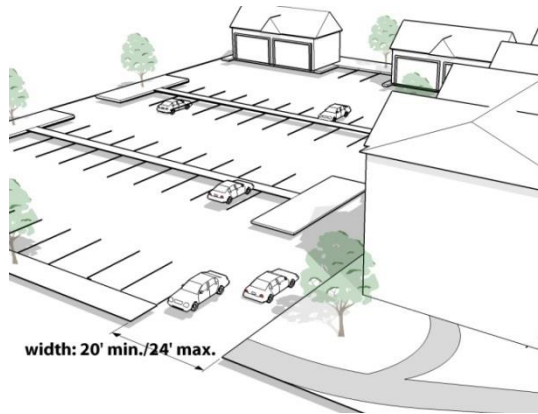


Figure 34.3.4-A: Example Width of Driveway For Other Residential Uses

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

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

34.3.5. Service Drives

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

34.4. PARKING

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

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

CHAPTER 35: NATURAL HAZARD STANDARDS

35.1. PURPOSE

This chapter sets forth regulations pertaining to recognition of natural hazards, prevention of damage to property, and protection of public health relating to such natural hazards. It implements provisions of the Goals and Policies and the Water Quality Management Plan for the Lake Tahoe Region pertaining to avalanche and mass instability, floodplains, and wildfire.

35.2. APPLICABILITY

35.2.1. General

This chapter is applicable to:

- A. Construction, reconstruction, or replacement of structures in identified avalanche or mass instability hazard areas;
- B. Additional development in 100-year floodplains;
- C. Maintenance of public utilities, transportation facilities, and other necessary public uses in 100-year floodplains; and
- D. With respect to the fire prevention techniques and measures set forth in Section 35.5, all lands within the Tahoe region.

35.2.2. Exception

The regulations regarding development within the 100-year floodplain shall not apply to the shorezone of Lake Tahoe, except where TRPA determines it is within the 100-year floodplain of a tributary stream. Development within the shorezone is regulated by the shorezone provisions of this Code.

35.3. AVALANCHE AND MASS INSTABILITY

[Reserved]

35.4. FLOODPLAINS

To help prevent property damage and protect public health and safety, TRPA shall review additional development in 100-year floodplains and regulate public utilities, transportation facilities, and other necessary public uses located in floodplains, according to the standards and procedures in this section.

35.4.1. 100-Year Floodplain Defined

The 100-year floodplain is defined in Ch. 90: *Definitions*. It shall be delineated as follows:

- A. The limits of 100-year floodplain where established for creeks by the U.S. Army Corps of Engineers; and/or

- B. The limits of the 100-year floodplain as established on a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM); or
- C. In areas where the U.S. Army Corps of Engineers or Federal Emergency Management Agency has not prepared 100-year floodplain maps and where TRPA has reason to believe that a flood hazard may exist, the limits of the 100-year floodplain shall be determined by application of standard hydrologic data and methods (e.g., rational method, unit hydrograph, watershed cross-sections) applied by a competent professional, in consultation with the appropriate local jurisdictions, and approved by TRPA.

35.4.2. Prohibition of Additional Development, Grading, and Filling of Lands Within the 100-Year Floodplain

Additional development, grading, and filling of lands within the 100-year floodplain are prohibited, except as follows:

A. Public Outdoor Recreation Facilities

TRPA may permit additional public outdoor recreation facilities within the 100-year floodplain if TRPA finds that:

1. The project is a necessary part of a public agency's long-range plans for public outdoor recreation;
2. The project is consistent with the Recreation Element of the Regional Plan;
3. The project by its very nature must be sited in a floodplain and is in accordance with the Guidelines Regarding Public Outdoor Recreation Facilities and Activities Which Create Additional Land Coverage or Permanent Disturbance and Which By Their Very Nature Need Not Be Sited in Sensitive Lands (1a, 1b, 1c, 2, 3 or SEZs), Water Quality Management Plan for the Lake Tahoe Region, Volume I, Table 16, dated November 1988;
4. There is no feasible alternative that would reduce the extent of encroachment in a floodplain; and
5. The impacts on the floodplain are minimized.

B. Public Service Facilities

TRPA may permit additional public service facilities within the 100-year floodplain if TRPA finds that:

1. The project is necessary for public health, safety, or environmental protection;
2. There is no reasonable alternative, including spans, that avoids or reduces the extent of encroachment in a floodplain; and
3. The impacts on the floodplain are minimized.

CHAPTER 35: NATURAL HAZARD STANDARDS

35.5 Wildfire

35.4.3 Construction and Maintenance of Public Utilities Transportation Facilities, and Other Necessary Public Uses Located in the 100-Year Floodplain

C. Floodplain Crossings

TRPA may permit projects to effect access across a 100-year floodplain to otherwise buildable sites if such projects comply with applicable development standards in Chapter 32: *Basic Services*, and if TRPA finds that:

1. There is no reasonable alternative that avoids or reduces the extent of encroachment in the floodplain; and
2. The impacts on the floodplain are minimized.

D. Water Quality Control Facilities

TRPA may permit erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects, and similar projects, programs, and facilities within a 100-year floodplain if TRPA finds that:

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

35.4.3. Construction and Maintenance of Public Utilities Transportation Facilities, and Other Necessary Public Uses Located in the 100-Year Floodplain

[Reserved]

35.5. WILDFIRE

[Reserved]

CHAPTER 36: DESIGN STANDARDS

36.1. PURPOSE

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

36.2. APPLICABILITY

36.2.1. General

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

36.2.2. Substitute Standards

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

A. Douglas County Substitutions

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

B. Placer County Substitutions

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

C. City of South Lake Tahoe Substitutions

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

D. Washoe County Substitutions

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

36.3. DESIGN REVIEW GUIDELINES

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

36.4. SCENIC QUALITY IMPROVEMENT PROGRAM

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

36.5. SITE DESIGN STANDARDS

36.5.1. General Standards

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

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

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



Figure 36.5.2-A: Example of Landscaped Perimeters

CHAPTER 36: DESIGN STANDARDS

36.5 Site Design Standards

36.5.3 Standards for Snow Storage

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



Figure 36.5.2-B: Example of Refuse Area Screening

36.5.3. Standards for Snow Storage

The standards for snow storage shall be:

- A. Parking areas shall be sloped at least two percent to prevent ponding and icing; and
- B. Commercial, tourist accommodation, public service, recreation and multi-residential projects shall provide, within the project area, snow storage areas of a size adequate to store snow removed from parking, driveway and pedestrian access areas or have arrangements by means of recorded easements or equivalent arrangements to remove and store accumulated snow offsite.

36.5.4. Setback Standards

The setback standards shall be:

- A. For parcels abutting roadways rated in TRPA's Scenic Resources Inventory, the minimum building setback from the right-of-way of such roadways shall be 20 feet.
 - 1. Decks (except decks for off street parking), stairs, canopies, building, or roof overhangs shall not intrude into the 20-foot setback established in this subparagraph.

CHAPTER 36: DESIGN STANDARDS

36.6 Building Design Standards

36.5.5 Bicycle and Pedestrian Facility Maintenance Plan

2. TRPA may approve building setbacks less than 20 feet if the reduced setback is approved by the appropriate local jurisdiction and TRPA finds that the project shall not cause a decrease in the numerical ratings assigned to the roadway unit, including the scenic quality rating of the individual resources within each unit, as recorded in the 1982 Scenic Resources Inventory and shown in Tables 13-3 and 13-8 of the *Study Report for the Establishment of Environmental Threshold Carrying Capacities*, October 1982. The criteria for rating scenic quality as identified in the study report cited herein shall be used to determine if a project will cause a decrease in the numerical rating.
- B. Buildings, other structures, and land coverage shall be set back from SEZs in accordance with Chapter 53: *Individual Parcel Evaluation System*.
- C. Other setback requirements are set forth in Section 33.3: *Grading Standards*.

36.5.5. Bicycle and Pedestrian Facility Maintenance Plan

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

36.6. BUILDING DESIGN STANDARDS

36.6.1. General Standards

A. Screening Elements

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

B. Roof Finishes and Colors

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

C. Alternative Energy Production

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

D. Color of Structures

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

36.6.2. Building Heights

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

36.7. LANDSCAPING STANDARDS

36.7.1. Plant Species Permitted

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

36.7.2. Minimum Plant Sizes and Spacing

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

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

36.7.3. Accent Vegetation

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

36.8. EXTERIOR LIGHTING STANDARDS

36.8.1. General Standards

- A. Exterior lights shall not blink, flash, or change intensity. String lights, building or roofline tube lighting, reflective, or luminescent wall surfaces are prohibited.
- B. Exterior lighting shall not be attached to trees except for the Christmas season.
- C. Parking lot, walkway, and building lights shall be directed downward.
- D. Fixture mounting height shall be appropriate to the purpose. The height shall not exceed the limitations set forth in Chapter 37.
- E. **Outdoor Lighting.**
 - 1. Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display.
 - 2. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited, except as set forth in Subparagraph E.3, below.
 - 3. Within the veterans' section of an existing cemetery, the United State flag may be illuminated subject to the following limitations:
 - a. Where it may not be possible to reliably or consistently illuminate with downward lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the flag.
 - b. Lighting shall be the minimum necessary to properly illuminate the flag. In no case shall any lighting source exceed 2,500 lumens in output.
- F. The commercial operation of searchlights for advertising or any other purpose is prohibited.
- G. Seasonal lighting displays and lighting for special events that conflict with other provisions of this section may be permitted on a temporary basis pursuant to Chapter 22: *Temporary Uses, Structures, and Activities*.

36.9. WATER CONSERVATION STANDARDS

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

36.10. STANDARDS FOR COMBUSTION APPLIANCES

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

36.11. OUTDOOR ADVERTISING

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

36.12. SOIL AND VEGETATION PROTECTION DURING CONSTRUCTION

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

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

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

- A.** Mixed-use developments with a residential component that is 100 percent deed-restricted as affordable, moderate, or achievable housing and utilizes bonus units shall be subject to the coverage and height standards for affordable, moderate, and achievable housing set forth in sections 13.5.3.I, 30.4.2.B.5, 30.4.2.B.6, 31.4.1.A, and 37.5.5, respectively, provided the commercial component is no greater than fifty percent of the total development square footage.
- B.** Mixed-use developments shall meet the definition of mixed-use in Chapter 90 and the following design standards:
 - a.** Mixed-use developments accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum

CHAPTER 36: DESIGN STANDARDS

36.13 mixed-use with affordable, moderate, and achievable housing

36.8.1 General Standards

average depth of 40 feet and a minimum depth of 25 feet covering a minimum of 60 percent of the ground floor area;

- b. Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage;
- c. The ground floor and street frontage shall be designed to promote pedestrian accessibility, including but not limited to, transparent façade, ground floor ceiling height no less than 10 feet, pedestrian-oriented street-facing entry, sidewalks, and other pedestrian improvements.

CHAPTER 37: HEIGHT

37.1. PURPOSE

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

37.2. APPLICABILITY

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

37.3. DEFINITIONS

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

37.3.1. Height

The height of a building, or building segment pursuant to Subparagraph 37.4.2.A, is the difference between the point of lowest natural ground elevation along an exterior wall of the building, or building segment pursuant to Subparagraph 37.4.2.A, and the elevation of the coping of the highest flat roof, the highest point of a mansard roof or the ridge of the highest hip, gable, gambrel, shed or other pitched roof, whichever is highest (see Figure 37.3.1-A below). The maximum height of a structure other than a building is the difference between the point of lowest natural ground elevation along the exterior foundation of the structure and the elevation of the highest point of the structure. Maximum height for buildings in Special Projects within adopted Ski Area Master Plans shall be measured as provided in subsection 37.5.9.

CHAPTER 37: HEIGHT

37.3 Definitions

37.3.2 Natural Ground Elevation

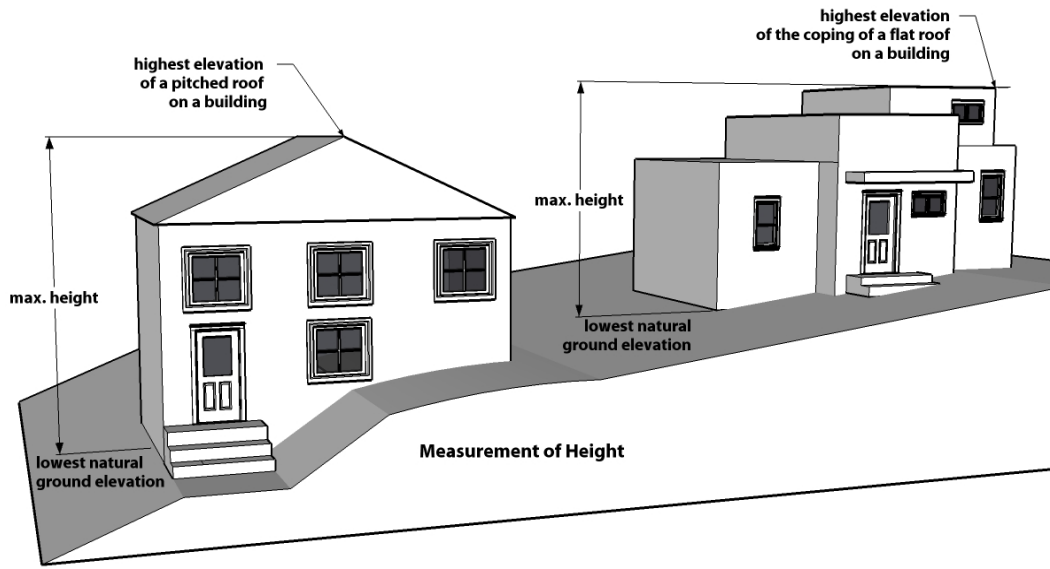


Figure 37.3.1-A: Measurement of Height

37.3.2. Natural Ground Elevation

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

37.3.3. Percent Cross Slope Retained Across Building Site

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

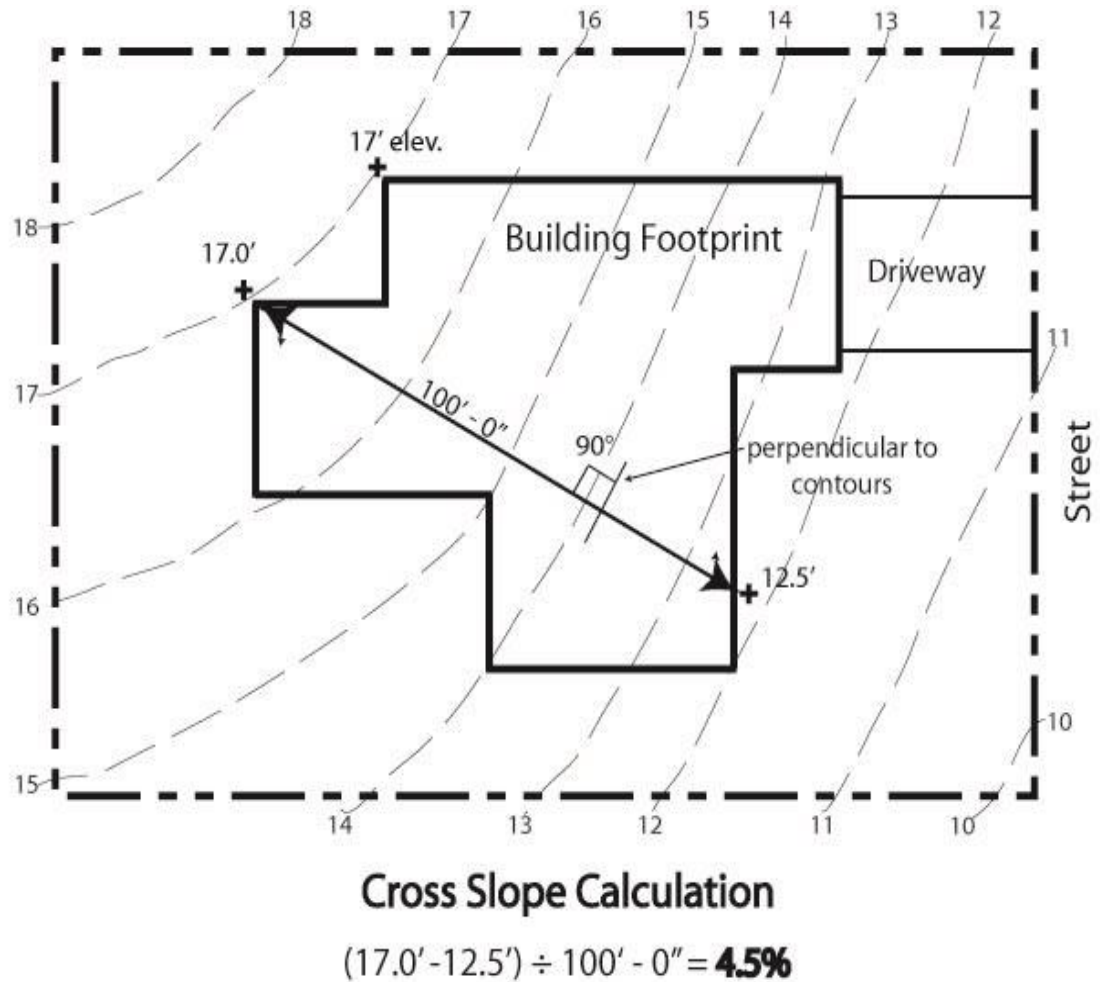


Figure 37.3.3-A: Measurement of Height

37.3.4. Roof Pitch

- A. Buildings with a single roof pitch shall not exceed the maximum height permitted in Section 37.4.
- B. For buildings with multiple roof pitches, maximum height shall be determined as follows:
 1. A roof pitch that constitutes more than 50 percent of the total roof area shall be the majority roof pitch used to determine maximum height in accordance with Section 37.4. The remaining roofs, if of a shallower pitch, may be constructed up to the maximum height based on the majority roof pitch. Portions of the roof which have a steeper pitch than the majority roof pitch, may be constructed up to the maximum height permitted for that roof pitch.

CHAPTER 37: HEIGHT
 37.4 Height Standards for Buildings
 37.4.1 Maximum Heights for Buildings

2. When no roof pitch constitutes more than 50 percent of the total roof area, all roofs must independently conform to the maximum height for that roof pitch in accordance with Section 37.4.
- C. Height measurements for each roof pitch shall be taken from the same lowest natural ground elevation for the building; or for each building segment established in accordance with Section 37.4.2.

37.4. HEIGHT STANDARDS FOR BUILDINGS

37.4.1. Maximum Heights for Buildings

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

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

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

Example: Calculation of Height from Table 37.4.1-1

A house with:

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

37.4.2. Maximum Height for Buildings on Slopes

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

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

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37.4 Height Standards for Buildings
37.4.3 Exceptions

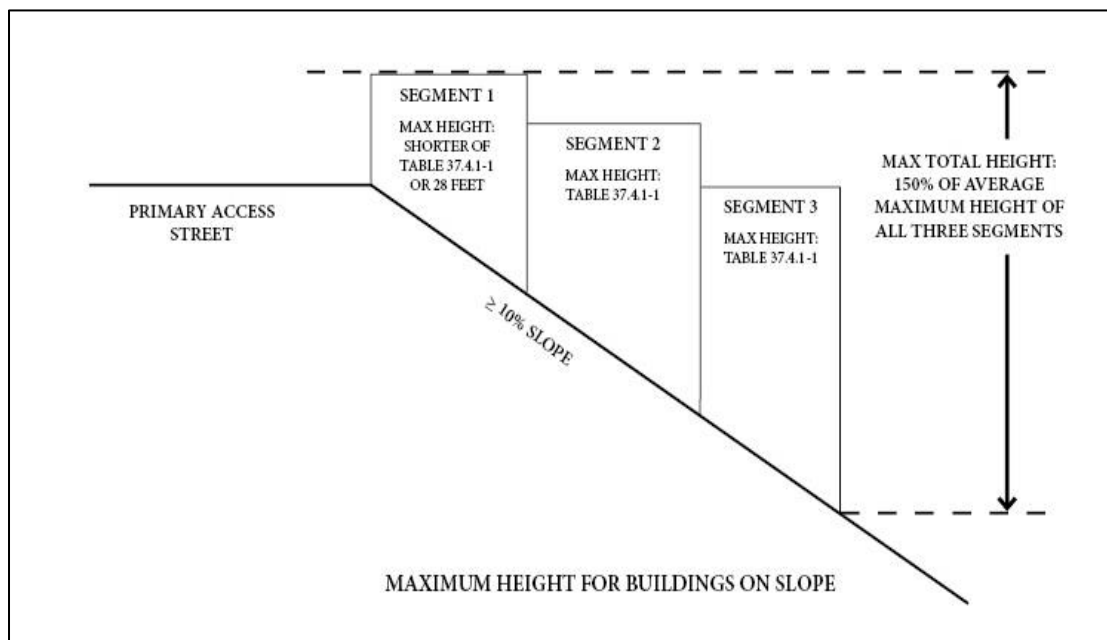


Figure 37.4.2-A: Maximum Height for Buildings on Slope

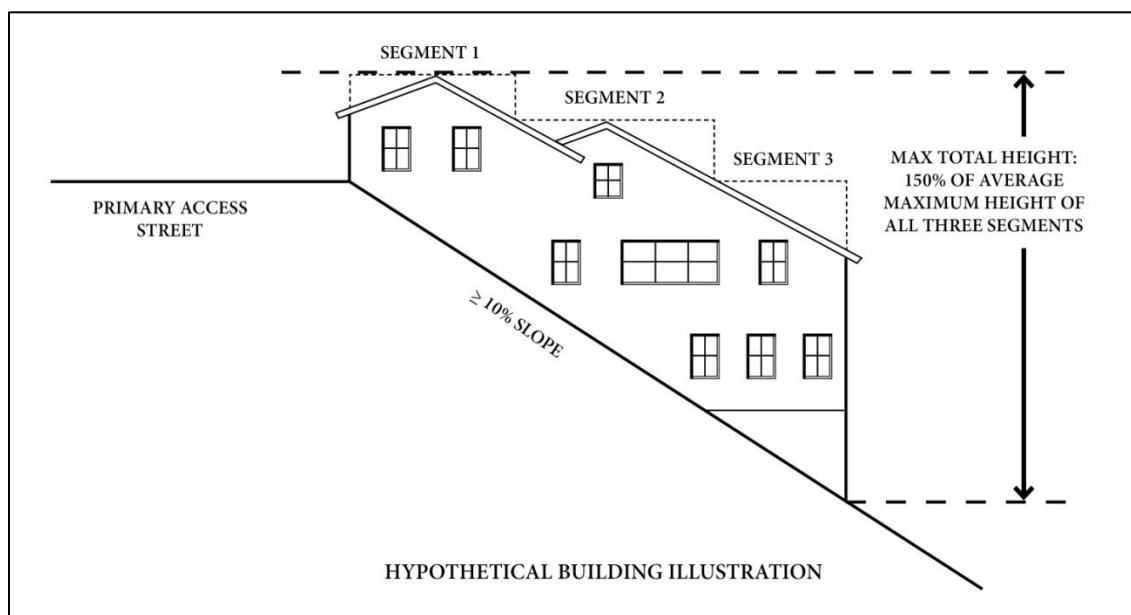


Figure 37.4.2-B: Hypothetical Building Illustration

37.4.3. Exceptions

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

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37.5 Additional Height for Certain Buildings

37.5.1 Approval of Building Heights Greater Than 26 Feet

A. Chimneys and Other Rooftop Appurtenances

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

B. Flagpoles

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

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

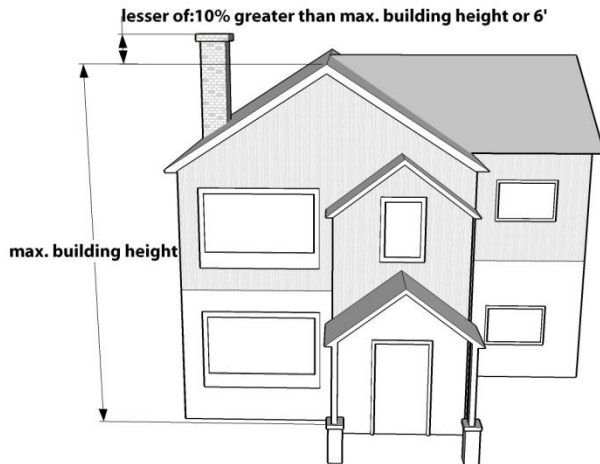


Figure 37.4.2-A: Example Chimney Exception Measurement

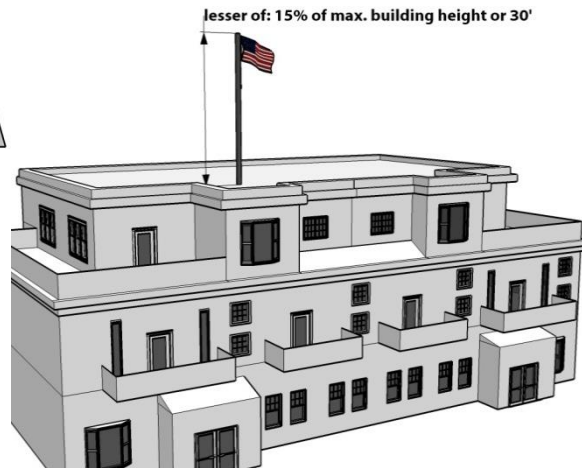


Figure 37.4.2-B: Example Flagpole Exception Measurement

37.5. ADDITIONAL HEIGHT FOR CERTAIN BUILDINGS

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

37.5.1. Approval of Building Heights Greater Than 26 Feet

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

CHAPTER 37: HEIGHT

37.5 Additional Height for Certain Buildings

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

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

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

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

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

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

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

A. Additional Building Height With Required Findings

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

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

B. Additional Building Height for Reduced Land Coverage

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

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

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

CHAPTER 37: HEIGHT

37.5 Additional Height for Certain Buildings

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

two feet, not to exceed a maximum of 42 feet, may be earned if the building meets the criteria and findings set forth above and is not visible from a TRPA-designated scenic highway corridor pursuant to Section 66.2.

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

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

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

E. Additional Building Height for Public Service Buildings

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

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

CHAPTER 37: HEIGHT

37.5 Additional Height for Certain Buildings

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

F. Additional Building Height for Essential Public Safety Buildings

The maximum building heights specified in Table 37.4.1-1 may be increased by up to 14 feet if the building meets the definition of "Public Safety Facility, Essential" in Ch. 90: *Definitions*, is not covered by subparagraph 37.5.2.E above, and provided TRPA makes findings 3, 4, and 7 in Section 37.7.

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

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

A. Additional Building Height for View Corridor

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

B. Additional Building Height for Increased Setback

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

C. Additional Building Height for Public Access

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

37.5.4. Additional Building Height for Special Height Districts

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

A. Specification of Special Height Districts

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

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

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37.5 Additional Height for Certain Buildings

37.5.4 Additional Building Height for Special Height Districts

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

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

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

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

D. Qualification for Additional Building Height

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

CHAPTER 37: HEIGHT

37.5 Additional Height for Certain Buildings

37.5.4 Additional Building Height for Special Height Districts

1. Additional Building Height with Required Findings

The maximum building heights specified in Table 37.4.1-1 may be increased by up to four feet, but not to exceed a maximum height of 38 feet, if TRPA makes the additional finding 7 in Section 37.7.

2. Additional Building Height for Reduced Land Coverage

The maximum building heights specified in Table 37.4.1-1 may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 30. The maximum heights shall be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable coverage, or existing land cover age, whichever is greater, up to eight additional feet, but not to exceed a maximum height of 46 feet.

3. Additional Building Height for View Enhancement

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

4. Additional Building Height for Increased Setback

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

5. Additional Building Height for Landscaped Public Pedestrian Area

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

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

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

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

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

CHAPTER 37: HEIGHT

37.5 Additional Height for Certain Buildings

37.5.4 Additional Building Height for Special Height Districts

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

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

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

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

c. **Public Plaza or Outdoor Space**

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

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

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

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

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

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

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

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

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

E. **Security for Improvements**

CHAPTER 37: HEIGHT

37.5 Additional Height for Certain Buildings

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

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

1. Project Approval

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

2. Project Funding

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

3. Project Completion

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

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

Residential and mixed-use projects that are 100% deed-restricted to affordable, moderate, or achievable as described in subsection 36.13 and utilize bonus units may have additional building height, up to the maximum for the slope of the building site set forth in Table 37.4.4-1, with a roof pitch greater than or equal to 3:12, provided the applicants makes findings 1, 2, and 8 as set forth in Section 37.7.

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

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

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

A. General Requirements

- 1.** TRPA may designate additional height for special projects that are located within the TRPA approved North Stateline Community Plan, and are

CHAPTER 37: HEIGHT

37.5 Additional Height for Certain Buildings

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

designated through Resolution 2008-11 to be Special Projects pursuant to subparagraph 50.6.4.D as specified below.

2. The maximum height shall be 75 feet or three-fourths of the maximum height of the tallest trees within the project area, whichever is lower. TRPA shall determine the height of the tallest trees within the project area based on a tree survey provided by the applicant.
3. The area proposed for additional height shall be located on the mountain side of State Route 28 within the North Stateline Community Plan boundary. Additional height available under this Code subsection shall not be available on lake side of SR 28.
4. Additional height may be specified within the North Stateline Community Plan subject to finding 15 in subsection 37.7.15.

B. Security for Improvements

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

1. Project Approval

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

2. Project Funding

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

3. Project Completion

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

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

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

CHAPTER 37: HEIGHT

37.5 Additional Height for Certain Buildings

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

may be increased up to a maximum height of 60 feet in accordance with the following provisions, if TRPA makes the findings 1, 2, 3, and 5 in Section 37.7.

A. General Requirements

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

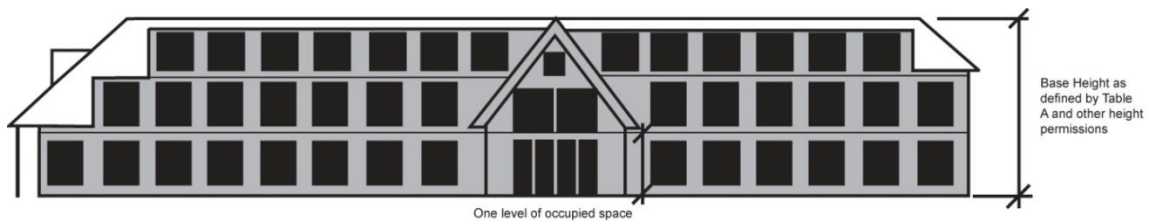


Figure 37.5.8-A: Existing Building Form Conforming to Base Height Limit

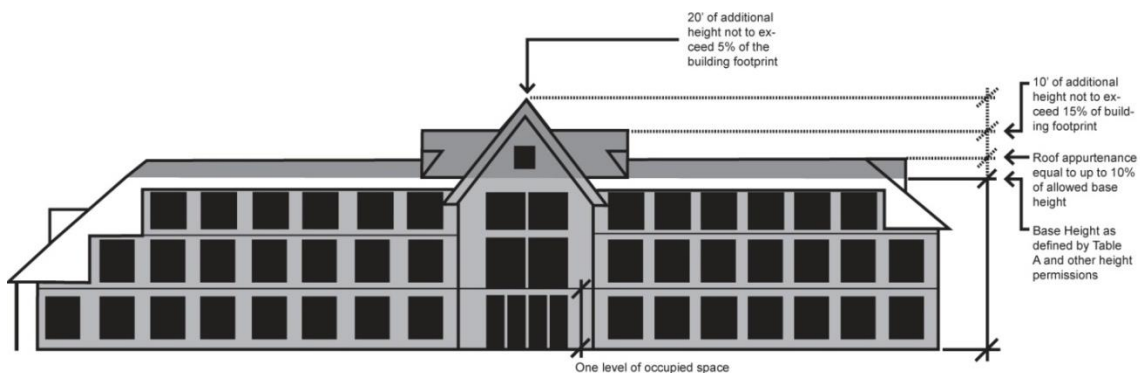


Figure 37.5.8-B: Application of the Additional Height for Design Improvement Limit

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

A. General

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

B. Maximum Height

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

C. Findings for Additional Height

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

1. Any existing buildings within the project area that have non-conforming height prior to the adoption of this ordinance shall be demolished; except when found to be historically significant and then the provisions of Chapter 67 shall prevail.
2. Existing verified land coverage otherwise permissible within the Ski Area Master Plan pursuant to the Regional Plan shall be reduced by a minimum of 10 percent and permanently retired per TRPA guidelines.
3. In order to implement pedestrian/transit oriented development (PTOD), the project shall, at a minimum:
 - a. Satisfy the factors outlined in subparagraphs 11.8.4.C.1.a to e in subparagraph 11.8.4.C; and
 - b. Include and integrate major transit facilities, sidewalks, bike lanes and associated facilities; and
 - c. Provide circulation connections and linkages between private open spaces, public spaces and recreational opportunities (for example, streetscapes, alleys, easements, parks) and commercial, residential, tourist uses both on and off-site; and
 - d. Provide alternative parking strategies (which may include shared parking, parking structures, underground parking); and
 - e. Be a mixed use development; and
 - f. Orient building facades to the street; and

CHAPTER 37: HEIGHT

37.5 Additional Height for Certain Buildings

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

- g. Implement landscaping and hardscaping that enhance the scenic quality of the area and whenever possible, improve the scenic ratings per the adopted Scenic Quality Improvement Program and Technical Appendices (SQIP). This shall include improvements that:

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

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

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

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

- (1) The maximum permissible height for structures with a minimum set back of 30 feet from the State Route 89 edge of pavement is 45 feet.
 - (2) The maximum permissible height for structures with a minimum set back of 150 feet from the State Route 89 edge of pavement is 55 feet.
 - (3) The maximum permissible height for structures at the North Base with a minimum set back of 225 feet up to a maximum distance of 675 feet from the State Route 89 edge of pavement is 77 feet. The maximum permissible height for structures at the South Base (Tahoe Ski Bowl Way) with a minimum setback of 650 feet up to a maximum distance of 1200 feet from the State Route 89 edge of pavement is 66 feet.
- 4. The maximum permissible height for structures located at the top of the mid-mountain gondola is 58 feet.
- 5. The project shall result in an increase in the scenic threshold travel route rating for Roadway Unit 11, Homewood.
- 6. The project shall retain and treat up to the 50-year one-hour storm utilizing on-site and offsite systems incorporating best available technologies.
- 7. The project shall implement TRPA designated EIP Projects within the vicinity of the Ski Area Master Plan. The designated EIP projects shall include project number 86 (EIP Project Code 9710-Scenic Road Unit #11 Homewood

CHAPTER 37: HEIGHT

37.6 Height Standards for Structures Other Than Buildings

37.6.1 Maximum Structure Height

Improvement), project number 259 (EIP Project Code 9120-Homewood Ski Area BMP), project number 632 (EIP Project Code 9480-Ski Homewood Ski Area Master Plan), project number 725 (EIP Project Code 9140-Homewood Residential), and project number 775 (EIP Project Code 9250-SR Highway 89-Homewood Area Pedestrian Facilities).

8. The project shall implement a program that provides for a range of alternative means of transportation to include, but not be limited to, a dial-a-ride service, a shuttle service, a bicycle bank, and water taxi.
9. Prior to approving additional height, TRPA shall make Findings 1, 3, 6, 8 and 9 of Section 37.7. Note that Finding 6 is proposed for amendment to include a "Ski Area Master Plan."

D. Security for Improvements

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

1. Project Approval

TRPA shall require, as a condition of approval, of any project which relies on the use of an additional height provision provided in subsection 37.5.9 that all necessary permits for development of the public benefits set forth in subparagraphs 37.5.9.C.6, 7 and 8 be issued prior to commencement of construction of the project utilizing the additional height.

2. Project Funding

Prior to the commencement of construction of any project which relies on the use of an additional height provision provided in subsection 37.5.9, the project applicant shall demonstrate, and TRPA shall find, for each project, that irrevocable commitments to fund the public benefit set forth in subparagraphs 37.5.9.C.6, 7 and 8 have been obtained or secured.

3. Project Completion

For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit set forth in subparagraphs 37.5.9.C.6, 7 and 8.

37.6. HEIGHT STANDARDS FOR STRUCTURES OTHER THAN BUILDINGS

37.6.1. Maximum Structure Height

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

37.6.2. Additional Height for Certain Structures

The maximum height specified in subsection 37.6.1 may be increased for communication towers, antennas, utility poles, special features of public safety facilities, ski lift towers, wind turbines/renewable power facilities, and other similar projects, excluding buildings and signs,

up to the minimum height necessary to feasibly implement such projects. Additional height may be approved under the provisions of this subsection if TRPA makes findings 4 and 7 as set forth in Section 37.7.

37.7. FINDINGS FOR ADDITIONAL BUILDING HEIGHT

The findings required in this chapter are as follows:

37.7.1. Finding 1

When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

37.7.2. Finding 2

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

37.7.3. Finding 3

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

37.7.4. Finding 4

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

37.7.5. Finding 5

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

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

37.7.6. Finding 6

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

37.7.7. Finding 7

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

37.7.8. Finding 8

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

37.7.9. Finding 9

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

37.7.10. Finding 10

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

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

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

- A.** The area is within 2,300 feet of the center point of three or more buildings exceeding the height of 150 feet;
- B.** The special height district provides a transition of height from the high-rise area to the surrounding area of lower permissible heights;
- C.** The projects within the special height district utilize transit/pedestrian-oriented development principles including, but not limited to, major transit facilities, sidewalks, limited parking, mixed uses, high densities, use of alleys, and pedestrian oriented commercial opportunities; and
- D.** The special height district is consistent with Policy 1.B, Goal 2, Community Design Subelement, Land Use Element, of the TRPA Goals and Policies Plan and the TRPA Scenic Quality Improvement Program.

CHAPTER 37: HEIGHT

37.7 Findings for Additional Building Height

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

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

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

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

37.7.13. Finding 13 (Additional Height for View Enhancement)

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

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

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

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

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

CHAPTER 37: HEIGHT

37.7 Findings for Additional Building Height

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

- A.** Any existing buildings within the project area that have non-conforming height prior to the adoption of this ordinance shall be demolished, except when found to be historically significant and then the provisions of Chapter 67 shall prevail.
- B.** Land coverage otherwise permissible within the project area pursuant to the Regional Plan shall be reduced by a minimum of ten percent.
- C.** In order to implement pedestrian/transit oriented development (PTOD), the project shall, at a minimum:
 - 1.** Satisfy the factors outlined in subparagraph 11.8.4.C.1;
 - 2.** Include and integrate major transit facilities, sidewalks, bike lanes and associated facilities;
 - 3.** Provide circulation connections and linkages between private open spaces, public spaces and recreational opportunities (for example, streetscapes, alleys, easements, parks) and commercial, residential, tourist uses both on and off-site;
 - 4.** Provide alternative parking strategies (which may include shared parking, parking structures, or underground parking);
 - 5.** Be a mixed use development;
 - 6.** Orient building facades to the street; and
 - 7.** Implement landscaping and hardscaping that enhance the scenic quality of the area and whenever possible, improve the scenic ratings per the adopted Scenic Quality Improvement Program and Technical Appendices (SQIP). This shall include improvements that:
 - a.** Blend vegetation to accentuate and provide visual breaks in building façades and rooflines, for example, with the use of low lying shrubs and various sized trees;
 - b.** Enhance and emphasize pedestrian circulation routes with special design features that physically separate pedestrians from the flow of traffic or bike lanes, or provide direction. Features may include, garden beds, landscape planters, bollards, benches, sculpture/artistic elements, and/or other street furniture; and
 - c.** Provide appropriate screening for any street level parking areas by balancing the need to screen vehicles from view and provide a safe pedestrian environment.
- D.** New structures along State Route 28 shall be set back from the travel route edge of pavement a minimum of 40 feet and stair-stepped upslope, providing a transition of height across the site (See Figure 37.7.15-A). Additional height for new structures satisfying these requirements may be permitted as follows:

CHAPTER 37: HEIGHT

37.7 Findings for Additional Building Height

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

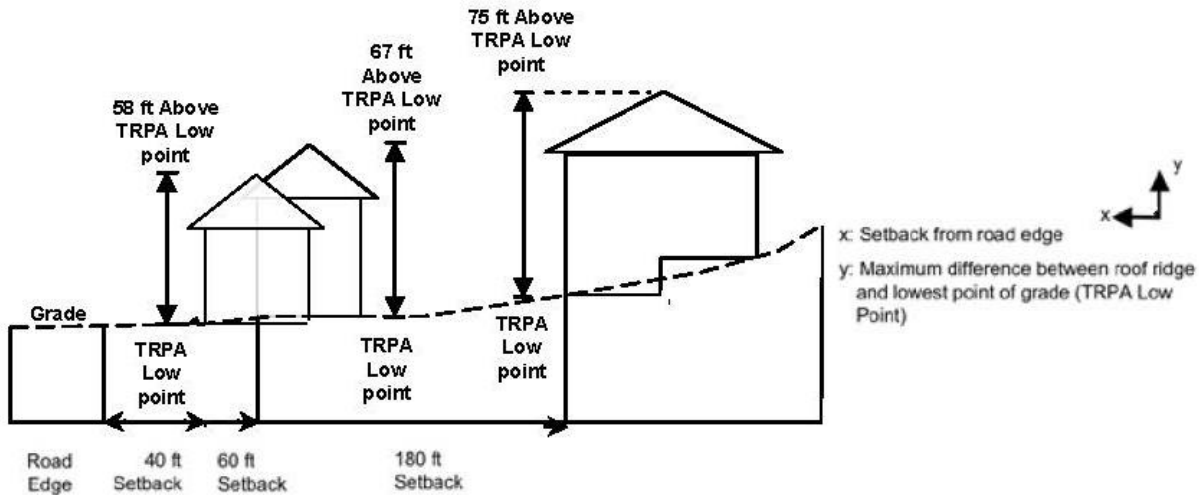


Figure 37.7.15-A: Setback Measurement on State Route 28

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

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

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

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

CHAPTER 37: HEIGHT

37.8 Modification or Reconstruction of Existing Buildings and Structures

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

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

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

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

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

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

37.8. MODIFICATION OR RECONSTRUCTION OF EXISTING BUILDINGS AND STRUCTURES

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

37.9. ADDITIONS TO EXISTING BUILDINGS

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

37.9.1. Additions At or Above Low Point

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

37.9.2. Additions Below the Low Point

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

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

37.9.3. Findings

The following findings are applicable to this Section 37.9:

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

CHAPTER 38: SIGNS

38.1. PURPOSE

The purpose of this chapter is to promote and protect the public health, welfare, and safety by implementing regional outdoor advertising regulations pursuant to Article VI of the Compact, to protect property values, create a more attractive economic and business climate, enhance the aesthetic appearance of the physical community, preserve scenic and natural beauty, and provide an enjoyable and pleasing community in accordance with the Community Design Subelement of the Land Use Element and related elements of the Goals and Policies. It is further intended to reduce signs or advertising distractions and obstructions that may contribute to traffic accidents.

38.2. APPLICABILITY

38.2.1. General Applicability

Unless exempted in Chapter 2: *Applicability of the Code of Ordinances*, or unless substitute standards have been approved by TRPA pursuant to subsection 38.2.3, the installation, modification, or replacement of a sign requires review and approval as a project in accordance with this chapter and other applicable provisions of the Code.

38.2.2. Conditions of Approval

In addition to the standards of this chapter, sign projects also may have imposed, as conditions of approval, applicable provisions of the Design Review Guidelines and the Scenic Quality Improvement Program.

38.2.3. Substitution of Standards

TRPA may adopt a substitute sign ordinance that supersedes the standards of this chapter for use in a local jurisdiction or in a community plan area. Substitute standards adopted by TRPA are listed in subparagraph D below.

A. Local Government Standards

Local governments may adopt sign standards that are equal or superior to the TRPA standards of this chapter. TRPA, upon finding the local standards are equal or superior to the TRPA sign standards as they may affect attainment and maintenance of TRPA's scenic resources thresholds, may approve the local government sign standards and shall exempt from TRPA review signs approved in accordance with such local standards.

B. Community Plan Standards

Community plans may establish equal or superior sign standards for use in a specific community plan area if finding 1 or 2, below, is made. If adopted by a local government, these standards may also be a basis for exemptions as set forth in subparagraph 38.2.3.A.

1. TRPA, upon finding the community plan standards are equal or superior to the TRPA sign standards as they may affect the attainment and maintenance of TRPA's scenic resource thresholds, may adopt the community plan sign standards for use during TRPA review of signs in the specific community plan area; or
2. TRPA, upon finding the community plan scenic quality improvement program, which may include substitute sign standards, is equal or superior to the TRPA scenic quality improvement program for the same plan area as they may affect the attainment and maintenance of TRPA's scenic resource thresholds, may adopt the community plan scenic quality improvement program for use during TRPA review of projects in the specific community plan area.

C. Finding Required for Substitute Standards

In making the finding that the substitute standards are equal or superior to TRPA standards, TRPA shall consider the following:

1. A scenic quality analysis using appropriate methods of visual simulation that indicates the substitute standards do not result in adverse impacts on applicable scenic resources and community design thresholds; and
2. The substitute ordinance, in combination with the applicable elements of TRPA's Scenic Quality Improvement Plan and adopted community plans, redevelopment plans, or other TRPA-approved master plans, results in a threshold travel route rating for applicable threshold travel routes of at least 16 for roadway travel routes, or a shoreline travel route rating of at least 8 and does not result in a decline of applicable roadway or shoreline scenic quality ratings.

D. TRPA-Approved Substitutions

1. Douglas County

The Douglas County Community Plans, Design Standards and Guidelines (August 1993) shall apply within the Round Hill Community Plan. The Tahoe Area Plan Regulations and South Shore Design Standards and Guidelines (September 2013) shall apply within the South Shore Area Plan, as well as Section L of Chapter 12: *Signs of the Douglas County Community Plans*, Design Standards and Guidelines (August 1993) until such time the South Shore Area Plan is amended to include equivalent standards.

2. Placer County

The Placer County Tahoe Basin Area Plan, Implementing Regulations, Area-Wide Standards and Guidelines, Section 3.1.1, Signs (January 2017), and as amended, shall apply to the entire portion of Placer County within the Tahoe Region.

3. City of South Lake Tahoe

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

4. Washoe County

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

5. Recreation Sign Guidelines

The Lake Tahoe Recreation Sign Guidelines shall apply to the entire Lake Tahoe Region (as amended January 2001).

6. El Dorado County

The Meyers Area Plan substitute sign standards (February 2018) shall apply to the Meyers Area Plan in Eldorado County.

38.3. SIGN PACKAGE REVIEW

For any proposed new facility or development, expansion of an existing use, or change in use subject to this Code, or any sign project application subject to this chapter, the applicant shall indicate on the submitted plans or drawings all locations and areas in the project area currently occupied or intended to be occupied by permanent signage, together with the dimensions of each existing or proposed sign. Sign package review requirements shall not apply to applications for a sign face change only for existing sign structures previously approved by TRPA pursuant to this chapter.

38.4. GENERAL SIGN STANDARDS

The following standards shall apply to all signs, except where specifically provided otherwise:

38.4.1. Measurement of Sign Area

Sign area is the sum of all display areas within any type of perimeter or border of a sign that may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram, rectangle, triangle, circle, or semicircle of the smallest size sufficient to cover the entire area of the sign and computing the area of the parallelogram, rectangle, or triangle. The structure supporting a sign is not included in determining the area of the sign with the following exceptions:

- A.** The area of signs installed in sign cans shall include the outside dimensions of the can itself;

- B.** Internally illuminated awnings containing signage shall include as sign area the 2-dimensional plane of any portion of the awning which is internally illuminated; and
- C.** Any two-sided sign where the sides are no more than 36 inches apart, or the interior angle between the two sides of faces is 45 degrees or less, and which are visually identical shall only count one of the two sides as sign area. See figures below.

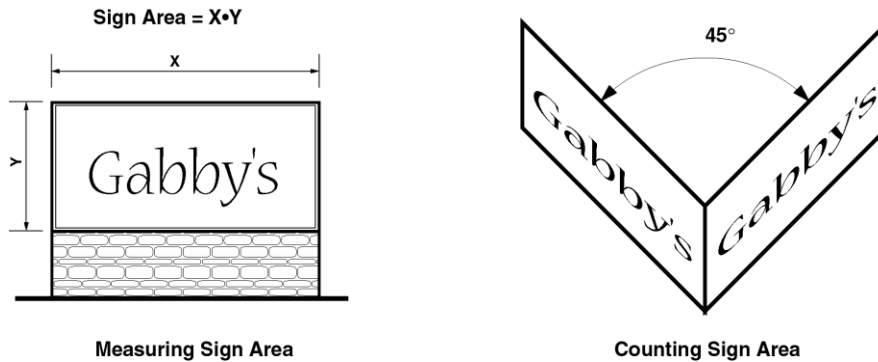


Figure 38.4.4-A: Sign Illumination

CHAPTER 38: SIGNS

38.4 General Sign Standards

38.4.2 Opaque Background for Internally Illuminated Signs



38.4.2. Opaque Background for Internally Illuminated Signs

The background of all internally illuminated signs shall either be of an opaque material that does not transmit light or shall be of a dark color. This standard shall not apply to signs constructed entirely of neon tubing. Dark colors that meet this standard are listed in Appendix E of the Design Review Guidelines Manual.

38.4.3. Off-Premise Signs

No sign shall be erected or maintained on a parcel or project area other than the parcel or project area on which the use or activity advertised by the sign is located.

38.4.4. Sign Illumination

No sign shall be illuminated by or contain blinking, flashing, intermittent, or moving light or lights, except to display time and temperature. See Figure 38.4.4-A.

38.4.5. Diffuse Lighting

All signs that are illuminated shall be illuminated using indirect or diffuse lighting. No sign shall contain copy that consists of illuminated bulbs or individual lights or light sources. This standard shall not apply to signs constructed entirely of neon tubing.

38.4.6. Roof Signs

No sign shall be mounted on the roof of a building or other structure, except for signs mounted on mansard roofs and that do not extend vertically above the top of the mansard.

38.4.7. Prohibited Devices

Strings of pennants, banners, ribbons, streamers, balloons, spinners, or other similar moving or fluttering devices, and searchlights are prohibited.

38.4.8. Signs Imitating Official Traffic Signs

No sign shall imitate the color and shape of, or directions given in, an official traffic sign or signal, or use such words as "stop," "caution," "yield," "danger," or "warning."

38.4.9. Signs Obscuring Vision

No sign shall be placed in such a manner that it unsafely obscures the vision of a motorist upon entering or leaving a street.

38.4.10. Signs on Natural Features and Other Structures

No sign shall be affixed to or painted on a tree, rock, or other natural feature; utility pole, street sign pole, traffic signal equipment or pole; garbage receptacle, bench, or other type of street furniture; or fence.

38.4.11. Rotating Signs

No sign shall rotate or have a rotating or moving part, or parts, except barber poles to the extent that may be required by state law, and clocks, and thermometers.

38.4.12. Signs Attached to Motor Vehicles

No sign shall be attached to or located on a stationary motor vehicle, equipment, trailer, or related device, when used in a manner to augment approved signage for a business as opposed to normal operation or parking of the vehicle, equipment, trailer, or related device. This subsection shall not apply to business, company, or government identification signs, or nonstationary motor vehicles.

38.4.13. Portable Signs

No sign shall be permitted that is not permanently affixed to the ground or a building.

38.4.14. State of Repair

All signs and components thereof, including supports, braces, and anchors, shall be kept in a state of good repair.

38.4.15. Removal of Sign Message

Any sign for which the sign message or face has been removed, leaving only the supporting frame, can, braces, anchors, or similar components, shall, within 30 days of the removal of the message or face, have the message or face replaced with a blank face or new message or face, consistent with the standards of this chapter, or shall have the remaining components of the sign removed. This subsection shall not be construed to alter the effect of Section 38.12 that prohibits the replacement of a nonconforming sign.

38.4.16. Noncommercial Copy

No provision of this Code shall be construed as regulating or restricting the use of noncommercial copy or message on any sign that is permitted under this chapter. "Noncommercial copy or message" for purposes of this provision means copy or other message that does not advertise a business or similar economic means for the production of income.

38.4.17. Highway Signs

Highway signs, street signs, and other regulatory and directional signs that are located on public rights-of-way shall conform to the applicable sign standards set forth in the *Manual On Uniform Traffic Control Devices, 1978*, as amended, or other standards that may be contained in a memorandum of understanding between TRPA and a public agency with jurisdiction over the travel way.

38.4.18. Increases in Maximum Allowed Sign Area

Sign area for building and freestanding signs that are visible from highways with a posted speed limit of 45 miles per hour or greater may be allowed up to 20 percent additional sign area over the maximum allowable area for each sign as calculated based on the applicable provisions of this chapter.

38.4.19. Window Signs

Any window sign that exceeds five percent of the window area of any window shall be included in the maximum allowable square footage calculations for building signs. Permanent signs printed on windows shall be considered to be building signs and shall be included in the maximum allowable square footage calculations under this chapter. See Figure 38.4.19-A.



Figure 38.4.19-A: Window Sign Area

38.5. SIGNS IN CONSERVATION PLAN AREAS

The following standards shall apply to signs located in conservation plan areas:

38.5.1. Signs on National Forest Lands

Signs on National Forest lands, including sites permitted for private use, shall conform to standards enforced by the U.S. Forest Service as set forth in the *Forest Service Catalog of Posters and Signs, EM-7100-15, 1992*, as amended.

38.5.2. Signs on California or Nevada State Park Lands

Signs on California State Park lands shall conform to the standards enforced by the State of California as set forth in the *Department of Parks and Recreation Sign Handbook, 1973*, as amended. Signs on Nevada State Park lands shall conform to the standards enforced by the State of Nevada as set forth in the *State of California Department of Parks and Recreation Sign Handbook, 1973*, as amended.

38.5.3. Signs on Private Lands

Except as provided in subsection 38.5.1, signs on private lands shall conform to the standards set forth in subsection 38.7.3.

38.6. SIGNS IN RECREATION PLAN AREAS

The following standards shall apply to signs located in recreation plan areas.

38.6.1. Signs at Recreation Areas

Signs for recreation areas and facilities shall conform to the following standards:

A. Recreation Areas and Facilities Operated by the U.S. Forest Service, or California or Nevada State Parks

Signs at recreation areas and facilities that are operated by the U.S. Forest Service shall conform to the standards enforced by the U.S. Forest Service as set forth in the *Forest Service Catalog of Posters and Signs*, FSH 7109.11a, 1980, as amended. Signs at recreation areas and facilities that are operated by California State Parks shall conform to the standards enforced by the State of California as set forth in the *State of California Department of Parks and Recreation Sign Handbook*, 1973, as amended. Signs at recreation areas and facilities that are operated by Nevada State Parks shall conform to the standards enforced by the State of Nevada as set forth in the *State of California Department of Parks and Recreation Sign Handbook*, 1973, as amended.

B. Recreation Facilities Operated By Permittees on National Forest Lands, or California or Nevada State Park Lands

Signs at recreation facilities operated by permittees on National Forest lands, or within California or Nevada State Parks, shall conform to the following standards:

1. Recreation Area Identification Signs

One freestanding sign identifying the recreation area may be allowed for each recreation area. The sign shall conform to the freestanding sign setback, height, and area standards established in subparagraph 38.7.3.B with the exception that two freestanding signs may be allowed provided that:

- a. The combined sign area for the two freestanding signs shall not exceed the maximum area allowed for one freestanding sign;
- b. If a permitted sign is already located on the site, the height of the second sign shall not be greater than the first sign; and
- c. If a permitted sign is already located on the site, the setback of the second sign shall not be less than the first sign.

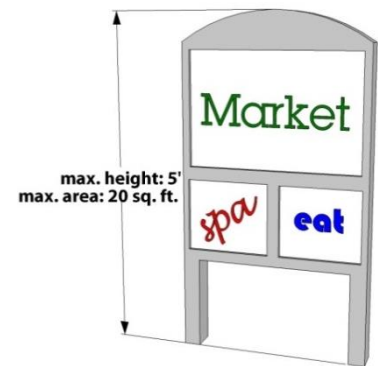


Figure 38.6.1-A: Freestanding Sign

2. Recreation Facility Identification Signs

Either one freestanding or one building sign may be allowed for each recreational facility or other use at a recreation area.

a. Freestanding Signs

Freestanding signs shall have a maximum sign area of 20 square feet and a maximum height of five feet. Freestanding signs shall be located no further than 30 feet from any portion of the facility or other use.

b. Building Signs

Allowable sign area for building signs shall be calculated based on the formula of one square foot of sign area for each one lineal foot of building frontage along the side where the sign is to be displayed up to a maximum of 20 square feet. The maximum height of building signs shall be 15 feet above grade.

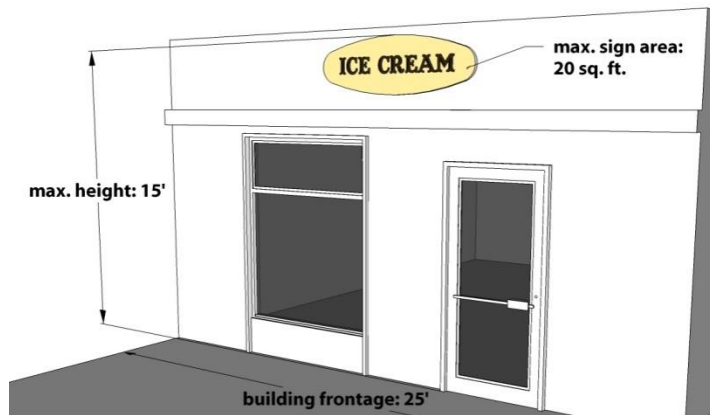


Figure 38.6.1-B: Building Signs for Uses in a Recreation Area

In instances where the facility has no building frontage, but does have a frontage without a public entrance on what is defined as a street, TRPA may allow building signage to be erected upon that alternate frontage. The sign area shall be calculated based upon that alternate frontage.

3. Directory Signs

Directory signs identifying facilities at recreation areas may be allowed. Such signs shall have a maximum aggregate sign area of ten square feet and a maximum height of six feet. An additional one foot of height may be allowed if the sign is incorporated into pedestrian seating or a landscape planter.

C. Signs at Other Publicly-Owned or Privately-Owned Recreation Areas

Signs at other publicly-owned or privately-owned recreation areas shall conform to the standards established in subparagraph 38.6.1.B.

38.6.2. Pedestrian-Oriented Signs

Each use may be allowed one pedestrian-oriented sign per public entrance, provided that the sign shall be displayed at or near the entrance, shall not be internally illuminated, shall have a maximum sign area of five square feet, and shall have a maximum height of ten feet above grade.

38.6.3. Directional Signs

Directional signs that are no greater than four square feet in area, no greater than six feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed and shall not be included in the total allowable sign area for each use.

Directional signs that do not meet these standards may be allowed provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable. See Figure 38.6.3-A.

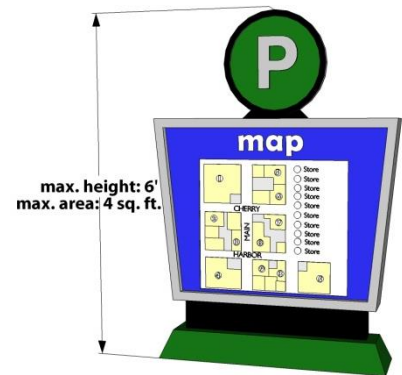


Figure 38.6.3-A: Directional Sign

38.6.4. Signs for Other Uses

Signs for uses other than recreation in recreation plan areas shall conform to the applicable standards established in the following subsections:

- A.** 38.6.2: Pedestrian-Oriented Signs;
- B.** 38.6.3: Directional Signs; and
- C.** 38.7.3: Signs for Non-Residential Uses.

38.7. SIGNS IN RESIDENTIAL PLAN AREAS

The following standards shall apply to signs located in residential plan areas.

38.7.1. Subdivision Entrance Signs

Residential subdivisions may be allowed one freestanding or wall-mounted sign per public street entrance. Each such sign shall be no greater than 40 square feet in area. Freestanding signs shall comply with the height and setback regulations established in subsection 38.7.3. The height of wall-mounted signs shall be no greater than ten feet above grade. Two freestanding or wall-mounted signs, or one of each, may be allowed per public street entrance, provided the combined area of both signs shall not be greater than 40 square feet. See Figure 38.7.1-A.



Figure 38.7.1-A: Subdivision Freestanding Entrance Sign

38.7.2. Signs for Multi-Residential Uses

Signs for multi-residential uses of five or more dwelling units shall conform to the standards established in subsection 38.7.1.

38.7.3. Signs for Non-Residential Uses

The following standards shall apply to signs for non-residential uses located in residential plan areas:

A. Building Signs

1. Each primary use may be allowed one square foot of sign area for each one lineal foot of building frontage up to a maximum of 30 square feet of sign area per building frontage. The maximum height of building signs shall be 15 feet above grade, with a maximum of four building signs permitted per primary use.
2. In instances where the primary use has no building frontage, but does have a frontage without a public entrance on what is defined as a street, TRPA may allow building signage to be erected upon that alternate frontage. The sign area shall be calculated based upon that alternate frontage.
3. Up to 50 percent of the maximum allowable sign area for building signs may be used in a projecting sign. See Figure 38.7.3-A.

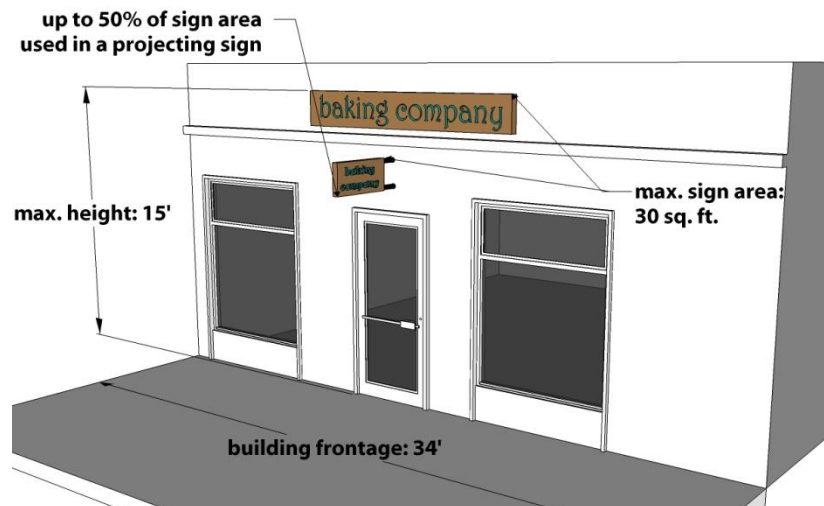


Figure 38.7.3-A: Building Signs for Non-Residential Uses

B. Freestanding Signs

One freestanding sign per project area may be allowed if the eligibility standards listed in subparagraph 38.8.2.A are met. Two freestanding signs per project area may be allowed if the eligibility standards listed in subparagraph 38.8.2.B are met.

1. Freestanding Sign Area

The maximum allowable sign area for freestanding signs is established in Table 38.7.3-1.

**TABLE 38.7.3-1: MAXIMUM ALLOWABLE SIGN AREA FOR
FREESTANDING SIGNS FOR NON-RESIDENTIAL USES IN
RESIDENTIAL PLAN AREAS**

Distance of Sign from Property Line (ft.)	Maximum Sign Area (sq. ft.)
5	15
6	16
7	17
8	18
9	19
10	20
11	21
12	22
13	23
14	24
15	25
16	26
17	27
18	28
19	29
20 or greater	30

2. Freestanding Sign Height

The maximum allowable height of freestanding signs is established in Table 38.7.3-2.

**TABLE 38.7.3-2: MAXIMUM ALLOWABLE HEIGHT FOR
FREESTANDING SIGNS FOR NON-RESIDENTIAL USES IN
RESIDENTIAL PLAN AREAS**

Distance of Sign from Property Line	Maximum Sign Height (ft.)
5'-0" - 10'-0"	6
10'-1" - 15'-0"	8
15'-1" or greater	10

3. Freestanding Sign Location

No portion of a freestanding sign shall be closer than five feet to any property line that is adjacent to a public right-of-way.

CHAPTER 38: SIGNS

38.8 Signs in Commercial and Public Service Plan Areas

38.7.4 Directional Signs

4. Additional Height for Freestanding Signs

Up to two feet of additional height for freestanding signs may be allowed when the freestanding sign is incorporated into a landscape planter, monument base, or pedestal. The additional height allowed shall be the height of the landscape planter, monument base, or pedestal, up to a maximum of two feet. Examples of a landscape planter, monument base, and pedestal are found in the TRPA Design Review Guidelines.



Figure 38.7.3-B: Additional Height for Freestanding Signs

C. Pedestrian-Oriented Signs

Each use may be allowed one pedestrian-oriented sign per public entrance, provided that the sign shall be displayed at or near the entrance, shall not be internally illuminated, shall have a maximum sign area of five square feet, and shall have a maximum height of ten feet above grade.

38.7.4. Directional Signs

Directional signs that are no greater than four square feet in area, no greater than six feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed, and shall not be included in the total allowable sign area for each use. Directional signs that do not meet these standards may be allowed provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable. See Figure 38.6.3-A.

38.8. SIGNS IN COMMERCIAL AND PUBLIC SERVICE PLAN AREAS

The following standards shall apply to signs located in commercial and public service plan areas.

38.8.1. Building Signs

- A. Each primary use may be allowed one square foot of building sign area for each one lineal foot of building frontage, up to a maximum of 40 square feet of sign area per building frontage. Maximum height of building signs shall be 15 feet above grade, with a maximum of four building signs permitted per primary use. See Figure 38.8.1-A.

CHAPTER 38: SIGNS

38.8 Signs in Commercial and Public Service Plan Areas

38.8.2 Freestanding Signs



Figure 38.8.1-A: Building Signs for Commercial and Public Service Areas

- B. In instances where the primary use has no building frontage, but does have a frontage without a public entrance on what is defined as a street, TRPA may allow building signage to be erected upon that alternate frontage. The sign area shall be calculated based upon that alternate frontage.
- C. Up to 50 percent of the maximum allowable sign area for building signs may be used in a projecting sign. See Figure 38.8.1-A.

38.8.2. Freestanding Signs

A. Single Freestanding Sign

One freestanding sign per project area may be allowed if:

1. The street frontage of the project area is greater than 100 feet in length;
2. The sign identifies a building with multiple tenants or a project area with multiple buildings;
3. The use does not contain a structure in its normal operation on which to place a building sign;
4. The building is set back at least 50 feet from the edge of the right-of-way; or
5. The freestanding sign is set back beyond the building facade closest to the roadway.

B. Multiple Freestanding Signs Allowed

Two free-standing signs per project area may be allowed if:

1. The street frontage of the project area is greater than 300 feet in length;
2. The project area has more than one major entry point;

CHAPTER 38: SIGNS**38.8 Signs in Commercial and Public Service Plan Areas****38.8.2 Freestanding Signs**

3. The freestanding signs face different streets or are at least 1,000 feet apart; and
4. The distance between the freestanding signs is at least 100 feet.

C. Freestanding Sign Area

The maximum allowable sign area of freestanding signs is established in Table 38.8.2-1.

TABLE 38.8.2-1: MAXIMUM ALLOWABLE SIGN AREA FOR FREESTANDING SIGNS IN COMMERCIAL/PUBLIC SERVICE AND TOURIST ACCOMODATION PLAN AREAS

Distance of Sign from Property Line (ft.)	Maximum Sign Area (sq.ft.)
5	25
6	26
7	27
8	28
9	29
10	30
11	31
12	32
13	33
14	34
15	35
16	36
17	37
18	38
19	39
20 or greater	40

D. Freestanding Sign Height

The maximum allowable height of freestanding signs is established in Table 38.8.2-2.

TABLE 38.8.2-2: MAXIMUM ALLOWABLE HEIGHT FOR FREESTANDING SIGNS IN COMMERCIAL/PUBLIC SERVICE AND TOURIST PLAN AREAS

Distance of Sign from Property Line	Maximum Sign Height(ft.)
5'-0" - 10'-0"	6
10'-1" - 15'-0"	10
15'-1" or greater	12

CHAPTER 38: SIGNS

38.9 Signs in Tourist Accommodation Plan Areas

38.8.3 Pedestrian-Oriented Signs

E. Freestanding Sign Location

No portion of a freestanding sign shall be closer than five feet to any property line that is adjacent to a public right-of-way.

F. Additional Height for Freestanding Signs

Up to two feet of additional height for freestanding signs may be approved when the freestanding sign is incorporated into a landscape planter, monument base, or pedestal. The additional height permitted shall be the height of the landscape planter, monument base, or pedestal, up to a maximum of two feet. Examples of a landscape planter, monument base, and pedestal are found in the Design Review Guidelines.

38.8.3. Pedestrian-Oriented Signs

Each use may be allowed one pedestrian-oriented sign per public entrance, provided that the sign shall be displayed at or near the entrance, shall not be internally illuminated, shall have a maximum sign area of five square feet, and shall have a maximum height of ten feet above grade.

38.8.4. Directional Signs

Directional signs that are no greater than four square feet in area, no greater than six feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed, and shall not be included in the total allowable sign area for each use. Directional signs that do not meet these standards may be allowed provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable. See Figure 38.6.3-A.

38.9. SIGNS IN TOURIST ACCOMMODATION PLAN AREAS

The following standards shall apply to signs located in tourist accommodation plan areas.

38.9.1. Building Signs

- A.** Each primary use may be allowed one square foot of sign area for each one lineal foot of building frontage, up to a maximum of 40 square feet of sign area per building frontage. The maximum height of building signs shall be 15 feet above grade, with a maximum of four building signs per primary use.
- B.** In instances where the primary use has no building frontage, but does have a frontage without a public entrance on what is defined as a street, TRPA may allow building signage to be erected upon that alternate frontage. The sign area shall be calculated based upon that alternate frontage.
- C.** Up to 50 percent of the maximum allowable sign area for building signs may be used in a projecting sign. See Figure 38.8.1-A.

38.9.2. Freestanding Signs

Freestanding signs shall conform to the standards set forth in subsection 38.8.2.

38.9.3. Pedestrian-Oriented Signs

Each use may be allowed one pedestrian-oriented sign per public entrance provided that the sign shall be displayed at or near the entrance, shall not be internally illuminated, shall have a maximum sign area of five square feet, and shall have a maximum height of ten feet above grade.

38.9.4. Directional Signs

Directional signs that are no greater than four square feet in area, no greater than six feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed, and shall not be included in the total allowable sign area for each use. Directional signs that do not meet these standards may be approved provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable. See Figure 38.6.3-A.

38.10. FUEL PRICE SIGNS

Fuel price signs shall conform to the following standards:

38.10.1. Motor Vehicles

A use that includes selling motor vehicle fuel to the public may be allowed one fuel price sign on each street frontage providing direct vehicular entrance to the use. Such signs may be incorporated into a freestanding sign; however, the fuel price sign shall not exceed ten feet in height and 15 square feet in area for each side. Fuel price signs shall have no more than two sides. Portable fuel price signs are prohibited. Sign area utilized for fuel price signs shall be included in the total freestanding sign area allowed for each use. See Figure 38.10.1-A.

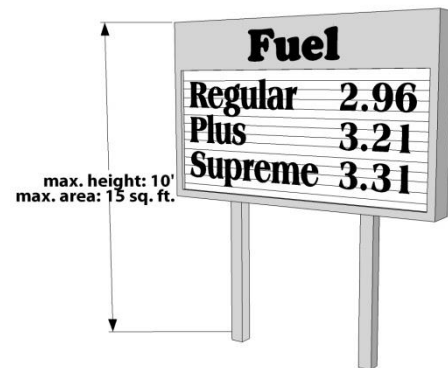


Figure 38.10.1-A: Example Fuel Price Sign

38.10.2. Marina Fuel Price Signs

A marina that sells motor fuel to the public may be allowed one fuel price sign. Each such sign may be incorporated into a freestanding sign; however, the fuel price sign shall not exceed eight feet in height and nine square feet in area for each side. Fuel price signs shall have no more than two sides. Portable fuel price signs are not allowed. Sign area utilized for fuel price signs shall be included in the total freestanding sign area allowed for each marina. Fuel price signs located on commercial marina piers shall not exceed 12 inches in height.

38.11. TEMPORARY SIGNS

Temporary signs shall conform to the following standards:

38.11.1. Temporary Signs for Temporary Activities

Temporary signs for temporary activities may be allowed, provided they conform to the general sign standards in Section 38.4 and to the following standards:

A. Area and Height Limit

Individual temporary signs or a series of temporary signs intended to be read or viewed as one sign that are part of a temporary activity shall not exceed 60 square feet in area or six feet in height. Temporary signs that are placed in a temporary activity sign location designated as part of the adopted community plan shall not exceed 240 square feet of sign area per temporary activity.

B. Time Limit Generally

Temporary signs that are part of a temporary activity may be installed up to 14 days prior to the activity and shall be removed at the end of the activity.

38.11.2. Temporary Signs for Temporary Uses

Temporary signs for temporary uses may be allowed as part of a temporary use approval. Standards for temporary signs associated with temporary uses shall be the applicable standards of the plan area in which the temporary use is located as set forth in Sections 38.5 through 38.10, inclusive. All temporary signs shall comply with the general sign standards in Section 38.4. Temporary signs that are approved as part of a temporary use shall be removed when the permit for the temporary use expires.

38.12. EXISTING SIGNS

An existing sign is a sign that is legally existing or approved on November 27, 1989.

38.12.1. Conforming Sign

A sign that is existing as of the effective date of this chapter and that complies with the standards set forth in this chapter is a conforming sign.

38.12.2. Nonconforming Sign

A sign that is existing as of the effective date of this chapter and that does not comply with the applicable standards set forth in this chapter is a nonconforming sign.

38.12.3. Conformance or Removal of Nonconforming Signs

Nonconforming signs shall be brought into conformance with the applicable standards, if conformance is possible, including substitute standards that may be in effect unless otherwise specified by the substitute sign standards, or shall be removed if any of the circumstances in subparagraph A below are met.

A. Circumstances Requiring Removal

Nonconforming signs shall be removed in the following circumstances:

CHAPTER 38: SIGNS

38.12 Existing Signs

38.12.3 Conformance or Removal of Nonconforming Signs

1. Where the cost of bringing the sign into conformance is less than one hundred dollars or where the sign is valued at less than one hundred dollars, such sign shall be brought into conformance or removed within one year after the effective date of this subparagraph;
2. If a nonconforming sign is destroyed or damaged to an extent in excess of 50 percent of the sign value;
3. If the sign is relocated;
4. If the sign is altered structurally, or if the sign face is altered, except for changeable copy signs and maintenance;
5. If the business or use for which the nonconforming sign(s) was installed is expanded or modified, and if the value of the expansion or modification exceeds 50 percent of the value of the existing improvements. All improvements to a single business or use within any 12-month period shall be treated cumulatively in the administration of this subparagraph; or
6. By the expiration date for any permit for a use authorized by TRPA that requires Governing Board approval as set forth in Chapter 2: *Applicability of the Code of Ordinances*, results in an increase of more than 100 additional daily vehicle trips, or has improvements with a total construction cost of \$50,000 or greater, whichever occurs first, unless a conformance schedule is specified by substitute sign standards;

B. Immediate Compliance Required

On the happening of any of the events described in subparagraph A above, the sign or signs shall be immediately brought into compliance with this chapter according to a newly approved permit, or shall be removed.

C. Nonconforming Signs Visible from Scenic Threshold Roadway or Shoreline Travel Route

Nonconforming signs that are visible in whole, or in part, from any scenic threshold roadway or shoreline travel route shall be made to conform to the standards set forth in this chapter or shall be removed unless otherwise specified by substitute sign standards.

D. Exceptions to Conformance Requirements

Exceptions to subparagraphs A through C above may be approved for existing signs provided the following findings can be made:

1. The exception is consistent with the purpose and intent of the sign ordinance;
2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that are not contemplated or provided for by this ordinance;
3. The approval of the exception shall not be materially detrimental to the public health, safety, and welfare;

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38.12 Existing Signs

38.12.4 Maintenance and Repair of Nonconforming Signs

4. Alternative signage concepts that comply with the provision to which the exception is requested have been evaluated, and undue hardship would result if the strict adherence to the provision is required;
5. A scenic quality analysis demonstrates that the exception, if approved, shall be consistent with the threshold attainment findings listed in the *Scenic Resources Management Package Final Environmental Impact Statement*, 1989;
6. The exception that is approved shall not increase the number, area, and height of the existing sign or signs for which the exception is requested; and
7. The exception is the minimum departure from the standards.

E. Determination of Sign Value

Sign value shall be determined based on an actual sales receipt for the sign, a cost estimate for the replacement cost provided by a qualified professional, or the replacement cost as determined in the current edition of the *Signwriter's Guide to Easier Pricing*, whichever is greater.

38.12.4. Maintenance and Repair of Nonconforming Signs

Nothing in Section 38.12 shall be construed to relieve the owner or user of a nonconforming sign, or owner of the property on which such nonconforming sign is located, from maintaining the sign in a state of good repair; provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way that makes it more nonconforming.

CHAPTER 39: SUBDIVISION

39.1. PERMISSIBLE SUBDIVISIONS

39.1.1. Purpose

In accordance with Goal 2, Policy 7, of the Land Use Subelement, Land Use Element of the Goals and Policies, this chapter establishes limitations on new subdivisions.

39.1.2. Applicability

This chapter applies to new subdivisions and modifications to existing subdivisions or parcels.

39.1.3. Limitations on New Subdivisions

New subdivisions shall not create new development potential in the region. New subdivisions shall be reviewed in accordance with the applicable provisions of this Code. Only the following types of subdivisions may be approved, provided TRPA finds they do not increase new development potential:

A. Conveyance to Public Entity

Subdivisions of land for the purpose of conveying the newly created parcel to a government agency, or public entity as defined in this Code, provided the subdivision is in compliance with the following standards:

1. Acquisition Program Conveyances

The standards for conveyances to the United States, the California Tahoe Conservancy, or the Nevada Division of State Lands, pursuant to a program established by statute for the purposes of acquiring lands for open space, water quality, or recreational uses, provided that:

- a. If the original parcel had an existing or potential residential unit of use, the conveyance shall specify which parcel is assigned the existing or potential residential unit of use. Likewise, the approval shall specify the coverage assigned to all parcels and shall specify that the maximum coverage on the existing and the newly created parcels shall not exceed the amount which would have been permitted prior to the subdivision; and
- b. The TRPA subdivision approval shall only take effect upon the transfer of the subdivided parcel to the United States, the California Tahoe Conservancy, or the Nevada Division of State Lands.

2. General Conveyances

The standards for other conveyances shall be:

- a. If the original parcel had an existing or potential residential unit of use, a deed restriction running with the land shall be recorded establishing which parcel shall be assigned the existing or potential residential unit of use;

- b. The parcel conveyed to the government agency or public entity shall be permanently restricted by deed restriction running with the land to the public service, public recreation, public resource management use, or open space; and
- c. If the original parcel contains existing land coverage deed restrictions running with the land, a deed restriction running with the land shall be recorded against the original and newly created parcels ensuring that the allowable and maximum coverages on the parcels shall not exceed the amount that would have been permitted prior to the subdivision. In the case where existing land coverage exceeds the Bailey coefficients, the restriction shall ensure that future land coverage calculations shall be made as if the parcels had not been subdivided.

B. Cemetery Lots

Division of land for the purpose of creating cemetery lots.

C. Litigation

Division of land ordered by a federal or state court of competent jurisdiction as a result of bona fide, adversarial legal proceedings to which TRPA is a party or is otherwise legally bound. Any such division of land or approval of any other project or action resulting from such legal proceedings shall be pursuant to an evaluation of the effect of such division or approval upon the Regional Plan, the environmental thresholds, and other requirements of the Compact. Based on the above evaluation, TRPA shall make appropriate adjustments to the Regional Plan.

D. Modifications to Existing Parcels and Subdivisions

Modifications to existing subdivisions or parcels, including parcel consolidations, that do not have adverse impacts upon the health, safety, general welfare, or environment of the region. Modifications shall be reviewed in accordance with the applicable provisions of Section 39.2 of this Code. Modifications to an existing subdivision or parcel shall not create a greater number of parcels than currently exists.

E. Conversions of Pre-1987 Structures

Conversion of an existing structure, as defined in Chapter 90: *Definitions* and that was approved prior to the effective date of the 1987 Regional Plan (July 1, 1987), to a stock cooperative, community apartment, condominium, or any other form of divided interest that does not have an adverse impact upon the health, safety, general welfare, or environment of the region. Conversions of eligible existing structures shall be reviewed in accordance with the applicable provisions of Section 39.2.

F. Resubdivision

Resubdivision, adjustment, or consolidation, or parcels within an existing urban area as part of a TRPA-approved redevelopment plan. Such projects shall be reviewed in accordance with the applicable provisions of Section 39.2.

G. Subdivision of Post-1987 Projects

Subdivision through condominiums, community apartments, or stock cooperatives, within an existing urban area and in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of the Regional Plan and Code. In order to subdivide a project under this subsection, the project shall be new development approved pursuant to the 1987 Regional Plan, as amended, prior to the approval of the subdivision. The subdivision shall not result in a greater amount, a different location, or a greater rate of development than otherwise permitted by the Regional Plan and Code. Subdivisions under this subsection shall be reviewed and approved in accordance with the applicable provisions of Section 39.2.

39.2. SUBDIVISION STANDARDS

39.2.1. Purpose

The purpose of this section shall be to regulate the creation of new subdivisions to ensure attainment and maintenance of the environmental thresholds and the goals of the Regional Plan.

39.2.2. Applicability

This section shall apply to the review of permissible new subdivisions.

39.2.3. Subdivision of Existing Structures

Subdivision of eligible existing structures, as set forth in subparagraph 39.1.3.E, may be permitted subject to the following requirements:

A. Permissible Use

Subdivisions of existing structures that result in a change of use shall comply with the requirements of Chapter 21: *Permissible Uses*. Subdivision of a structure shall be deemed an intensification of use and shall not be permitted if the new use is prohibited in the applicable plan area statement.

1. Election of conversion of use pursuant to Chapter 51 shall be made in conjunction with or prior to an application to subdivide an existing structure. If the election is made after a TRPA approval for subdivision, then the election shall void the prior approval if the election modifies the major use classification of the subdivision.

B. Moderate-Income Housing

Existing residential units that are moderate-income housing, as defined by Chapter 90: *Definitions*, shall not be subdivided unless mitigation is provided on a unit for unit basis for the loss of moderate income housing. Mitigation shall be in the form of construction of an equal number of moderate income units, conversion of other structures to moderate-income housing, restriction of subdivided units to moderate income housing units, or a combination of the above.

1. To determine whether a unit is moderate-income housing, the applicant shall submit a rental/sale history for each unit for the previous five years. TRPA shall review the history and determine whether the unit has, on the whole, been available as moderate income housing. TRPA shall utilize the appropriate state and federal data on median income and rental rates and mortgages for moderate- to very low-income households in making the determination. If a rental or sale history is unavailable or incomplete, an appraisal of the structure prepared by a qualified appraiser shall be submitted by the applicant.
2. Restriction of subdivided units to moderate-income housing shall include recordation of deed restrictions running with the land that requires compliance with Section 52.3.4.D.

C. Land Coverage

1. Prior to approving a subdivision of an existing structure, TRPA shall require submittal of a site plan showing all existing land coverage.
2. Conversions of existing structures shall be subject to the excess coverage mitigation requirements in Section 30.6 to the extent the subdivision includes or is approved in conjunction with building modifications.

D. Density

Subdivision of existing structures that exceed the density standards in Chapter 31: *Density*, or the applicable plan area statement by more than ten percent shall not be permitted.

1. Conversions of existing structures that exceed the density standards in Chapter 31 by no more than ten percent may be permitted provided TRPA finds that the resultant excess density is not inconsistent with the surrounding uses and the goals of the applicable plan area statement.
2. For purposes of this section, the density standard for single-family residential units shall be the multi-family density standard in the applicable plan area statement.
3. If multi-family is not a permitted use, then the density standard for single-family residential units in a subdivision or planned unit development shall be the density shown on the subdivision map provided the map depicts a specific density. If there is no subdivision map or the subdivision map does not depict a specific density then the density standard for single family residential units shall be four units per acre.

E. Parking

Subdivisions of existing structures shall comply with the parking standards set forth in Chapters 34: *Driveway and Parking Standards*, 36: *Design Standards*, and Ordinance 87-8, or the adopted community plan, as applicable.

F. BMPs

Existing structures approved for subdivision shall be retrofitted with BMPs. Where the subdivision includes or is done in conjunction with reconstruction or relocation of the existing structure, the project area shall be retrofitted no later than the completion of the reconstruction or relocation. Where the subdivision does not include reconstruction or relocation, the project area shall be retrofitted no later than one year after the recordation of the map or other similar legal instrument documenting the subdivision. Performance of BMP retrofitting shall be secured in accordance with Chapter 5: *Compliance*.

G. Basic Services

Subdivisions of existing structures shall comply with the standards in Chapter 32: *Basic Services*, except that TRPA shall not waive the paved road requirement in Section 32.3.

H. Signage

All signage associated with or located within the subdivision shall conform to the standards for new signs in Chapter 38: *Signs*.

I. Design Review Guidelines

Existing structures approved for subdivision shall be retrofitted to comply with the standards set forth in Section 65.1: *Air Quality Control*, for combustion appliances, including fireplaces. Subdivisions of existing structures shall conform to the following standards in Chapter 36: *Design Standards*:

1. Snow Storage (subsection 36.5.3);
2. Landscaping (Section 36.7); and
3. Lighting (Section 36.8).

J. Mobility Mitigation Fees

If the subdivision of an existing structure effects a change in use (e.g., multi-family to single-family) that results in an increase in vehicle miles travelled, then a mobility mitigation fee shall be assessed pursuant to subparagraph 65.2.4.D.

K. Common Areas

If subdivision of an existing structure creates common area, then TRPA shall require covenants, conditions, and restrictions (CC&Rs), as needed, to ensure compliance with the Code and conditions of approval.

L. Shorezone Structures

Subdivision of an existing structure in the shorezone shall not be permitted except in accordance with an adopted marina master plan pursuant to Chapter 14: *Specific and Master Plans*.

M. Substitution of Local Housing Plans

If a local jurisdiction adopts and implements a program that addresses the need for moderate-income housing within its jurisdiction, then TRPA may by ordinance exempt projects within that jurisdiction from the provisions of subparagraph 39.2.3.B.

N. General Standards

Except as otherwise expressly set forth in this section, subdivisions of existing structures shall conform to the standards set forth in the TRPA Code. TRPA shall not approve the subdivision of an existing structure that was not constructed in accordance with the applicable local, regional, and state laws.

1. In conjunction with the subdivision of an existing structure, TRPA may also approve the reconstruction or relocation of the structure within the same project area as otherwise permitted in the Code.
2. This section shall not be construed to permit the transfer of an existing structure to create a lot and block subdivision, planned unit development, or similar division of land.
3. A final map or similar document for an approved subdivision shall contain a signature block for TRPA to document regional approval.
4. TRPA shall require compliance with applicable pre-existing permit conditions and subdivision approvals through the recordation of deed restrictions or other covenants running with the land, as deemed necessary.

39.2.4. Resubdivisions

[Reserved]

39.2.5. Subdivision of Post-1987 Projects

Subdivision of projects approved after July 1, 1987 pursuant to the 1987 Regional Plan, as it may be amended, may be permitted subject to the following requirements:

A. Existing Urban Areas

Subdivisions may only be permitted in urban areas existing on December 31, 1994, or as amended pursuant to subsection 11.8.4.

B. Permissible Use

Subdivisions that result in a change in use shall comply with the requirements of Chapter 21: *Permissible Uses*. Subdivision shall be deemed an intensification of use and when consistent with subsection 21.5.2 shall not be permitted if the new use is prohibited in the applicable plan area statement.

C. Multi-Residential Bonus Units and Allocations

Multi-residential projects that received development rights ("bonus units") under Section 52.3 after January 1, 1993, or residential allocations under subparagraph 50.5.1.D, or multi-residential allocations under subsection 50.5.3, shall be permitted to subdivide provided the resulting units are deed restricted in accordance with the Chapter 90: *Definitions*, for achievable, moderate-income or affordable housing.

D. Moderate-Income Housing

Subdivision of moderate-income housing projects may be permitted provided TRPA finds that the resultant use qualifies as moderate income housing and appropriate deed restrictions running with the land are recorded to document the restriction of units to moderate income housing.

E. Land Coverage

Projects that include transferred land coverage approved pursuant to subparagraph 30.4.2 shall not be permitted to subdivide if the resulting use is not eligible for transferred land coverage in the amount approved.

F. Affordable Housing

Subdivisions of post-1987 residential projects in plan areas designated preferred affordable housing areas. Approval of subdivisions after December 31, 1995, of post-1987 residential projects that do not qualify as affordable housing shall be prohibited until TRPA finds the city or county, with zoning jurisdiction, has demonstrated its commitment to assume its "fair share" responsibility to provide lower and very low income housing within existing urban areas pursuant to Policy HS-1.2 of the TRPA Housing Subelement of the Regional Plan Goals and Policies.

G. Density

Subdivisions shall comply with the applicable density standard for the resulting use. For purposes of this chapter, the density standard for single-family residential units shall be the multi-family density standard in the applicable plan area statement. If multi-family is not a permitted use, then the density standard for single-family residential units shall be four units per acre.

H. Basic Services

Subdivisions shall comply with the standards in Chapter 32: *Basic Services*, except that TRPA shall not waive the paved road or fireflow requirements.

I. Parking

Subdivisions of post-1987 projects shall comply with the parking standards for the resultant use, as set forth in Chapters 34 and 36 and Ordinance 87-8, or the adopted community plan, as applicable.

J. Signage

Subdivisions of post-1987 projects shall comply with the signage standards for the resultant use as set forth in Chapter 38 or the adopted community plan, as applicable.

K. Mobility Mitigation Fees

Subdivisions that result in a change of use that increases vehicle miles travelled shall be assessed a mobility mitigation fee pursuant to subparagraph 65.2.4.D. Approval of a subdivision shall not be cause for a partial refund of mitigation fees assessed in connection with the underlying project approval.

L. Secondary Residences and Accessory Dwelling Units

Secondary residences or accessory dwelling units approved on or after July 1, 1987, shall not be subdivided.

M. Covenants, Conditions, and Restrictions

TRPA may require covenants, conditions and restrictions (CC&Rs), or deed restrictions, as appropriate to ensure compliance with the Code and conditions of approval. The final subdivision map shall include a reference to any CC&Rs or deed restrictions, as appropriate.

N. Shorezone Structures

Subdivision of shorezone structures shall not be permitted except in accordance with an adopted master plan pursuant to Chapter 14: *Specific and Master Plans*.

O. General Standards

Except as otherwise expressly set forth in this section, subdivision of post-1987 projects shall conform to the standards set forth in the Code for the resulting use, including without limitation, signage, BMPs, design review, parking, and drive ways.

1. This section shall not be construed to permit the transfer or modification of an approved multi-residential project to a lot and block subdivision or similar division of land.
2. A final map, or similar document, for an approved subdivision shall contain a signature block for TRPA to document regional approval.
3. TRPA shall only approve subdivisions of post-1987 projects after approval of the underlying project. The subdivision approval shall expire if the underlying project approval expires or the project is not completed. TRPA shall require compliance with the project conditions of approval and the subdivision approval through recordation of deed restrictions or CC&Rs running with the land, as deemed necessary.

P. Modifications to Subdivisions

[Reserved]



TRPA

Code of Ordinances

Adopted by Governing Board

December 12, 2012

Effective February 9, 2013

Amended September 27, 2023

Growth Management

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CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.1. PURPOSE

This chapter sets forth the requirements for regulating the rate and timing of growth within the region. In conjunction with other provisions of this Code and the Goals and Policies, this chapter is intended to award and distribute allocations for growth and development in an orderly fashion in order to meet and maintain the environmental thresholds. An allocation issued pursuant to this chapter does not give the recipient a right to develop a project.

50.2. APPLICABILITY

No person shall construct a project or commence a use or activity that requires an allocation unless:

- A. An allocation is obtained in accordance with this chapter or an existing residential unit of use is obtained and transferred to the parcel in accordance with Chapter 51: *Banking, Conversion, and Transfer of Development Rights*;
- B. The parcel is eligible to use an allocation; and
- C. The project is approved by TRPA.

50.3. POTENTIAL RESIDENTIAL UNITS OF USE

Potential residential units of use, as defined in Chapter 90: *Definitions*, shall be assigned and utilized in accordance with the following provisions:

50.3.1. Assignment of Potential Residential Units of Use

Parcels legally existing on the effective date of the Regional Plan, July 1, 1987, shall be assigned a potential residential unit of use except as set forth below:

- A. Parcels which are located in Land Capability Districts 4, 5, 6, or 7, are within a community plan area, or within Centers in a Conforming Area Plan, and are eligible for tourist accommodation or commercial uses, shall not have a potential residential unit of use. Parcels that are removed from community plan areas and included in Area Plans shall not receive a potential residential unit of use with the change.
- B. Parcels that contained one or more of the primary uses listed in the Section 21.4 under Residential, Tourist Accommodation, Commercial, or Public Service, on the effective date of the Regional Plan, shall not have a potential residential unit of use, except as otherwise provided in subsection 50.3.4.
- C. Parcels that contained one or more of the primary uses listed in Section 21.4 under Recreation, on the effective date of the Regional Plan, shall not have a potential residential unit of use, except that parcels with only dispersed outdoor recreation as a primary use shall have a potential residential unit of use.

- D.** Parcels that contain one or more of the following uses in Section 21.4 under Resource Management, on the effective date of the Regional Plan, shall not have a potential residential unit of use :
 - 1.** Tree farms;
 - 2.** Farm/ranch accessory structure;
 - 3.** Grazing;
 - 4.** Range pasture, management;
 - 5.** Range improvement; or
 - 6.** Open space.
- E.** Littoral parcels that contain one or more of the primary uses listed in Section 81.3, on the effective date of the Regional Plan, shall not have a potential residential unit of use , except that a parcel with the primary use of dispersed water-oriented outdoor recreation, salvage operations, or safety and navigation facilities shall have a potential residential unit of use .
- F.** Parcels which are burdened by an easement or other restriction incompatible with a residential use;
- G.** Parcels which were created as a result of an eminent domain or similar government action or are otherwise remnants of a prior transaction, and which do not contain sufficient area to construct a single-family residence; and
- H.** Parcels which were created for the purpose of public service uses or easements, including, but not limited to, public utilities and public recreation.

50.3.2. Transfer of Potential Residential Units of Use

Transfer of potential residential units of use shall comply with the density limitations set forth in this chapter and the transfer provisions set forth in Chapter 51: *Banking, Conversion, and Transfer of Development Rights*.

50.3.3. Construction of Residential Unit

A potential residential unit of use or or residential bonus unit shall be required for each additional residential unit approved in accordance with Chapter 50: *Allocation of Development*.

50.3.4. Parcels Containing a Residential Unit Destroyed by Calamity

A parcel containing a residential unit on the effective date of the Regional Plan, which unit is destroyed or damaged by fire or other similar calamity, shall have a development right.

50.4. ALLOCATION AND ACCOUNTING OF DEVELOPMENT RIGHTS

50.4.1. Total Allocations and Accounting of Development Rights

TABLE 50.4.1-1: ALLOCATION AND DEVELOPMENT RIGHTS ACCOUNTING				
ALLOCATIONS/ RIGHTS	DEVELOPMENT	USED 1987-2012	REMAINING FROM 1987 PLAN ¹	2013 ADDITIONS
Residential Allocations		5,973	114	2600
Residential Bonus Units		526	874	600 ²
Tourist Bonus Units		58	342	0
Commercial Floor Area (Total) (square feet)		416,421	383,579	200,000 ³
	<i>Placer County</i>	<i>128,623</i>	<i>72,609</i>	
	<i>Washoe County</i>	<i>87,906</i>	<i>2,000</i>	
	<i>Douglas County</i>	<i>45,300</i>	<i>36,250</i>	
	<i>El Dorado County</i>	<i>15,250</i>	<i>36,150</i>	
	<i>City of South Lake Tahoe</i>	<i>77,042</i>	<i>52,986</i>	
	<i>TRPA Special Project and CEP Pool</i>	<i>62,300</i>	<i>183,584</i>	
<p>Note 1: 158,816 sq. ft. of Commercial Floor Area, 245 Residential Bonus Units and 90 Tourist Bonus Units have been reserved or allocated to projects (e.g., Community Enhancement Projects) that have not been permitted or permitted but not built are accounted for in the "Remaining from 1987 Plan" column. The 114 remaining residential allocations were distributed to local governments in 2012, but have not been built.</p> <p>Note 2: 600 Residential Bonus Units shall be used only in Centers.</p> <p>Note 3: 200,000 sf of CFA shall only be made available after the 383,579 sf of remaining CFA is exhausted.</p> <p>Note 4: Table 50.4.1-1 represents accounting of commodities as of December 12, 2012. For the most current accounting of these commodities please contact TRPA.</p>				

The maximum amount of residential allocations, commercial floor area, tourist bonus units, and residential bonus units that may be released before December 31, 2032, is outlined in the following table. The columns "Used 1987-2012" and "Remaining from 1987 Plan" are estimates and not regulatory.

50.4.2. 2013 Additional Allocations

TRPA shall release allocations in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.

50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

TRPA shall allocate the development of additional residential units as follows:

50.5.1. Requirement of Residential Allocation

No person shall construct a residential project or commence a residential use that creates one or more additional residential units without first receiving an allocation approved by TRPA and awarded by the appropriate jurisdiction. This requirement does not apply to affordable, moderate, or achievable housing units approved after January 1, 1986, but shall apply to

conversions of such affordable, moderate, or achievable housing to market-priced status. In order to construct the project or commence the use for which the allocation or the exemption has been approved, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

A. Applicable Residential Uses

The following residential uses referred to in Chapter 21: *Permissible Uses*, contain residential units: accessory dwelling units (formerly secondary residences); employee housing; mobile home dwellings; multi-family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single-family dwellings; and summer homes.

B. Definition of "Additional Residential Unit"

"Residential unit" is defined in Chapter 90: *Definitions*. For purposes of this chapter, a residential unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1986.

The following are not "additional" residential units:

1. The reconstruction or replacement, on the same parcel, of a residential unit legally existing on or approved before January 1, 1986;
2. The reconstruction or replacement, on the same parcel, of a residential unit that was allocated and approved pursuant to this Code;
3. Legally established additions and accessory uses to an existing residential structure that do not create additional residential dwelling units;
4. The relocation of an existing residential unit legally established on January 1, 1986, other than a mobile home dwelling, through a transfer approved by TRPA;
5. The relocation of a legally established mobile home dwelling with existing water, sewer, and electrical services to a mobile home development or to a multi-family dwelling of five units or more, pursuant to a transfer approved by TRPA;
6. An existing, legally established mobile home pad with water, sewer, electrical services, and vehicular parking, whether or not a mobile home is located on the pad; or
7. One or more new residential units permitted by TRPA prior to February 24, 2010, provided that;
 - a. Application is made to TRPA prior to the expiration of the permit, as determined in subsection 2.2.4, to reissue a permit for a project for which an allocation(s) was assigned;
 - b. All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit are updated to meet the requirements of the Code and all other

applicable TRPA ordinances, rules, or regulations at the time of permit reissuance; and

- c. This subparagraph 7 has not previously been used in relation to the same project.

C. Maximum Number of Residential Units and Distribution of Allocations Among Jurisdictions

1. Annual Release

Up to 120 residential allocations shall be released to local governments in the following proportions:

TABLE 50.5.1-1: MAXIMUM YEARLY ALLOCATIONS		
Jurisdiction	Current % of Allocations	Maximum Allocation
Douglas County	8	10
El Dorado County	25	30
Placer County	31	37
City of South Lake Tahoe	28	33
Washoe County	8	10
Total	100%	120

2. Additional Bonus Residential Units

In addition to the annual maximum allocations in Table 50.5.1-1, a total of 1,124 (as of December 24, 2018) additional potential residential units of use from the TRPA pool shall be available as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of the Regional Plan. Potential residential units of use shall be subject to the foregoing allocation limitations.

3. Reassignment of Allocations

Local jurisdictions may assign allocations to other local jurisdictions. All reassignments must be reported to TRPA before they become effective.

4. Water and Sewage Capacity Limitations

- a. Allocations shall not be distributed to a local jurisdiction if TRPA determines, based on reliable facts, that the jurisdiction lacks sufficient water or sewer capacity to serve new residential development. If the jurisdiction demonstrates to TRPA's reasonable satisfaction that there is sufficient capacity, the TRPA shall distribute the affected allocations to the jurisdiction.
- b. In the event a lack of water and sewage capacity results in an imbalance of allocations to a jurisdiction, a program to recognize the imbalance shall be developed if capacity becomes available.

D. Residential Allocation Incentive Pool

Beginning on January 1, 2015, 20 residential allocations shall be placed in the residential allocation incentive pool. Thereafter, for every four-year allocation release pursuant to subsection 50.4.2, 40 allocations shall be placed in the residential allocation incentive pool. At the beginning of each year, unused allocations from the previous year shall be assigned to the residential allocation incentive pool administered by TRPA. However, beginning January 1, 2009, local jurisdictions may elect to retain those allocations earned through the annual performance review process, and assigned pursuant to subparagraph 4 below, and unused by December 31 of the year distributed.

1. TRPA may assign allocations from the residential allocation incentive pool to parcels throughout the region provided the recipient retires a sensitive parcel within the region.
2. TRPA may assign up to, but not exceeding, 200 allocations from the residential allocation incentive pool to parcels throughout the region provided the local jurisdiction maintains a Certified Local Government Moderate Income Housing Program as described in subsection 52.3.6.
3. TRPA may assign allocations from the residential allocation incentive pool for Residential Development Right Transfers to Centers as described in subparagraph 51.5.1.C.3 when a transfer earns a bonus unit or portion thereof.
4. In addition to allocations earned through the annual Performance Review System, TRPA may assign allocations to local jurisdictions as follows:
 - a. One allocation for every 10,000 square feet of existing Land Capability Class 1b (SEZ) coverage removed and permanently retired in accordance TRPA Code Section 30.5.3.; and/or
 - b. One allocation for every two new attached residential units constructed within Centers provided the allocation is used within a Center; and/or
 - c. One allocation for each project constructed from the 5-year EIP project list tied to a measurable EIP Performance Measure and not already credited under the TMDL provision in subsection 50.5.2.E.1 below, and/or
 - d. One allocation for improving three of nine of the TLOS criteria from the previous year by five to ten percent as determined by the jurisdiction-specific TLOS Criteria Matrix in the TLOS Guidelines Handbook. To receive an allocation pursuant to this provision TLOS criteria must be submitted the prior year.

To maintain sufficient allocations for the programs described in subsection 50.5.2.B below, the number of allocations distributed to all local jurisdictions pursuant to this provision in a calendar year shall not exceed 50 percent of

the residential allocation incentive pool. Unless otherwise agreed upon by all participating local jurisdictions, in no case shall an individual jurisdiction be assigned more than 25 percent of the pool. If insufficient allocations exist in the residential allocation incentive pool to meet the demand earned by local jurisdictions, the allocations available and earned in accordance with a.-d. above shall be distributed based on the percent distribution set forth in Table 50.5.1-1.

E. Disposition of Unused Allocations

When the final conditions of a residential permit issued by TRPA are not met and that permit expires, the residential allocation associated with the permit is transferred to the TRPA pool or the local jurisdictional pool from where the allocation was distributed, and no residential unit of use is created.

50.5.2. Distribution and Administration of Residential Allocations

Residential allocations shall be distributed and administered in accordance with the Goals and Policies, this Code, and the Rules of Procedure.

A. Reserved Allocations

Distribution of allocations shall be by a method or system that permits the participation of parcels with scores below the numerical level defining the top rank in the applicable jurisdiction.

1. TRPA shall reserve ten percent of each jurisdiction's annual allocations for distribution to parcels below the Individual Parcel Evaluation System (IPES) line.
2. In the event there are sufficient allocations in the Residential Allocation Incentive Pool to accommodate all applications to retire a parcel below the Individual Parcel Evaluation System (IPES) line, the following process applies:
 - a. TRPA shall assign allocations from the residential allocation incentive pool to parcels provided the recipient retires a parcel below the Individual Parcel Evaluation System (IPES) line; and
 - b. TRPA shall issue the reserved allocations to jurisdiction of origin.
3. In the event there are insufficient allocations in the Residential Allocation Incentive Pool to accommodate all applications to retire a parcel below the Individual Parcel Evaluation System (IPES) line, the following process applies:
 - a. The reserved allocations shall be distributed by a method of random selection by TRPA. A county or city may elect to distribute the reserved allocations, or may be exempt from the set-aside requirement, provided TRPA finds the substitute system or the city/county distribution system, as applicable, provides an equal or superior opportunity for participation of parcels below the IPES line.
 - b. Allocations distributed by TRPA under this subsection may either be transferred or returned to TRPA for reissuance to the jurisdiction of

origin. Unclaimed reserved allocations after June 1 of the year awarded shall be given to the appropriate jurisdiction for issuance.

- c. Failure to submit a complete application for a transfer by June 1 of the year in which the allocation was distributed shall result in the forfeiture of the allocation to the jurisdiction of origin.

B. Distribution of the Residential Allocation Incentive Pool

TRPA shall distribute allocations from the allocation pool as follows:

1. Owners of eligible parcels may apply to TRPA on a first-come, first-served basis for available allocations in the allocation pool.
2. Owners of parcels located within jurisdictions that maintain a Certified Local Government Moderate Income Housing Program as described in subsection 52.3.6, may apply to TRPA on a first-come, first-served basis for any available allocations in the allocation pool. Allocations received under the Certified Local Government Moderate Income Housing Program are not limited to areas designated for the Multi-residential Incentive Program.
3. Annual allocations and sensitive lot retirements shall be made available on a first-come, first-served basis.

C. Distribution Requirements

Distribution of allocations, within the limits set in subsection 50.5.1 and consistent with subparagraph 50.5.2.A, shall be determined by the counties and city. If any county or city chooses not to distribute allocations within its jurisdiction, then TRPA shall distribute the allocations pursuant to an allocation system adopted by TRPA.

1. Each county and the city shall notify TRPA, in writing, of its election to not distribute allocations for a given year or years. Notification shall be received by TRPA no later than December 31 of the preceding year. The Governing Board may waive this deadline for good cause.
2. TRPA shall deliver allocations to the counties and city no later than January 15 of the year for which the allocations are reserved, or within 15 days of the effective date of an ordinance providing for award and distribution of residential allocations for that year, whichever is later.
3. Delivery of allocations shall be accomplished by providing each county and city with the number of allocation certificates that corresponds to the original allocations available to the jurisdiction in that year. The counties and city shall determine the receiving parcels pursuant to their respective allocation systems and shall indicate the county assessor's parcel number (APN) of the receiving parcel on the allocation certificate. The counties and city shall provide TRPA with a list of assessor parcel numbers that received an allocation. The original allocation forms shall be delivered to the owner of record of the receiving parcel and shall, in addition to the list, constitute evidence of receipt of an allocation.

4. TRPA shall number each allocation as shown in the following table:

TABLE 50.5.2-1: NUMBERING OF ALLOCATIONS		
Indicator	Name	Examples
First set of letters	County or city of origin	WA, DG, PL, EL, SLT
First set of numbers	Year of issuance	87,88,89,90,91
Second set of letters	Type of allocation	O = original R = reissued LS = litigation settlement AP = allocation pool
Second set of numbers	Sequence of allocation	Douglas County: 1 through 23

Example: PL – 87 – R – 56

5. The counties and city shall notify each owner of a parcel receiving an allocation.
6. In the event an allocation is returned or forfeited for any reason, the county or city shall notify TRPA by returning the original allocation certificate and requesting a reissued allocation for assignment to another parcel. If the original allocation certificate cannot be returned to TRPA, the county or city shall notify TRPA of the reason, and the allocation shall be cancelled by depositing a notice of cancellation in the U. S. Mail, first class, postage prepaid, addressed to the last known address of the owner of the receiving parcel.

D. Administration

An allocation shall entitle the owner of the receiving parcel to either apply for a TRPA permit to construct an additional residential unit or to transfer the allocation to another parcel pursuant to Chapter 51: *Banking, Conversion, and Transfer of Development Rights*. Distribution of, and other transactions concerning allocations, shall be tracked, accounted for, and otherwise treated in accordance with Chapter 6: *Tracking, Accounting, and Banking*.

1. Upon receipt of the allocation certificate from the county, TRPA, or city, the owner of the parcel may file an application with TRPA to either construct a residential unit or transfer the allocation. Residential allocation application submission deadlines are set by local jurisdictions.

E. Performance Review System

1. Allocation Performance Table

Each jurisdiction shall receive a base allocation according to Table 50.5.2-2. The base allocation may be reduced incrementally according to subparagraphs 2 and 3 following the table.

- a. Each jurisdiction's final allocation for the year shall be determined by TRPA by October 1.

- b. Beginning in 2015, allocations shall be released in two year increments. The Performance Review Committee (PRC) shall review the performance of the local jurisdictions and TRPA every two years. The review committee shall consist of representatives of the participating counties, city, and TRPA. The committee shall review the performance criteria, and rate of allocation distribution, contained in subparagraphs 2 and 3 below. TRPA may establish guidelines to establish consistent evaluations and/or audits for subparagraphs 2 and 3 to assist the Performance Review Committee's review. No jurisdiction shall receive more allocations than the maximum or fewer allocations than the minimum allocations for that jurisdiction shown in Table 50.5.2-2. When the total number of allocations available for distribution is fewer than the number shown in the table, TRPA shall apply the performance system proportionality to the remaining allocations.

TABLE 50.5.2-2: ALLOCATION PERFORMANCE TABLE FOR 2015-2032

Jurisdiction	Minimum Allocation with Deductions	Deduction Increments	Base Allocation
Douglas County	2	2	10
El Dorado County	8	5.5	30
Placer County	11	6.5	37
City of South Lake Tahoe	10	5.75	33
Washoe County	3	1.75	10
Total	34		120

Note: One deduction increment equals the number of allocations shown for individual jurisdictions. If the final allocation results in a decimal ending in 0.5 or higher the allocation will be rounded up to the nearest whole number, if the decimal is below 0.5 the allocation will be rounded down to the nearest whole number.

2. Total Maximum Daily Load (TMDL) Implementation

By October 1 of each year, TRPA shall request annual conformance reports for the prior year from the Lahontan Regional Water Quality Control Board and Nevada Department of Environmental Protection. The base allocation for each jurisdiction may be awarded or reduced by the PRC as follows:

- a. For 2015 a jurisdiction shall receive their base allocation for conformance with California National Point Discharge Elimination System (NPDES) permits and Nevada Interlocal Agreements; and
- b. Beginning in 2016, a jurisdiction shall receive their base allocation for achieving above 90 percent or greater conformance with State approved annual Lake Clarity Credit targets; or

- c. A jurisdiction shall be penalized one increment of deduction for less than 90 percent to 75 percent conformance with State approved annual Lake Clarity Credit targets; or
- d. A jurisdiction shall be penalized two increments of deduction for less than 75 percent conformance with State approved annual Lake Clarity Credit targets.

3. Permit Monitoring and Compliance

By October 1 of each year, TRPA shall conduct a representative sample audit of not less than five percent of the single-family residential permits issued in the prior year and compliance inspections performed the prior year by the counties, city, and TRPA. The base allocation may be awarded or reduced by the PRC according to the combined score of the two most recent annual audits, as follows:

- a. A jurisdiction shall receive its base allocation for an average score of 90 percent or greater for both the project review portion and the compliance portion of the audit; or
- b. A jurisdiction shall be penalized one increment of deduction for average audit scores for both the project review portion and the compliance portion of the audit between 75 and 90 percent; or
- c. A jurisdiction shall be penalized two increments of deduction for average audit scores for both the project review portion and the compliance portion of the audit below 75 percent.

4. Short-Term Rental Neighborhood Compatibility

- a. A jurisdiction shall receive its base allocation for a score of 90 percent or greater based on short-term rental neighborhood compatibility guidelines established by TRPA that address short-term rental location, operations, and enforcement; or
- b. A jurisdiction shall be penalized one increment of deduction for a short-term rental neighborhood compatibility score between 75 and 89 percent; or
- c. A jurisdiction shall be penalized two increments of deduction for a short-term rental neighborhood compatibility score below 75 percent.

- 5. Allocations not distributed under the Performance Review System shall be assigned to TRPA's residential allocation incentive pool.

F. Monitoring Requirement

TRPA hereby establishes a monitoring fee that shall be collected by the entity issuing the allocation from each allocation recipient. The fee shall be used to monitor water quality impacts and permit conformance in accordance with the Rules of Procedure. The allocation monitoring fee shall be established in the Rules of Procedure.

50.5.3. Multi-Residential Allocations

A portion of the residential allocations set forth in subparagraph 50.5.1.C may be reserved for multi-residential use. These reserved allocations shall be used in connection with transfer of development rights pursuant to Chapter 51: *Banking, Conversion, and Transfer of Development Rights*.

A. Reservation Pool

On an annual basis, a pool of allocations representing the desired level of multi-residential development for a given jurisdiction may be established by TRPA after consultation with the jurisdiction. Allocations assigned to the pool shall be within the limitations of Table 50.5.1-1. Unused allocations may be carried over to the next year's pool.

B. Allocations for Residential Projects

Except for allocations obtained by transfer pursuant to Chapter 51, or obtained directly as provided in subsection 50.5.2, allocations for residential projects shall be made upon project approval. Previously issued allocations or a letter from the appropriate county or city indicating allocations that are available from the reservation pool or have been reserved from a future year's allocation shall be required as part of the project application. TRPA may review residential projects for which allocations are reserved from future years, except that project approval shall be limited to units for which allocations are available at the time of approval.

50.6. ALLOCATION OF ADDITIONAL COMMERCIAL FLOOR AREA

TRPA shall allocate the development of additional commercial floor area as follows:

50.6.1. Requirement of Allocation

No person shall construct a project or commence a use that creates additional commercial floor area without first receiving an allocation approved by TRPA or obtaining necessary development rights pursuant to Chapter 51: *Banking, Conversion, and Transfer of Development Rights*. In order to construct the project or commence the use, the recipient shall comply with all other applicable provisions of this Code.

A. Applicable Commercial Uses

The commercial uses identified in Chapter 21: *Permissible Uses*, contain commercial floor area. The allocation of additional commercial floor area pursuant to this chapter also applies to commercial activities that are not primary commercial uses, except that accessory uses shall be deemed not to contain additional commercial floor area provided that TRPA makes the following findings:

1. The accessory use meets all criteria specified by Chapter 21 for an accessory use; and
2. The accessory use is designed to serve the noncommercial primary use, as determined by reference to the following criteria:

- a. There is no separate entrance for the accessory use, except separate entrances may be established for the relocation of existing accessory commercial uses (uses legally established prior to January 1, 2013) to street level;
- b. The accessory use is compatible with the size and patronage of the primary use;
- c. The accessory use does not rely on separate parking;
- d. The accessory use is not separately advertised, except one 20 square foot projecting or building sign may be constructed with the relocation of existing accessory commercial uses (uses legally established prior to January 1, 2013) to street level;
- e. The use season of the accessory use corresponds to that of the primary use; and
- f. In applicable instances, the accessory use is principally for service or repair rather than sales.

Examples

Examples of accessory uses of a commercial nature not subject to the allocation of additional commercial floor area include, but are not limited to: ski rental shops in ski areas; gift shops in airports; tackle shops used by patrons of marinas; newsstands in motels; pro shops at golf courses; and cafeterias in hospitals.

B. "Additional" Commercial Floor Area

Commercial floor area is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987.

1. Additional commercial floor area includes, but is not limited to, the following:
 - a. The construction of commercial floor area that did not exist before January 1, 1987;
 - b. Conversion of legally existing or approved floor area from noncommercial use to commercial use; and
 - c. The construction of, or conversion to, floor area that is primarily used for commercial enterprise regardless of whether it is classified as "public service" or is publicly owned, except when such floor area is for an accessory use excluded in subparagraphs 50.6.1.A.1 and 2 or such floor area is excluded by subparagraph 50.6.1.B.2.
2. Additional commercial floor area excludes the following:
 - a. Changes in commercial use that do not involve any increase in commercial floor area;

- b. Additions to, or expansions of, legally existing commercial floor area of 500 square feet or five percent of the existing commercial floor area, whichever is less; provided:

The existing structure and any subsequent additions or expansions physically exist and were completed at least one year prior to an application pursuant to this subparagraph;

The exempt addition or expansion is not applied for or built in conjunction with any other addition or expansion;

There is no change in use;

The change in operation generates no more than 650 vehicle miles travelled;

The exempt addition or expansion occurs within a single project area; and

The exempt addition or expansion does not occur within the same project area more frequently than once every ten years;

- c. The relocation, replacement, or reconstruction on the same parcel of commercial floor area that either existed as of January 1, 1987, or that contains floor area allocated and approved pursuant to this Code;
- d. The replacement, reconstruction, or relocation of commercial floor area legally existing as of January 1, 1987, pursuant to a TRPA-approved redevelopment plan;
- e. The TRPA-approved transfer of legally existing commercial floor area;
- f. The construction of floor area associated with a publicly owned assembly and entertainment facility with a fire-rated capacity of less than 1,100 people; and
- g. New commercial floor area permitted by TRPA prior to February 24, 2010, provided that:

Application is made to TRPA prior to the expiration of the permit, as determined in subsection 2.2.4, to reissue a permit for a project for which an allocation was assigned;

All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit are updated to meet the requirements of the Code and all other applicable TRPA ordinances, rules, or regulations at the time of permit re-issuance; and

This subparagraph g has not previously been used in relation to the same project.

C. Allocations to Sensitive Lands

Allocations of commercial floor area to projects located in land capability districts 1, 2, 3, or 1b (Stream Environment Zone) shall not be permitted unless:

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50.6.2 Commercial Floor Area Allocated or Transferred to Project in Designated Preferred Industrial Area

1. The allocation is matched by a transfer from an equal or more sensitive land capability district at a ratio of one square foot of commercial floor area allocation to two square feet of transferred commercial floor area; or,
2. The parcel receiving the allocation is in an area covered by an adopted community plan where one or more SEZ restoration projects have been completed and the local jurisdiction has submitted an EIP project list pursuant to the residential allocation requirements in subparagraph 50.5.2.E.

50.6.2. Commercial Floor Area Allocated or Transferred to Project in Designated Preferred Industrial Area

Commercial square footage allocated or transferred to a project in a designated preferred industrial area may be doubled if the area has implemented area-wide BMPs, or the local government of jurisdiction has committed to implement area-wide BMPs on its five-year CIP list submitted to TRPA. Transfers of commercial floor area out of a preferred industrial area shall be reduced by 50 percent unless the floor area was acquired through a TRPA-approved transfer on a 1:1 ratio or through a community plan allocation system. Transfers and relocations of commercial floor within a preferred industrial area shall be at a 1:1 ratio.

50.6.3. Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1987 to 1996 and Beyond

A maximum of 400,000 square feet of additional commercial floor area may be permitted from January 1, 1987 to December 31, 1996, except as set forth in subparagraph (3)C below. The allocation and distribution of this floor area shall be as follows:

A. Within Community Plans

From January 1, 1987 to December 31, 1996, except as set forth in subparagraph (3)C below, the maximum amount of additional commercial floor area allocated to community plan areas is 376,340 square feet.

1. Administration

The 376,340 square feet of additional commercial floor area shall be allocated by TRPA, distributing 286,340 square feet initially to the local jurisdictions. The 286,340 square feet shall be assigned to community plans pursuant to subparagraph a, below. TRPA shall retain 54,000 square feet in reserve as bonus square footage to be assigned to community plans upon their adoption pursuant to subparagraph b, below. TRPA shall retain 36,000 square feet for approval of commercial projects prior to adoption of community plans. The foregoing allocations, including the division of the 286,340 square feet among local jurisdictions, are reflected in the following Table 50.6.3-1.

**TABLE 50.6.3-1: COMMERCIAL FLOOR AREA ALLOCATIONS
WITHIN COMMUNITY PLAN AREAS ("CP")**

Jurisdiction	Initial Allocation to CPs (75%)	Bonus Adopted CPs (15%)	Before CP Adoption (10%)	Total
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50.6.3 Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1987 to 1996 and Beyond

South Lake Tahoe/El Dorado County	79,100			
Placer County	112,500			
Washoe County	55,990			
Douglas County	38,750			
Total Square Feet	286,340	54,000	36,000	376,340

a. Initial Allocation

TRPA shall distribute the initial allocation of additional commercial floor area to a community plan by taking into consideration such factors as demonstrated need, the expected ability to achieve or maintain environmental thresholds, the reasonableness of projected time schedules, the degree of certainty for obtaining the needed funds for implementation, compatibility with other community plans, and other relevant factors. The amount initially allocated shall be from the 75 percent portion designated for local jurisdictions for planning purposes as shown in the above Table 50.6.3-1 in the first column. After TRPA has reviewed a sufficient number of proposed community plans to adequately assess the cumulative impacts of development and proposed mitigation, TRPA shall distribute any remaining or additional commercial floor area retained pursuant to subparagraph 1. This distribution shall reward those community plans which that best demonstrate the ability to achieve and maintain environmental thresholds, and have a clearly demonstrated need for the additional allocation. TRPA shall retain a sufficient reserve to adequately address the needs of community plans not yet presented for review. It is TRPA's goal, acting in partnership with local interests, to achieve completion of community plans by December 31, 1989, in all areas where sufficient local interest and initiative exists to do such planning. Accordingly, TRPA expects to allocate the remaining unallocated floor area by that date, so long as the allocation is supported by local needs assessments.

2. Before Adoption of a Proposed Community Plan

- a. Projects having an aggregate commercial floor area not exceeding the 36,000 square feet set forth in (a) of subparagraph A and located within the boundaries of proposed community plans, may be approved by TRPA. The 36,000 square feet allocation shall be apportioned to the local jurisdictions as provided in Table 50.6.3-2:

TABLE 50.6.3-2: COMMERCIAL FLOOR ALLOCATIONS BEFORE ADOPTION OF COMMUNITY PLAN	
Jurisdiction	Floor Area
South Lake Tahoe/El Dorado County	10,008
Placer County	14,976

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50.6.3 Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1987 to 1996 and Beyond

Washoe County	6,516
Douglas County	4,500

- b. A local jurisdiction may transfer its above allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limits set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction. No single commercial project shall be allocated more than 4,500 square feet of the 36,000 square feet in a ten year period for use within the project area.

3. After Adoption of a Community Plan

Upon the adoption of a community plan, the rate of utilization of square footage of additional commercial floor area shall be in accordance with the provisions of the community plan. When all community plans within a jurisdiction are adopted, any remaining unallocated initial floor area assigned to the jurisdiction shall be assigned by TRPA to the adopted community plan areas within the jurisdiction.

B. Outside Community Plans

From January 1, 1987 to December 31, 1996, except as set forth in subparagraph 3 below, the maximum amount of additional commercial floor area allocated to areas outside community plan boundaries is 40,000 square feet.

1. Administration

- a. A maximum of 40,000 square feet of additional commercial floor area shall be allocated and distributed by TRPA for commercial development outside community plan boundaries, proposed or adopted. The 23,660 square feet shall be apportioned to the local jurisdictions as provided in Table 50.6.3-3 follows:

TABLE 50.6.3-3: COMMERCIAL SQUARE FEET ALLOCATION OUTSIDE OF COMMUNITY PLAN AREAS	
Local Jurisdiction	Sq. Ft.
South Lake Tahoe/El Dorado County	7,020
Placer County	16,640
Washoe County	0
Douglas County	0

- b. A local jurisdiction may transfer its allocation of commercial floor area from Table 50.6.3-3 to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limitations set forth in this paragraph, the local

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jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction.

2. Limitations

No single commercial project shall be allocated more than 4,500 square feet of the 40,000 square feet in a ten year period for use within the project area.

C. Allocation Time Limit Extension

The allocation time limits specified in subparagraphs 1 and 2 above shall no longer be applicable.

50.6.4. Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1997 and Beyond

A maximum of 400,000 square feet of additional commercial floor area may be permitted in the region as of January 1, 1997. The allocation and distribution of this floor area shall be as follows:

A. Within Adopted Community Plans

A maximum of 150,000 square feet of commercial floor area may be permitted in areas covered by adopted community plans provided that all irrevocable commitments, as defined in the applicable community plan as a requirement to release allocations, have been satisfied. The applicable local jurisdiction shall distribute the allocation subject to the adopted allocation system for that community plan. The distribution of this floor area shall be as follows:

- 1.** TRPA shall apportion 10,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. Allocations not assigned by December 31, 1998, shall be reassigned to the Special Projects as set forth in subparagraph D below.
- 2.** By January 1, 1999, TRPA shall apportion 50,000 square feet of commercial floor area allocation to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's accomplishment of environmental improvements set forth in the adopted community plans within that jurisdiction. The performance review committee (referred to in subparagraph 50.5.2.E) shall recommend the ranking to TRPA by October 31, 1998. The apportionment shall be according to Table 50.6.4-1.
- 3.** TRPA shall apportion 50,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's performance on the approved Five-Year Water Quality and Air Quality EIP Lists within the jurisdiction between January 1, 2002 and December 1, 2005. The apportionment shall be according to Table 50.6.4-1:

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50.6.4 Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1997 and Beyond

TABLE 50.6.4-1: COMMERCIAL FLOOR AREA ALLOCATIONS BY RANKING

Ranking	Allocations
1.	20,000
2.	15,000
3.	8,000
4.	5,000
5.	2,000

B. Within Preliminary Community Plans

1. Projects having an aggregate commercial floor area not exceeding 36,000 square feet and located within the boundaries of preliminary community plans may be approved by TRPA. The 36,000 square feet allocation shall be apportioned to the local jurisdictions as follows:

TABLE 50.6.4-2: APPORTIONMENT OF 36,000 SQUARE FEET ALLOCATION

Local Jurisdiction	Sq. Ft.
South Lake Tahoe/El Dorado County	10,008
Placer County	14,976
Washoe County	6,516
Douglas County	4,500

2. A local jurisdiction may transfer its above allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limits set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction. No single commercial project shall be allocated more than 4,500 square feet of the 36,000 square feet in a ten year period for use within the project area.

C. Outside Community Plans

Allocations permitted in subparagraph A above may be distributed in areas not covered by adopted community plans, subject to the limitations in this subparagraph 50.6.4.C and provided the local jurisdiction has adopted a commercial allocation system that assists in implementing Environmental Improvement Program projects outside community plan areas.

D. Special Projects

A maximum of 187,770 square feet of commercial floor area remains for distribution to special projects after January 1, 2007. This total includes the 100,000 square feet of commercial floor area that had been held in reserve through 2006 and that may be

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50.6.4 Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1997 and Beyond

permitted in adopted community plans or adopted TRPA master plans, in which all irrevocable commitments have been made. TRPA shall administer the special project allocations. The distribution of this floor area shall be as provided below.

1. Goals

The program goals are to promote major projects that result in the construction of threshold-related environmental improvements, to promote transfer of development that results in substantial environmental benefits, and to rehabilitate substandard development.

2. Eligibility

All projects in adopted community plans, adopted TRPA master plan areas, or in designated plan areas that are preparing a community plan or a TRPA master plan are eligible for special project allocations. No permits shall be issued for special projects until and unless TRPA has approved a community plan or TRPA master plan for the subject area.

3. Evaluation Criteria

Approval of special projects shall be evaluated and conditioned upon the implementation of environmental improvement projects or transfers of development out of sensitive lands. These projects shall:

- a. Assist in the attainment of the environmental thresholds by constructing projects listed in the TRPA Environmental Improvement Program, that address a threshold standard found not to be in attainment; and
- b. Provide substantial environmental benefits or mitigation in excess of TRPA's project mitigation requirements.

4. Public Assistance

Public and private partnerships are encouraged. Public assistance through redevelopment agencies, conservancies, local governments, and other means may be considered in evaluating special projects.

5. Maximum Amount

The maximum allocation that may be approved for a special project area within a calendar year is 50,000 square feet of floor area.

6. Time Limit

Initial assignments of allocations shall expire in one year unless extended by TRPA upon a showing of adequate progress toward a project approval.

7. Applications

TRPA shall consider applications for available special project allocations annually. Applications shall include a project prospectus that includes site plans, elevations, and preliminary environmental documentation.

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50.7 Allocation of Additional Tourist Accommodation Units

50.6.5 Administration of Allocations for Additional Commercial Floor Area

8. Notifications

TRPA shall give adequate public notice 90 days in advance of any action assigning special project allocations. Notifications shall include the general criteria by which the special project shall be evaluated.

9. Advisory Planning Commission (APC) Recommendation

The Advisory Planning Commission (APC) shall review the applications for special project allocations and make a recommendation to the Governing Board on the awards of commercial and tourist allocations. The performance review committee, referred to in subparagraph 50.5.2.E, shall assist the APC and staff in developing review criteria.

E. Commercial Floor Area for 2013

For 2013, CFA that is currently held by local governments shall remain with local governments and be distributed in accordance with current Code provisions. CFA that is currently held by TRPA shall be retained by TRPA for development transfer matches and other region-wide programs.

50.6.5. Administration of Allocations for Additional Commercial Floor Area

For purposes of subsection 50.6.4 and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional commercial floor area shall establish the year to which the allocation is attributed.

- A.** Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation shall be the date the project is approved by TRPA. The allocation shall be set forth in the approval for the project.
- B.** An allocation for additional commercial floor area shall not be transferred to or otherwise used for a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the square footage of commercial floor area represented by the allocation shall automatically return to the pool from which it originated.
- C.** TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocation of commercial floor area.

50.7. ALLOCATION OF ADDITIONAL TOURIST ACCOMMODATION UNITS

TRPA shall allocate the development of additional tourist accommodation units as follows:

50.7.1. Requirement of Allocation

No person shall construct a project or commence a use that creates additional tourist accommodation units without first receiving an allocation approved by TRPA. TRPA or obtaining necessary development rights pursuant to Chapter 51: *Banking, Conversion, and*

Transfer of Development Rights. In order to construct the project or commence the use, the recipient shall comply with all other applicable provisions of this Code.

A. Applicable Tourist Accommodation Uses

The tourist accommodation uses set forth in Chapter 21, contain tourist accommodation units.

B. Definition of "Additional" Tourist Accommodation Units

A tourist accommodation unit shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, in accordance with this section. The conversion of an existing non-tourist accommodation use to a tourist accommodation use constituting a tourist accommodation unit an additional tourist accommodation unit requiring an allocation under this chapter. The following are not "additional" tourist accommodation units:

1. The reconstruction or replacement on the same parcel of a tourist accommodation unit legally existing or approved on January 1, 1987;
2. The reconstruction or replacement on the same parcel of a tourist accommodation unit that was legally allocated and approved pursuant to this Code;
3. Modifications to legally existing tourist accommodation structures and their accessory uses;
4. The relocation of a legally existing tourist accommodation unit through a transfer approved by TRPA pursuant to Chapter 51; or
5. The conversion of legally existing multi-family dwellings of six units or more, allocated and approved pursuant to this Code, to timesharing (residential design) units, provided the conversion is provided for in the relevant plan area statement or adopted community plan.

C. Maximum Number and Distribution of Allocations for Additional Tourist Accommodation Units

1. A maximum of 400 additional tourist accommodation bonus units may be approved for construction.
 - a. Tourist accommodation bonus units shall be limited to special projects in accordance with subparagraph 50.6.4.D, and shall only be permitted when:
 - (i) Matched by transfers of existing units from sensitive lands that have been restored, or
 - (ii) As incentives for the transfer of existing development to centers in accordance with subsection 51.5.3, or
 - (iii) As incentives for the removal and retirement of excess coverage pursuant to subsection 30.6.3.

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.8 Regulation of Additional Public Service Facilities

50.7.2 Administration of Allocations for Additional Tourist Accommodation Units

2. Distribution of units within the Area Plan, community plan or Ski Area Master Plan shall be pursuant to the provisions of the adopted community plan or Ski Area Master Plan and the following criteria:
 - a. The additional concentration of tourist accommodation units shall be consistent with the TRPA Regional Transportation Plan and would better promote transit and pedestrian forms of transportation;
 - b. The additional units shall be part of an overall program to rehabilitate and upgrade existing tourist accommodation units;
 - c. The existing infrastructure capacity, such as sewage disposal and highway capacities, shall be sufficient to accommodate the additional units; and
 - d. A demonstration of need for additional units shall be shown pursuant to Chapter 12: *Community Plans*.

50.7.2. Administration of Allocations for Additional Tourist Accommodation Units

For purposes of subparagraph 50.7.1.C and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional tourist accommodation units shall establish the year to which the allocation is attributed.

- A. Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The allocation shall be set forth in the approval for the project.
- B. An allocation for additional tourist accommodation units shall not be transferred to or otherwise used for a project other than that for which it pertains. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit and the tourist accommodation units represented by the allocation shall automatically return to the pool from which they originated.
- C. TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocation of tourist accommodation units.

50.8. REGULATION OF ADDITIONAL PUBLIC SERVICE FACILITIES

TRPA shall regulate the rate and distribution of additional public service development as follows:

50.8.1. Required Findings for Approval of Additional Public Service Facilities

Approval of additional public service facilities shall only be permitted for projects for which the sponsoring entity demonstrates and TRPA finds that:

- A. There is a need for the project;
- B. The project complies with the Goals and Policies, applicable plan area statements, and Code;

- C.** The project is consistent with the TRPA Environmental Improvement Program;
- D.** The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: *Required Findings*, as they are applicable to the project's service capacity;
- E.** If the proposed project is to be located within the boundaries of a community plan area, then, to the extent possible consistent with public health and safety, the project is compatible with the applicable community plan; and
- F.** Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a construction schedule outweighs the need for the prior completion of the community plan process.

50.8.2. Definition of "Additional" Public Service Facilities

Public service facilities shall be considered "additional" if they are to be created pursuant to a TRPA approval issued on or after January 1, 1987. The conversion of an existing nonpublic service facility use to a use constituting a public service facility shall be an additional public service facility subject to this chapter. The following shall not be "additional" public service facilities:

- A.** The reconstruction or replacement on the same parcel of legally existing public service facilities;
- B.** Modifications to legally existing public service facilities and their accessory uses that do not create additional service capacity;
- C.** Public or quasi-public utility service connections;
- D.** Replacement or reinforcement of pipelines or transmission lines that result in no significant increase in service capacity; and
- E.** Telephone lines, local distribution facilities, and similar facilities.

50.8.3. Provisions Regarding Commercial Floor Area Allocation for Public Service Projects

If the owner of the project area is the operator of the public service use pursuant to Chapter 21: *Permissible Uses*, then the provisions of subsection 50.8.1 apply. If the owner of the project area leases his property to an operator of a public service use, the facilities shall be considered a commercial use and subject to the allocation limitations of Section 50.6 unless:

- A.** A deed restriction describing the use restrictions is recorded and TRPA and the local government of jurisdiction are included as parties to the deed restriction;
- B.** The lease contains adequate assurances that the public service use will remain for a minimum of seven years;

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.9 Regulation of Additional Recreation Facilities

50.8.4 Transfer or Relocation Onsite of Commercial Floor Area Related to a Public Service Use

- C. Local government has committed to enforcement of any change of use through permits and business licenses; and
- D. All lien holders on the property have been notified of the deed restrictions.

50.8.4. Transfer or Relocation Onsite of Commercial Floor Area Related to a Public Service Use

Transfer or relocation of commercial floor area from an existing commercial use may be permitted when a public service use is approved that displaces commercial floor area. The transfer shall be subject to the standards of Chapter 51, and the following standards:

- A. The owner of sending project area shall comply with subparagraphs A through D of subsection 50.8.3 above;
- B. The public service use displacing the commercial use is one of the following: Local Public Health and Safety Facilities, Regional Public Health and Safety Facilities, Collection Stations, Cultural Facilities, Day Care Centers/Pre-Schools, Government Offices, Local Post Offices, Social Service Organizations, or Transit Stations and Terminals;
- C. The commercial floor area displaced is transferred to a site in a designated community plan area or Town Center;
- D. In order for a receiving project area to qualify for transferred commercial floor area, the receiving project area shall meet the criteria applicable to allocations under the applicable adopted community plan allocation system. If the community plan area does not have an adopted allocation system, the applicable local jurisdiction shall be required to adopt a system pursuant to the requirements of subparagraph 50.6.4.C before the transfer may occur; and
- E. TRPA determines that, when combined with all other public service-commercial transfers since January 1, 1998, the additional public service floor area associated with the transfer is within the 60,000 square feet of additional public service floor area estimated to be created by such transfers.

50.9. REGULATION OF ADDITIONAL RECREATION FACILITIES

TRPA shall regulate the rate and distribution of additional recreation facilities as follows:

50.9.1. Required Findings for Approval of Additional Recreation Facilities

Approval of additional recreation facilities shall only be permitted for projects for which the sponsoring entity demonstrates and TRPA finds that:

- A. There is a need for the project;
- B. The project complies with the Goals and Policies, the applicable plan area statements, and Code;

- C. The project is consistent with the following TRPA maximum allowances for outdoor recreation:
 - 1. 6,114 people at one time ("PAOT") in overnight facilities;
 - 2. 6,761 PAOT in summer day-use facilities;
 - 3. 12,400 PAOT in winter day-use facilities; and
 - 4. Plus the allocations set forth in the plan area statements, or the pools of reserved PAOT capacity;
- D. The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: *Required Findings*, as they are applicable to the project's recreational service capacity; and
- E. If the project requires PAOT allocations, it is consistent with the TRPA Environmental Improvement Program.

50.9.2. Definition of "Additional Recreation"

Recreation shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, and would result in an increase in vehicle miles travelled that requires a VMT analysis pursuant to subparagraph 65.2.4.B, or increased floor space of five percent, or 500 square feet, or would increase PAOT capacity(See subsection 11.6.11). The conversion of an existing non-recreational use to a use constituting a recreation facility shall be additional recreation subject to this chapter. The following shall not be "additional" recreation facilities:

- A. The reconstruction or replacement on the same parcel of recreation facilities legally existing on or approved before January 1, 1987;
- B. Modifications to legally existing recreation and their accessory uses that do not create additional service capacity;
- C. Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 51; or
- D. Dispersed recreation.

50.9.3. Allocation of Additional Recreation PAOTs

No person shall construct a project or commence a use that requires additional PAOTs without first receiving an allocation approved by TRPA. In order to construct the recreation project or commence the additional recreation use, the person proposing same shall comply with all other applicable provisions of this Code.

A. Applicable Recreation Uses

The following recreation uses are subject to PAOT allocation consistent with the PAOT standards in subparagraph 50.9.3.B.

1. Summer Day Use

The following uses and activities are subject to summer day use PAOT allocations:

- a. Marinas, boat launching facilities, rural sports, golf courses, visitor information centers, and off-road vehicle courses;
- b. Recreation centers, participant sport facilities, sport assembly, beach recreation, and day use areas operated by the states' Departments of Parks and Recreation or their permittees, or by federal agencies or their permittees; and
- c. Tour boat operation and those portions of beach recreation, commercial boating, or water-oriented outdoor recreation concessions that provide additional outdoor recreation capacity.

2. Winter Day Use

Downhill ski facilities are subject to winter day use PAOT allocations.

3. Overnight Use

Developed campgrounds, group facilities, and recreational vehicle parks are subject to overnight use capacity PAOT allocation.

B. Definition of Additional PAOTs

A PAOT shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, and results in an increase in the design capacity of a facility or increases the overall primary recreational use in the area of a project subject to PAOT limitation (see subsection 11.6.11). The conversion of an existing recreation use that does not require PAOTs to a use that does require PAOTs shall constitute additional PAOTs. The following shall not be "additional" PAOTs:

1. The reconstruction or replacement on the same parcel of recreation facilities legally existing on, or approved before, January 1, 1987;
2. Modifications to legally existing recreation and their accessory uses that do not create additional service capacity;
3. Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 51; and
4. Dispersed recreation.

C. Maximum Amount and Distribution of PAOT Allocations

A maximum amount of recreational PAOT capacity shall be targeted and permitted for development. TRPA shall keep a cumulative accounting of recreation allocation in PAOT as applicable.

1. General

PAOT capacity shall apply to the primary recreational use of a facility as follows:

- a. PAOT allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The PAOT allocation shall be set forth in the approval for the project.
- b. An allocation for additional PAOTs shall not be transferred to, or otherwise used for, a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the recreation capacity represented by the allocation shall automatically return to the pool from which it originated.
- c. TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocations of PAOTs.
- d. New developed cross country ski and snowmobile courses shall be encouraged where appropriate as seasonal adjuncts to existing or new summer day use or overnight facilities.

2. Summer Day Use

Summer day use capacity shall be allocated and distributed as follows:

- a. There shall be a pool of 6,761 PAOT for summer day use facilities. A minimum of 2,000 of the summer day use PAOT pool shall be reserved for expansion of marinas and boat launching facilities.
- b. PAOT allocation for expansion of marinas and boat launching facilities shall require approval of a master plan except as noted in Section 14.2.
- c. PAOTs may be assigned to a plan area statement for future allocation.

3. Winter Day Use

Additional winter day use capacity shall be allocated and distributed as follows:

- a. There shall be 12,400 winter day use PAOTs for downhill ski areas. All winter day use PAOTs shall be distributed in the plan area statements.
- b. Expansion of use in downhill ski areas requires the adoption of a master plan pursuant to Chapter 14.

4. Overnight Use

Additional overnight use capacity shall be allocated and distributed as follows:

- a. There shall be 6,114 PAOTs for overnight uses, of which 5,114 shall be distributed in the plan area statements. The remaining pool of 1,000 overnight PAOTs may be allocated to overnight uses meeting the criteria set forth in subsection 50.9.1 and subparagraph 50.9.3.C.4.b below, provided such uses are located in plan areas where there are no PAOTs

specified in the plan area or the amounts specified are insufficient for the proposed use.

- b. To be eligible for overnight PAOT allocation from the pool, the project area shall retain or be restored to a near natural state, include outdoor living amenities such as tables and fire pits, and offer access to outdoor recreational opportunities, such as hiking trails, public beaches, and fishing.

D. Other Recreational Facilities

Other permissible recreation facilities, including riding and hiking trails, undeveloped campgrounds, outdoor recreation concessions, and dispersed recreation support facilities, shall be subject to subsection 50.9.1, but shall not be subject to PAOT allocations.

50.10. ALLOCATION OF SHOREZONE STRUCTURES

Structures in the shorezone and lakezone shall be allocated pursuant to applicable provisions in Chapter 84, Development Standards in the Shorezone and Lakezone. The following subsections address allocation of shorezone structures:

- 84.3 Mooring Structures
- 84.4. Piers
- 84.5 Boat Ramps

50.11. OTHER PERMITS

A county or city building department shall not issue a permit for or relating to the construction, conversion, or use of units, floor area, service capacity, or other development subject to the requirements of this chapter unless the permit is issued in conjunction with a TRPA approval in accordance with this chapter. This requirement applies to, but is not limited to, a permit for a foundation, grading, clearing, or removal of vegetation.

CHAPTER 51: BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT

51.1. PURPOSE

This chapter sets forth the provisions for the banking, conversion, and transfer of development rights as defined in Chapter 90 and as provided in the Regional Plan Goals and Policies in the Implementation Element, Development and Implementation Priorities Subelement, Goal #3, Policies 1-6 and Development and Implementation Priorities, Policy 3.7. The banking and transfer of land coverage is addressed in Chapter 30: *Land Coverage*.

51.2. APPLICABILITY

This chapter applies to the banking, conversion, and transfer of development rights. The term “development rights” for the purposes of Chapter 51 include commercial floor area (CFA), tourist accommodation units (TAUs), and residential units of use (RUUs).

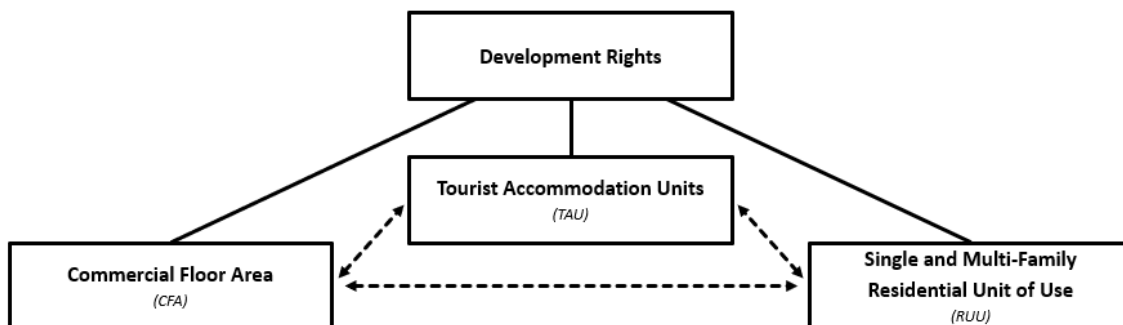


Figure 51.2-A: Development Rights

All such banking, conversions, and transfers require TRPA approval. Banking, conversions, or transfer of development rights shall not constitute approval of an associated project.

51.3. BANKING OF DEVELOPMENT RIGHTS

Certain elements of existing or potential development may be banked, or held, on a parcel provided the activity complies with this section.

51.3.1. Eligibility

- A. The following elements of existing or potential development shall be eligible for banking:
 - 1. Commercial floor area, tourist accommodation units, and residential units of use (including potential residential units of use and residential allocations).
 - 2. Existing land coverage may be banked pursuant to Chapter 30: *Land Coverage*.

CHAPTER 51: BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT

51.3 Banking of Development Rights

51.3.2 Requirements

- B.** Existing or converted development rights may be banked on a parcel for the sole purpose of banking with no intended use or approved project pursuant to this section and Sections 51.4 or 51.5, as applicable.

51.3.2. Requirements

Banking of existing or potential development may be permitted subject to the following requirements:

- A.** All banking activities shall be reviewed and approved by TRPA.
- B.** Prior to banking, the development rights shall be verified as legally existing.
- C.** The banking shall be limited to the development rights existing on the parcel from which the development is to be removed or modified.
- D.** For parcels from which development rights will be converted pursuant to Section 51.4, the structures or facilities accounting for that use shall be removed or modified as to eliminate the existing units and use.
- E.** When the banking results in the removal of a primary use as defined by Chapter 21: *Permissible Uses*, all accessory uses and structures associated with the primary use shall also be removed, if applicable.
- F.** TRPA shall track and account for parcels from which units of use have been banked as set forth in Chapter 6: *Tracking, Accounting, and Banking*.
- G.** At the time of and as a condition of approval for the banking of development rights, the parcel or project area from which the development rights previously existed shall be restored and revegetated in accordance to Section 61.4: *Revegetation* and restricted pursuant to Section 51.3.3: *Parcel Restriction for Banking*.
- H.** The parcel from which the development rights are banked shall be free of nuisance and hazard.
- I.** If there are bonds, assessments, back taxes, fees, and liens affecting the parcel, the applicant shall receive authorization to bank development rights from those interested parties to whom the bond, assessment, back taxes, fees, or liens are owed.

51.3.3. Parcel Restriction for Banking

At the time of and as a condition of banking, the parcel from which the development rights existed shall be restricted as follows:

- A. Banking of All Existing Development on Sensitive Lands**

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all development rights have been banked shall be restored pursuant to subsection 51.3.2.G and shall be permanently restricted to open space by a deed

restriction running with land, recorded by the owner except where otherwise permitted in Section 30.5.

B. Banking of Some Existing Development on Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which less than all units of existing development have been banked shall be permanently restricted from redeveloping the project area from where the development rights were previously existing by deed restriction running with the land, recorded by the owner except where otherwise permitted in Section 30.5.

C. Banking of Existing Development on Non-Sensitive Lands

TRPA shall document and track all development rights that have been banked in accordance to Section 51.3.2.F. The use shall remain banked, until or unless, a project associated with the use is approved by TRPA pursuant to this Code.

D. Potential Residential Unit of Use or Residential Allocation Banking on Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all potential residential units of use, allocations, and existing development have been banked shall be permanently restricted from residential development.

1. For parcels in private ownership, or that have deed restrictions running with the land, the permanent removal of development rights from the parcel shall be recorded by the owner.
2. For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the development rights have been permanently removed.

E. Potential Residential Unit of Use or Residential Allocation Banking on Non-Sensitive Lands

TRPA shall document and track all potential residential units of use and residential allocations that have been banked in accordance to Section 51.3.2.F. The use shall remain banked, until or unless, a project associated with the use is approved by TRPA pursuant to this Code.

51.4. CONVERSION OF DEVELOPMENT RIGHTS

Existing development rights consisting of commercial floor area (CFA), tourist accommodation units (TAUs), and residential units of use (RUUs) may be converted from one development right to another provided the conversion complies with this section.

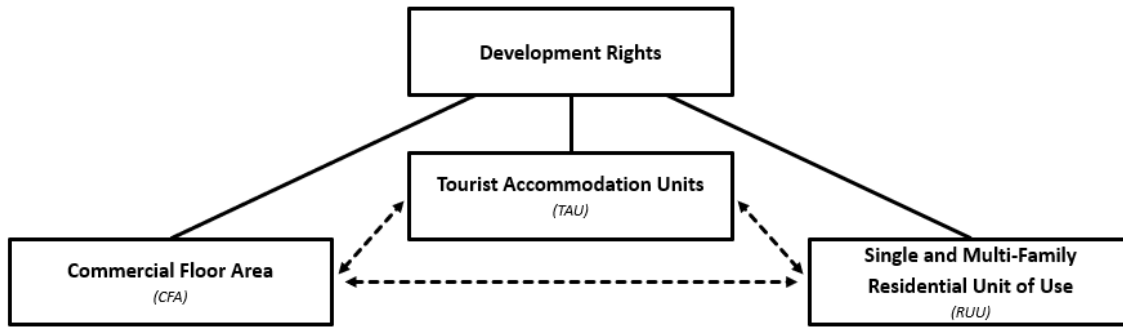


Figure 51.4-A: Convertible Development Rights

The dashed line refers to the conversion between development rights. See Table 51.4.3-1 for conversion exchange rates.

51.4.1. Eligibility

- A. The following development rights shall be eligible for conversion: commercial floor area, tourist accommodation units, and existing residential units of use.
- B. A single or multi-family existing residential unit of use that was verified and banked as of December 24, 2018 shall be considered a single-family residential unit of use for conversion and transfer purposes.
- C. Existing commercial floor area, tourist accommodation units, and single or multi-family residential units of use or held in allocation pools by local governments shall be eligible for conversions.
- D. Bonus units awarded to a project are eligible for conversion provided all requirements for awarding of the bonus unit in Chapter 52 have been and continue to be met. Bonus units can be awarded concurrent with a qualifying development right transfer without the approval of an associated project.

51.4.2. Requirements

Conversion of existing development may be permitted subject to the following requirements:

- A. All conversions shall be reviewed and approved by TRPA.
- B. Prior to conversion, the development right shall be verified as legally existing.

CHAPTER 51: BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT

51.4 Conversion of Development Rights

51.4.3 Conversion Standards

- C.** The conversion shall be limited to the units of use existing on the parcel from which the development is to be removed or modified.
- D.** For parcels from which units of existing development will be converted, the structures or facilities accounting for that use shall be removed or modified, consistent with the conversion, as to eliminate the existing units and use.
- E.** On-site conversions shall be limited to existing development located in Land Capability Districts 4, 5, 6, 7; or, if applicable, in the top rank under IPES unless the conversion is associated with a project that includes a 25 percent or greater reduction in existing land coverage and restoration of that removed coverage, and there is no increase in vehicle trips, parking, cubic volume of the structures, or adverse impacts as part of the project.
- F.** The parcel from which units are converted shall be free of nuisance and hazard.
- G.** If there are bonds, assessments, back taxes, fees, and liens affecting the parcel, the applicant shall receive authorization to convert development rights from those interested parties to whom the bond, assessment, back taxes, fees, or liens are owed.
- H.** TRPA shall track and account for parcels from which existing development rights have been converted as set forth in Chapter 6: Tracking, Accounting, and Banking.

51.4.3. Conversion Standards

Existing development rights may be converted if the conversion complies with the following conversion standards:

- A.** Commercial floor area shall be converted to tourist accommodation units at a ratio of 300 square feet of commercial floor area to one tourist accommodation unit.
- B.** Commercial floor area shall be converted to single-family residential at a ratio of 300 square feet of commercial floor area to one residential unit of use.
- C.** Commercial floor area shall be converted to multi-family residential at a ratio of 300 square feet of commercial floor area to three-halves (3/2) existing residential units of use.
- D.** Tourist accommodation units shall be converted to commercial floor area at a ratio of one tourist accommodation unit to 300 square feet of commercial floor area;
- E.** Tourist accommodation units shall be converted to single-family residential at a ratio of one tourist accommodation unit to one residential unit of use;
- F.** Tourist accommodation units shall be converted to multi-family residential at a ratio of one tourist accommodation unit to three-halves (3/2) existing residential units of use;

CHAPTER 51: BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT

51.4 Conversion of Development Rights

51.4.4 Remaining Square Feet and Fractions of Units Resulting from a Conversion of Use

- G.** Existing residential units of use used for single-family residential shall be converted to commercial floor area at a ratio of one existing residential unit of use to 300 square feet of commercial floor area;
- H.** Existing residential units of use used for single-family residential shall be converted to tourist accommodation units at a ratio of one existing residential unit of use to one tourist accommodation unit;
- I.** Existing residential units of use used for single-family residential shall be converted to multi-family residential units of use at a ratio of one single-family existing residential unit of use to three-halves (3/2) multi-family residential units of use;
- J.** Existing residential units of use used for multi-family residential shall be converted to commercial floor area at a ratio of one multi-family existing residential unit of use to 200 square feet of commercial floor area;
- K.** Existing residential units of use used for multi-family residential shall be converted to tourist accommodation units at a ratio of one multi-family existing residential unit of use to two-thirds (2/3) tourist accommodation units;
- L.** Existing residential units of use used for multi-family residential shall be converted to single-family existing residential units of use at a ratio of one multi-family residential unit of use to two-thirds (2/3) of one single-family existing residential unit of use.

TABLE 51.4.3-1: CONVERSION EXCHANGE RATES

Existing Development Right	Equivalent Development Rights			
	CFA	TAU	SF ERUU	MF ERUU
300 sq ft. Commercial Floor Area (CFA)	300 sq. ft.	1	1	3/2
1 Tourist Accommodation Unit (TAU)	300 sq. ft.	1	1	3/2
1 Single Family Detached Existing Residential Unit of Use (SF ERUU)	300 sq. ft.	1	1	3/2
1 Multi-Family Attached Existing Residential Unit of Use (MF ERUU)	200 sq. ft.	2/3	2/3	1

51.4.4. Remaining Square Feet and Fractions of Units Resulting from a Conversion of Use

If a conversion executed consistent with subsections 51.4.1 - 3 results in remaining square feet of commercial floor area, or whole or fractions of tourist accommodation units or existing residential units of use, those square feet or units may be banked on either the sending or receiving parcel provided all requirements of Chapter 6: Tracking, Accounting, and Banking,

Section 51.3: Banking of Development Rights, or Section 51.5: Transfers of Development Rights as applicable are met.

51.5. TRANSFER OF DEVELOPMENT RIGHTS

Development rights as defined by Chapter 90: *Definitions* may be transferred from one parcel to another provided the transfer complies with this section. The following development rights shall be eligible for transfer: commercial floor area, tourist accommodation units, residential units of use (including potential residential units of use and residential allocations), and bonus units.

51.5.1. Transfer of Potential Residential Unit of Use

A potential residential unit of use, as defined in Chapters 90: Definitions, and 31: Density, may be transferred to another parcel pursuant to the following provisions:

A. Vacant Parcel

The parcel from which the potential residential unit of use is to be transferred shall have a potential residential unit of use pursuant to Section 50.3.1.

B. Parcel Restriction

At the time of and as a condition of the transfer of a potential residential unit of use, the parcel from which the potential residential unit of use is transferred shall be restricted pursuant to Section 51.5.4.

C. Receiving Area

The parcel receiving the potential residential unit of use shall be in an area where residential uses are permissible and shall meet the following criteria:

1. Parcels Eligible to Receive One or More Potential Residential Units of Use

The following parcels are eligible to receive one or more potential residential units of use:

- a. Parcels located in a plan area, adopted community plan, or subdistrict within an adopted area plan designated as a receiving area for multi-residential units shall be eligible to receive one or more potential residential units of use; or
- b. Up to two potential residential units of use may be transferred to a parcel for the purpose of constructing accessory dwelling units, provided the building sites for the accessory dwelling units are in Land Capability Districts 4,5,6, or 7, or, if applicable, is above the initial IPES line of 726.

2. Parcels Eligible to Receive One Potential Residential Unit of Use

The following parcels are eligible to receive one potential residential unit of use:

CHAPTER 51: BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT

51.5 Transfer of Development Rights

51.5.1 Transfer of Potential Residential Unit of Use

- a. One potential residential unit of use may be transferred to a parcel that was not assigned a potential residential unit of use provided the parcel has a building site in Land Capability Districts 4, 5, 6, or 7, or, if applicable, is above the initial IPES line of 726.

3. Transfer of Potential Residential Units of Use to Centers; Bonus Unit Incentive

- a. Receiving parcels in Centers are eligible to receive potential residential units of use based on the land capability district of the sending parcel and the distance of the sending parcel from Centers, and from primary transit routes.
- b. Transfers of development that result in transfer ratios greater than 1:1 pursuant to this section shall be eligible to receive bonus units in the amount provided below and be allowed only if the applicant provides TRPA with binding assurance that the potential residential units of use of the sending parcels are permanently restricted as if they were sensitive lands pursuant to subsection 51.5.4.H.
- c. Notwithstanding limitations in Chapters 50 and 52, bonus units received pursuant to this section shall not require an allocation to construct a residential unit.
- d. TRPA may assign a residential allocation from TRPA's residential allocation incentive pool to match the transferred potential residential unit of use when a transfer earns a bonus unit or portion thereof.
- e. Transfer ratios shall be determined by considering two factors and multiplying the two resulting ratios, pursuant to the table below.

TABLE 51.5.1-1: TRANSFER OF POTENTIAL RESIDENTIAL UNITS OF USE TO CENTERS	
Step 1: Determine applicable transfer ratio based on sending parcel.	
Sending Parcel	Transfer Ratio
SEZ	1:1.5
Other Sensitive Lands	1:1.25
Non-Sensitive Lands	1:1
Step 2: For transfers of potential residential units of use, determine additional transfer ratio based on distance from centers and/or primary transit routes.	
Distance	Additional Transfer Ratio
Less than ¼ mile, or on the lake-ward side of primary transit routes	1:1
¼ mile to ½ mile	1:1.25
½ mile to 1 mile	1:1.5

TABLE 51.5.1-1: TRANSFER OF POTENTIAL RESIDENTIAL UNITS OF USE TO CENTERS

1 mile to 1½ mile	1:1.75
Greater than 1½ mile	1:2
Step 3: Multiply the applicable ratios from Steps 1 and 2 to determine the applicable transfer ratio.	

D. Density

The transfer shall comply with the density of use provisions for the receiving parcel.

51.5.2. Transfer of Residential Allocations

If a parcel is assigned a residential allocation pursuant to Chapter 50: *Allocation of Development*, the allocation may be transferred to another parcel pursuant to the following provisions:

A. Parcel Classification

The allocation transfer shall be from a parcel determined to be in Land Capability Districts 1a, 1b, 1c, 2, 3, or 1b (stream environment zone); shorezone tolerance districts 1, 2, 3, or 4; below the initial IPES line of 726, if applicable; or unsuitable for development due to the inability of the property to meet TRPA or local government development standards.

B. Building Site

The receiving parcel shall have a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES, subject to the limitation in subsection 51.5.2.C below.

C. IPES Limitation

A residential allocation shall not be transferred to a parcel that is below the initial IPES line of 726 unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than one-half the total inventory in that jurisdiction.

D. Permissible Use

The receiving parcel shall be in a plan area or adopted community plan where residential uses are a permissible use on the receiving parcel.

E. One Transfer

Subject to the limits in Chapter 50, an allocation may be transferred only one time and shall continue to count against the jurisdiction to which it was originally issued.

F. Parcel Restriction

The sending parcel shall be restricted pursuant to Section 51.5.4 at the time the allocation is transferred.

51.5.3. Transfer of Existing Development

The Certain elements of existing development may be transferred from one parcel or project area to another, provided that the receiving parcel is in a plan area or adopted community plan and designated as a receiving area for existing development. Existing residential development may be transferred to any plan area or adopted community plan where residential use is a permissible use. The transfer of existing development shall not be considered additional development and shall be exempt from the applicable allocation system.

A. Eligibility

The following elements of existing development shall be eligible for transfer:

1. Units of Use

Units of use may be transferred within the same major use classifications (for example, residential, tourist accommodation, commercial, and recreation). The amount of use transferred shall be measured in appropriate units of use (for example, residential units, tourist accommodation units, commercial floor area, and PAOTs). Transfers of existing development may be permitted for the sole purpose of banking the rights and do not require an approved project on the receiving parcel.

2. Land Coverage

Existing land coverage may be transferred pursuant to Chapter 30.

3. Amount

The amount of development rights that can be transferred to a site is not limited provided the transfer is solely for the purpose of banking those rights. Transfers of existing development for uses other than banking are subject to the requirements listed below.

B. Requirements

Transfers of existing development may be permitted subject to the requirements listed below.

- 1.** The transfer shall be limited to the units of use existing on the parcel from which the development is to be removed.
- 2.** The receiving parcel shall comply with the site development provisions established by this Code and the plan area statement for the receiving parcel.
- 3.** The parcel from which the existing development is transferred shall be restricted pursuant to Section 51.5.4, no later than the time of commencement of construction of the related project.
- 4.** All facilities, including building and structures, shall be appropriate for removal considering conformance with TRPA plans and the Code, such as the provisions for historical structures and affordable housing.

CHAPTER 51: BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT

51.5 Transfer of Development Rights

51.5.3 Transfer of Existing Development

5. The receiving parcel shall have a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES unless:
 - a. There is a 25 percent or greater reduction in existing land coverage and restoration on the receiving parcel and there is no increase in vehicle trips, parking, cubic volume of the structures, or adverse impacts; or
 - b. The transfer of units from a commercial, tourist, or residential use to a site inside a designated community plan area is from sensitive lands to an equal or less sensitive land capability district, and a reduction of land coverage and restoration occurs at the receiving site or sending site equal to 300 square feet of land coverage per tourist unit transferred, 1,200 square feet of land coverage per residential unit transferred, or one square foot of land coverage per square foot of commercial floor area transferred; or
 - c. The transfer of commercial floor area from nonsensitive lands to a site inside a designated community plan area results in a reduction of land coverage and restoration on the receiving site or like sensitive lands in the watershed at a ratio of one square foot of transferred floor area to two square feet of land coverage reduced.
6. Existing residential development shall not be transferred to any parcel that is below the initial level defining the top rank under IPES (726) unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than one-half the total inventory in that jurisdiction.

C. Transfer of Existing Development to Centers; Bonus Unit Incentive

Transfers of existing development to Centers shall comply with the following:

1. Receiving parcels in Centers are eligible to receive transfers of existing development based on the land capability district of the sending parcel and the distance of the sending parcel from the Center and from primary transit routes.
2. Transfers of existing development that result in transfer ratios greater than 1:1 pursuant to this section shall be eligible to receive bonus units in the amount provided below and be allowed only if the applicant provides TRPA with binding assurance that the sending parcel will be restored and permanently restricted to open space by deed restriction running with the land, recorded by the owner. In cases where a portion of development has been transferred, only that portion of the parcel shall be restricted as open space.
3. Notwithstanding limitations in Chapters 50 and 52, bonus units received pursuant to this section shall not require an allocation to construct a residential unit.
4. Transfer ratios shall be determined by considering two factors and multiplying the two resulting ratios, pursuant to the table below.

TABLE 51.5.3.C-1: TRANSFER OF EXISTING DEVELOPMENT TO CENTERS

Step 1: Determine applicable transfer ratio based on sending parcel.

Sending Parcel	Transfer Ratio
SEZ	1:3
Other Sensitive Lands	1:2
Non-Sensitive Lands	1:1

Step 2: For transfers of existing development, determine additional transfer ratio based on distance from centers and/or primary transit routes.

Distance	Additional Transfer Ratio
Less than ¼ mile, or on the lake-ward side of primary transit routes	1:1
¼ mile to ½ mile	1:1:25
½ mile to 1 mile	1:1.5
1 mile to 1½ mile	1:1.75
Greater than 1½ mile	1:2

Step 3: Multiply the applicable ratios from Steps 1 and 2 to determine the applicable transfer ratio.

5. Banked development rights remaining on the original parcel from which development was removed are eligible to receive bonus units when transferred to a Center provided the sending parcel is restored in accordance to Section 51.5.4.
6. Allocation of a bonus unit shall occur only in conjunction with a project approval.

D. Limitations

The following limitations apply to transfers of existing development:

1. Units of use transferred shall have been legally established; and
2. Transfers of units of use shall not be permitted for development that has become derelict.

E. Transfer of Allocated Bonus Unit within Centers Limitation

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

1. Bonus units shall remain within the same use category at the time the units were awarded (i.e. residential, commercial, and tourist accommodation) and are not eligible for conversion per Section 51.4;
2. Bonus units awarded to a parcel within a TRPA-approved Town Center shall only be transferred within or between TRPA-approved Town Centers;

F. Verification of Existing Residential Units of Use for Transfer or Banking

Prior to transfer or banking, an existing residential unit of use shall be verified as legally established pursuant to the following criteria:

1. At a minimum, an existing residential unit of use shall contain cooking facilities, bathing and toilet facilities, and living and sleeping areas; and
2. Existing residential of use to be transferred or banked shall have been legally established as verified by County Assessor, local jurisdiction, and utility records:
 - a. The existing residential unit shall have been assessed as such by the County Assessor's office as of October 15, 1986, except for residential units approved under Chapter 50: *Allocation of Development*.
 - b. Permits and planning department records shall confirm that the unit is a permitted use and structure.
 - c. To be verified as a legally established unit of use, all utility service connections (e.g., water, sewer, gas, and electrical service) shall have been legal as of October 15, 1986, except for residential units approved under Chapter 50.

51.5.4. Parcel Restriction for Transfers

Prior Restriction of parcels for the purposes set forth in this Code shall comply with the following requirements:

A. Land Coverage

Parcels from which land coverage has been transferred are subject to provisions of Chapter 30.

B. Residential Allocation Transfer

Parcels from which residential allocations have been transferred shall be permanently restricted from residential development.

1. For parcels in private ownership, deed restrictions running with the land that permanently restrict the parcel from residential development shall be recorded by the owner.
2. For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the parcel has been permanently restricted from residential development.

C. Existing Development Transfer

For parcels from which units of existing development have been transferred, the structures or facilities accounting for that use shall be removed or modified, consistent with the transfer, and the land restored and maintained in as natural a state as is possible, so as to eliminate the units transferred.

D. Payment of Bonds and Freedom From Nuisance

The sending parcel shall be free of nuisance and hazard. All bonds, assessments, back taxes, fees, and liens affecting the parcel to be restricted pursuant to a transfer under this chapter shall be paid in full.

E. Transfer of All Existing Development From Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all units of existing development have been transferred shall be restored pursuant to subsection 51.5.4.C and shall be permanently restricted to open space by a deed restriction running with land, recorded by the owner.

F. Transfer of Some Existing Development From Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which less than all units of existing development have been transferred shall be permanently restricted from transferring development back to the parcel by deed restriction running with the land, recorded by the owner.

G. Transfer of Existing Development From Non-Sensitive Lands

Owners of parcels located in Land Capability Districts 4, 5, 6, or 7 from which units of existing development have been transferred shall document the transfer and the parcels shall be restricted by deed restriction running with the land, recorded by the owner. The restriction shall limit the units of use to any remaining, until or unless:

1. A transfer back to the parcel is approved by TRPA pursuant to this chapter; or
2. An allocation is obtained pursuant to Chapter 50.

H. Potential Residential Unit of Use Transfers From Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all potential residential units of use have been transferred shall be permanently restricted from residential development.

1. For parcels in private ownership, or that have deed restrictions running with the land, the permanent removal of development rights from the parcel shall be recorded by the owner.
2. For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the development rights have been permanently removed.

I. Potential Residential Unit of Use Transfers From Non-Sensitive Lands

Parcels located in Land Capability Districts 4, 5, 6, or 7, or parcels at or above the initial IPES line (726), from which all potential residential units of use have been transferred, shall be restricted from constructing new residential units by deed restriction running with the land, recorded by the owner, but shall be eligible to receive future transfers of coverage or units of use if otherwise permitted in 1 or 2 of subsection 51.5.4.H above.

J. Consolidation

Where appropriate, TRPA may approve a consolidation of parcels in lieu of a deed restriction for a transfer of a potential residential unit of use or allocation, or in addition to a deed restriction, to accomplish the restriction of the parcel consistent with this chapter and other applicable Code provisions.

K. Relation to Chapter 6

TRPA shall record the appropriate changes created by transfers in its records pursuant to Chapter 6: *Tracking, Accounting, and Banking*.

L. Sequential Transfers

Potential residential units of use and allocations may be transferred independently provided that, when both the potential residential units of use and an allocation have been transferred from a parcel, the parcel shall be permanently restricted to open space. Land coverage transfers may also occur independently subject to the provisions of Chapter 30.

51.6. LOCAL GOVERNMENT APPROVAL

No local government approval is necessary to transfer development rights. Local governments can request the TRPA Governing Board to establish a local approval process if the net loss of development rights resulting from transfers over the prior two-year period is equal to or greater than five percent of the total existing built development rights for each type of land use (e.g. commercial floor area, tourist accommodation units, and residential units of use) within that jurisdiction as accounted for by TRPA. TRPA shall maintain an inventory of the total existing built development rights for each type of land use per jurisdiction. The net change shall be calculated for each jurisdiction as follows:

- A.** Calculate the percent net change of CFA as: $(\text{CFA transferred into the jurisdiction} - \text{CFA transferred out of the jurisdiction}) / \text{CFA from the TRPA inventory} \times 100$
- B.** Calculate the percent net change of TAUs as: $(\text{TAUs transferred into the jurisdiction} - \text{TAUs transferred out of the jurisdiction}) / \text{TAU from the TRPA inventory} \times 100$
- C.** Calculate percent net change of single family RUUs as: $(\text{single family RUUs transferred into the jurisdiction} - \text{single family RUUs transferred out of the jurisdiction}) / \text{single family RUUs from the TRPA inventory} \times 100$
- D.** Calculate percent net change of multi-family RUUs as: $(\text{multi-family RUUs transferred into the jurisdiction} - \text{multi-family RUUs transferred out of the jurisdiction}) / \text{multi-family RUUs from the TRPA inventory} \times 100$
- E.** Calculate the net loss by averaging the percentages from A, B, C, and D above.

CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM

52.1. PURPOSE

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

52.2. APPLICABILITY

- A. The assignment of residential bonus units shall comply with the provisions set forth in this chapter. Such assignments shall occur only in conjunction with a project approved by TRPA.
- B. In addition to the bonus units authorized by this chapter, bonus units also may result from the following additional Code provisions:
 - 1. Section 30.6.3: *Onsite Removal and Retirement of Excess Coverage in Town Centers, Regional Centers, or the High-Density Tourist District*;
 - 2. Section 51.5.1.C.3: *Transfer of Potential Residential Units of Use to Centers*; and
 - 3. Section 51.5.3: *Transfer of Existing Development to Centers*.

52.3. RESIDENTIAL INCENTIVE PROGRAM

52.3.1. Assignment of Bonus Units

A maximum of 1,400 residential bonus units may be approved by TRPA pursuant to this section. Residential bonus units may be made available to affordable, moderate, and achievable-income single and multi-family housing projects subject to the criteria in subsection 52.3.4 below. Eight-hundred and forty three (843) of the 1,124, or three quarters of the remaining as of December 24, 2018, residential bonus units from the TRPA pool, whichever is less, shall be used for affordable or moderate-income housing units; the remaining 281, or one quarter of the remaining residential bonus units from the TRPA pool, whichever is less, may be used for achievable housing units.

52.3.2. Criteria

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

- A. The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the area plan, plan area statement, applicable community or redevelopment plan, or this Code; and
- B. When bonus units will be used for a multi-family dwelling, multi-residential uses shall be designated in the area plan, plan area, or community plan as an allowed

CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM

52.3 Residential Incentive Program

52.3.3 Determination of the Number of Multi-Residential Bonus Units

use, or a special use for which the findings required in Section 21.2 have been made.

- C. Except for affordable, moderate income, or achievable housing units as defined in Chapter 90: *Definitions*, an allocation shall be required pursuant to Chapter 50: *Allocation of Development*, in order to use multi-residential bonus units.

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

A. Determination of Project Score

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

B. Mitigation Measures

Projects proposing the use of multi-residential bonus units shall receive a score only when one or more of the mitigation measures in Table 52.3.3-1 are proposed as part of the project. Any combination of the measures in the table may be proposed. Only those mitigation measures that would not otherwise be required by the Code shall be considered in determining the score received by a project. This subparagraph establishes the maximum number of points that may be awarded for each mitigation measure. If a proposed mitigation measure satisfies the requirements of two or more of the mitigation measures listed below, points shall be awarded based on the mitigation measure resulting in the highest score. The total point score shall be rounded down to a number that is a multiple of ten.

TABLE 52.3.3-1: SCORE FOR MITIGATION MEASURES FOR RESIDENTIAL BONUS UNITS		
Mitigation Measure		Score
Participation in a transportation EIP project (see Chapter 15: <i>Environmental Improvement Program</i>)		(Project cost divided by \$8,000) x 10 points
Participation in a water quality EIP project (see Chapter 15: <i>Environmental Improvement Program</i>)		(Project cost divided by \$8,000) x 10 points
Provision of stream environment zone restoration pursuant to EIP Program (excluding restoration required as mitigation for new SEZ disturbance)		(Project cost divided by \$8,000) x 20 points
Retirement of an undeveloped parcel located in Land Capability Districts 1a, 1b (SEZ), 1c, 2, or 3 (see Chapter 51: <i>Banking, Conversion, and Transfer of Development</i>)	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit
	Parcel in 1b (SEZ)	30 points per transferred unit
Transfer of existing residential unit and retirement of the parcel in accordance with Chapter 51	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit
	Parcel in 1b (SEZ)	40 points per transferred unit

TABLE 52.3.3-1: SCORE FOR MITIGATION MEASURES FOR RESIDENTIAL BONUS UNITS	
Mitigation Measure	Score
New access to public recreation areas, lakes, streams, or vista points to which access was previously nonexistent	(Project cost divided by \$8,000) x 10 points (maximum 50 points)
Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 30: <i>Land Coverage</i>	One point for each such reduction of 600 square feet onsite
Participation in projects identified in the TRPA-approved Scenic Quality Improvement Program and/or the EIP	(Project cost divided by \$8,000) x 10 points

C. Adjustments to Score

1. Projects within a Community Plan

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

2. Projects Providing Affordable Employee Housing

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

3. Post-1987 Projects Proposing Subdivision of Units

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

D. Option to Reserve Residential Bonus Units

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

52.3.4. Affordable, Moderate, and Achievable Housing

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

- A.** Residential bonus units may be awarded to single or multi-family housing developments.

CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM

52.3 Residential Incentive Program

52.3.5 Residential Bonus Unit Substitution

- B.** The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.
- C.** A bonus unit may be used for an accessory dwelling unit as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.
- D.** The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to \$5,000.00 per day for failure to submit the compliance report or comply with these requirements.
- E.** An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to a qualified renter if no longer the occupant, or sell the unit only to a qualified buyer as defined in Section 90.2 of the Code of Ordinances.
- F.** A renter household which has had an increase in income or change in circumstances such that they no longer meet the qualifying criteria may remain in the home for up to one year, after which time the household is required to re-locate if qualifying factors have not been re-established.
- G.** The project awarded a residential bonus unit shall be within ½ mile of a designated Town Center; within ½ mile of an existing transit stop or a transit stop that will be existing concurrent with the completion of the project; or located in an area where multi-family dwellings are an allowed or special use.

52.3.5. Residential Bonus Unit Substitution

Residential bonus units may be assigned for existing residential units of use in a project area or existing residential units of use that are the result of TAU conversion pursuant to subsection 51.4 on a unit-for-unit basis, provided that the following conditions are met:

- A.** The project area shall be brought up to TRPA development standards applicable for modifications on a project area containing existing development and shall meet scenic quality standards if the project is visible from a roadway travel route, shoreline travel route, or designated recreation site or bike path;

CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM

52.3 Residential Incentive Program

52.3.6 TRPA-Certified Local Government Moderate-Income Housing Program

- B.** The local jurisdiction shall inspect and certify that each unit remaining in the project area meets its health and safety requirements for residences;
- C.** A deed restriction shall be recorded with TRPA and the local jurisdiction ensuring that the units remaining in the project area meet TRPA's affordable or moderate-income, or achievable housing definition and shall be so maintained; and
- D.** Any existing units of use not used in the project area are only transferable to multi-residential facilities.

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

A. TRPA Certification

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

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

B. Permanent Limitations on Approved Use and Income Limits

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

C. Annual Reporting

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

52.3.7. Transfer of Allocated Residential Bonus Unit Limitations

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

- A.** Bonus Units transferred shall have been legally established;

CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM

52.4 Determination of Project Cost

52.3.7 Transfer of Allocated Residential Bonus Unit Limitations

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

52.4. DETERMINATION OF PROJECT COST

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

CHAPTER 53: INDIVIDUAL PARCEL EVALUATION SYSTEM

53.1. PURPOSE

This chapter establishes the Individual Parcel Evaluation System (IPES) and its related procedures in accordance with Goal 1, Policy 1, of the Development and Implementation Priorities Subelement, Implementation Element, of the Goals and Policies. IPES provides a methodology for the evaluation of vacant single-family residential parcels, assigning each such parcel a numerical score, and ranking such parcels within each local jurisdiction from most suitable to least suitable for development in accordance with this chapter.

53.2. APPLICABILITY

53.2.1. IPES Review and Approval of Single-Family Dwellings Required

TRPA shall review and approve the construction of any single-family dwelling on a parcel that was vacant on or after July 1987 pursuant to this chapter.

53.2.2. IPES Manuals

The review and approval by TRPA of the construction of single-family dwellings shall be conducted in accordance with the IPES manuals, which are hereby adopted by reference.

53.3. PARCEL EVALUATION GENERALLY

53.3.1. Purpose of Parcel Evaluation

The purpose of this section is to identify parcels that are eligible for IPES evaluation and to describe the general procedures for conducting IPES evaluations.

53.3.2. Evaluation Teams

The members of each evaluation team shall be selected by TRPA and shall consist of professionals in the fields of soil science, hydrology, and engineering or planning. The evaluation team may be composed partly or entirely of TRPA staff.

53.3.3. Eligibility for IPES Evaluation

Parcels shall be determined to be eligible for evaluation, scoring, and ranking under IPES in accordance with the following provisions.

A. Vacant Parcels

Vacant parcels that allow a single-family dwelling as an allowed or special use in accordance with Chapter 21: *Permissible Uses*, shall be eligible, provided the parcel is otherwise eligible under subparagraph 53.3.3.C.

B. Parcels That Are Not Vacant

Parcels that are not vacant and do not contain a single-family dwelling shall be eligible as though they are vacant upon receipt by TRPA of a written request by the parcel owner that the parcel be evaluated and provided the parcel is otherwise eligible under subparagraph 53.3.3.C.

C. Special Situations

Parcels shall be ineligible in the following special situations, except as otherwise stated.

1. Parcels Owned by a Public or Quasi-Public Entity

Parcels owned by a public or quasi-public entity as defined in the definition of "Public Service" in Chapter 90: *Definitions*, including parcels owned by a local, state, or federal agency, or a public utility district, shall not be eligible, unless such public or quasi-public entity requests in writing to TRPA that the parcel be evaluated under IPES and the parcel is otherwise eligible under this section.

2. Dedicated Open Space

Parcels that are restricted to open space pursuant to a final subdivision map or other recorded document shall not be eligible.

3. No Physical Access

Except for parcels in planned unit developments, parcels for which there is no road providing physical access to the parcel shall not be eligible, unless TRPA receives a written request from the parcel owner that the parcel be evaluated, the parcel is otherwise eligible under this section, and the parcel owner asserts the existence of an access easement and demonstrates that:

- a. The basic service requirements can be provided in accordance with Chapter 32: *Basic Services*; and
- b. The corners of the parcel shall be staked and flagged, if requested by TRPA.

TRPA shall notify parcel owners of determinations made under this subparagraph.

4. Insufficient Area to Construct a Single-Family Dwelling

Parcels that may not have a sufficient area to allow construction of a single-family dwelling due to size, configuration, or an easement shall not be eligible, unless TRPA receives a written request from the parcel owner that the parcel be evaluated, the parcel is otherwise eligible under this section, and the corners of the parcel are staked and flagged, if requested by TRPA. TRPA shall notify parcel owners of determinations made under this subparagraph.

5. Local Zoning Restrictions

Parcels that TRPA determines are prohibited residential uses by local government zoning ordinances shall not be eligible, unless TRPA receives a written request from the parcel owner that the parcel be evaluated and the parcel is otherwise eligible under the provisions of this section. TRPA shall notify parcel owners of determinations made under this subparagraph. TRPA review pursuant to IPES shall not be considered a determination by TRPA that residential uses are permitted by the local government.

53.3.4. Notification of Property Owners

Owners of parcels evaluated under IPES shall be notified of IPES scores in accordance with the following provisions:

- A.** When eligible parcels evaluated have been assigned a score, the owner of each such parcel shall be notified by mail in accordance with TRPA's Rules of Procedures of the parcel's assigned score, the procedures for requesting a reevaluation in accordance with subsection 53.6.3, and an appeal in accordance with subsection 53.6.4, and other information determined by TRPA to be necessary.
- B.** Once TRPA has taken action on requests for reevaluation in accordance with subsection 53.6.3 and the formula for determining allowable base land coverage in accordance with Section 53.8, the owners of parcels evaluated under IPES shall be notified by mail in accordance with TRPA's Rules of Procedure of the parcel's total score, and the percentage of allowable base land coverage. This notification shall also identify the score received under each element of IPES and the procedure for filing an appeal.
- C.** TRPA shall notify each parcel owner of the score resulting from the procedure established in subparagraph 53.6.4.A once TRPA has completed its review of the appeal application. This notification shall include the parcel's total score, percentage of allowable base land coverage, the score received under each element of IPES, and the procedure for requesting that the appeal be heard by the Governing Board.

53.4. AREA TO BE EVALUATED UNDER IPES

The IPES score received by a parcel shall be based on evaluation of an area established in accordance with the following provisions.

53.4.1. Parcels of One-Third Acre or Less

Parcels of one-third acre or less in size shall be evaluated in accordance with the following procedures:

A. Area to be Evaluated

The evaluation team shall evaluate the entire parcel, except as provided for under subparagraph C, below. Soil samples shall be taken from locations that are representative of the site as a whole.

B. Slope Length and Gradient Readings

Slope length and gradient readings shall be taken in accordance with the following procedures:

- 1.** Segment readings shall be taken perpendicular to the natural contours and through the middle of the most likely building site as determined by the evaluation team in accordance with subsection 53.4.3;

CHAPTER 53: INDIVIDUAL PARCEL EVALUATION SYSTEM

53.4 Area to be Evaluated Under IPES

53.4.2 Parcels Greater than One-Third Acre

2. Enough segments shall be recorded for each parcel so that the sum of all segment lengths is at least 120 feet. In cases where segment lengths totaling 120 feet cannot be obtained within a parcel's boundaries, segment readings shall be taken on adjacent parcels; and
3. Segment readings shall begin 60 feet above the middle of the most likely building site or at the top of the cut slope or toe of the fill slope adjacent to the public right-of-way or other access road.

C. **Parcels Containing a SEZ**

Where a parcel contains a SEZ, the evaluation team shall evaluate only that portion of the parcel located outside the SEZ. The score received by parcels containing less than 5,000 square feet outside an SEZ shall be multiplied by a factor equal to the area outside the SEZ divided by 5,000 square feet. Parcels containing no area outside a SEZ or SEZ setback shall receive a total score of zero.

D. **Parcels Less than 10,000 Square Feet or with Less than 10,000 Square Feet Outside a SEZ**

The score received by parcels that are less than 10,000 square feet in size or with less than 10,000 square feet outside a SEZ shall be multiplied by a factor derived from the equation set forth in subsection 53.10.8.

1. The score received by parcels that contain less than 5,000 square feet outside a SEZ shall be multiplied by the factors established in subparagraphs C and D, above.
2. The procedure set forth in Section 53.9 shall be used by the field evaluation teams to establish the area of a parcel outside a SEZ.

53.4.2. Parcels Greater than One-Third Acre

Parcels that are greater than one-third acre in size shall be evaluated in accordance with the following procedures:

A. **Area to be Evaluated**

Owners of parcels greater than one-third acre in size shall identify the location of the 1/3 acre portion of the parcel which that includes their desired building site. Once the 1/3 acre portion has been identified, the evaluation team shall evaluate this portion of the parcel to determine the parcel's score. Slope length and gradient readings shall be taken in accordance with subparagraph 53.4.1.B and, if the 1/3 acre contains an SEZ, the procedures set forth in subparagraphs 53.4.1.C and D shall be followed. In the event the owner does not select the area to be evaluated, the evaluation team shall evaluate an area of one-third acre in size that shall include the most likely building site as determined by the evaluation team in accordance with subsection 53.4.3. In determining the location of the area to be evaluated, the team shall select the one-third acre that results in the highest score.

B. Slope Length and Gradient Readings

Slope length and gradient readings shall be taken in accordance with subparagraph 53.4.1.B.

C. Parcels Containing a SEZ

In the case where the best one-third acre contains a SEZ, the procedures set forth in subparagraphs 53.4.1.C and D shall be followed.

53.4.3. Most Likely Building Site

A. Considerations for Most Likely Building Site

In determining the location of the most likely building site, the evaluation team shall consider: local building setbacks and open space easements; the relationship between the building site and access from public right-of-way; and minimizing excavation and general site disturbance resulting from construction. Where the IPES field evaluation team has determined a most likely building site in order to undertake its evaluation, it shall make a permanent record of that determination.

B. Alternative Building Site

If at a later time a project proponent selects a site other than the most likely building site, then TRPA shall score the alternative building site selected and shall, upon a written election by the project proponent, adjust the IPES score accordingly. In order to be deemed an alternative building site, the selected site shall not overlap the most likely building site by more than 25 percent. The cost of scoring the alternative building site shall be paid by the project proponent.

53.5. RANKING OF PARCELS

Once all eligible parcels within a particular jurisdiction have received a numerical score, the parcels shall be ranked, by jurisdiction, from the most suitable (those parcels receiving the highest numerical score) to the least suitable (those parcels receiving the lowest numerical score).

53.5.1. Lowering Numerical Level Defining Top-Ranked Parcels

The numerical level defining the top ranked parcels in any jurisdiction shall be lowered, on an annual basis commencing on January 1, 1990, to include in the top rank a number of parcels equal to the number of parcels in that jurisdiction that used allocations during the previous year in accordance with Chapter 50: *Allocation of Development*.

A. Required Findings

The numerical level defining the top ranked parcels shall not be lowered unless TRPA makes the following findings with respect to the applicable local jurisdiction:

1. All parcels included in the top rank are otherwise eligible for development under the Lake Tahoe Water Quality Management Plan ("208 Plan" or "WQMP") and other legal limitations;

CHAPTER 53: INDIVIDUAL PARCEL EVALUATION SYSTEM

53.5 Ranking of Parcels

53.5.2 Limitation On Issuance of Allocations To Parcels Below Level Defining Top Ranked Parcels

2. The monitoring program for that jurisdiction is in place pursuant to Chapter 16: *Regional Plan and Environmental Threshold Review* and the TRPA monitoring plan.
3. Demonstrable progress is being made on capital improvement programs for water quality within that jurisdiction;
4. The level of compliance with conditions of project approvals within any jurisdiction is satisfactory; and
5. For any jurisdiction, the number of parcels having scores below the level defining the top ranked parcels, divided by the number of parcels in that jurisdiction that were identified as sensitive by TRPA on January 1, 1986, does not exceed the following percentages;
 - a. El Dorado County - 20 percent
 - b. Placer County - 20 percent
 - c. Douglas County - 33 percent
 - d. Washoe County - 33 percent

53.5.2. Limitation On Issuance of Allocations To Parcels Below Level Defining Top Ranked Parcels

In jurisdictions that do not issue building allocations by random selection, the percentage of allocations issued to parcels that were below the line defining the top ranked parcels on January 1, 1989, shall be no greater than the percentage resulting from dividing the number of vacant parcels below the initial line that eventually become located above the line defining the top ranked parcels by the total number of vacant parcels in that jurisdiction.

53.5.3. Eligibility To Compete for Allocation

All parcels receiving a score under IPES shall be eligible to compete for residential allocations. Top ranked parcels that receive a residential allocation may pursue issuance of a TRPA permit to construct a new single family house. Parcels with score below the level defining the top ranked parcels may, if in receipt of a residential allocation, exercise any of the options listed below:

- A. Transfer the allocation in accordance with Chapter 51: *Transfer of Development*;
- B. Relinquish the allocation; or
- C. Transfer other development rights in accordance with Chapter 51.

53.6. CHANGES IN IPES SCORE

IPES scores may be changed as follows:

53.6.1. Installation of Water Quality Improvement in Vicinity of Parcel

If water quality improvements of the type considered in subsection 53.7.7 are installed in an area subsequent to TRPA preparing the map in accordance with subparagraph 53.7.7.A, TRPA shall amend the map by increasing the point value for such area according to the point values identified in Table 53.10.7-1 for the improvements installed. The scores received by parcels located in areas where point values are increased in accordance with this subsection shall be increased to reflect the new point value.

53.6.2. Changes In Condition of Watershed

If the TRPA finds that the estimated overall ability of a drainage basin to deliver nutrients and sediments to Lake Tahoe has changed, based on consideration of the three categories listed in subsection 53.7.5, the point value given that watershed shall be changed to reflect the new condition and the score received by parcels located in that watershed shall be changed accordingly. Such changes in the condition of a watershed may cause the score received by a parcel to increase or decrease.

53.6.3. Reevaluation Procedure

TRPA or the owner of a parcel receiving a score under IPES may request a reevaluation based on the existence of information that was not known to, or considered by, the evaluation team at the time the evaluation was performed, such as existing access easements and lot consolidations. Reevaluation shall not include determination, with respect to the IPES criteria being properly applied. That determination is included under an appeal. To be eligible for reevaluation, a complete application requesting reevaluation shall be filed with TRPA. This procedure shall not apply where a building site other than the most likely building site is selected by a project proponent pursuant to subparagraph 53.4.3.B.

53.6.4. Appeal Procedure

The owner of a parcel who has received notification of the parcel's score under IPES may file an appeal with TRPA by submitting a complete written appeal application no later than 180 days from the date notification, in accordance with subparagraph 53.3.4.B. Complete applications shall include, at a minimum, identification of the IPES criteria the parcel owner feels was improperly or incorrectly applied and any data, reports, or other information in support of the appeal.

- A.** Upon receipt of an appeal, the parcel shall be reevaluated by an evaluation team other than the one that performed the original evaluation. A second notification, pursuant to TRPA's Rules of Procedure and in accordance with subparagraph 53.3.4.C, shall be given to the parcel owner. The determinations of the second evaluation team shall be final, unless the owner of the parcel requests in writing to the Executive Director that the appeal be heard by the Governing Board. The written request must be received by TRPA within 15 working days from the date that the second notification was given pursuant to TRPA's Rules of Procedure.

- B.** Appeals to the Governing Board shall be processed in accordance with TRPA's Rules of Procedure. The Governing Board may change the score for a parcel only if it finds that the IPES criteria were not applied correctly and then the score shall be changed only to the degree resulting from proper application of the criteria.

53.6.5. Alternative Appeal Procedure

Those individuals that did not file an appeal pursuant to subsection 53.6.4 shall be allowed to file an appeal as set forth herein. The Agency shall publish and post notice of the filing period in the same manner required for ordinance amendments. Those parties wishing to appeal shall do so by submitting an application with the proper filing fee to the TRPA office on or before June 29, 1990, at 5:00 p.m. Said application and fee must be received by the Agency at that time. After receipt, the procedure set forth in subparagraphs 53.6.4.A and B shall be followed. In addition, notice of this procedure shall be mailed to those who have requested notice and to the individuals who in the first appeal had notices returned by the Post Office as being undeliverable.

53.6.6. Reversal of Denial of Entry

An owner of a parcel for which right of entry was denied, may request in writing, by certified or registered mail or by personal delivery, the scoring and ranking of the parcel. The owner shall bear the cost of the field team evaluation. Upon receipt of the score in accordance with subsection 53.3.4, the parcel owner may request reevaluation or an appeal in accordance with subsections 53.6.3 and 53.6.4.

53.7. EVALUATION CRITERIA

IPES shall evaluate and assign a numerical score in accordance with the following criteria:

53.7.1. Relative Erosion Hazard

The maximum score for relative erosion hazard shall be 450 points. The formulae set forth in subsection 53.10.1 shall be used to assign a Relative Erosion Hazard (REH) score to each parcel.

53.7.2. Runoff Potential

The maximum score for runoff potential shall be 200 points. Each parcel shall receive a score for runoff potential in accordance with Table 53.10.2-1. The Hydrologic Soil Group shall be determined for each soil series from Table 6 of the report entitled, "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service, and dated March 1974. The categories under Hydrologic Conditions in Table 53.10.2-1 shall be defined as follows:

A. Poor

Thin or sparse cover denoting less than 50 percent of the ground surface protected by litter or by plant cover.

B. Fair

Moderate or scattered cover denoting from 50 percent to 75 percent of the ground surface protected by litter or by plant cover.

C. Good

Heavy or dense cover denoting more than 75 percent of the ground surface protected by litter or by plant cover.

53.7.3. Degree of Difficulty to Access Building Site

The maximum score for degree of difficulty to access the building site shall be 170 points. Each parcel shall receive a score in accordance with the provisions of subparagraphs A, B, or C, and subparagraph D, below. Parcels that are not required to provide vehicular access to the building site, such as parcels in plan unit developments where common parking areas exist, shall receive the maximum score for this subsection.

A. Upsloping Parcels without Existing Access

1. General

Parcels without existing access that slope predominantly upward within the first 20 feet from the public right-of-way or other access road shall receive an initial score in accordance with Table 53.10.3-1. The height of the cut slope shall be measured at the center of the most likely point of access. The Degree of Difficulty for Excavation shall be determined for each soil series from Table 6 of the report entitled "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service and dated March, 1974. Where construction of access will intercept natural ground water or subsurface flow or result in disturbance in a SEZ, the parcel shall receive the appropriate score from the column in Table 53.10.3-1 headed "SEZ."

2. Adjustment for Gradient Above Cut Slope

The initial score received in accordance with the procedure set forth in subparagraph 1 above shall be multiplied by the factor from Table 53.10.3-2 according to the average gradient of the ground for a distance of 20 feet above the top of the cut slope at the access point.

B. Downsloping Parcels without Existing Access

1. General

Parcels without existing access that slope predominantly downward within the first 20 feet from the public right-of-way or other access road shall receive an initial score in accordance with Table 53.10.3-3. The height of the fill slope shall be measured at the center of the most likely point of access. Where construction of access will intercept natural ground water or subsurface flow, or result in disturbance in a SEZ, the parcel shall receive the appropriate score from the column in Table 53.10.3-3 headed "SEZ."

2. Adjustment for Gradient Below Fill Slope

The initial score received in accordance with the procedure set forth in subparagraph 1 above shall be multiplied by the factor from Table 53.10.3-4 according to the average gradient of the ground for a distance of 20 feet below the toe of the fill slope at the access point.

C. Parcels with Existing Driveways

Parcels that contain existing driveways shall receive a score in accordance with Table 53.10.3-5. Where the existing driveway has intercepted natural ground water or subsurface flow, or resulted in disturbance in a SEZ, the parcel shall receive the appropriate score from the column headed "SEZ" in Table 53.10.3-5.

1. Extent of Grading Required on Access

The categories under the column headed "Extent of Grading Required on Access" in Table 53.10.3-5 shall be defined as follows:

a. No Appreciable Grading

To achieve a maximum slope of ten percent on the driveway, the only grading required prior to paving is minor smoothing or leveling of the existing surface or the driveway is paved.

b. Minor Grading

To achieve a maximum slope of ten percent on the driveway, the extent of grading is equal to or less than a depth of three feet at any point.

c. Major Grading

To achieve a maximum slope of ten percent on the driveway, the extent of grading is greater than a depth of three feet at any point.

2. Excavation for Parking Area or Garage

The categories under the column headed "Excavation for Parking Area or Garage" in Table 53.10.3-5 shall be defined as follows:

a. None

The excavation required to construct a parking area or garage shall not exceed the amount necessary to construct a conventional foundation.

b. Less Than Three Feet

The excavation required to construct a parking area or garage exceeds the amount necessary to construct a conventional foundation, but shall not exceed a depth of three feet at any point.

c. Greater Than Three Feet

The excavation required to construct a parking area or garage exceeds a depth of three feet at any point.

D. Parcels Requiring Access Through a Stream Environment Zone

Parcels requiring construction of, or with existing access in, a stream environment zone, or parcels where access will intercept natural ground water or subsurface flow, shall receive a score under this subparagraph D in accordance with Table 53.10.3-6, in addition to the score received under subparagraph A, B, or C in this subsection.

1. Location of Disturbance

The categories under the column headed "Location of Disturbance" in Table 53.10.3-6 shall be defined as follows:

a. No Disturbance in Stream Environment Zone or Interception of Ground Water

Provision of access to the building site that will not result in any disturbance, including the removal of vegetation, in a stream environment zone or interception of ground water.

b. Disturbance Only in Secondary Riparian Vegetation or Setback

Provision of access to the building site that will result in disturbance only to secondary riparian vegetation, or within the setback to a stream environment zone, but will not result in disturbance to primary riparian vegetation, a stream channel, or interception of ground water.

c. Disturbance in Primary Riparian Vegetation or Intercepts Ground Water, But Not in Stream Channel

Provision of access to the building site that will result in disturbance to primary riparian vegetation or intercept of ground water but will not result in disturbance to a stream channel.

d. Disturbance in Stream Channel

Provision of access to the building site that will result in disturbance to a stream channel.

53.7.4. Stream Environment Zone

The maximum score for stream environment zone shall be 110 points. Each parcel shall receive a score in accordance with Table 53.10.4-1.

A. Type of Disturbance in Stream Environment Zone

Construction of vehicular access through a SEZ shall be accounted for under subparagraph D of subsection 53.7.3, and shall not be considered under this subsection. The categories under the column headed "Extent of Disturbance in SEZ" in Table 53.10.4-1 shall be defined as follows:

1. None

Trenching for utility connections that will not result in disturbance in a SEZ.

2. Utility Connections

Trenching for utility connections that will result in disturbance in a SEZ.

B. Location of Disturbance

The categories under the column headed "Location of Disturbance" in Table 53.10.4-1 shall be defined as follows:

1. Inside Secondary Riparian Vegetation or Setback

Trenching for utility connections that will result in disturbance to secondary riparian vegetation or within a setback, but not to primary riparian vegetation or a stream channel.

2. Inside Primary Riparian Vegetation But Not in Stream Channel

Trenching for utility connections that will result in disturbance to primary riparian vegetation but not to a stream channel.

3. In Stream Channel

Trenching for utility connections that will result in disturbance to a stream channel.

53.7.5. Condition of Watershed

The maximum score for condition of watershed shall be 70 points. Each parcel shall receive the score given in Table 53.10.5-1 to the watershed in which the parcel is located. This element estimates the overall ability of a drainage basin to deliver nutrients and sediments to Lake Tahoe. Consideration was given to three broad categories:

- A.** Geomorphic, precipitation, and stream flow characteristics;
- B.** Nutrients and sediments in stream flow, expressed in production per unit area of drainage basin (e.g., pounds of nitrate nitrogen per square mile of drainage basin); and
- C.** Existing land coverage compared to allowable land coverage.

53.7.6. Ability to Revegetate

The maximum score for ability to revegetate shall be 50 points. Each parcel shall receive a score in accordance with the following provisions:

A. Vegetative Groups

Parcels shall receive a score from Table 53.10.6-1 based on the vegetative group identified in Table 6 of the report entitled, "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service, and dated March 1974 for the soil series in which the parcel is located. If "Vegetative Group J" is identified for a parcel, the IPES field evaluation team shall determine which of the other five groups listed in Table 53.10.6-1 best describes the vegetation on the parcel and points shall be assigned accordingly. The five vegetative groups (Groups A, B, E, F, and G) are described in subparagraph 53.10.6.A.

B. Climatic Conditions

Parcels shall receive a score for climatic conditions as follows:

1. Aspect and Gradient

Each parcel shall receive a score in accordance with Graph 53.10.6-1, based on the aspect and average gradient of the parcel.

2. Elevation

Each parcel shall receive a score in accordance with Table 53.10.6-2. The elevation of a parcel, for purposes of determining a score from Table 53.10.6-2, shall be the highest elevation within the area evaluated as determined pursuant to Section 53.4. Elevation readings shall be taken from TRPA's 2" = 1 miles base map.

53.7.7. Need for Water Quality Improvements in Vicinity of Parcel

The maximum score for need for water quality improvements in vicinity of parcel shall be 50 points.

A. Preparation of Map

TRPA shall prepare a map identifying areas within which the need for the water quality improvements listed in Table 53.10.7-1 is the same. The Lake Tahoe Water Quality Management Plan ("208 Plan" or "WQMP") maps shall be used as a guideline for determining the level of improvements needed. Areas shall be assigned point values in accordance with Table 53.10.7-1. The points assigned shall be equal to the mathematical difference between 50 points and the total of the negative points received due to the combination of water quality improvements needed.

B. Assigning Scores to Parcels

Each parcel shall receive the score assigned to the area, established under subparagraph A above in which the parcel is located.

53.7.8. Proximity to Lake Tahoe

The maximum score for proximity to Lake Tahoe shall be 50 points.

A. Preparation of Map

TRPA shall prepare maps identifying the following areas and point values:

1. Area A (0 points)

From the highwater line (6229.1 feet Lake Tahoe Datum) of Lake Tahoe to elevation 6240 feet;

2. Area B (10 points)

From elevation 6240 feet to one mile from the high water line;

3. Area C (20 points)

From one mile to two miles from the high water line;

4. Area D (30 points)

From two miles to three miles from the high water line;

5. Area E (40 points)

From three miles to four miles from the high water line; and

6. Area F (50 points)

Beyond four miles from the high water line.

B. Assigning Scores to Parcels

Each parcel shall receive the score assigned to the area established under subparagraph A above in which the parcel is located.

53.7.9. Additional Mitigation

A parcel's score may be increased by an amount not to exceed that permitted under subparagraph B below upon approval by TRPA of a water quality improvement project submitted by the owner of the parcel. A project that qualifies a parcel for an increase in its point score shall be located on a parcel other than the parcel for which the score increase is proposed, and shall include improvements such as slope stabilization, energy dissipators, sediment ponds, and rock-lined channels. A parcel's score shall not be increased unless, as a condition of approval, TRPA requires the water quality improvement project to be completed prior to construction commencing on the parcel receiving the increase in score.

A. Required Findings

Approvals for additional points shall not be granted under the provisions of this subsection until TRPA makes the following findings:

- 1.** The water quality improvements proposed under the provisions of this subsection are consistent with TRPA's 208 Plan;
- 2.** The increase in the IPES score for the applicant's parcel is in compliance with subparagraph B below; and
- 3.** The proposed water quality improvements would not otherwise be required of the owner to comply with the standards set forth in Section 60.4: Best Management Practice Requirements.

B. Limitations on Amount of Increase in Score

A parcel's score shall not be increased in an amount greater than ten percent of the IPES score at which the line is located establishing the top-ranked parcels in the affected jurisdiction at the time the water quality improvement project is approved. TRPA shall adopt a list assigning point values to types of water quality improvements. Point values shall be based on projected reductions in nutrient or sediment loading resulting from construction of such improvements and shall be intended to result in benefits that fully offset the difference in impacts between developing the subject parcel and developing a parcel with a rating equivalent to the subject parcel's rating without applying the bonus points.

53.7.10. Man-Modified Areas

Where an area has been determined by TRPA to be man-modified in accordance with subsection 30.3.6, or prior to the effective date of the Regional Plan in accordance with Section 2.4 of this Code, the IPES field evaluation team shall use the information on which such a determination was made, where applicable, in its evaluation of parcels located in such areas.

53.8. ALLOWABLE BASE LAND COVERAGE

The allowable base land coverage for single-family residential parcels evaluated under IPES shall be a function of the parcel's combined score under the IPES criteria for relative erosion hazard and runoff potential as correlated with the coverage coefficients and land capability districts of the Bailey Report in Chapter 30: *Land Coverage*. The allowable base land coverage under IPES shall be established in accordance with the following procedures.

53.8.1. Procedure for Establishing Allowable Base Land Coverage

Once eligible parcels have received a score under IPES, and TRPA has taken action on requests for reevaluation pursuant to subsection 53.6.3, the percentage of allowable base land coverage shall be established by TRPA in accordance with the following procedures:

A. Identification of Bailey Capability Classifications

Based on the soil series and average slope determined by the IPES evaluation teams, all parcels receiving a score under IPES shall be identified as to which of the seven capability classes established in the Bailey Report each parcel would have been classified. Parcels determined by the IPES evaluation teams to be located in a soil series not identified in the report entitled "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service and dated March 1974, shall be excluded from this procedure.

B. Determination of Central Tendency Scores

The combined scores for relative erosion hazard and runoff potential representing the central tendency within each capability class shall be determined. The central tendency shall be described by determining the mode value, or by alternative statistical methods, including mean or median values, whichever is appropriate.

C. Plotting of Central Tendency Scores

The central tendency scores established in subparagraph B, above, shall be plotted, in graph form, against percentages of allowable base land coverage ranging from one percent to 30 percent. The central tendency score for Land Capability Districts 1a, 1c, and 2 shall be plotted at one percent; for Land Capability District 3 at five percent; for Land Capability District 4 at 20 percent; for Land Capability District 5 at 25 percent; and for Land Capability Districts 6 and 7 at 30 percent. If the central tendency scores of any of the capability classes set forth in subparagraph C, above, are determined to be statistically indistinguishable, such classes shall be combined for purposes of establishing a central tendency score. If capability classes are combined, the central tendency score shall be plotted at the percentage that is the average of the percentages established for those classes in subsection 30.4.1 of the TRPA Code.

D. Development of Formula by TRPA

TRPA shall develop a formula for a line passing through the points of central tendency plotted in accordance with subparagraph C, above. No parcel shall be allowed more than 30 percent, or less than one percent base land coverage.

E. Establishment of Allowable Base Land Coverage

Allowable base land coverage for parcels receiving a score under IPES shall be established in accordance with the formula developed in subparagraph D, above.

53.8.2. Application of Allowable Base Land Coverage Percentages

The percentages of allowable base land coverage established in accordance with this Section 53.8 shall be applied as follows to determine the total allowable base land coverage:

A. Parcels of One-Third Acre or Less in Size

The percentage of allowable base land coverage shall be applied to the entire parcel area, except in cases where the parcel contains areas classified as SEZ or backshore. In such cases, the percentage of allowable base land coverage shall be applied to only that area outside the SEZ and backshore. The allowable base land coverage of one percent in the SEZ and backshore may be combined with the allowable base land coverage for the remainder of the parcel to establish a total allowable base land coverage for the parcel. A portion of the total allowable base land coverage for the parcel may be used to allow construction of access only through the SEZ, provided TRPA makes the findings required in subparagraph 30.5.2.A, and through the backshore, provided TRPA makes the findings required in Section 85.5.

B. Parcels Greater than One-Third Acre

The percentage of allowable base land coverage shall be applied to the one-third acre evaluated by the evaluation team. If the owner of the parcel is able to identify a larger and contiguous area that has the same characteristics as the one-third acre originally evaluated and TRPA concurs, the percentage of allowable base land coverage shall be applied to the larger area. Allowable base land coverage on parcels that contain a SEZ shall be calculated in accordance with subparagraph A above.

53.9. PROCEDURE FOR ESTABLISHING SEZ BOUNDARIES AND SETBACKS

The IPES field evaluation teams shall use the following procedures for purposes of determining the presence and boundaries of an SEZ and establishing SEZ setbacks.

53.9.1. SEZ Identification

A stream environment zone (SEZ) shall be determined to be present if any one of the following key indicators is present or, in absence of a key indicator, where any three secondary indicators coincide; or, if Lo, Co, or Gr soils are present, where two secondary indicators coincide. Plant communities shall be identified in accordance with the definitions and procedures contained in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning."

A. Key Indicators

Key indicators are:

1. Evidence of surface water flow, including perennial, ephemeral, and intermittent streams, but not including rills or man-made channels;
2. Primary riparian vegetation;
3. Near surface groundwater;
4. Lakes or ponds;
5. Beach (Be) soil; or
6. One of the following alluvial soils:
 - a. Elmira loamy coarse sand, wet variant (Ev); or
 - b. Marsh (Mh).

B. Secondary Indicators

Secondary indicators are:

1. Designated floodplain;
2. Groundwater between 20 - 40 inches;
3. Secondary riparian vegetation; or
4. One of the following alluvial soils:
 - a. Loamy alluvial land (Lo);
 - b. Celio gravelly loamy coarse sand (Co); or
 - c. Gravelly alluvial land (Gr).

53.9.2. SEZ Boundaries

The boundaries of an SEZ shall be the outermost limits of the key indicators; the outermost limits where three secondary indicators coincide; or, if Lo, Co, or Gr soils are present, the outermost limits where two secondary indicators coincide, whichever limits establish the widest SEZ at any particular point. The outermost boundaries of a stream shall be the bank full width of such stream at the level of frequent high flow, which is defined as the level of flood with a recurrence interval of approximately 1.5 years.

53.9.3. SEZ Setbacks

No buildings, other structures, or land coverage shall be permitted in SEZ setbacks, except in accordance with subsection 30.5.2 and the exception for the backshore set forth in subsection 85.5.4. The restoration requirements set forth in subparagraph 30.5.1.B.3 shall not apply within SEZ setbacks. The allowable base land coverage within SEZ setbacks shall be in accordance with subparagraph 30.4.1.A, and may be combined with the allowable base land coverage for the remainder of the parcel to establish a total allowable base land coverage. A portion of the total allowable base land coverage for the parcel may be used to allow

construction in the SEZ setback only in accordance with subsection 30.5.2 and the exception for the backshore set forth in subsection 85.5.4 SEZ setbacks shall be established in accordance with the following criteria (see also subsection 53.10.9).

A. Confined Perennial Stream

When a confined perennial stream is present, the following setbacks shall be established based on the corresponding slope condition:

1. Good Slope Condition

When the slope condition is identified as good, the setback shall be 25 feet from the edge of the SEZ or 15 feet from the edge of a terrace, if present, whichever is less.

2. Average Slope Condition

When the slope condition is identified as average, the setback shall be 35 feet from the edge of the SEZ or 20 feet from the edge of a terrace, if present, whichever is less.

3. Poor Slope Condition

When the slope condition is identified as poor, the setback shall be 60 feet from the edge of the SEZ or 35 feet from the edge of a terrace, if present, whichever is less.

B. Unconfined Perennial Stream

When an unconfined perennial stream is present, the setback shall be 50 feet from the edge of the SEZ.

C. Confined Ephemeral or Intermittent Stream

When a confined ephemeral or intermittent stream is present the following setbacks shall be established based on the corresponding slope conditions:

1. Good Slope Condition

When the slope condition is identified as good, the setback shall be 15 feet from the edge of the SEZ or ten feet from the edge of a terrace, if present, whichever is less.

2. Average Slope Condition

When the slope condition is identified as average, the setback shall be 25 feet from the edge of the SEZ or 15 feet from the edge of a terrace, if present, whichever is less.

3. Poor Slope Condition

When the slope condition is identified as poor, the setback shall be 40 feet from the edge of the SEZ or 25 feet from the edge of a terrace, if present, whichever is less.

D. Unconfined Ephemeral Or Intermittent Stream

When an unconfined ephemeral or intermittent stream is present the setback shall be 25 feet from the edge of the SEZ.

E. Channel Absent

When there is an SEZ present but there is no associated channel identified, the setback shall be ten feet from the edge of the SEZ.

F. Lakes and Ponds

Where a lake or pond is present, the SEZ setback shall be ten feet from the high water line or ten feet from the edge of the SEZ, whichever is greater, except where a backshore is established in accordance with Section 80.4 in which case there shall be no SEZ setback established.

53.9.4. SEZ Documentation

Where the IPES field team identifies the existence of a SEZ on an individual parcel, it shall prepare a permanent written record or drawing applicable to that parcel showing the boundaries of the SEZ, the setback line from the SEZ, and setting forth the reasons for its determination. At the time a project is reviewed that involves a parcel evaluated under IPES as having a SEZ, the SEZ boundaries and setback shall be verified or adjusted based upon additional information then available.

53.10. TECHNICAL STANDARDS AND METHODOLOGIES

53.10.1. Relative Erosion Hazard Formulae

$$(K)(R)(LS) = x$$

Where:

K = Soil Erodibility Factor: The soil erodibility factor (*K*) shall be as shown on the latest edition of the Single Phase Interpretation Sheets prepared by the Soil Conservation Service for the soil series identified in the Tahoe Basin.

R = Climatic Conditions Factor: The climatic condition factor (*R*) shall be taken from the R Factors Map for the Tahoe Basin, dated _____ and prepared by TRPA.

LS = Slope Length and Gradient Factor: The slope length and gradient factor (*LS*) shall be derived from the following formula:

$$LS = \frac{\sum_{j=1}^n (S_j)(\lambda_j)^{1.5} - (S_j)(\lambda_j - 1)^{1.5}}{1,022.47}$$

Where:

n = number of segments

S_j = value of *s* for segment, where; for slopes of 10% or steeper;

and for slopes of 9% or flatter;

$$s = 65.41 \sin^2(\tan^{-1} s_1) + 4.56 \sin(\tan^{-1} s_1) + 0.65$$

s₁ = slope in %/100

Σj = distance in feet from top of slope to lower end of any segment *j*;

Σj-1 = slope length in feet above segment *j*; and

$$REH = \frac{899.72 - \sqrt{809,496.1 - 4(x^2 - 1065.45x + 202,612)}}{2}$$

Where;

x = (*K*)(*R*)(*LS*)

REH = Relative Erosion Hazard score

53.10.2. Runoff Potential

TABLE 53.10.2-1: RUNOFF POTENTIAL				
Hydrologic Conditions	Hydrologic Soil Group			
	A	B	C	D
Poor	135 pts.	59 pts.	22 pts.	0 pts.
Fair	167 pts.	81 pts.	34 pts.	15 pts.
Good	200 pts.	98 pts.	44 pts.	22 pts.

53.10.3. Degree of Difficulty To Access Building Site

TABLE 53.10.3-1: UPSLOPING PARCELS WITHOUT EXISTING ACCESS				
Height of Cut Slope at Access	Degree of Difficulty for Excavation			SEZ
	Slight	Moderate	Severe	
≤1'	120	120	120	50
>1' - 2'	110	107	104	
>2' - 3'	100	94	88	25
>3' - 4'	90	81	62	
>4' - 5'	80	58	46	5
>5' - 6'	60	45	30	
>6' - 7'	50	32	14	
>7' - 8'	40	19	0	
>8' - 9'	30	6	0	0
>9' - 10'	20	0	0	
>10' - 11'	10	0	0	
>10'	0	0	0	

TABLE 53.10.3-2: FACTORS FOR GRADIENT OF GROUND ABOVE CUT SLOPE	
Gradient Above Cut Slope	Factor
≤ 4%	1.0
> 4% - 8%	0.9
> 8% - 12%	0.8
> 12% - 16%	0.7
> 16% - 20%	0.6
> 20% - 24%	0.5
> 24% - 30%	0.3
> 30%	0.1

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53.10.3 Degree of Difficulty To Access Building Site

TABLE 53.10.3-3: DOWNSLOPING PARCELS WITHOUT EXISTING ACCESS

Height of Fill Slope at Access	Points	
	No SEZ	SEZ
≤3'	120	40
>3' - 6'	110	30
>6' - 10'	90	20
>10' - 15'	70	10
>15'	50	0

TABLE 53.10.3-4: FACTORS FOR GRADIENT OF GROUND BELOW FILL SLOPES

Gradient Below Fill Slope	Factor
10%	1.0
10% - 15%	0.9
15% - 20%	0.8
20% - 30%	0.7
30%	0.6

TABLE 53.10.3-5: PARCELS WITH EXISTING ACCESS

Extent of Grading Required on Access	Excavation for Parking Area or Garage			SEZ
	None	Less Than 3'	Greater Than 3'	
No Appreciable Grading	120 pts.	110 pts.	80 pts. minus 5 pts. for each foot greater than 3 feet.	30 pts.
Minor Grading	80 pts.	70 pts.	40 pts. minus 5 pts. for each foot greater than 3 feet.	10 pts.
Major Grading	40 pts.	30 pts.	10 pts. minus 5 pts. for each foot greater than 3 feet.	0 pts.

TABLE 53.10.3-6: DISTURBANCE IN STREAM ENVIRONMENT ZONE (SEZ) FOR ACCESS

Location of Disturbance	Points
No disturbance in stream environment zone or interception of ground water.	50

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53.10.4 Extent of Disturbance in SEZ

TABLE 53.10.3-6: DISTURBANCE IN STREAM ENVIRONMENT ZONE (SEZ) FOR ACCESS

Location of Disturbance	Points
Disturbance only in secondary riparian vegetation or setback.	20
Disturbance in primary riparian vegetation or intercepts groundwater, but not in stream channel.	5
Disturbance in stream channel.	0

53.10.4. Extent of Disturbance in SEZ

TABLE 53.10.4-1: EXTENT OF DISTURBANCE IN SEZ

	Location of Disturbance		
Type of Disturbance In SEZ	Inside Secondary Riparian Vegetation Or Setback	Inside Primary Riparian Vegetation But Not In Stream Channel	In Stream Channel
None	110 pts.	110 pts.	110 pts.
Utility Connection	40 pts.	10 pts.	0 pts.

53.10.5. Condition of Watershed

TABLE 53.10.5-1: CONDITION OF WATERSHED

Watershed			Watershed		
No.	Name	Points	No.	Name	Points
1.	Tahoe State Park	54	36.	Zephyr Creek	33
2.	Burton Creek	70	37.	South Zephyr Creek	61
3.	Barton Creek	67	38.	McFaul Creek	30
4.	Lake Forest Creek	58	39.	Burke Creek	63
5.	Dollar Creek	67	40.	Edgewood Creek	49
6.	Cedar Flats	58	41.	Bijou Park	40
7.	Watson	53	42.	Bijou Creek	40
8.	Carnelian Bay Creek	61	43.	Trout Creek	36
9.	Carnelian Canyon	61	44.	Upper Truckee River	36
10.	Tahoe Vista	54	45.	Camp Richardson	54
11.	Griff Creek	44	46.	Taylor Creek	47
12.	Kings Beach	54	47.	Tallac Creek	22
13.	East Stateline Point	26	48.	Cascade Creek	30
14.	First Creek	22	49.	Eagle Creek	7
15.	Second Creek	0	50.	Bliss State Park	44
16.	Burnt Cedar Creek	54	51.	Rubicon Creek	33

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53.10 Technical Standards and Methodologies

53.10.6 Ability to Revegetate

TABLE 53.10.5-1: CONDITION OF WATERSHED

TABLE 53.10.5-1: CONDITION OF WATERSHED					
Watershed			Watershed		
No.	Name	Points	No.	Name	Points
17.	Wood Creek	18	52.	Paradise Flat	30
18.	Third Creek	30	53.	Lonely Gulch Creek	30
19.	Incline Creek	18	54.	Sierra Creek	26
20.	Mill Creek	26	55.	Meeks	25
21.	Tunnel Creek	33	56.	General Creek	39
22.	Unnamed	33	57.	McKinney Creek	18
23.	Sand Harbor	33	58.	Quail Lake Creek	44
24.	Marlette Creek	30	59.	Homewood Creek	0
25.	Secret Harbor Creek	33	60.	Madden Creek	14
26.	Bliss Creek	44	61.	Eagle Rock	47
27.	Deadman Point	44	62.	Blackwood Creek	7
28.	Slaughter House	44	63.	Ward Creek	21
29.	Glenbrook Creek	53	64.	Truckee River Creek	44
30.	North Logan House	58			
31.	Logan House Creek	67			
32.	Cave Rock	26			
33.	Lincoln Creek	33			
34.	Skyland	54			
35.	North Zephyr Creek	33			

53.10.6. Ability to Revegetate**TABLE 53.10.6-1: VEGETATIVE GROUPS**

Vegetative Groups	Points
Group A	35
Group E	20
Group B	10
Group G	5

A. Description of Vegetative Groups

- Group A: Choice of plants is not limited. Soils have no major limitation. Soils are more than 40 inches deep. Texture of the surface layer is stony sandy loam. Drainage is good, permeability is moderate in the subsoil, and the available water capacity for the entire profile is generally more than 5 inches.
- Group B: Choice of plants is limited by droughtiness and low fertility. Soils are mostly more than 40 inches deep over weathered rock, but some are only 20 inches deep. Texture of the surface layer ranges from loamy coarse sand

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53.10.6 Ability to Revegetate

to gravelly loam and in places is stony or very stony. Drainage is moderately good to somewhat excessive, permeability is very rapid to slow in the subsoil, and the available water capacity is mostly less than 5 inches.

3. Group C: Choice of plants is limited by wetness. Soils are more than 30 inches deep. Texture of the surface layer ranges from and through silt loam and in places is very gravelly. Natural drainage is poor to somewhat poor and the available water capacity for the entire profile is mostly more than 2 inches.
4. Group G: Choice of plants is limited by depth. Soils are as shallow as 20 inches over bedrock or a hardpan. Texture of the surface layer ranges from coarse sandy loam to very stony sandy loam. Drainage is moderately good to good. Permeability is moderate to slow, and the available water capacity for the entire profile is more than 3 inches.
5. Group J: Choice of plants depends on on-site investigation. The group includes all soils and land types in capability classes VII and VIII and steep and very steep soils. For soils listed in this group the evaluation team shall determine which of the other vegetative groups most closely describes the limitations.

GRAPH 53.10.6-1: ASPECT AND GRADIENT OF PARCEL

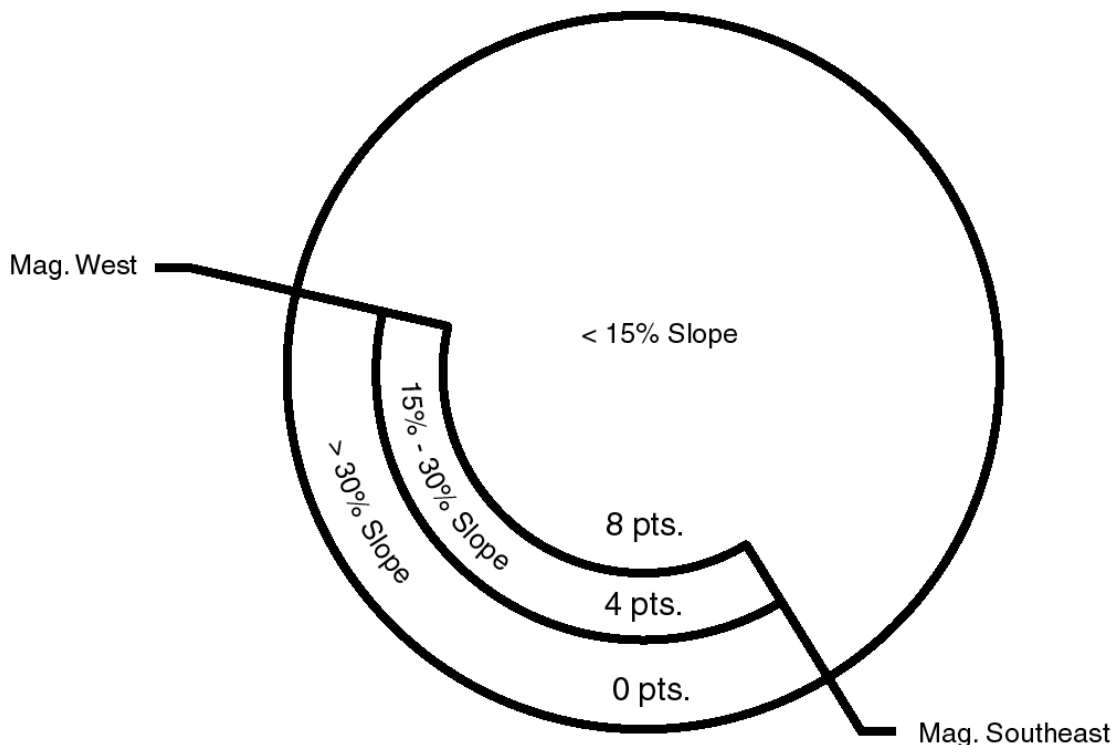


TABLE 53.10.6-2: ELEVATION OF PARCEL

Elevation of Parcel	Points
Below 7,000 feet	7
7,000 feet or above	0

53.10.7. Need for Water Quality Improvements in Vicinity of Parcel

TABLE 53.10.7-1: NEEDED WATER QUALITY IMPROVEMENTS

Needed Improvement	Points
None	50
Revegetation	-6
Rock-lined or Vegetated Ditches	-8
Curb Gutter or Paved Swales	-8
Storm Drain Pipes	-8
Retaining Walls	-4
Rock Slope Protection	-4
Paved Roads	-8
Sediments Basin	-4

53.10.8. Area to be Evaluated

IPES Score Factor's Equation

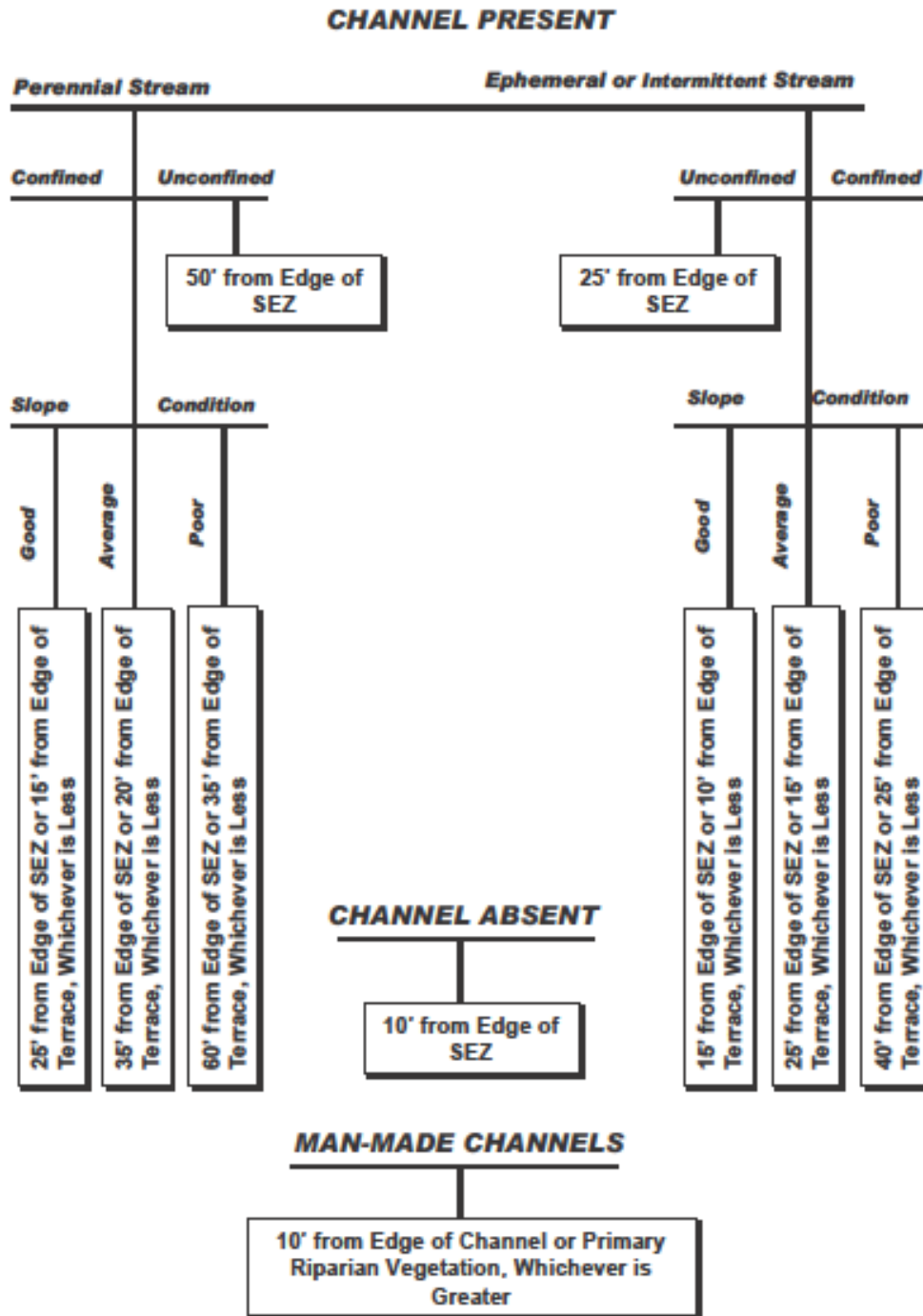
$$Y = \frac{\sqrt{100^2 - (100 - (.01)x)^2}}{100}$$

where:

Y = Factor

X = Area of parcel outside SEZ if less than 1/3 acre.

53.10.9. Setbacks from SEZs



53.10.10. List Assigning Point Values to Off-Site Water Quality Improvements in IPES Pursuant to Subsection 53.7.9

A. Options to Increase IPES Score

Pursuant to subsection 53.7.9 of the Code of Ordinances, TRPA may increase a parcel's IPES score upon TRPA approval of a water quality improvement project submitted by the parcel owner. To qualify for the additional points, a parcel owner has two options:

1. Pay a non-refundable and non-transferable per point fee to be deposited into the water quality mitigation fee fund in accordance with the Rules of Procedure, in which case TRPA will unconditionally award the points to the subject parcel; or
2. Implement a water quality improvement project consistent with TRPA's 208 plan and of equal or superior value to the fee calculated in 1, above. Per-unit costs in this appendix shall be calculated using Table 53.10.10-1 and shall be used to estimate the project's value. TRPA will conditionally award the additional points to the subject property until completion of the water quality improvement project, at which time the condition will be removed.

B. Requirements for Option 1

If option 1 is selected, the applicant is advised that the fee is non-refundable and non-transferable. The applicant shall be required to sign an acknowledgement accepting these restrictions prior to TRPA awarding points.

C. Requirements for Option 2

If option 2 is selected, the applicant shall:

1. Submit detailed plans of the proposed water quality improvement project for TRPA review and approval, including a cost breakdown of the project utilizing the per-unit costs contained herein;
2. Obtain all necessary authorizations for the required encroachment on the public right-of-way; and
3. Make appropriate arrangements for long-term maintenance of the project after its completion.

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53.10.10 List Assigning Point Values to Off-Site Water Quality Improvements in IPES Pursuant to Subsection 53.7.9

TABLE 53.10.10-1: PER UNIT COST		
Treatment	Unit	Unit Cost
Slope Stabilization		
Rock Retaining Wall (4')	L.F.	\$60.00
Wooden Retaining Wall		
• 2' High	L.F.	\$30.00
• 3' High	L.F.	\$40.00
• 4' High	L.F.	\$50.00
• 5' High	L.F.	\$60.00
Gabions (3' High)	L.F.	\$60.00
Rock Rip-Rap	S.F.	\$2.00
Grouted Rock Rip-Rap	S.F.	\$4.00
Wattling	L.F.	\$1.00
Slope Bottom Bench	L.F.	\$8.00
Slope Serration	L.F.	\$.02
Slope Stepping	L.F.	\$.03
Runoff Conveyance, Infiltration, and Collection		
Street, Driveway, and Ditch Runoff Conveyance		
Concrete Curb and Gutter	L.F.	\$20.00
A/C Curb and Gutter	L.F.	\$15.00
A/C Rolled Curb	L.F.	\$12.00
A/C Swale	L.F.	\$12.00
Rocklined "V" Ditch		
• Type A (1' x 2')	L.F.	\$10.00
• Type A (2' x 3')	L.F.	\$15.00
• Type A (3' x 4')	L.F.	\$30.00
• Type A (4' x 6')	L.F.	\$60.00
Slotted Drain	L.F.	\$35.00
Wide Valley Gutter	L.F.	\$40.00
Collection		
Catch Basin	Each	\$5,000
Detention Basin	Each	\$10,000 - \$60,000
Storm Drain (24")	L.F.	\$40.00
Discharge Apron (5'x6'x1')	Each	\$600.00
Check Dam	L.F.	\$45.00
Grease and Oil Trap	Each	\$2000

CHAPTER 53: INDIVIDUAL PARCEL EVALUATION SYSTEM

53.10 Technical Standards and Methodologies

53.10.10 List Assigning Point Values to Off-Site Water Quality Improvements in IPES Pursuant to Subsection 53.7.9

TABLE 53.10.10-1: PER UNIT COST		
Treatment	Unit	Unit Cost
Vegetative Matter		
Lawn Seeding (Hand)	S.F.	\$.03
Erosion Control Grass Seeding (Hand)	S.F.	\$.05
Erosion Control Grass Seeding and Mulch (Hand)	S.F.	\$.10
Erosion Control Grass Seeding, Mulch and Fertilizer	S.F.	\$.15
Hydroseeding	S.F.	\$.02
Revegetated Channel	L.F.	\$14.00
Erosion Control Tree and Shrub Planting		
Bare Root Native or Adaptive Trees and Shrubs	Each	\$1.00
Containerized Native or Adaptive Tree and Shrubs		
• Tublings	Each	\$2.00
• 1 Gallon	Each	\$8.00
• 2 Gallon	Each	\$10.00
• 5 Gallon	Each	\$50.00
• 10 Gallon	Each	\$70.00
• 15 Gallon	Each	\$160.00
SEZ Restoration	Mile	\$66,000 - \$113,000

Note: L.F. = Linear Foot
S.F. = Square Foot



TRPA

Code of Ordinances

Adopted by Governing Board

December 12, 2012

Effective February 9, 2013

Amended September 27, 2023

Resource Management and Protection

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CHAPTER 60: WATER QUALITY

60.1. WATER QUALITY CONTROL

60.1.1. Purpose

This section implements the Water Quality Subelement, Land Use Element, of the Goals and Policies. This section also implements, in part, TRPA's programs to attain and maintain federal, state, and local water quality standards under Article V(d) of the Compact.

60.1.2. Applicability

This section sets forth standards for the discharge of runoff water from parcels and regulates the discharge of domestic, municipal, or industrial wastewaters. These standards and prohibitions apply to discharges to both surface waters and ground waters.

60.1.3. Discharge Limits

Discharges shall not exceed the following standards:

A. Surface Runoff

Pollutant concentrations in surface runoff shall not exceed the readings in Table 60.1.3-1 at the 90th percentile.

TABLE 60.1.3-1: SURFACE RUNOFF	
Constituent	Maximum Concentration
Dissolved Inorganic Nitrogen as N	0.5 mg/l
Dissolved Phosphorus as P	0.1 mg/l
Dissolved Iron as Fe	0.5 mg/l
Grease and Oil	2.0 mg/l
Suspended Sediment	250 mg/l

1. If the constituent levels of water entering a site from upstream areas are of a superior or equal quality to the above, those waters shall meet the quality level listed in Table 60.1.3-1 prior to discharge from the site.
2. If the constituent levels of waters entering a site do not meet the quality levels in Table 60.1.3-1, there shall be no increase in the concentrations of these constituents in water discharged from the site, based on a 24-hour average.

B. Discharges to Ground Waters

Waters infiltrated into soils shall not exceed the maximum constituent levels in Table 60.1.3-2.

TABLE 60.1.3-2: DISCHARGES TO GROUND WATERS

Constituent	Maximum Concentration
Total Nitrogen as N	5 mg/l
Total Phosphate as P	1 mg/l
Iron as Fe	4 mg/l
Turbidity	200 NTU
Grease and Oil	40 mg/l

Where there is a direct hydrologic connection between ground and surface waters, discharges to groundwater shall meet the standards for surface runoff. A direct hydrologic connection shall be presumed to exist wherever, by virtue of proximity to a surface water body, nature of soils, or slope or gradient, the residence time of runoff water discharged into the ground is too short to remove pollutants from the runoff. Sediment traps, consistent with the *Handbook of Best Management Practices*, shall be used to protect infiltration devices from excessive levels of siltation.

C. Prohibition of Wastewater Discharge

The discharge of domestic, municipal, or industrial wastewater to Lake Tahoe, its tributaries, the ground waters of the Tahoe region, or the Truckee River within the Tahoe region, is prohibited, except for existing discharges under alternative plans for wastewater disposal authorized by state law and approved by the state agency of appropriate jurisdiction, and for catastrophic fire protection of the STPUD Luther Pass Pump Station as detailed in subparagraph 4 below. California and Nevada prohibit wastewater discharge through the enactment of the Porter-Cologne Act, and the Executive Order by the Governor of Nevada dated January 27, 1971.

1. Holding Tanks and Other No-Discharge Systems

To avoid a discharge of wastewater that is prohibited, holding tanks or other no-discharge systems may be approved in the following instances:

- a. As a temporary measure associated with a temporary use, including but not limited to, sporting events, community events, and construction; or
- b. As a permanent measure associated with remote public or private recreation sites, including but not limited to, trailheads, and undeveloped walk-in campgrounds, and summer home tracts where connection to a sewer system is not feasible or would create excessive adverse environmental impacts.

2. Accidental Releases of Sewage

To help prevent accidental releases of sewage, all sewage collection and treatment districts shall prepare and submit a report to TRPA within 120 days of a determination by the district that any unit treatment process, or major component of its collection system serving the Tahoe region, has reached 85 percent of its design capacity. Such report shall identify what measures, if any, will be needed to accommodate projected population increases

consistent with the Regional Plan, including capital improvements, operational changes, changes in discharge permits, and changes in financial programs.

3. Sewage Exfiltration

In conjunction with TRPA project approvals for all agencies that collect or transport sewage, TRPA shall require that such agencies have in place and vigorously implement plans for detecting and correcting sewage exfiltration problems in their collection and transport facilities.

4. Recycled Wastewater Use for Fire Protection

This exception allows for the use of recycled wastewater in emergency conditions to prevent severe harm to life, property, and the environment and to protect public facilities from destruction by wildfire in accordance with applicable state laws. Such emergency condition of catastrophic wildfire and authorization for recycled wastewater use shall be made and certified by the fire incident commander and reported to the TRPA Emergency Response Coordinator.

D. Prohibition of Toxic or Hazardous Waste Discharge

The discharge of toxic or hazardous waste to Lake Tahoe, other lakes in the region, their tributaries, the ground waters of the Tahoe region, the lands of the Tahoe region, or the Truckee River within the Tahoe region is prohibited.

E. Prohibition of Certain Watercraft

Commencing June 1, 1999, the launching, mooring, or operation of all two-stroke engine powered watercraft within the region is prohibited, except:

1. Any two-stroke engine powered watercraft whose fuel is directly injected into the cylinder shall be exempt from the prohibition;
2. Injected in to the crankcase prior to entering the cylinder and the fuel injection engine was purchased before January 27, 1999, shall be prohibited commencing October 1, 2001;
3. Any watercraft powered by a two-stroke engine whose engine is certified as meeting the U.S. EPA 2006 standard or the CARB 2001 standard shall be exempt from the prohibition;
4. Sailboats utilizing two-stroke engines as auxiliary power shall be prohibited commencing October 1, 2001;
5. Any watercraft powered by a two-stroke engine rated at ten horsepower or less shall be prohibited commencing October 1, 1999; or
6. Any watercraft powered by an engine that has been certified as meeting U.S. EPA's 2001-2005 emission standard shall be prohibited commencing October 1, 2001.

60.1.4. Snow Disposal

All persons conducting public, commercial, or private snow removal or disposal operations shall dispose of snow in accordance with site criteria and management standards in the *Handbook of Best Management Practices*, the Design Review Guidelines, and the criteria below.

A. Requirements for Individual Parcels

Removal of snow from individual parcels shall be limited to structures, paved areas, and unpaved areas necessary to safely park or provide safe pedestrian access. Snow shall not be plowed into or stored in a SEZ.

B. Requirements for Dirt Roads

Snow removal from dirt roads is subject to regulation pursuant to Section 5.12 Remedial Action Plans. When TRPA approves snow removal from a dirt road, pursuant to project approval or in accord with provisions of Section 5.12, the agency shall specify required winterization practices, BMPs, the specific means of snow removal, and a schedule for either paving the dirt road or ceasing snow removal.

60.1.5. Deicers and Abrasive Control

Salt and abrasives used to control ice on streets, highways, sidewalks, and parking areas shall be regulated in accordance with the standards provided below.

A. Storage Areas

Storage areas for deicing salt and abrasives shall be in conformance with the *Handbook of Best Management Practices*.

B. Reporting

The state highway departments and other large users of deicers and abrasives identified by TRPA shall maintain a tracking and reporting program to monitor the use of deicers and/or abrasives in their respective jurisdictions pursuant to State of California and Nevada requirements. TRPA shall incorporate this information into its annual monitoring report in accordance with Chapter 16: *Regional Plan and Environmental Threshold Review*.

C. Restrictions

The use of deicing salt and abrasives may be restricted where damage to vegetation in specific areas may be linked to their use or where their use would result in a violation of water quality standards. Mitigation for the use of road deicing salt or abrasives may be required and may include requirements to use alternative substances or change distribution patterns, frequency of application, and amount of application. Revegetation of parcels may be required where evidence indicates deicing salts or abrasives have caused vegetation mortality. Memorandums of understanding may be entered into with highway and street maintenance organizations to address use of salts or abrasives in relation to safety requirements.

60.1.6. Spill Control

All persons handling, transporting, using, or storing toxic or hazardous substances shall comply with the applicable requirements of state and federal law regarding spill prevention, reporting, recovery, and clean-up. Sewage collection, conveyance, and treatment districts shall have sewage spill contingency, prevention, and detection plans approved by the state agency of appropriate jurisdiction and submitted to TRPA for review and approval within three years of the effective date of the Regional Plan.

A. Cooperative Sewage Spill Plans

Sewage collection, conveyance, and treatment districts may join together to develop cooperative plans, provided that the plans clearly identify those agencies covered by the plan, are agreed to by each agency, and are consistent with applicable state and federal laws.

B. Sewage Spill Plan Criteria

Sewage spill contingency, prevention, and detection plans shall comply with the criteria set forth by the state agencies of appropriate jurisdiction and TRPA. Such plans shall include provisions for detecting and eliminating sewage exfiltration and stormwater infiltration from sewer lines and facilities.

60.1.7. Pesticide Use

The use of insecticides, fungicides, and herbicides shall be consistent with the *Handbook of Best Management Practices*.

A. Pesticide Use Discouraged

TRPA shall discourage pesticide use for pest management. Prior to applying any pesticide, potential users of pesticides shall consider integrated pest management practices, including alternatives to chemical applications, management of forest resources in a manner less conducive to pests, reduced reliance on potentially hazardous chemicals, and additional environmentally sound pest management tactics.

B. Criteria for Pesticide Use

The following criteria apply to pesticide use:

1. Only chemicals registered with the Environmental Protection Agency and the state agency of appropriate jurisdiction shall be used and only for their registered application;
2. Alternatives to chemical application shall be employed where practical; and
3. No detectable concentration of any pesticide shall be allowed to enter any stream environment zone, surface water, or ground water unless TRPA finds that application of the pesticide is necessary to attain or maintain the environmental threshold standards.

60.1.8. Fertilizer Management

A. Fertilizer Management Approaches Generally

Fertilizer management allowing for site-specific management approaches shall be consistent with the *Handbook of Best Management Practices*. The recommended approaches for landscaping are found in the *Home Landscaping Guide for Lake Tahoe and Vicinity* or its approved equivalent. Section 61.4 Revegetation, contains requirements for revegetation approaches. Fertilizers shall not be used, except as described below, in or near stream and drainage channels or in stream environment zones, including setbacks determined under Section 53.9: Procedure for Establishing SEZ Boundaries and Setbacks, and in shorezone areas except as otherwise provided in this subsection (see Chapter 90: *Definitions*, and Section 80.3: *Definitions*). Fertilizer use for maintenance of preexisting landscaping according to subparagraph 61.3.3.B.2 shall be minimized in stream environment zones and adjusted or prohibited if found through evaluation of continuing monitoring results to be in violation of applicable strictest water quality discharge and receiving water standards. These ordinances are applicable to both inorganic and organic fertilizer applications. Fertilizer management involves use and application approaches to achieve management standards and shall include the following considerations where appropriate:

1. The appropriate type of fertilizer to avoid release of excess nutrients;
2. Fertilizer management programs proposing the use of phosphorus shall demonstrate the need for the particular site conditions and vegetation to be maintained or established, and shall consider the use of slow release and phosphorus-free fertilizer;
3. The rate and means of application to avoid excessive application or application to non-target areas or native vegetation;
4. The timing and frequency of application to minimize the use of fertilizer, avoid early and late season fertilizer use when vegetation growth is not active;
5. Appropriate watering schedules and efficient irrigation systems to avoid excessive leaching and runoff of nutrients;
6. Preferred plant materials for the intended use and site conditions with an emphasis on native and adapted species to minimize the need of fertilizer;
7. Landscape design that minimizes the use and impacts of fertilizer application;
8. Critical areas such as backshore areas and SEZ setbacks in close proximity to Lake Tahoe and other bodies of water, or water quality treatment basins where the use of fertilizer shall be avoided;
9. Design and maintenance of drainage control systems including holding ponds where necessary;

10. Surface and groundwater monitoring programs to determine compliance with existing nitrogen and phosphorus discharge standards; any required monitoring will be at owners expense, where annual reporting is required in critical areas and as determined in program review or compliance determination;
11. Public outreach, either in the form of public and private programs, fliers for utility district and other organization distribution, and workshops, or affiliate membership outreach on fertilizer management shall be included in fertilizer management plans. Public outreach applies in particular to small residential users for agency outreach programs, owners associations, condominiums, property and landscape managers, and landscapers; and
12. For large users (defined under subparagraph 60.1.8.C below) and large turf projects, a soil testing program may be appropriate to assess the required concentrations of nitrogen and phosphorus in the soil for vegetation use, adjusting for Tahoe Basin growing conditions. This may mean no or low application rates of phosphorus-containing fertilizer will be required for some sites and uses.

B. Fertilizer Management Programs

Projects that include landscaping or revegetation shall include, as a condition of approval, a fertilizer management program that addresses each of the considerations set forth in subsection 60.1.8.A, as appropriate to the size of the project.

C. Existing Uses

1. At TRPA Request and Large Users

At the request of TRPA and for large users that require regular fertilizer maintenance, including but not limited to golf courses, parks, cemeteries, plant nurseries, recreational ball fields, and large residential yards with an acre or more of turf, certain uses shall be required to submit fertilizer management programs for review and approval by TRPA. Review criteria shall include the considerations listed in subsection 60.1.8. Failure to comply with the request or to provide a program satisfactory to TRPA may result in an enforcement action.

2. Monitoring Report

Following the first growing season after the approval of fertilizer management programs, large users of fertilizers such as plant nurseries and those managing more than one acre of turf, or as otherwise identified by TRPA under an existing large user survey, shall initiate a tracking program to monitor fertilizer use on lands under their control. Such users shall review fertilizer management programs with TRPA or Lahontan RWQCB staff and present annual reports for the prior season's use and monitoring if required to TRPA by June 1 (or as required by Lahontan) of each year. The report shall include information on the rate, amount, and location of use. This information shall be presented in a format developed by TRPA consistent with the reporting requirements of other agencies to eliminate duplication

and shall be verifiable. TRPA shall include this information in its annual monitoring report under Chapter 16, including such measures of progress as numbers of approved programs, annual fertilizer use reports received, and reported reductions in fertilizer use or monitored parameter improvement.

D. Requirements for Fertilizer Sales

Public outreach, including seller fertilizer recommendations consistent with subsection 60.1.8, provision of agency-developed fliers, and brochures of user information and recommended fertilizer rates from the *Home Landscaping Guide for Lake Tahoe and Vicinity* or its authorized equivalent, shall be required in conjunction with fertilizer sales in the Tahoe Basin. Outlying fertilizer retailers with potential purchases from the Tahoe Basin shall be requested to provide the same public outreach.

E. Snow Hardeners

The use of ammonium nitrate or other substances containing nitrogen or phosphorus to harden snow is prohibited.

60.2. WATER QUALITY MITIGATION

60.2.1. Purpose

The purpose of this section is to implement the Goals and Policies, Goal 4, Policy 1, Development and Implementation Priorities Subelement, Implementation Element, and specifically the requirement that new residential, commercial, and public projects completely offset their water quality impacts.

60.2.2. Applicability

A. General Applicability

This section is applicable to all projects and activities that result in the creation of additional impervious coverage, unless the project or activity is exempted pursuant to subparagraph B below.

B. Exemptions

The projects and activities provided below that create impervious coverage shall be exempt from water quality mitigation requirements:

1. Transfer

Impervious coverage permitted as a result of transfer of coverage.

2. EIP Projects

Erosion and runoff control and stream environment zone protection and restoration projects on the 5-Year Environmental Improvement Program list.

3. Limited Exception for Additional or Transferred Development Within Adopted Community Plans

Additional or transferred development located within an adopted community plan, the water quality impacts of which were evaluated in the EIS for the community plan and mitigated by the provisions of the community plan, shall be exempt from the requirement of subsection 60.2.3 provided TRPA finds that the implementation element of the community plan, as a whole, meets the standards of subsection 60.2.3.

60.2.3. Required Offsets

All projects and activities that result in the creation of additional impervious coverage shall completely offset the potential water quality impacts of the project through one, or a combination, of the methods listed below.

A. Mitigation Projects

Implementation of offsite water quality control projects or stream environment zone restoration projects as a condition of project approval, pursuant to TRPA guidance on identification, design, and effectiveness of offsite mitigation projects. Applicants who wish to exercise this option shall include plans for the offsite mitigation project with their application. TRPA shall approve the offsite mitigation plans in conjunction with the approval of the project. Before issuing an approval, TRPA shall find that the offsite mitigation proposal completely offsets the expected impacts of the project.

B. Water Quality Mitigation Fund

Contribution to a water quality mitigation fund established by TRPA for implementing offsetting programs.

60.2.4. Fee Required

A fee shall be assessed for each square foot of additional land coverage created. The amount of contribution shall be established and periodically updated by Resolution of the Board and recorded in a fee schedule.

60.2.5. Use and Distribution of Mitigation Funds

TRPA shall deposit water quality mitigation funds in a trust account. Interest accruing to the trust account shall remain in the account until used on water quality mitigation projects or water quality planning. TRPA shall keep track of the amount of funds collected for each local jurisdiction and shall disburse funds to the local jurisdictions, upon their request, for expenditure within the jurisdiction of origin, provided TRPA finds that the expenditure is consistent with TRPA's Water Quality Management Plan. Accrued interest may be used for water quality planning in the region. TRPA shall encourage the local jurisdictions to use funds as expeditiously as possible.

60.2.6. Stream Environment Zone Restoration Program

To provide financial resources for implementation of the stream environment zone restoration program, at least 25 percent of the water quality mitigation funds collected for each local jurisdiction shall be used for stream environment zone restoration projects included in the TRPA's Water Quality Management Plan. This jurisdictional set-aside shall be individually evaluated and may be waived if TRPA determines that there are no more SEZ restoration projects identified in a given jurisdiction.

60.2.7. Water Quality Revolving Fund

TRPA shall establish a separate fund, to be known as the Water Quality Revolving Fund, for the purpose of depositing funds received through grants, fines, and voluntary contributions. TRPA may make grants from this fund to local governments and other public entities for abatement and control of water quality problems by the same procedures as set forth in subsection 60.2.5.

60.3. SOURCE WATER PROTECTION

60.3.1. Purpose

This section contains regulations pertaining to recognition of source water, prevention of contamination to source water, and protection of public health relating to drinking water. It strengthens provisions of the Goals and Policies that address groundwater protection, and implements elements of the TRPA Source Water Protection Program.

60.3.2. Applicability

This chapter applies to projects that are identified as a possible contaminating activity located in identified source water protection zones as depicted on TRPA Source Water Assessment maps, and retrofit of existing development with Best Management Practices that identified source water protection zones as depicted on TRPA Source Water Assessment maps, and retrofit of existing development with Best Management Practices.

60.3.3. Source Water Protection Standards

To protect public health and to insure the availability of safe drinking water, TRPA shall review proposed projects identified as possible contaminating activities to source water that are located within a source water protection zone depicted on TRPA Source Water Assessment maps according to the following standards and procedures:

A. Source Water Defined

Water drawn to supply drinking water from an aquifer by a well or from a surface water body by an intake, regardless of whether such water is treated before distribution.

B. Possible Contaminating Activity Defined

Activities equivalent to TRPA primary uses identified by either the California Department of Public Health or the Nevada Bureau of Water Quality Planning, regardless of where the project is located, as having the potential to discharge contaminants to surface or groundwaters. Such uses are listed in subsection 60.3.5.

C. Source Water Protection Zone Defined

A zone delineated around drinking water sources in the following manner as depicted on the TRPA Source Water Assessment maps. The TRPA Source Water Assessment Map layers indicate the location of drinking water sources serving five or more user service connections in the Region, protection zones around each source, and uses with a higher propensity to contaminate source water.

1. Protection Zone

A protection zone consisting of a fixed 600 foot radius circle shall be identified around wells, lake intakes, and springs assessed by TRPA. Protection zones shall be delineated using the best available source water location data known to TRPA. Protection zones may be located using the centroid of the parcel in which the well, lake intake, or spring is found. Protection zone delineations may be modified by TRPA as follows: Upon receipt of source water assessment information collected by the California Department of Public Health, the Nevada Bureau of Water Quality Planning, or other public agencies responsible for conducting drinking source water assessments in accordance with state Source Water Assessment and Protection Programs and if recommended by the California Department of Public Health or the Nevada Bureau of Water Quality Planning; or upon receipt of source water assessment information provided by the property owner in which the well, spring, or lake intake is located and if the California Department of Public Health or the Nevada Bureau of Water Quality Planning concurs with the new delineation.

D. Review of Proposed Possible Contaminating Activities Located in Source Water Protection Zones

Proposed uses determined by TRPA to be projects that are identified as a Possible Contaminating Activity, with a project area located in a source water protection zone, shall not be approved unless TRPA finds that:

1. The project complies with the requirements to install BMPs as set forth in subsection 60.4.3;
2. TRPA has solicited comments from the operator/owner of the source water, and the department of environmental health with jurisdiction over the source water, and all such comments received were considered by TRPA prior to action being taken on the proposed project;
3. A spill control plan is submitted to TRPA for review and approval. The plan shall contain the following elements:
 - a. Disclosure element describing the types, quantities, and storage locations of contaminants commonly handled as part of the proposed project;
 - b. Contaminant handling and spill prevention element;
 - c. Spill reporting element, including a list of affected agencies to be contacted in the event of a spill;

- d. Spill recovery element; and
 - e. Spill clean-up element.
4. Submittal of a spill control plan may be waived provided a state or local agency with jurisdiction over the subject source water provides a written statement to TRPA that a plan containing the above elements remains on file with that agency, or TRPA staff determines, at its discretion, that requiring a spill control plan would not result in significant additional protection of the source water.

E. Requirements of Existing Uses Located in Source Water Protection Zones

Existing uses that are identified as a possible contaminating activity located in a source water protection zone shall comply with subparagraph 60.3.3.D.3. Compliance with subparagraph 60.3.3.D.3 shall occur pursuant to the deadlines set forth in subparagraph 60.4.4.A.

60.3.4. Source Water Assessment

An inventory of wells, springs, and lake intakes that serve five or more user service connections shall be prepared for the Lake Tahoe Region. An inventory shall be prepared in consultation with local and state environmental health agencies. Sources omitted from the inventory due to a lack of information provided by local and state environmental health agencies shall be added as appropriate if additional source information is received by TRPA. Source water protection zones delineated on the source water assessment maps shall be modified pursuant to subparagraph 60.3.3.C.1.

60.3.5. Possible Contaminating Activities

A. Residential

- 1. Domestic animal raising

B. Commercial

1. Retail

- a. Service stations

2. Services

- a. Auto repair and service
- b. Business support services
- c. Laundries and dry cleaning plant
- d. Repair services

3. Light Industrial

- a. Batch plants
- b. Fuel and ice dealers
- c. Industrial services
- d. Recycling and scrap

- 4. Wholesale/Storage**
 - a. Storage yards
 - b. Vehicle storage and parking
 - c. Vehicle and freight terminals
- C. Public Service**
 - 1. General**
 - a. Airfields, landing strips, and heliports
 - b. Collection stations
 - c. Hospitals
 - d. Local public health and safety facilities
 - e. Regional public health and safety facilities
 - f. Power generating
 - g. Public utility centers
 - h. Schools
 - 2. Linear Public Facilities**
 - a. Transit stations and terminals
- D. Recreation**
 - 1. Beach recreation
 - 2. Boat launching facilities
 - 3. Developed campgrounds
 - 4. Golf courses
 - 5. Marinas
 - 6. Recreational vehicle parks
 - 7. Rural sports
- E. Resource Management**
 - 1. Timber Management**
 - a. Timber stand improvement
 - 2. Range**
 - a. Grazing
 - b. Range pasture management
 - 3. Watershed Improvements**
 - a. Runoff control
- F. Shorezone**
 - 1. Construction equipment storage
 - 2. Seaplane operations

3. Tour Boat operations
4. Water-oriented outdoor recreation concessions

60.4. BEST MANAGEMENT PRACTICE REQUIREMENTS

60.4.1. Purpose

This section sets forth the requirements for installation of Best Management Practices (BMPs) for the protection or restoration of water quality and for attainment of minimum discharge standards.

60.4.2. Applicability

BMPs, as described in the *Best Management Practices Handbook* or equivalent practices approved by TRPA, shall be applied to all public and privately owned lands.

60.4.3. Project Compliance Program

TRPA shall enforce the project compliance programs as provided below.

A. Temporary BMPs

Temporary BMPs in accordance with the *Handbook of Best Management Practices*, and as required in Section 33.5, shall be implemented on construction sites and maintained throughout the construction period until winterization and permanent BMPs are in place.

B. Permanent BMPs

Application of required permanent BMPs within the parcel or entire project area boundaries, whichever is greater, shall be a condition of project approval. Standard requirements are set forth in subsections 60.4.5 and 60.4.6.

1. Conditions of project approval shall set forth a schedule for installation of permanent BMPs on the project area. In no case shall permanent BMP installation be scheduled later than the date set for the completion of the project (see Chapter 2: *Applicability of the Code of Ordinances*).
2. Retrofitting of the project area outside the construction site boundary with permanent BMPs shall also be made a condition of project approval. If the project area involves more than one parcel, the entire project area will be treated as one parcel for purposes of this section. TRPA shall keep track of the status of retrofitting of project parcels, and or project areas, as provided in Chapter 6: *Tracking, Accounting, and Banking*.
3. The below categories of projects, if not carried out in conjunction with another type of project, may be exempt from the requirements of subparagraph 60.4.3.B.2.
 - a. Installation of erosion control facilities;
 - b. Restoration of disturbed areas;

- c. SEZ restoration;
- d. Underground storage tank removal, replacement, or maintenance;
- e. Hazardous waste spill control or prevention facilities;
- f. Sewage pump-out facilities for RVs or boats; and
- g. Minor utility projects pursuant to subparagraph 30.6.2.F.

60.4.4. BMP Retrofit Program

Persons owning property not subject to a retrofit requirement prior to January 1, 1993, under subsection 60.4.3, or a discharge permit under subparagraph 60.4.4.D, shall install and maintain BMPs on their property with existing uses in accordance with the provisions below.

A. Priority System

Properties with existing uses shall install BMPs in accordance with subsection 53.10.5, the watershed priority system:

1. Priority Group 1

Properties with existing uses in watersheds with a point score less than or equal to 30 shall install BMPs not later than October 15, 2000.

2. Priority Group 2

Properties with existing uses in watersheds with a point score of 30 to 46, inclusive, shall install BMPs not later than October 15, 2006.

3. Priority Group 3

Properties with existing uses in watersheds with a point score of 47 or greater shall install BMPs by October 15, 2006, or not later than October 15, 2008, pursuant to a fee schedule to be developed for BMP inspections, evaluations, and certifications.

B. Parcels and Unpaved Roadways without Appropriate BMPs

Parcels and unpaved roadways without appropriate BMPs in place pursuant to the dates described above are subject to enforcement under Article IX Compliance Procedures, Section 9.19, of the Rules of Procedure for violation of 60.4.

C. Disclosure Requirements

Owners of property for sale shall, prior to sale, disclose to a purchaser the property's BMP status on a TRPA approved form. The purchaser of the property shall provide the disclosure form to TRPA within 30 days of sale.

D. Discharge Permits

Not later than December 31, 1992, TRPA shall notify property owners with existing uses in the following categories 1 through 3 below of the requirements of this subsection. Not later than March 31, 1993, the persons so notified shall inform TRPA that: (1) they have an existing valid state or federal stormwater discharge permit, (2) they will apply for a state or federal stormwater discharge permit, or (3) they will submit to TRPA a remedial action plan pursuant to Section 5.12 of the Code of

Ordinances. Not later than June 30, 1994, all persons so notified shall have either a valid state or federal stormwater discharge permit or an approved remedial action plan pursuant to Section 5.12. Such permits and action plans shall be consistent with the provisions of the Water Quality Management Plan for the Tahoe Region.

1. Commercial Uses

Retail or entertainment facilities, greater than one acre, and storage yards.

2. Recreation Uses

Downhill ski areas, marinas, and golf courses.

3. Public Service Uses

Transportation routes, and corporation yards.

60.4.5. Priority for Installation of Retrofitting Measures

Schedules for BMP compliance shall include the measures proposed for each year and the estimated cost for those measures. The estimated cost shall be based on unit costs established by TRPA. Unless otherwise approved by TRPA, a schedule that phases BMP compliance shall implement the BMP measures in the following order:

- A. Pave legally established roads, driveways, and parking areas;
- B. Install drainage conveyances;
- C. Install walkways and stabilize cut and fill slopes;
- D. Vegetate denuded areas; and
- E. Treat surface runoff from land coverage.

60.4.6. Standard BMP Requirements

Pursuant to subsection 60.4.3, standard conditions of approval for projects shall meet the requirements provided below.

A. Runoff Water

Runoff water from impervious surfaces shall meet the discharge standards of Section 60.1 and shall be controlled as provided below.

1. Infiltration Requirements

Except as provided in subsection 60.4.8, infiltration facilities to discharge runoff to groundwater shall be required. Infiltration facilities shall be designed to accommodate the volume from a 20-year, one-hour storm. An average intensity of one inch per hour shall be used for this calculation. Infiltration facilities shall be designed utilizing the methodology set forth in the BMP Handbook. The bottom of infiltration trenches or dry wells shall be a minimum of one foot above the seasonal high water table. If TRPA finds that the runoff from impervious surfaces from a 20-year, one-hour storm will

infiltrate naturally on the parcel, TRPA may waive the requirement to install infiltration facilities.

2. Excess Runoff

Runoff in excess of that infiltrated pursuant to paragraph 1 above shall be controlled in accordance with the methods and design standards in the Handbook.

B. Cut and Fill Slopes

Cuts and fills with slopes greater than 2:1 shall be stabilized with methods consistent with the BMPs.

C. Denuded Areas

All denuded areas, including slopes less than 2:1, shall be vegetated with approved species listed in the Handbook.

D. Drainage Conveyances

Drainage conveyances through a parcel shall be designed for at least a 10-year, 24-hour storm. Storm drain culverts and drain channels shall be designed by a qualified professional. Drainage conveyances through a SEZ shall be designed for a minimum of a 50-year storm.

E. Roads, Driveways, and Parking Areas

All roads, driveways, and parking areas proposed for year-round use shall be paved in accordance with Chapter 34: *Driveway and Parking Standards*.

F. Protection of BMPs

After installation, all BMPs shall be provided with adequate protection to prevent damage from vehicles.

G. Consistency with Defensible Space Requirements

In addition to subsections A – F above, water quality BMPs shall be installed and maintained consistent with the defensible space requirements of the applicable fire agency.

60.4.7. Additional Requirements

In addition to the standard requirements of subsection 60.4.6, project conditions of approval shall list any other appropriate required BMPs to meet minimum discharge standards. Construction in stream environment zones or Land Capability Districts 1 through 3, inclusive, normally shall require special conditions of approval because of the sensitivity of those areas to disturbance.

60.4.8. Special Circumstances

- A.** Where special circumstances occur, alternative BMPs may be approved to meet water quality standards. Special circumstances may include, but not be limited to, streets, highways, bike trails, existence of high ground water table, unusual upstream or downstream flow conditions, and presence of unusual concentrations of pollutants.
- B.** Infiltrating runoff volumes generated by the 20 year, 1-hour storm may not be possible in some locations due to shallow depth to seasonal groundwater levels, unfavorable soil conditions, or other site constraints such as existing infrastructure or rock outcroppings. For new development or redevelopment projects, site constraints do not include the existing built environment. In the event that site conditions do not provide opportunities to infiltrate the runoff volume generated by a 20 year, 1-hour storm, project proponents must either (1) meet the numeric effluent limits in outlined in subsection 60.1.3 for the 20-year 1-hour storm, or (2) coordinate with the local municipality or state highway department to document that shared stormwater treatment facilities treating private property discharges and public right-of-way stormwater sufficiently contribute to meeting the jurisdiction's average annual fine sediment particle and nutrient load reduction requirements.

60.4.9. Maintenance of BMPs

BMPs shall be maintained to ensure their continued effectiveness.

CHAPTER 61: VEGETATION AND FOREST HEALTH

61.1. TREE REMOVAL

61.1.1. Purpose

The purpose of this section is to regulate the management of forest resources to achieve and maintain the environmental threshold standards for species and structural diversity, to promote the long-term health of natural resources, to restore and maintain suitable habitats for native wildlife species, and to reduce accumulations of hazardous fuels in order to decrease the likelihood of catastrophic wildfire events.

61.1.2. Applicability

TRPA requires the protection and maintenance of all native vegetation types. TRPA may require the preparation and implementation of a remedial vegetation management plan for any parcel where the need for remedial vegetation management has been identified for purposes of environmental threshold maintenance or attainment. The use, protection, and maintenance of vegetation are also addressed in the following chapters of the Code of Ordinances:

- A. 2: *Applicability of the Code of Ordinances*;
- B. 30: *Land Coverage*;
- C. 33: *Grading and Construction*;
- D. 36: *Design Standards*;
- E. 53: *Individual Parcel Evaluation System*;
- F. 60: *Water Quality*;
- G. 61: *Vegetation and Forest Health*;
- H. 62: *Wildlife Resources*;
- I. 63: *Fish Resources*;
- J. 64: *Livestock Grazing*;
- K. 80: *Review of Projects in the Shorezone and Lakezone*;
- L. 84: *Development Standards Lakeward of High Water*; and
- M. 90: *Definitions*.

61.1.3. Delegation of Project Review and Permit Determination

Qualified agencies, or third party designees, may be delegated authority for permit determinations set forth in this chapter. Stream environment zone areas (SEZ's) may be excluded from the delegation. TRPA may, on a case-by-case basis, designate the review of SEZ's if the agency or third party has demonstrated expertise in hydrology, ecology, botany, restoration, soil science, or similar scientific disciplines and are qualified to evaluate and prevent negative impacts to SEZ's and water quality. If TRPA delegates these review and permitting functions, these agencies will also be responsible for ensuring compliance with all other provisions of the Compact, Regional Plan, and Code of Ordinances.

61.1.4. Reasons for Tree Removal

Except for trees identified for retention under subsection 61.3.7, tree removal shall incorporate measures and prescriptions that promote a range of threshold standards and SEZs pursuant to subsection 61.3.3.C. Trees may be removed for the reasons provided below.

A. Hazardous Tree Removal

To protect lives and property, trees reported by a qualified forester to be hazardous to property or lives may be removed upon approval by TRPA unless otherwise exempt through a Memorandum of Understanding. Other vegetation shall be protected during removal operations to prevent their damage.

1. Fire Hazard Tree Removal

Trees identified and marked by a qualified forester as a fire hazard may be removed upon approval by TRPA or pursuant to a TRPA MOU Authorization. Trees identified and marked by a defensible space assessor for defensible space purposes associated with a building or structure may be removed upon approval by TRPA or pursuant to a TRPA MOU Authorization. Fuel reduction projects shall consider multiple threshold objectives. As an alternative to tree removal, the defensible space assessor may approve the limbing of trees that are determined to be a fire hazard, consistent with defensible space requirement of the applicable fire agency. (See Chapter 90 for definition of "fuels management.")

2. Emergency Tree Removal

When a tree constitutes a physical emergency (e.g., imminent threat of falling on occupied or substantial structures or people), the tree may be removed, but the land owner or manager shall provide photographic documentation and all applicable paperwork and fees to TRPA within ten working days of removal of the hazardous tree.

3. Tree Removal During Emergency Fire Suppression Activities

Trees may be removed when an emergency fire suppression need exists as determined by the local, state, or federal fire suppression agency involved in a fire suppression activity.

B. Ecosystem Management Goals and EIP Projects

1. Management Objectives

Trees may be removed to meet ecosystem management goals:

- a. Restoration and expansion of stream environment zones and riparian vegetation;
- b. Improvement of the structural diversity of all forests based on judgement of a qualified forester;
- c. Enhancement of native wildlife species and/or native wildlife habitat diversity;
- d. Enhancement and protection of tree species of limited occurrence, such as aspen, black cottonwood, ponderosa pine, Douglas-fir, incense-cedar, sugar pine, western white pine, mountain hemlock, whitebark pine, and western juniper;
- e. Protection of sensitive lands;
- f. Minimization of construction of new roads;
- g. Revegetation of existing temporary roads;
- h. Avoidance of disturbance of stream environment zones, unless such project is to enhance the health of stream environment zones through projects intended to thin trees or prescribe burn within SEZ in accordance with subparagraph 61.3.3.C;
- i. Utilization of existing openings or disturbed areas as landings where appropriate;
- j. The promotion of a diversity of seral stages, species diversity, and age class;
- k. Fuels management for fire hazard reduction; and
- l. Forest health and resilience to drought, insects, disease, and climate change.

2. Dead, Dying, or Diseased Tree Removal

To enhance forest health, dying, or diseased trees may be removed upon approval by TRPA. Dead trees less than or equal to 30 inches in westside forest types and less than or equal to 24 inches in eastside forest types may be removed without TRPA approval pursuant to subsection 2.3.2.E.

3. Tree Removal for Early Successional Stage Vegetation Management

Tree removal may be permitted when it has been determined by TRPA that it is appropriate to convert an area to, and/or maintain an area in, an early successional stage vegetation type. (See Chapter 90 for definition of “early successional stage vegetation management.”) Where soil stabilization is required and/or the replacement of removed vegetation, the applicant shall

provide a revegetation or soil stabilization plan in accordance with subsection 61.4.5.

4. Tree Removal for Enhancement of Forest Health and Diversity

Tree removal may be permitted where the species or structural diversity of an area is not in accordance with management objectives. TRPA shall apply the criteria below in reviewing tree removal to enhance forest health and diversity.

- a. A management plan that demonstrates the need for the project and the means of accomplishing the objectives listed below shall be prepared by a qualified forester.

Removal of trees shall not result in less than minimum stocking levels required by the applicable state or federal forestry agency.

If improved structural diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of younger-aged trees, or be accompanied by a report from a qualified forester that states the reasons why a reforestation plan is not necessary to achieve structural diversity objectives.

If improved species diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of native species other than the local dominant, or be accompanied by a report from a qualified forester that states the reasons why a reforestation plan is not necessary to achieve species diversity objectives.

On parcels of three acres or less, the tree removal permit may serve as the management plan.

- b. The site proposed for tree removal for forest diversity shall be within a contiguous area of at least three acres in which a single tree species of similar age class dominates. There is no minimum acreage when removing trees for forest health or for successional management of stream environment zones.

C. Tree Removal for Solar Access

Removal of healthy trees to maximize efficiency of solar energy systems may be permitted according to the standards below.

1. TRPA may approve the removal of healthy trees provided TRPA finds that the trees unreasonably impede the operation of a solar energy system and that the solar energy system is properly located so as to minimize the need for tree removal.
2. The number of healthy trees that may be removed for the system's operation shall be the minimum necessary.
3. The only trees that shall be considered for removal for an active or passive solar energy system are those that lie generally south of the proposed solar

collector and are in the sun's path between an 18° vertical angle measured from the base of the solar collector and a 70° vertical angle from the same base measurement. Trees on adjacent properties may be removed provided a contractual agreement to allow for such removal is signed by the affected parties. Tree removal may be conditioned upon replacement elsewhere on the property.

D. Public Utility Rights-of-Way

The removal of trees within utility and public rights-of-way may be allowed if TRPA finds that the removal is for public health and safety. When a tree-related emergency exists, the utility or public agency may remove the trees and advise TRPA of the action on the next business day. At that time TRPA may issue an emergency permit in accordance with its Rules of Procedure.

E. Tree Removal for Ski Areas

For expansion of ski areas, including but not limited to, the widening of runs and the addition or replacement of lifts, only the minimum number of trees necessary for the operation of the ski area shall be removed.

F. Tree Removal for Development

Tree removal for development in conjunction with a TRPA permit shall be in accordance with the provisions of this chapter and Section 33.6.

G. Tree Removal to Enhance Scenic View Points from Public Roadways

Select trees may be removed to enhance scenic viewpoints from scenic turnouts located on highways, public right-of-ways and other public lands immediately adjacent to highway corridors.

61.1.5. General Tree Removal Standards

The cutting, moving, removing, killing, or materially damaging of live trees, and the attachment of appurtenances to trees, shall comply with this subsection. The removal of trees 14 inches dbh or less shall be exempt from TRPA approval under subparagraph 2.3.2.M and requirements of this chapter, except as provided herein. Removal of trees greater than 14 inches dbh shall require approval by TRPA except as provided in subparagraphs 61.1.4.A.2 and 61.1.4.A.3. Removal of trees greater than six inches dbh on lakefront properties where the trees to be removed provide vegetative screening of existing structures as viewed from Lake Tahoe requires TRPA approval, except as provided in subsections 61.1.4.A.2 and 61.1.4.A.3. Permits shall be granted or denied in conformity with the provisions of this chapter.

A. Additional Code Standards

Such tree-related projects and activities also shall conform to the provisions of the Code as provided below.

1. If vegetative screening is required by an existing permit for any property, the vegetative screening shall not be removed without prior approval from TRPA except for defensible space purposes pursuant to subparagraph 61.3.6.D.

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2. If tree and/or vegetation removal to occur on any property where existing permit conditions require retention of vegetation, including tree and/or vegetation removal for defensible space purposes pursuant to subparagraph 61.3.6.D, alternative scenic mitigation shall be proposed to TRPA within 30 days of vegetation removal and shall be subject to review and approval by TRPA notwithstanding the permit exemption in subparagraph 2.3.2.M.

B. Findings

Before tree-related projects and activities are approved by TRPA, TRPA shall find, based on a report from a qualified forester, that the project or activity is consistent with this chapter and the Code. TRPA may delegate permit issuance to a federal, state, or other qualified agency through a memorandum of understanding.

C. Harvest or Tree Removal Plan

In cases of substantial tree removal, as set forth in subparagraph 61.1.8, the applicant shall submit a harvest plan or tree removal plan prepared by a qualified forester. The plan shall set forth prescriptions for tree removal, water quality protection, vegetation protection, residual stocking levels, reforestation, slash disposal, fire protection, and other appropriate considerations. The plan, as approved by TRPA, shall become a part of the project and prescriptions contained in the plan shall be conditions of approval. TRPA may consider plans developed pursuant to the California Forest Practice Rules or other CEQA documents completed by a qualified forester to meet the intention of this section provided all the required elements are addressed.

61.1.6. Minimum Standards for Tree Removal

The minimum standards for tree removal shall be as provided below.

A. Cutting Practices

The following cutting practice standards apply:

1. Sufficient trees shall be reserved and left uncut and undamaged to meet the minimum acceptable stocking standards of the appropriate state or federal forestry agency, except in cases of early successional stage management;
2. Group selections shall be limited to use for achieving management objectives based on the judgement of a qualified forester. Group selections shall be limited in size to less than five acres (See subparagraph 61.1.6);
3. All live trees to be cut shall be marked on bole and stump with paint by, or under the supervision of, a qualified forester prior to TRPA approval. Trees to be removed or protected may be designated by other means in situations involving clear cuts or thinning of exceptionally dense thickets, or other situations that warrant an alternate method of designation. The alternate method shall be stated in the plans and must be approved by TRPA;
4. Damage to unmarked trees and residual vegetation shall be avoided to the extent feasible;
5. All trees shall be felled in line with the skidding direction wherever possible;

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6. All trees shall be limbed on all sides where feasible and topped prior to skidding except where whole tree skidding is less disruptive to the forest resources;
7. Stumps shall be cut as low as can be done safely and to the extent that is feasible for harvesting equipment;
8. If stump removal will result in greater than three cubic yards of soil disturbance, a grading permit shall be obtained from TRPA prior to removal of stumps;
9. Green stumps shall be treated to prevent the spread of root disease as specified by a qualified forester; and
10. Insect-infested wood and wood susceptible to insect infestation shall be treated or disposed of as specified by a qualified forester.

B. Logging Roads, Skid Trails, and Landings

All logging roads, skid trails, and landings shall be constructed or otherwise created and maintained in accordance with the requirements of this chapter and the *Handbook of Best Management Practices*. Existing roads, skid trails, and landings shall be used whenever possible. New roads shall be approved only if TRPA finds that all alternatives have been explored and determines that the construction of new roads, skid trails, or landings would be the preferred alternative. In accordance with subparagraph 60.1.3.B, existing roads and landings may be accessed in the winter to help prepare for over-snow and over frozen ground tree removal. Such preparation for winter operations shall be limited to allowing movement of logs and equipment without disturbance of the soil. The standards provided below also shall apply.

1. The requirements and standards for design, grade, tree felling in right-of-way, slash cleanup, width, and maintenance, by road type as determined by TRPA, shall be as shown in Tables 61.1.5-1 and 61.1.5-2.

TABLE 61.1.6-1: LOGGING ROADS AND SKID TRAILS: DESIGN AND GRADE

Road Type	Design	Maximum Grade
Permanent administrative roads	Plans and specifications	10%
Limited use roads remaining open	Plans and specifications	10% with occasional 15%
Limited use roads closed after logging	Plans and specifications	10% with occasional 15%
Temporary roads	Flag line	20%
Tractor roads and main skid trails	Flag line	50%
Secondary skid trail	None	50%

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TABLE 61.1.6-2: LOGGING ROADS AND SKID TRAILS: OTHER STANDARDS

Road Type	Right of Way Tree Falling	Minimum Slash Cleanup	Maximum Width	Maintenance
Permanent administrative roads	Prefall	Removal within 50 feet of road	30 feet*	As determined by TRPA
Limited use roads remaining open	Prefall	Removal within 50 feet of road	15 feet 2/turnouts*	Annual maintenance required**
Limited use roads closed after logging	Prefall	Lop and scatter	15 feet 2/turnouts*	Close to vehicle use and revegetate
Temporary roads	Prefall	Lop and scatter	15 feet*	Close to vehicle use and revegetate
Tractor roads and main skid trails	Concurrent	Lop and scatter	15 feet	Close to vehicle use and revegetate
Secondary skid trails	Concurrent	Lop and scatter	15 feet	Close to vehicle use and revegetate

* Unless TRPA finds that greater width is necessary for feasible use or safety.

** "Annual Maintenance" includes activities such as restoring drainage features and making other road repairs as necessary.

2. Skid trails shall be located so as to protect residual stands through utilization of natural openings and topographic characteristics. The number of skid trails shall be kept to the minimum necessary and their width shall be the minimum size needed. Directional felling shall be used whenever possible to minimize skid trail density. Main skid trails shall be flagged in advance of felling operations.
3. Best Management Practices shall be installed on all skid trails, landings, and roads, no later than 15 days following completion of operations within a particular treatment unit, or at the time of seasonal shutdown, whichever is sooner.
4. Water breaks shall be spaced as provided below.
 - a. The maximum slope distance in feet by estimated hazard rating shall be according to Table 61.1.6-3 unless exceptions to water break spacing are requested and approved by TRPA as equally or more protective of water quality.

CHAPTER 61: VEGETATION AND FOREST HEALTH**61.1 Tree Removal****61.1.6 Minimum Standards for Tree Removal****TABLE 61.1.6-3: WATER BREAK SPACING REQUIREMENTS BY ESTIMATED HAZARD RATING**

Estimated Hazard Rating	U.S. Equivalent Measure Road or Trail Gradient (10 or less percent)	U.S. Equivalent Measure Road or Trail Gradient (11-25 percent)	U.S. Equivalent Measure Road or Trail Gradient (26-50 percent)
Extreme	100 ft.	75 ft.	50 ft.
High	150 ft.	100 ft.	75 ft.
Moderate	200 ft.	150 ft.	100 ft.
Low	300 ft.	200 ft.	150 ft.

- b. Water breaks shall be placed at lesser intervals as necessary to prevent soil erosion caused by firebreaks, trails, or landings.
- c. Construction of water breaks shall be kept current with operations or at the time of seasonal shutdown, whichever is sooner. Erosion control work, including the design and interval of water breaks, shall require TRPA approval unless addressed under a Memorandum of Understanding.
- d. Landing areas shall be properly drained in a manner to prevent soil erosion and stream pollution.

C. Removal Methods

Only the tree removal methods shown in Table 61.1.6-4 shall be used on lands located within the land capability districts shown unless other removal methods are shown to have the same practical effect as the removal methods below:

TABLE 61.1.6-4: TREE REMOVAL METHODS

Land Capability District	Removal Method
1a, 1c, or 2	Aerial removal, hand carry, and use of existing roads, in conformance with subsection 61.1.6. Over-snow and over frozen ground removal may be approved pursuant to subparagraph 61.1.6.D.1. Use of ground-based equipment and skidding may be used pursuant to 61.1.6.F.1 through 61.1.6.F.5 with approval by the TRPA.
1b (Stream Environment Zone)	As permitted in Land Capability District 1a, end lining may be approved when site conditions are dry and stable, or when winter conditions are adequate for end lining operations so as to avoid adverse impacts to the soil and vegetation. The use of “innovative technology” vehicles and/or “innovative techniques” for removing trees from SEZs may be considered pursuant to subparagraph 61.3.3.C.1.c.
3	As permitted in Land Capability District 1b, ground skidding pursuant to subparagraph 61.1.6.D may be approved.

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61.1.6 Minimum Standards for Tree Removal

TABLE 61.1.6-4: TREE REMOVAL METHODS

Land Capability District	Removal Method
4 - 7, Inclusive	As permitted in Land Capability District 1b. Ground skidding, as well as pickup and removal by conventional construction equipment, may be approved. Ground-based vehicle systems for removing trees without skidding may be approved pursuant to subparagraph 61.1.6.D.5.

D. Skidding and Ground Based Vehicle Systems

Skidding is the act of dragging or partially suspending a tree or log along the ground, snow, or frozen ground by cable systems or by mobile equipment. Ground skidding is the act of skidding a log or tree in full contact with the ground behind mobile equipment. End lining is dragging a log or tree in full contact with the ground by a winch. Cable yarding is the act of removing a log or tree by cable with one end of the log or tree in contact with the ground or fully suspended. Ground based vehicle systems include harvesters and machines that cut, process, and remove trees and may require ground skidding.

1. Skidding over snow or frozen ground is preferred to unfrozen ground skidding. The depth of the snow shall be sufficient to prevent disturbance of the soil beneath the snow as determined by site-specific field observations.
2. Ground skidding may be permitted on slopes under 30%. Ground skidding on slopes 30-50% requires TRPA review and approval to ensure that environmental protective measures (e.g., water breaks, vegetative buffers, slope length limitations, and remaining ground cover post-treatment, erodible soil avoidance) will be in place to minimize slope erosion.
3. Logs shall only be skidded endwise.
4. No logging arches, other than integral arch equipment, shall be permitted.
5. Ground-based vehicle systems for removing trees without skidding, such as harvester and forwarder combinations, may be used on slopes below 30 percent. On slopes between 30% and 50%, ground-based vehicle systems for tree removal requires TRPA review and approval to ensure that environmental protective measures (e.g., water breaks, vegetative buffers, slope length limitations, and remaining ground cover post-treatment, erodible soil avoidance) will be in place to minimize slope erosion. The use of “innovative technology” vehicles and/or “innovative techniques” for removing trees without skidding may be considered in Land Capability District 1b and 3 pursuant to subparagraph 61.3.3.C.1.c and subparagraph 61.1.6.C.

E. Slash Disposal

Slash shall be disposed of according to an approved slash disposal plan.

1. Lop and scatter, pile and burn or broadcast burn (consistent with Sections 61.2 and 65.1), chip, or haul away. All burns shall be located beyond approved buffers from any stream channel, unless it can be demonstrated,

using best available science, that slash burning within the approved buffer of a channel will not cause adverse environmental impacts.

2. Cull logs and other material shall be disposed of as required by the permit.

F. Erosion Control

The adequacy of all required BMPs shall be confirmed at the time of the TRPA pre-operations inspection. Any modifications to the required BMPs as determined by TRPA shall be incorporated into the project permit at that time or as determined to be necessary throughout forest management operations. The following erosion control standards apply:

1. The following Temporary BMPs are required to be installed prior to the commencement of any forest management or equipment operations:
 - a. Temporary erosion controls and vegetation protection measures.
 - b. Equipment exclusion area boundary markings or fencing, as necessary to comply with the TRPA-approved forest management plan.
2. Excavated material shall be stored upslope from the excavated areas to the extent possible. No material shall be stored in any SEZ, wet area, or stream buffer zone.
3. Projects must have design criteria to avoid tracking soil off the project site. Equipment operations shall cease when a violation of this condition exists. The site shall be cleaned and the road right-of-way swept clean when necessary.
4. No equipment or vehicle repairs, other than necessary maintenance of harvest equipment, shall be permitted in the project area unless authorized by TRPA. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. Spill containment and absorbent materials shall be kept on site at all times. All petroleum products and hazardous waste shall be removed from the project area and disposed of at an approved location.

61.1.7. Commercial Tree Removal

A. General Standard

Trees may be removed as a commercial enterprise pursuant to the tree removal practices of subsection 61.1.6.

B. Cutting and Cultivation of Christmas Trees

Legally existing Christmas tree cultivation operations, when certified by a qualified forester to be utilizing native species and proper silvicultural methods, may continue upon approval by TRPA. New Christmas tree farm operations meeting the above conditions may be permitted if TRPA finds them to be in compliance with the Code and the applicable plan area statements.

61.1.8. Substantial Tree Removal

Substantial tree removal shall be activities on project areas of three acres or more and proposing the removal of more than 100 live trees 14 inches dbh or larger, or proposing tree removal that as determined by TRPA after a joint inspection with appropriate state or federal Forestry staff does not meet the minimum acceptable stocking standards set forth in subparagraph 61.1.6.H. Substantial tree removal projects shall be processed by the appropriate state and federal agencies in coordination with TRPA as required below.

A. Private Parcels

The review process for private parcels shall include the following:

1. Harvest plan shall be written by a qualified forester;
2. Harvest plan shall be submitted to the appropriate state and federal agencies and TRPA with an initial environmental checklist or environmental assessment;
3. Preparation of environmental impact statement if necessary;
4. Pre-approval field review;
5. Approval of project by TRPA;
6. Pre-harvest field review; and
7. Post-harvest review.

B. Public Parcels

1. The review process for substantial tree removal for public parcels administered by public land management agencies may be determined according to a Memorandum of Understanding (MOU) between the partner agency and the TRPA. For agencies without an MOU with the TRPA, the process shall be the same as for private parcels listed above.

61.2. PRESCRIBED BURNING

61.2.1. Purpose

This section sets forth standards and regulations pertaining to the use of fire in controlled circumstances for vegetation management.

61.2.2. Applicability

The standards and regulations in this section apply to all intentional burning for the purpose of vegetation management, unless otherwise exempt from TRPA review under the provisions of Chapter 2: *Applicability of the Code of Ordinances*.

61.2.3. Prescribed Burning

A. Prescribed Burning Allowed

Persons who own or manage forests or range lands may use prescribed burning, consistent with the standards and regulations set forth in this section, to maintain forest health and diversity and to reduce the risk of wildfire.

61.2.4. Performance Standards

The use of prescribed burning for vegetation management shall comply with the standards provided below.

A. Location of Prescribed Burning

The use of prescribed burning shall be limited to those areas where the plan area statements designate as a permissible use one or more of the following uses:

1. Nonstructural wildlife habitat management;
2. Range improvement;
3. Fuels management; or
4. Prescribed fire management.

B. Extent of Prescribed Burning

Each prescribed burn shall be limited to the minimum area necessary to achieve the purpose of the prescription.

C. Timing of Prescribed Burning

Prescribed burning shall be limited to time periods for which TRPA finds that atmospheric conditions normally will allow complete dispersion of the smoke from the prescribed burn during each day of the burn.

D. Responsible Persons

A qualified expert, experienced in the use of fire for vegetation management, shall prepare a burning prescription for review and, if appropriate, approval by TRPA. The expert shall certify that the prescription meets the standards of this section. The expert shall oversee the conduct of the burn.

E. Standards of Other Government Agencies

All prescribed burning shall comply with applicable standards of other government agencies with appropriate jurisdiction, including but not limited to the following agencies: the El Dorado County Air Pollution Control District; the Placer County Air Pollution Control District; the California Air Resources Board; the California State Water Resources Control Board; the California Regional Water Quality Control Board; the Nevada Division of Environmental Protection; the California and Nevada Departments of Forestry; and the United States Forest Service. Where TRPA standards conflict with another agency's standards, the most stringent standard shall control.

61.2.5. Compliance Program

To achieve compliance with the standards in subsection 61.2.4, TRPA shall apply the following provisions:

A. Consistency with Primary Use

TRPA shall review and, if appropriate, approve applications to conduct prescribed burns consistent with the provisions of Chapter 21: *Permissible Uses*, regarding allowed and special uses for those uses listed in subparagraph 61.2.4.A.

B. Burn Prescription

All applications to conduct prescribed burning shall be accompanied by a burn prescription. A burn prescription shall include the following items:

1. Detailed statement of the purpose of the prescribed burn;
2. Description, including a map at an appropriate scale of the location and a real extent of the prescribed burn. Such description shall allow TRPA to determine whether the proposed burn complies with subparagraphs 61.2.4.A and 61.2.4.B;
3. Description of the timing of the prescribed burn, and meteorological information that demonstrates that the timing of the prescribed burn will normally allow complete dispersion of the smoke from the burn during each day of the burn;
4. A list of the applicable standards of TRPA and other government agencies with jurisdiction over the burn, and a discussion of how the proposed prescription complies with those standards;
5. A detailed description of the proposed burning operation, including a description of all safety procedures that will be used to prevent wildfire;
6. A certification by a qualified expert experienced in the use of fire for vegetation management that the burn prescription complies with this section; and that the expert shall oversee the conduct of the burn to ensure that the prescription is followed; and

61.3. VEGETATION PROTECTION AND MANAGEMENT

61.3.1. Purpose

In accordance with the Vegetation Conservation Element of the Regional Plan Goals and Policies, this section provides for the protection of Stream Environment Zone (SEZ) vegetation, other common vegetation, uncommon vegetation, and sensitive plants. It also provides for remedial management of vegetation to achieve and maintain environmental thresholds for plant species and structural diversity, and the maintenance of vegetation health. The management and protection of vegetation shall, at a minimum, consider the diversity of plant species and landscape pattern of plant communities, and their attributes in relationship to wildlife and fisheries habitat, scenic quality, recreation use, soil conservation, and water quality.

61.3.2. Applicability

TRPA requires the protection and maintenance of all native vegetation types. TRPA may require the preparation and implementation of a remedial vegetation management plan for any parcel where the need for remedial vegetation management has been identified for purposes of environmental threshold maintenance or attainment.

61.3.3. Protection of Stream Environment Zones

A. General Requirement

Unless excepted in B below, no project or activity shall be undertaken in an SEZ (Land Capability District 1b) that converts SEZ vegetation to a non-native or artificial state or that negatively impacts SEZ vegetation through action including, but not limited to, reducing biomass, removing vegetation, or altering vegetation composition.

B. Exceptions

The activities below are exceptions to the general requirement in A above.

1. Manipulation or management of SEZ vegetation may be permitted in accordance with the Code for purposes of SEZ vegetation health or wildlife or fish habitat improvements, and after approval of a vegetation management plan pursuant to subparagraph 61.3.5.B, or as provided in Section 30.5, subsection 30.4.4, subparagraph 30.4.6.D.3, Section 63.3, or Sections 61.1 or 61.2.
2. Maintenance of landscaping that was installed prior to the creation of TRPA, or installed for the purpose of scenic quality pursuant to Chapter 36: *Design Standards*, or pursuant to a TRPA permit, or under a TRPA exemption prior to August 1, 1997, provided that fertilizer use is restricted in accordance with the BMP Handbook and described in subparagraph 60.1.8.A, unless a remedial action pursuant to subsection 61.3.4 has been taken by TRPA.
3. Removal of vegetation may be permitted pursuant to subparagraphs 2.3.2.E, or 2.3.6.A.8, Section 33.6, Chapter 64: *Livestock Grazing*, or under defensible-space guidelines approved by TRPA.

C. Tree Cutting Within Stream Environment Zones

Tree cutting within stream environment zones may be permitted to allow for early successional stage vegetation management, sanitation salvage cuts, fuels management for fire hazard reduction, maintenance of utility rights-of-way, restoration or enhancement of ecosystem health and diversity, and fish and wildlife habitat improvement projects, in accordance with the standards provided below. TRPA -approved reasons for removal of trees over 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types within an SEZ are the same as TRPA-approved reasons for removal of trees over 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types as listed in Sections 61.3.7.A.1 through Section 61.3.7.A.10.

1. Vehicle Restrictions

All vehicles shall be restricted to areas outside of the SEZ or to existing roads within SEZs, except for tree removal over-snow or frozen ground with hard frozen soil conditions or use of low impact technology where permanent disturbance does not occur.

The following criteria shall apply:

- a. TRPA may permit the use of vehicles in/on frozen ground with hard frozen soil conditions or over-snow tree removal operations. A qualified forester will ensure that conditions are suitable to prevent visible or permanent soil disturbance and/or significant vegetation damage; and
- b. Winter ground-based equipment operations would take place on portions of the treatment unit where adequate snow or frozen ground with hard frozen soil conditions are present. The following criteria will be applied in determining equipment operations:

Frozen soil operations are permitted where operated vehicles, tractors and equipment can travel without sinking into soil, road, and/ or landing surfaces to a depth of more than 2 inches for a distance of more than 25 feet. Temperatures must also remain low enough to preclude thawing of the soil surface.

For over-snow operations, maintain approximately 12 inches of compacted snow/ice on undisturbed ground, and 6 inches of compacted snow/ice on existing disturbed surfaces. For over-the-snow and frozen soil operations in SEZs, exclude ground- based equipment from the 25- foot buffer around perennial and intermittent watercourse channels.

- c. TRPA shall review site-specific proposals for and may permit the use of “innovative technology” vehicles and/or “innovative techniques” for the purpose of fire hazard reduction in SEZs provided that no significant soil disturbance or significant vegetation damage will result from the use of equipment. (See Chapter 90: *Definitions*, for definitions of “innovative technology” vehicles and “innovative techniques.”) Project proposals should be developed within an adaptive management framework that will result in data that can be used to support and/or improve on equipment and techniques. TRPA shall conduct a pre-operation inspection of the site to decide if vehicle use is appropriate for the given situation, to verify the boundaries of the SEZ, and to identify other areas of concern. The following minimum conditions shall apply:

Project proponents shall provide documentation substantiating that the use of such vehicles will not cause significant soil disturbance or significant vegetation damage. Documentation must take into account soil types, hydrology, vegetation type and cover, and other ecosystem characteristics, relevant to the use of such vehicles in similar environments. Documentation can include relevant scientific research, monitoring studies, and other supporting analyses;

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61.3 Vegetation Protection and Management

61.3.3 Protection of Stream Environment Zones

Operations using “innovative technology” vehicles in SEZs shall be limited to the management of common conifer species (e.g., lodgepole pine, white fir), however, incidental hardwoods that need to be removed from within a conifer vegetation type may also be removed using the vehicles;

Operations shall be limited to times of the year when soils are sufficiently dry to avoid and/or minimize compaction and sufficiently stable to avoid and/or minimize erosion;

Erosion control measures (BMPs) shall be implemented both during and after operations to avoid soil detachment and transport wherever possible, and to minimize erosion wherever soil disturbance cannot be avoided;

To prevent sediment delivery to surface waters, including wetlands, more stringent setbacks from watercourses than the setbacks set forth in other regulations regulating timber harvests, such as the California Forest Practice Rules and Nevada State Statutes, may be designated if deemed necessary by TRPA;

Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: *Wildlife Resources*;

Operations shall incorporate measures to protect historic resources in accordance with Chapter 67: *Historic Resource Protection*; and

Projects shall be monitored to ensure that the SEZ has not sustained any significant damage to soil or vegetation function. Along with the project proposal, adaptive management concepts should be applied to the monitoring plan. A monitoring plan shall be submitted with all project proposals, including at a minimum: a list of sites and attributes to be monitored; specification of who will be responsible for conducting the monitoring and reporting; a narrative for implementing corrective actions when monitoring determines such corrective action is necessary; and a monitoring and reporting schedule.

Once an innovative technology has been deemed acceptable by TRPA, all partners or permittees may utilize that technology.

2. Soil Conditions

All work within stream environment zones shall be limited to times of the year when soil conditions are dry and stable, or when conditions are adequate for frozen ground with hard frozen soil conditions or over-snow tree removal operations without causing significant soil disturbance and/or significant vegetation damage

3. Trees and Debris Kept from Streams

Felled trees and harvest debris shall be kept out of all watercourses. If deposited in the stream, the material shall be promptly removed unless it is determined that such logs and woody material adds structural diversity pursuant to fish and wildlife habitat improvements in accordance with

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61.3.4 Remedial Vegetation Management

Chapter 62: *Wildlife Resources*, and Chapter 63: *Fish Resources*. This determination shall be approved by TRPA. Logs or other woody material may be placed in streams to provide woody structure pursuant to fish or wildlife habitat improvement programs approved by TRPA in accordance with Chapter 63.

4. Stream Crossings

The crossing of perennial streams or other wet areas shall be limited to improved crossings meeting Best Management Practices or to temporary bridge spans that can be removed upon project completion or at the end of the work season, whichever is sooner. Any damage or disturbance to the stream environment zone associated with a temporary crossing shall be restored within one year of its removal. In no instance shall any method requiring the placing of rock and earthen material into the stream or streambed be considered an improved crossing. Other temporary measures may be permitted for dry stream crossings in accordance with the *Handbook of Best Management Practices*.

5. Special Conditions

Special conditions shall be placed on all tree harvests within stream environment zones or within the transition or edge zone adjoining stream environment zones, as necessary to protect in-stream aquatic habitat values and wildlife habitat integrity and diversity.

61.3.4. Remedial Vegetation Management

TRPA and resource management agencies, including the states' forestry departments, shall identify areas where remedial management of vegetation is necessary to achieve and maintain environmental thresholds for health and diversity in vegetation. Requests by TRPA to prepare and implement a remedial vegetation management plan for a specified area shall follow the procedures set forth in Section 5.12: *Remedial Action Plans*.

61.3.5. Preparation of Remedial Vegetation Management Plans

At the request of TRPA, remedial vegetation management plans shall be prepared by the property owners of areas identified for remedial vegetation management in cooperation with TRPA and appropriate resource management agencies.

A. Plan Content

Remedial vegetation management plans shall contain, at a minimum, the following information:

1. Purpose of the management plan, including a list of objectives;
2. Description of existing vegetation, including the abundance, distribution, and age class of tree species;
3. Remedial measures necessary to achieve the stated objectives, including details of harvest and revegetation plans (see Section 61.4); and

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61.3.6 Sensitive and Uncommon Plant Protection and Fire Hazard Reduction

4. An implementation schedule, including a monitoring program to report progress on monitoring of vegetation.

B. Plan Approval

TRPA may approve a remedial vegetation management plan provided the plan is necessary to achieve, and can reasonably be expected to achieve, the purposes set forth in subsection 61.3.4.

61.3.6. Sensitive and Uncommon Plant Protection and Fire Hazard Reduction

A. Purpose

This subsection sets forth standards for the preservation and management of vegetation of significant scenic, recreational, educational, scientific, or natural values of the region, and for management of vegetation to prevent the spread of wildfire.

B. Applicability

This subsection applies to all projects and activities that could have a detrimental effect on designated sensitive plants or uncommon plant communities, and to all areas where vegetation may contribute to a significant fire hazard.

C. Sensitive Plants and Uncommon Plant Communities

Designation of plants for special significance is based on such values as scarcity and uniqueness. The following standards shall apply to all sensitive plants and uncommon plant communities referenced in the environmental thresholds, and to other plants or plant communities identified later for such distinction. The general locations of sensitive plant habitat and uncommon plant communities are depicted on the TRPA Special Species map layers. The special species map layers indicate the location of habitat for threatened, endangered, rare, and special interest species and where populations of sensitive or uncommon plants have been observed.

1. Sensitive Plants

a. List of Sensitive Plants

The sensitive plants are:

Rorippa subumbellata (Tahoe yellow cress);

Arabis rigidissima var. demote (Galena Creek rock cress);

Lewisia longipetala (long-petaled lewisia);

Draba asterophora v. macrocarpa (Cup Lake draba); and

Draba asterophora v. asterophora (Tahoe draba).

b. Standards for Sensitive Plants

Projects and activities in the vicinity of sensitive plants or their associated habitat shall be regulated to preserve sensitive plants and their habitat. All projects or activities that are likely to harm, destroy, or otherwise jeopardize sensitive plants or their habitat shall fully mitigate their significant adverse effects. Projects and activities that cannot fully

mitigate their significant adverse effects are prohibited. Measures to protect sensitive plants and their habitat include, but are not limited to:

Fencing to enclose individual populations or habitat;
Restrictions on access or intensity of use;
Modifications to project design as necessary to avoid adverse impacts;
Dedication of open space to include entire areas of suitable habitat; or
Restoration of disturbed habitat.

2. Uncommon Plant Communities

a. List of Uncommon Plant Communities

The uncommon plant communities are:

The deepwater plants of Lake Tahoe, Grass Lake (sphagnum fen);
Osgood Swamp, Hell Hole (sphagnum fen);
Pope Marsh, Taylor Creek Marsh, Upper Truckee Marsh; and
The Freel Peak cushion plant community.

b. Standards for Uncommon Plant Communities

Uncommon plant communities shall be managed and protected to preserve their unique ecological attributes and other associated values. Projects and activities that significantly adversely impact uncommon plant communities, such that normal ecological functions or natural qualities of the community are impaired, shall not be approved.

D. Vegetation Management to Prevent the Spread of Wildfire

Within areas of significant fire hazard, as determined by local, state, or federal fire agencies, flammable or other combustible vegetation shall be removed, thinned, or manipulated in accordance with local and state law. Revegetation with approved species or other means of erosion control including soil stabilization may be required where vegetative ground cover has been eliminated or where erosion problems may occur.

61.3.7. Old Growth Enhancement and Protection

The standards in this subsection shall govern forest management activities and projects.

A. Standards for Conservation and Recreation Lands

Within lands classified by TRPA as conservation or recreation land use, any live, dead, or dying tree larger than 30 inches diameter at breast height (dbh) in westside forest types shall not be cut, and any live, dead or dying tree larger than 24 inches diameter at breast height in eastside forest types shall not be cut, except as provided below.

1. Unreasonably Contribute to Fire Hazard

Trees and snags larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be felled, treated, or

removed in urban interface areas if TRPA determines that they would unreasonably contribute to fuel conditions that would pose a fire threat or hinder defense from fire in an urbanized area. Within the urban interface areas, fire management strategies favoring the retention of healthy trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types trees shall be fully considered. Urban interface areas are defined as all undeveloped lands within a 1,250 foot zone immediately adjacent to TRPA residential, commercial, or public service plan area boundaries.

2. Unacceptable Risk to Structures or Areas of High Use

A tree larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be felled, treated, or removed if TRPA and the land manager determine the tree poses an unacceptable risk to occupied or substantial structures, overhead utility lines and conductors, critical public or private infrastructure, or areas of high human use. Examples of areas of high human use are campgrounds, parking lots, ski trails, and developed beaches. Where a land manager determines that a tree constitutes a physical emergency (e.g., imminent threat of falling on occupied or substantial structures, or people), the land manager may remove the tree but must provide photographic documentation and any applicable paperwork and fees to TRPA within ten working days of removal of the hazardous tree.

3. Diseased or Infested Trees

Where immediate treatment and removal is warranted to help control an outbreak of pests or disease, severely insect-infested or diseased trees larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be removed. Trees to be felled, treated, or removed require TRPA review on a project-level basis, within 30 working days of written notification by the land manager.

4. Ecosystem Management Goals

In limited cases, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be felled, treated, or removed if a management prescription clearly demonstrates that the identified trees need to be cut for ecosystem management goals consistent with TRPA goals and policies and to increase forest health and resilience. The project and prescription must be developed and reviewed by a qualified forester, and only the trees necessary to achieve ecosystem objectives at a specific site shall be removed. Each tree larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types shall be approved by TRPA. The marking of these trees shall be done by a qualified forester.

5. Ski Areas Master Plans

In ski areas with existing TRPA-approved master plans, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed for facilities that are consistent with that master plan. For activities that are consistent with a TRPA –approved master plan, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.

6. EIP Projects

Trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.

7. Extreme Fuel Loading

In case of extreme fuel loading some snags larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut if the removal is consistent with subsection 62.3.4: Snags and Coarse Woody Debris.

8. Large Public Utilities Projects

Trees larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be removed for large public utilities projects if TRPA finds there is no other reasonable alternative.

9. Emergency Fire Suppression

Trees may be removed when an emergency fire suppression need exists as determined by the local, state, or federal fire suppression agency involved in a fire suppression activity.

10. Private Landowners

Private landowners may fell, treat, or remove trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types provided the landowner follows one of the planning processes set forth in subparagraph C.

B. Standards for Non-SEZ Urban Lands

Within non-SEZ urban areas, individual trees larger than 30 inches dbh that are healthy and structurally sound shall be retained as desirable specimen trees having aesthetic and wildlife value, unless no reasonable alternative exists to retain the tree, including reduction of parking areas or modification of the original design.

C. Alternative Private Landowner Process

As an alternative to complying with the standards in subparagraph A, a private landowner may follow one of the following planning processes to achieve or maintain the late seral/old growth threshold, goals, and policies.

1. Alternative Forest Management Plan

A private landowner, in the development of a forest management plan, shall follow the planning process described in Chapter 14: *Specific and Master Plans*, except as provided below.

- a. In relation to subparagraph 14.8.1.A only the private landowner may initiate the private forest management planning process.
- b. In relation to subparagraph 14.8.1.B the project team shall consist of a designee of the Executive Director, appropriate regulatory and land management agencies, the proponent's qualified forester, and the team shall consult with the appropriate public land management agencies if the private land is adjacent to public land.
- c. In relation to Section 14.9, the content of a forest master plan shall be described in the TRPA Forest Master Plan Guidelines. The content shall include enough information to make the required findings of Section 14.10; shall provide guidelines for salvage harvest, insect control, and fire salvage. The document shall be organized by described and mapped planning units. As an example, a non-industrial timber management plan that contains enough information to make the required findings of Section 14.10 can be submitted provided it is developed with approval of the steering committee.
- d. The harvest practices shall comply with local and state regulations.
- e. A proposed schedule (and seasonality) of harvest projects and improvement projects shall be included within the plan.
- f. Individual harvest projects proposed under the master plan within the planned schedule and proposed method shall receive a streamlined review.

2. Limited Forest Plan

Private landowners may prepare a limited forest plan when there would be limited proposed impact to large trees.

- a. A limited forest plan may be prepared if ten percent or less of the trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types within the project site are proposed to be cut within the life of the plan.
- b. The limited forest plan shall include:
 - The relative state permit application, if available;
 - Description of harvest activities;
 - Description of management activities;
 - Explanation of how thresholds, goals and policies shall be attained under the forest plan; and

The expiration date of the plan. A minimum lifespan of ten years and a maximum lifespan of 50 years shall be accepted.

3. TRPA shall review proposed cutting of trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside or larger forest types on a tree-by-tree basis consistent with the forest plan.

61.3.8. Historic and Cultural Resource Protection

- A. Operations and any ground disturbing activities shall be in accordance with Chapter 67: *Historic Resource Protection*. All historic resources located within the project area shall be flagged and avoided except in accordance with a TRPA-approved resource recovery plan. Flagging shall be removed at the time of completion of operations.

61.3.9. Wildlife, Habitat, and Sensitive Plants

- A. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: Wildlife Resources.
- B. Snags shall be retained in accordance with subsection 62.3.4.
- C. Discovery of a TRPA-designated sensitive species or species of interest, or the location of a nest or den of one of those species, shall be immediately reported to TRPA. Any nests, dens, or plant locations shall be protected in accordance with TRPA regulations. All work within the project area shall cease until TRPA identifies under what conditions the project may continue.

61.4. REVEGETATION

61.4.1. Purpose

This section provides standards for revegetation for such purposes as soil stabilization and improvement of the vegetative cover mix.

61.4.2. Applicability

This section shall apply wherever revegetation is required as a condition of project approval or where revegetation is necessary to comply with other provisions of the Code. Landscaping provisions are set forth in Chapter 36: *Design Standards*.

61.4.3. Approved Species

Revegetation programs shall use TRPA-approved plant species listed on the TRPA Recommended Native and Adapted Plant List. This list shall be a part of the *Handbook of Best Management Practices* and shall be updated from time to time based on the criteria that listed plants should be adapted to the climate of the Tahoe region, should require little water and fertilizer after establishment, and should be non-invasive. Specifications of plant materials shall be in accordance with the following requirements:

A. Site Conditions

Plant species selected shall be appropriate for site conditions.

B. Small Scale Programs

Small scale revegetation programs shall emphasize the use of TRPA-approved grass species in conjunction with mulching or other temporary soil stabilization treatments, as described in the *Handbook of Best Management Practices*.

C. Large Disturbed Areas

Revegetation of disturbed areas larger than 10,000 square feet shall include reseeding with TRPA-approved grass species as well as reestablishment of appropriate shrub and tree species.

D. Fertilizer

Fertilizer may be permitted to help establish vegetation following planting, but plant species shall be selected that do not require long term fertilization.

61.4.4. Soil Stabilization

Site preparation for revegetation shall include measures necessary to stabilize the soil until the vegetation is reestablished. Revegetation and stabilization programs for disturbed sites shall minimize the use of extensive grading whenever practical. Situations where extensive grading and recontouring may be necessary include the following:

- A.** Oversteepened cut slopes;
- B.** Quarry sites;
- C.** Abandoned landfills;
- D.** Reclamation of already developed sites; or
- E.** Abandoned roads.

61.4.5. Revegetation Plans

Where revegetation is required to stabilize soils, replace removed vegetation, or for rehabilitation of areas where runoff or soil erosion needs to be controlled, the applicant shall provide a revegetation plan.

A. Contents of Plan

Revegetation plans shall include at a minimum:

- 1.** A description of the site, including the soil type, if applicable, the stream environment zone or backshore type, and existing vegetation;
- 2.** A list of appropriate plant species to be used at the site and a plan showing where they will be planted;
- 3.** The number and size of shrubs and trees to be used, if any;

4. A description of the extent and methods of irrigation, if any;
5. Specifications for site preparation and installation of plant materials;
6. Specifications and schedule for onsite care, including amount and method of application of fertilizers pursuant to the *Handbook of Best Management Practices*, if necessary;
7. Specifications for long term plant care and protection, including the amount and method of application of fertilizers, if necessary; and
8. A description of mulches or tackifiers to be used.

B. Plant Materials

Plant materials to be used in a stream environment zone or the backshore shall be from the list shall be derived from stock possessing genetic characteristics of native plants or, if used outside of these areas, plant materials shall originate from a similar elevation and climate as the revegetation site if stock is available. If such stock is not available, stock with demonstrated success in the region may be approved.

C. Soil Materials

Revegetation plans may include provisions that allow for the importation of soil in limited situations involving reclamation of extensively disturbed sites, such as those in subsection 61.4.4. Soil material may be permitted to be imported from outside the region if an acceptable source in the region cannot be located. Acceptable sources of soil material in the region include by-products of approved dredging or grading activities and compost.

D. Security Release

The portion of a security related to revegetation shall be released when TRPA determines that the required vegetation is established. Establishment of vegetation generally takes one or two growing seasons.

CHAPTER 62: WILDLIFE RESOURCES

62.1. PURPOSE

The intent of this chapter is to protect and enhance the existing diverse wildlife habitats, with special emphasis on protecting or increasing habitats of special significance, such as deciduous trees, wetlands, meadows, and riparian areas.

62.2. APPLICABILITY

This chapter applies to any activity or project that could affect basic habitat requirements, such as hiding and thermal cover, food, water, and space as necessary for survival of wildlife populations. Standards for the preservation and management of wildlife habitat are set forth in this chapter.

62.3. PROTECTION OF WILDLIFE HABITAT

Wildlife habitat shall be protected as provided below.

62.3.1. Stream Environment Zones

No project or activity shall be undertaken within the boundaries of a SEZ except as otherwise permitted for habitat improvement, dispersed recreation, vegetation management, or as provided in Chapter 30: *Land Coverage*.

62.3.2. Movement and Migration Corridors

Movement and migration corridors shall be protected as provided below.

- A. Stream environment zones adjoining creeks and major drainages link islands of habitat and shall be managed, in part, for use by wildlife as movement corridors. Structures, such as bridges, proposed within these movement corridors shall be designed to not impede the movement of wildlife.
- B. Projects and activities in the vicinity of deer migration areas shall be required to mitigate or avoid significant adverse impacts. The location of deer migration areas shall be verified by the appropriate state wildlife or fish and game agencies.

62.3.3. Critical Habitat

Any element of the overall habitat for any species of concern that could reduce the existing population or impair the stability or viability of the population if the habitat is diminished shall be considered critical habitat. This shall apply also to habitat for special interest species indigenous to the region whose breeding populations have been extirpated but could return or be reintroduced.

- A. No project or activity shall cause, or threaten to cause, the loss of any habitat component considered critical to the survival of a particular wildlife species.

- B. No project or activity shall threaten, damage, or destroy nesting habitat of raptors and waterfowl or fawning habitat of deer.
- C. Wetlands shall be preserved and managed for their ecological significance, including their value as nursery habitat to fish, nesting and resting sites for waterfowl, and as a source of stream recharge, except as permitted pursuant to Chapter 30.
- D. Projects or activities within wetlands may include the creation of artificial nesting sites for waterfowl.

62.3.4. Snags and Coarse Woody Debris

Snags and coarse woody debris shall be protected and retained in conservation and recreation plan area statements as provided below. (Snag and coarse woody debris decay classes referred to in this subsection 62.3.4 are based on Maser, C., and J. M. Trappe, 1984. *The Seen and Unseen World of the Fallen Tree*. USDA, Forest Service, Gen. Tech. Rep. PNW-164.)

A. Retention of Snags

Snags shall be retained according to standards 1, 2, and 3, with exceptions listed in 4:

- 1. At a minimum, retain four of the largest hard snags per acre in westside forest types, six of the largest hard snags per acre in subalpine forest types, and three of the largest hard snags per acre in eastside forest types that are 15" dbh and greater, in decay class 2 through 5, averaged over a ten acre area.
- 2. Retain all soft snags in decay class 6 through 9 that are 24" dbh and greater in all forest types.
- 3. Snags shall be retained randomly across the landscape such that a naturally occurring distribution is mimicked.
- 4. Exceptions to retention standards may be approved by TRPA as long as a scientifically-valid rationale for the exception is provided:
 - a. To reduce fire risk;
 - b. To accomplish wildlife and fisheries habitat conservation objectives;
 - c. To mimic forest ecosystem function, such as prescribed fire; or
 - d. If the stand is not capable of supporting such levels.

B. Tree Harvest Plans

Provision for the protection of snags suitable for wildlife habitat shall be incorporated into all tree harvest plans and projects as conditions of approval.

C. Retention of Coarse Woody Debris

As provided below, coarse woody debris shall be retained according to standards 1 and 2, or 3 only.

CHAPTER 62: WILDLIFE RESOURCES
62.3 Protection of Wildlife Habitat
62.3.4 Snags and Coarse Woody Debris

1. Within westside and subalpine forest types, beginning with the largest downed logs identified within the range of suitable retention size classes in Table 62.3.4-1, sequentially retain pieces of coarse woody debris in decay class 1 through 3, until an average of 15 ± 5 tons per acre (approximately 5–10 logs) are retained over a treatment area.
2. Within eastside forests types, retain at least three of the largest downed logs per acre within the treatment area.
3. Exceptions to retention standards may be approved by TRPA as long as a scientifically-valid rationale for the exception is provided:
 - a. To reduce fire risk;
 - b. To accomplish wildlife and fisheries habitat conservation objectives;
 - c. To mimic forest ecosystem function, such as prescribed fire; or
 - d. If the stand is not capable of supporting such levels.

TABLE 62.3.4-1: COURSE WOODY DEBRIS LOG WEIGHTS (TONS) BY SIZE																		
Diameter of Log at Large End (inches)	Length of Log (feet)																	Retention Suitability
	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	
4	0.01	0.01	0.01	0.02	0.02	0.02	0.02	0.02	0.03	0.03	0.03	0.03	0.03	0.04	0.04	0.04	0.04	<div>LOW</div> <div></div>
6	0.02	0.02	0.03	0.03	0.04	0.04	0.05	0.05	0.06	0.06	0.07	0.07	0.08	0.08	0.08	0.09	0.10	
8	0.04	0.04	0.05	0.06	0.07	0.08	0.09	0.10	0.10	0.10	0.10	0.10	0.10	0.20	0.20	0.20	0.20	
10	0.06	0.07	0.08	0.10	0.10	0.10	0.10	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.30	0.30	0.30	
12	0.08	0.10	0.10	0.10	0.20	0.20	0.20	0.20	0.20	0.30	0.30	0.30	0.30	0.30	0.40	0.40	0.40	
14	0.10	0.10	0.20	0.20	0.20	0.20	0.30	0.30	0.30	0.40	0.40	0.40	0.40	0.50	0.50	0.50	0.50	
16	0.10	0.20	0.20	0.20	0.30	0.30	0.30	0.40	0.40	0.50	0.50	0.50	0.60	0.60	0.60	0.70	0.70	
18	0.20	0.20	0.30	0.30	0.40	0.40	0.40	0.50	0.50	0.60	0.60	0.60	0.70	0.80	0.80	0.80	0.90	
20	0.20	0.30	0.30	0.40	0.40	0.50	0.50	0.60	0.70	0.70	0.80	0.80	0.90	0.90	1.00	1.00	1.00	
22	0.30	0.30	0.40	0.50	0.50	0.60	0.70	0.70	0.80	0.90	0.90	1.00	1.00	1.00	1.20	1.30	1.30	
24	0.30	0.40	0.50	0.60	0.60	0.70	0.80	0.90	1.00	1.00	1.00	1.20	1.30	1.30	1.40	1.50	1.60	
26	0.40	0.50	0.60	0.60	0.70	0.80	1.00	1.00	1.00	1.20	1.30	1.40	1.50	1.60	1.70	1.80	1.80	
28	0.40	0.50	0.60	0.70	0.90	1.00	1.00	1.20	1.30	1.40	1.50	1.60	1.70	1.80	2.00	2.00	2.00	
30	0.50	0.60	0.70	0.90	1.00	1.00	1.20	1.30	1.50	1.60	1.70	1.80	2.00	2.00	2.20	2.30	2.40	
32	0.60	0.70	0.80	1.00	1.00	1.30	1.40	1.50	1.70	1.80	2.00	2.00	2.20	2.40	2.50	2.70	2.80	
34	0.60	0.80	0.90	1.00	1.30	1.40	1.60	1.70	2.00	2.00	2.20	2.40	2.50	2.70	2.80	3.00	3.20	
36	0.70	0.90	1.00	1.30	1.40	1.60	1.80	2.00	2.00	2.30	2.50	2.70	2.80	3.00	3.20	3.40	3.50	
38	0.80	1.00	1.00	1.40	1.50	1.80	2.00	2.20	2.40	2.60	2.80	3.00	3.20	3.30	3.50	3.70	4.00	
40	0.90	1.00	1.30	1.50	1.70	2.00	2.20	2.40	2.60	2.80	3.00	3.30	3.50	3.70	4.00	4.20	4.40	
Retention Suitability	<div>LOW</div> <div></div> <div>HIGH</div>																	
Retain	<div></div>		Do Not Retain		<div></div>													

62.4. SPECIAL INTEREST, THREATENED, ENDANGERED, AND RARE SPECIES

Special interest species that are locally important because of rarity or other public interest, and threatened, endangered, or rare species as designated under state and federal endangered species acts shall be protected from habitat disturbance from conflicting land uses. These special interest species are: goshawk, osprey, bald eagle, golden eagle, peregrine, water fowl, and deer. The habitat locations of these species are depicted on TRPA maps. At a minimum, the following standards shall apply for the protection of special interest, threatened, endangered and, rare species and associated habitat:

62.4.1. Disturbance Zones

Perching sites and nesting trees of goshawks, peregrines, eagles, and osprey as shown in the TRPA Regional Plan Map layers shall not be physically disturbed in any manner nor shall the habitat in the disturbance zone be manipulated in any manner unless such manipulation is necessary to enhance the quality of the habitat. The threshold shall apply not only to the number of known population sites but also to the disturbance and influence zone buffers to sites found in the future.

- A.** The disturbance zone for goshawks is the 500 acres of best suitable habitat surrounding a population site, which shall include a 0.25-mile radius around each nest site.
- B.** The disturbance zone for osprey and peregrines is 0.25 mile radius around each nest site.
- C.** The disturbance zones for wintering bald eagles are as shown on the TRPA maps.
- D.** The disturbance zone for nesting bald eagles is 0.5 mile radius around each nest.
- E.** The disturbance zone for golden eagles is 0.25 mile radius around each nest site.

62.4.2. Adverse Impacts

Uses, projects, or activities outside existing urban areas and within the disturbance zone of special interest, threatened, endangered, or rare species shall not, directly or indirectly, significantly adversely affect the habitat or cause the displacement or extirpation of the population.

62.4.3. Environmental Documents

Applicants for projects within disturbance zones shall submit with their applications appropriate environmental documentation prepared by a biologist that includes specific recommendations for avoiding significant adverse impacts to the special interest, threatened, endangered, or rare species.

62.4.4. Special Conditions

Special conditions of project approval may be required to mitigate or avoid significant adverse impacts to special interest species listed by TRPA or the U.S. Forest Service for the Lake Tahoe Basin, or for threatened, endangered, and rare species.

CHAPTER 62: WILDLIFE RESOURCES

62.4 Special Interest, Threatened, Endangered, and Rare Species

62.4.5 Developed Parcels

62.4.5. Developed Parcels

Subsections 62.4.1 through 62.4.3, inclusive, shall not apply to situations where special interest, threatened, endangered, or rare species choose to live in close proximity to existing developed parcels.

CHAPTER 63: FISH RESOURCES

63.1. PURPOSE

The purpose of this chapter is to ensure the protection of fish habitat and to provide for the enhancement of degraded habitat.

63.2. APPLICABILITY

This chapter is applicable to all projects and activities that could interfere with the health of fish populations in Lake Tahoe, its tributaries, and other lakes in the region. New uses, projects and activities within fish habitat, as identified by TRPA fish habitat maps or a qualified biologist, shall include provisions for the protection or enhancement of the affected habitat.

63.3. FISH HABITAT PROTECTION

Fish habitat consists of a complex set of elements, such as spawning and nursery or rearing areas, food supply, and escape cover. Areas of prime fish habitat are subject to verification by TRPA and are defined in Chapter 90: *Definitions*.

63.3.1. Lake Habitat

Lake habitat shall be protected as provided below.

- A. Projects and activities in the shorezone of lakes may be prohibited, limited, or otherwise regulated in prime habitat areas, or in areas or at times found by TRPA to be vulnerable or critical to the needs of fish.
- B. Special conditions of project approval, such as restoration of physically altered substrate, construction limited to designated periods, or shoreline protective measures, may be required for development in the shorezone to mitigate or avoid significant adverse impacts to habitat or normal fish activities.
- C. Habitat restoration projects may be permitted in the nearshore or foreshore.
- D. Certain activities, such as construction, swimming, or boating, may be restricted temporarily in areas where spawning activity is occurring.
- E. The physical alteration of the substrate in areas of prime fish habitat shall be mitigated.
- F. Projects and activities affecting lake fish habitat shall be referred to state and federal fisheries agencies for review and comment.

63.3.2. Stream Habitat

Stream habitat shall be protected as provided below.

CHAPTER 63: FISH RESOURCES

63.3 Fish Habitat Protection

63.3.2 Stream Habitat

- A.** Artificial modifications to stream channels, or other projects, activities, or uses in stream environment zones that may physically alter the natural characteristics of the stream shall not be permitted unless TRPA finds that such actions avoid significant adverse impacts to the fishery or are otherwise allowed under the Code.
- B.** All stream crossings shall be constructed so as to allow unrestricted upstream and downstream movement of fishes.
- C.** Existing structures within stream environment zones that are barriers to fish migration may be removed or modified to permit fish passage (See Section 5.12 Remedial Action Plans, and Chapter 16: *Regional Plan and Environmental Threshold Review*).
- D.** Development adjacent to tributaries shall be required to fully mitigate significant adverse impacts to the fishery.
- E.** Proposals for stream habitat improvement shall include, at a minimum, the following information:

 - 1.** Purpose of the project;
 - 2.** Species to be benefited;
 - 3.** Time and methods of construction or other work;
 - 4.** The use, source, placement, and quantity of all materials; and
 - 5.** A vegetation plan for fish cover, shading, and bank protection as needed.
- F.** Wildlife habitat improvement projects or activities, or other projects or activities requiring the diversion of stream water, shall mitigate significant adverse impacts to the tributary by:

 - 1.** Maintaining adequate instream flows adjacent and downstream from the project area;
 - 2.** Preventing the introduction or reentry of nutrients or sediment-enriched water to the tributary;
 - 3.** Providing for unobstructed migration of fishes through the main stream channel;
 - 4.** Protecting or restoring fish habitat;
 - 5.** Protecting or restoring riparian vegetation; and
 - 6.** Protecting or restoring other relevant instream values such as recreation, aesthetics, and wildlife habitat.
- G.** Fish and wildlife stream habitat projects or activities shall be developed in coordination with the appropriate fish and wildlife agencies.

- H. Whenever possible, existing points of water diversion from streams shall be transferred to Lake Tahoe when the diversions significantly and adversely impact instream beneficial uses.
- I. An instream beneficial use assessment, such as the type established by Title 23, Section 670.6 of the California Administrative Code, shall be required for all projects and activities involving the diversion of water from a stream where instream flow standards have not been established. The assessment also may be required on streams where existing diversions are creating identified problems such as non-compliance with environmental thresholds. Prior to TRPA approval, standards of stream flow shall be established pursuant to the results of the assessment. Approval shall be conditioned on compliance with those standards and other mitigation necessary to achieve and maintain the environmental thresholds.

63.4. AQUATIC INVASIVE SPECIES

Aquatic invasive species (AIS) pose a serious threat to the waters of the Lake Tahoe region and can have a disastrous impact to the ecology and economy of the Tahoe Region. The following provisions are necessary to prevent the introduction and spread of aquatic invasive species.

63.4.1. Prohibition

The following actions are prohibited:

- A. The transport or introduction of aquatic invasive species into the Lake Tahoe region.
- B. The launching of any watercraft or landing of any seaplane contaminated with aquatic invasive species into the waters of the Tahoe region.
- C. The launching, or attempting to launch, of any motorized watercraft into the waters of the Lake Tahoe region without an inspection by TRPA or its designee, to detect the presence, and prevent the introduction of, aquatic invasive species. Non-motorized watercraft and seaplanes are subject to inspection and are included in this provision if determined necessary by TRPA or its designee.
- D. The provision of inaccurate or false information to the TRPA or persons designated to conduct inspections pursuant to subsection 63.4.2.
- E. The alteration, modification or unauthorized use of any inspection seal or other device used by TRPA or its designee to indicate that a watercraft or seaplane last entered the waters of the Lake Tahoe region.

63.4.2. Watercraft Inspections and Decontamination

- A. All watercraft, ancillary equipment (e.g. tow vehicle, trailer, etc.), and seaplanes inspected pursuant to subparagraph 63.4.1.C shall be subject to decontamination if determined necessary by the TRPA or its designee

- B.** All watercraft, ancillary equipment (e.g. tow vehicle, trailer, etc.) and seaplanes subject to inspection and/or decontamination pursuant to subparagraphs 63.4.1.C and 63.4.2.B shall be permitted to enter the waters of the Lake Tahoe region only if: (a) the inspection and/or decontamination is performed and completed by an individual trained and certified pursuant to TRPA standards and requirements for aquatic invasive species inspection and decontamination, and (b) following inspection and/or decontamination, the launch or landing, as appropriate, is authorized by an inspector trained and certified pursuant to TRPA's standards and requirements for aquatic invasive species inspections. TRPA's standards and requirements are found in the federally approved Lake Tahoe Regional Aquatic Invasive Species Management Plan.
- C.** Inspections and decontaminations performed pursuant to Section 63.4 shall be subject to a fee related to the costs of performing such services and other Watercraft inspection program costs. The TRPA Governing Board shall review and approve the fee amount and structure annually.
- D.** An owner and/or operator of a boat ramp (excluding Marine Railway Systems) or other boat launch facility shall close any ramp or facility if the provisions of subparagraph 63.4.2.B are not met in order to prevent the launching of motorized watercraft.
- E.** Any watercraft or seaplane entering the waters of the Lake Tahoe region in violation of Chapter 63: *Fish Resources* shall be removed from those waters immediately.
- F.** Any individual who launches watercraft in violation of Section 63.4 may be held responsible for the costs expended by the TRPA or its designee for response and mitigation of impacts.
- G.** Once a watercraft leaves a water body, watercraft drain plugs shall be removed in an area designated by the launch facility's staff who is trained and certified pursuant to TRPA's standards and requirements for aquatic invasive species inspection, to allow for any water within the watercraft to drain prior to transport over land.

CHAPTER 64: LIVESTOCK GRAZING

64.1. PURPOSE

The purpose of this chapter is to implement livestock grazing management practices in a manner consistent with meeting other resource management goals including soil conservation, water quality protection, conservation of natural vegetation, and protection of wildlife and fisheries habitat. Maintenance or reestablishment of woody vegetation along streams, where appropriate based on site conditions, is essential to provide fisheries habitat protection, ensure bank stability, reduce in stream channel width to depth ratio, and provide opportunities for overbank flooding to occur.

64.2. APPLICABILITY

All grazing operations as defined in Chapter 21: *Permissible Uses*, of the TRPA Code shall submit a grazing management plan.

64.3. LIVESTOCK GRAZING STANDARDS

Grazing pursuant to a TRPA approval shall comply with the standards provided below.

64.3.1. Seasonal Limits

Livestock grazing shall be limited to a period commencing when firm soil conditions exist in the pastures and plants have achieved sufficient growth to maintain plant vigor required for growth and reproduction and ending October 15. The removal date may be adjusted based on annual growing conditions. The removal date for livestock shall maintain the average minimum residual plant height required for streambank protection, maintain plant vigor, sediment entrapment and retention, and sufficient growth of woody vegetation. The minimum residual plant height shall be specified in the grazing management plan.

64.3.2. Grazing in Areas Adjacent to Stream Channels

Within 35 feet of stream channels, an appropriate average minimum residual plant height shall be maintained. In order to increase colonization by riparian plants along stream channels, decrease stream width to depth ratios, improve water quality and fish habitat, and trampling of colonizing riparian plants on stream point bars shall be limited to an average of 30 percent.

64.3.3. Grazing of Woody Vegetation

Where potential exists based on soil texture and conditions, woody vegetation shall be managed to obtain a variety of age classes, species, and growth forms. Woody vegetation shall be managed so that no more than an average of 20 percent of new willow sapling growth is utilized by livestock annually. On the remainder of the riparian area, the woody vegetation shall be managed so that the woody vegetation is in balance with the remainder of the plant community.

64.3.4. Seasons of Rest

In order to improve the vigor of riparian plant species consistent with site potential, seasons of rest during primary grazing season or seasonal deferral of grazing shall be considered on the portions of the pasture that are in poor or very poor condition. Evidence of poor condition may include lack of woody vegetation that is successfully reproducing and growing, lack of diversity of plant species, age classes, and rooting depths, and inadequate plant cover to provide bank protection and energy dissipation during high flows.

64.3.5. Firm Soil

Livestock shall be allowed onsite only when the soil is firm enough or when sufficient snow cover is present to prevent damage to soil and vegetation.

64.3.6. Grazing Level

Subject to the requirements of subsection 64.3.2, the livestock grazing level shall not exceed the carrying capacity of the range as determined by a qualified range professional in consultation with the livestock operator.

64.3.7. Sensitive Plant Species

Livestock shall not be allowed in areas where sensitive plant species, as defined in Chapter 90: *Definitions*, or their habitats could be harmed, destroyed, or otherwise jeopardized pursuant to subparagraph 61.3.6.C.1.

64.3.8. Migration Routes

Range improvements shall be designed so as not to interfere with migration routes of deer and other wildlife.

64.3.9. Water Quality Standards

Livestock use shall not conflict with the attainment of water quality standards.

64.3.10. BMPs

New livestock confinement facilities shall be in conformance with BMPs.

64.3.11. Streambank Management

Livestock grazing shall be modified on banks of streams to eliminate water quality impacts where soil erosion or water quality problems exist by the use of fencing, other electronic devices to create riparian pastures, or other methods to modify livestock use. If fencing is used, access to the stream channel shall only be at breaks in the fencing where low water crossings are installed. These crossings shall be armored with rock or other approved materials in order to protect the banks from erosion. Cattle access to the stream for watering purposes shall be at these crossings only. Any alternative man-made watering facilities should be located 100 feet away from stream channels and riparian areas.

64.4. GRAZING MANAGEMENT PLANS

All grazing operations shall submit a grazing management plan certified by a qualified range professional.

64.4.1. Minimum Requirements

The grazing management plan shall include at a minimum:

- A.** Management goals;
- B.** The location and acreage of the range;
- C.** Present condition of the range, particularly regarding vegetation, soil erosion and compaction, and water quality;
- D.** The average minimum residual plant height to be maintained by the end of the grazing season, including technical justification;
- E.** A list of any sensitive plants found on the pasture and a plan for their protection;
- F.** The type and number of animals to be grazed;
- G.** The carrying capacity of the proposed range;
- H.** Establishment of a trend study at three to five years intervals to provide for adjustment of use as appropriate;
- I.** Description and location of containment facilities, if any;
- J.** Description of existing and proposed range improvements;
- K.** Identification of the length of grazing season;
- L.** Description of fisheries and wildlife resources;
- M.** Certification by the range professional (see definition in Chapter 90) that the plan complies with the provisions of this Code; and
- N.** Photo plots should be established to document annual growing conditions changes that may occur with the vegetative community. The photo plots should be permanently located and repeatable.

64.4.2. Confirmation of Plan or Permit

TRPA may require, at the operator's expense, confirmation of the adequacy of the grazing management plan or confirmation of compliance with the plan and the TRPA approval. The management plan should state why a particular system was chosen and provide a list of references or information from local experience that fully justifies the use of that grazing management system.

64.5. ANNUAL REPORT

By the end of each December after the grazing season, the operator shall submit an annual report for TRPA review. Any recommendations from TRPA for amendments to the management plan based on the review of the annual report shall be made to the operator one month prior to the start of the next grazing season, or grazing activities may commence for that year without addressing the suggested amendments.

64.5.1. Report Contents

The report shall include the following information for the previous year:

- A.** Results of the trend study that shall include vegetation condition information, including, species composition, plant distribution, plant vigor, reproduction, and frequency, and soil condition status such as bare soil and evidence of erosion;
- B.** Season of use;
- C.** Number of animals grazed;
- D.** Minimum average residual plant height actually maintained, including technical justification, at end of season; and
- E.** Assessment of the impacts from last season to determine if impacts have long term effects.

64.5.2. Existing Livestock Confinement Facilities

Existing livestock confinement facilities which are not in conformance with BMPs shall be brought into conformance within five years from the effective date of the Regional Plan, July 1, 1987.

CHAPTER 65: AIR QUALITY/TRANSPORTATION

65.1. AIR QUALITY CONTROL

65.1.1. Purpose

The purpose of this section is to implement the Goals and Policies of the Air Quality Subelement for the purpose of attaining and maintaining applicable state and federal air quality standards and TRPA thresholds.

65.1.2. Applicability

This section applies to direct sources of air pollution in the Tahoe region, including certain motor vehicles registered in the region, combustion heaters installed in the region, open burning, stationary sources of air pollution, and idling combustion engines.

65.1.3. Vehicle Inspection and Maintenance Program

TRPA adopted an inspection/maintenance program for certain vehicles registered in the carbon-monoxide (CO) non-attainment area as a CO control measure in the 1992 Air Quality Plan. The California Air Resources Board included this provision in its official State Implementation Plan (SIP). To avoid duplication of effort in implementation of an inspection/maintenance program, TRPA shall work with the affected state agencies to plan for the application of state inspection/maintenance programs to the Tahoe region. Before TRPA requests the states to implement an inspection/ maintenance program in the Tahoe region, TRPA shall determine what the expected benefits from such a program are based on the latest available scientific information.

65.1.4. Combustion Appliances

The following air quality standards shall be met by combustion appliances.

A. Gas Heaters

The following standards apply to natural gas or propane-fired water heaters or central furnaces to be installed in the region.

1. Emission Standards

Natural gas or propane-fired water heaters or central furnaces installed in the region shall meet the following emission standards:

- a. Water heaters shall not emit greater than 40 nanograms of nitrogen oxide (as NO₂) per joule of heat output. Water heaters installed in mobile homes shall not emit greater than 50 nanograms of nitrogen oxide (as NO₂) per joule (80 lb per billion btu) of heat output;
- b. Central furnaces shall not emit greater than 40 nanograms of nitrogen oxide (as NO₂) per joule of useful heat delivered to the heated space; and

- c. Central furnaces with rated input of 175,000 btu or greater, combination units with a cooling rate of greater than 65,000 btu per hour, and water heaters with a rated heat input of 75,000 btu or greater, shall be reviewed under the standards contained in subsection 65.1.6.

2. List of Approved Heaters

TRPA shall maintain a list of standards for gas heaters that are in compliance with the air quality standards in subparagraph 65.1.4.A.1. The list shall include the names and model numbers of the heaters. A heater certified by the South Coast Air Quality Management District of California under SCHEMED Rules 1111 and 1121 shall be considered in compliance with subparagraph 65.1.4.A.1.

3. Exemptions

The requirements of subparagraph 65.1.4.A shall not apply to the following:

- a. Decorative gas appliances certified under American National Standards Institute (ANSI) Standard Z21.50;
- b. Gas central furnaces installed in mobile homes or gas heaters installed in recreational vehicles; and
- c. Wall mounted gas heaters, other than water heaters, that are not central furnaces as defined in Chapter 90: *Definitions*.

B. Wood Heaters

The sale of wood heaters which do not meet the emission standards of this subsection is prohibited in the Tahoe region. New or replacement wood heaters to be installed in the region shall meet the requirements of this subsection. Coal shall not be used as a fuel source.

1. Emission Standards

Wood heaters installed in the region shall meet the following emission standards for total suspended particulates of smoke emissions:

- a. Catalytic wood heaters shall not cause emissions of greater than 4.1 grams per hour;
- b. Non-catalytic wood heaters shall not cause emissions of greater than 7.5 grams per hour; and
- c. Wood heaters certified to meet the above standards by the U.S. EPA under 40 CFR Part 60 or the Oregon Woodstove Certification Program, shall be deemed in compliance with the above standards. Pellet fueled wood heaters labeled as exempt from 40 CFR Part 60 shall be deemed in compliance with the above standards.

2. Limitations

Wood heaters shall be sized appropriately for the space they are designed to serve. Multi-residential projects of five or more units, tourist

accommodations, commercial, and recreation and public service projects shall be limited to one wood heater per project area.

3. Wood Heater Retrofit Program

Prior to any sale, transfer or conveyance of any building, all existing wood heaters in the building, excluding legally existing open fireplaces that are not primary heat sources, shall be in conformance with the emission standards contained in subparagraph 65.1.4.B.1.

- a. Compliance with this section shall be evidenced by a statement of the seller made under penalty of perjury on a form provided by TRPA that all existing wood heaters in the building, excluding legally existing open fireplaces that are not primary heat sources, either conform to the emission standards in subparagraph 65.1.4.B.1 or have been replaced with conforming units, or that the structure does not contain any existing wood heaters. The statement shall be submitted to TRPA prior to the sale, transfer, or conveyance.
- b. A statement of wood heater conformance shall be required for any subsequent sales, transfers, or conveyances.
- c. An exemption to the wood stove disclosure requirements in Section 65.1.4.B.3.a and b shall be allowed for transfer instruments such as Trusts and Limited Liability Corporations and where wood stoves were replaced in conformance with the Wood Heater Retrofit Program adopted by TRPA in the 1987 Regional Plan (which became effective January 1, 1993).

C. Other Combustion Appliances

Combustion appliances not specifically limited by subparagraph 65.1.4.A or 65.1.4.B shall be reviewed under the standards contained in subsection 65.1.6.

65.1.5. Open Burning

The regulations set forth in this subsection shall supplement applicable federal, state, county, and local regulations. Open burning, for the purposes of this Code, shall not include recreational fires.

A. Performance Standards

Open burning activities shall meet all standards and time requirements specified by local governmental agencies and applicable fire protection and air pollution control agencies.

B. Specific Standards

Notwithstanding the provisions of subparagraph 65.1.5.A, the following specific standards shall apply to open burning in the Tahoe region:

1. Prescribed Burning

Prescribed burning may be permitted pursuant to the provisions of Section 61.2.

CHAPTER 65: AIR QUALITY/TRANSPORTATION

65.1 Air Quality Control

65.1.6 New Stationary Source Review

2. Disposal

Open burning for any purpose related to the disposal of petroleum wastes, tires, garbage, tar, wood waste, residential rubbish and any other similar materials, including burning of automobile wreckage, is prohibited.

3. Hazard Reduction and Pest Control

Open burning of cleared vegetation is prohibited except where otherwise authorized by a permit from a fire protection agency for purposes of hazard reduction or pest control. Permits issued shall be based on criteria established by TRPA and the region's fire protection agencies.

4. Wood Wastes

The burning of cleared vegetation and other wood waste associated with construction activities is prohibited. Such wastes shall be removed to a place specified by TRPA.

5. Practice Burns

Practice burns conducted by fire control agencies or other entities shall comply with all applicable local, state, and federal laws.

65.1.6. New Stationary Source Review

Emissions from new stationary sources in the region shall be limited as follows:

A. Environmental Assessment

If the projected emissions from new stationary sources for the peak 24-hour period exceed any of the limits in Table 65.1.6-1, the applicant shall prepare an environmental assessment. Projected emissions for the peak 24-hour period shall be based on the design capacity. At a minimum, the environmental assessment shall determine the net emissions for the peak 24-hour period, the net emissions for a period not less than 90 days, and shall determine any impacts resulting from the net emissions. If the source exceeds the limits for carbon monoxide in Table 65.1.6-1, and the source is located in a TRPA, federal, or state designated non-attainment area for carbon monoxide, the environmental assessment shall also include ambient modeling.

TABLE 65.1.6-1: EMISSION LIMITS FOR PEAK 24-HOUR PERIOD

Pollutant	Kilograms	Pounds
Nitrogen oxides	3.0	6.6
Particulate matter less than 10 microns	2.0	4.4
Volatile organic compounds	8.0	17.6
Sulfur dioxide	3.0	6.6
Carbon monoxide	10.0	22.0

B. Significant Environmental Impacts

1. Any new stationary source of air pollution that produces emissions for the peak 24-hour period beyond any of the limits in Table 65.1.6-2 shall be considered to have a significant adverse environmental impact.

TABLE 65.1.6-2: SIGNIFICANT EMISSION LIMIT FOR 24-HOUR PEAK PERIOD

Pollutant	Kilograms	Pounds
Nitrogen oxides	11.0	24.2
Particulate matter less than 10 microns	10.0	22.0
Volatile organic compounds	57.0	125.7
Sulfur dioxide	6.0	13.2
Carbon monoxide	100.0	220.5

2. Determination that a new stationary source has a significant adverse environmental impact may also be based on the environmental assessment prepared pursuant to subparagraph 65.1.6.A. New stationary sources that have a significant adverse environmental impact shall be prohibited.

C. Offsets Permitted

TRPA may require emission offsets as a condition of project approval to bring emissions within acceptable limits if TRPA finds that the proposed source, with offset, meets the criteria specified in subparagraph 65.1.6.B. To accomplish an emissions offset, existing emissions shall be permanently retired to offset the unacceptable emissions from the proposed source.

D. Best Available Control Technology (BACT)

Best Available Control Technology shall be required for all new stationary sources that are required to prepare an Environmental Assessment pursuant to subparagraph 65.1.6.A. At a minimum, required BACT measures shall meet or exceed applicable state or federal requirements.

E. Exemptions

The following activities are exempt from the prohibitions of subparagraph 65.1.6.B:

1. Emergency power generators;
2. Temporary uses and activities approved under Chapter 22: *Temporary Uses, Structures, and Activities*, unless they would have a significant adverse impact as determined by an environmental assessment; and

F. Biofuel Facilities

TRPA shall suspend acceptance of applications for biofuel facilities until further research demonstrates the safety and environmental compatibility of such facilities.

65.1.7. Modified Stationary Source Review

Emissions from modified stationary sources in the region shall be limited as provided below.

A. Environmental Assessment

If the projected emissions from modified stationary sources for the peak 24-hour period exceed any of the limits in Table 65.1.6-1 above, the applicant shall prepare an environmental assessment. Projected emissions for the peak 24 hour period shall be based on the design capacity, or the allowed emissions if specified by a permit issued by the TRPA or other jurisdiction. At a minimum, the environmental assessment shall meet the criteria established in subparagraph 65.1.6.A.

B. Significant Environmental Impacts

Modified stationary sources that would produce emissions for the peak 24-hour period beyond any of the limits in Table 65.1.6-2 above, and that would result in a net increase in emissions for that pollutant shall be considered to have a significant adverse environmental impact. Determination that a modified stationary source has a significant adverse environmental impact may also be based on the environmental assessment prepared pursuant to subsection 65.1.7.A. Modified stationary sources that have a significant adverse environmental impact shall be prohibited.

C. Modifications Allowed

Modification of existing stationary sources that have been previously permitted to produce emissions beyond any of the limits in Table 65.1.6-2 above, may be allowed if: there is no net increase in actual emissions for the peak 24-hour period; BACT is applied; and TRPA finds that the modified stationary source would not have a significant adverse environmental impact determined pursuant to subparagraph 65.1.7.A or B.

D. Offsets Permitted

TRPA may require emission offsets as a condition of project approval to bring emissions within acceptable limits if TRPA finds that the proposed source, with offset, meets the criteria specified in subparagraphs 65.1.7.B or C. To accomplish an emissions offset, existing emissions shall be permanently retired to offset the unacceptable emissions from the proposed source.

E. Best Available Retrofit Control Technology

Best Available Retrofit Control Technology shall be required for all modified stationary sources that are required to prepare an Environmental Assessment pursuant to subparagraph 65.1.7.A. At a minimum, required BARCT measures shall meet or exceed applicable state or federal requirements.

F. Exemptions

The following activities are exempt from the prohibitions of subparagraph 65.1.7.B:

1. Emergency power generators; and

2. Temporary uses and activities approved under Chapter 22 unless they would have a significant adverse impact as determined by an environmental assessment.

65.1.8. Idling Restrictions

A program to control extended vehicle idling is a Reasonably Available Control Technology in the Clean Air Act Amendments of 1977, and shall be a contingency measure in the 1992 Air Quality Plan for the Lake Tahoe Basin.

A. Duration

No person shall cause a combustion engine in a parked auto, truck, bus, or boat to idle for more than 30 consecutive minutes in the following plan areas: 080, 089A, 089B, 090, 091, and 092, or in the Tahoe-Recreation zoning district within the Douglas County South Shore Area Plan.

No person shall cause a diesel engine in a vehicle exceeding 10,000 pounds gross vehicle weight or a diesel engine in off-road self-propelled equipment exceeding 25 horsepower to idle more than 15 minutes within the portions of the Region in Nevada, or to idle longer than 5 minutes within the portions of the Region in California.

The following projects and activities shall not be subject to these limitations:

1. Activities specifically permitted, after environmental impact analysis, to idle longer than these limitations;
2. Emergency vehicles, snow plows, or combustion engines required in the case of emergencies or repairs;
3. Vehicles in transit on public rights of way;
4. Activities in Nevada exempt from the idling restrictions pursuant to Nevada Administrative Code section 445B.576, as amended; and
5. Activities in California exempt from the idling restrictions pursuant to the California Code of Regulations, title 13, division 3, chapter 9 article 4.8, section 2449(d)(2)(A) or chapter 10, article 1, section 2485(d), as amended.

B. Drive-Up Windows

New drive-up windows are prohibited, except that a pilot program allowing up to two drive-up windows associated with a pharmacy shall be permitted in the City of South Lake Tahoe provided an air quality monitoring plan is submitted to assess the impacts of the drive-up windows.

C. Compliance Program

TRPA shall implement the provisions of subparagraph 65.1.8.A primarily through educational programs, notification programs, and cooperative arrangements with charter operators, property owners in the affected plan areas, and local government. As appropriate, TRPA may take direct action to obtain compliance with this section, including but not limited to, actions under Chapter 5: *Compliance*, and Section 5.12 Remedial Action Plans.

65.2. AIR QUALITY, GREENHOUSE GAS REDUCTION, AND MOBILITY MITIGATION PROGRAM

65.2.1. Purpose

The purpose of this section is to implement TRPA's 1992 Air Quality Plan and Goal #4, Policy 2 of the Development and Implementation Priorities Subelement, Implementation Element of the Goals and Policies in the Regional Plan, with respect to the establishment of fees and other procedures to offset impacts from indirect sources of air pollution; reduce mobile source greenhouse gas emissions per capita; and provide a more effective multimodal transportation system that reduces vehicle miles travelled per capita.

65.2.2. Applicability

The provisions of this section are applicable to all additional development or transferred development and all changes in operation as defined in this section.

65.2.3. Definitions and Standards

For purposes of this section, the following terms are defined as provided below:

A. Change in Operation

Any modification, change, or expansion of an existing or previous use resulting in additional vehicle trip generation. Changes in operation include, but are not limited to:

1. Expansion of gross floor area; or
2. Change in the type of generator on the trip table, normally indicated by a substantial change in products or services provided.

B. New Development

Additional development, transferred development, or a change in operation.

C. Previous Use

The most recent permanent use in the project area that existed for more than 90 consecutive days of operation within the 60 months preceding submission of a complete application to TRPA for review of a change in operation. Uses which have received CTRPA or TRPA approval, but have not operated for 90 consecutive days within the previous 60 months, shall not be recognized as previous uses. A use that regularly operated fewer than seven days per week shall have operated for 13 consecutive weeks within the previous 60 months to constitute a previous use.

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65.2.3 Definitions and Standards

D. Screened from Additional Transportation Impact Assessment

If a project meets one or more of the following criteria, it shall be considered to be screened from further transportation analysis:

1. Affordable, Moderate, or Achievable Housing

Affordable housing that is 100 percent deed-restricted affordable, moderate, or achievable and meets the requirements of Subsection 52.3.4, *Affordable, Moderate, and Achievable-Income Housing*.

2. Projects Generating Low VMT

Projects will be screened from further transportation analysis using the following vehicle miles travelled calculations:

- a. 1,300 VMT within Centers and the half-mile buffer around them.
- b. 715 VMT in all other areas.

3. Transportation Projects

Any of the following projects: Bicycle, pedestrian, and transit projects (excluding mobility hubs).

E. Standards of Significance

A project would have a significant impact and therefore require additional analysis and mitigation if it exceeds the applicable standards for land uses as shown in Table 65.2.3-1.

Where a project replaces existing VMT-generating land uses that leads to a net overall decrease in VMT the project will lead to a less-than-significant transportation impact. If the project leads to a net overall increase in VMT, then the standards of significance described in Table 65.2.3-1 would apply.

TABLE 65.2.3-1: STANDARDS OF SIGNIFICANCE

Applicable Land Use	Standard of Significance
Commercial	No-net unmitigated VMT
Mixed Uses	Evaluate each land use component of a mixed-use project independently, and apply the threshold of significance for each land use type included
Public Services	15% below existing sub-regional average VMT
Recreation – Campgrounds	Evaluated on a case-by-case basis
Recreation – Other Uses	No-net unmitigated VMT
Residential Uses	15% below existing sub-regional average VMT
Tourist Accommodation Unit (TAU)	15% below existing sub-regional average VMT
Transportation	No-net unmitigated VMT

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65.2.4 Requirements for New Development

TRPA will prepare and maintain standards of significance at the local government jurisdiction level. The boundaries used for these standards must be consistent with the VMT Generation Areas in 65.2.3.F, calculated using the same methodology used to calculate VMT metrics for the region per 65.2.3.G, and must support greenhouse gas emissions reduction, encourage development of multimodal transportation networks, and promote a diversity of land uses that will reduce VMT per capita.

Proposed projects found to have a significant impact will be required to mitigate the project impact to at or below the standards of significance using mitigation measures in 65.2.4.C.2, 65.2.4.C.3, and payment of mobility mitigation fees.

F. VMT Generation Areas

TRPA shall create zones for each land use type and for all areas in the region. These zones will be used to calculate VMT generation for impact assessment and fee calculation. Zones will be classified as to whether they are above or below the corresponding standard of significance. Zones that are above the corresponding standard of significance are those where individuals travel farther distances to get between home, work, and shopping, and are generally reliant on the automobile to move between their destinations. Zones that are below the corresponding standard of significance are those that are characterized by shorter distance trips between destinations, and where options other than the personal automobile (e.g., bike paths, transit service, sidewalks) are in place and chosen more frequently for trips. TRPA will document and make available to applicants and the general public the zones as part of the documentation of the project impact analysis methodology.

G. VMT Metrics

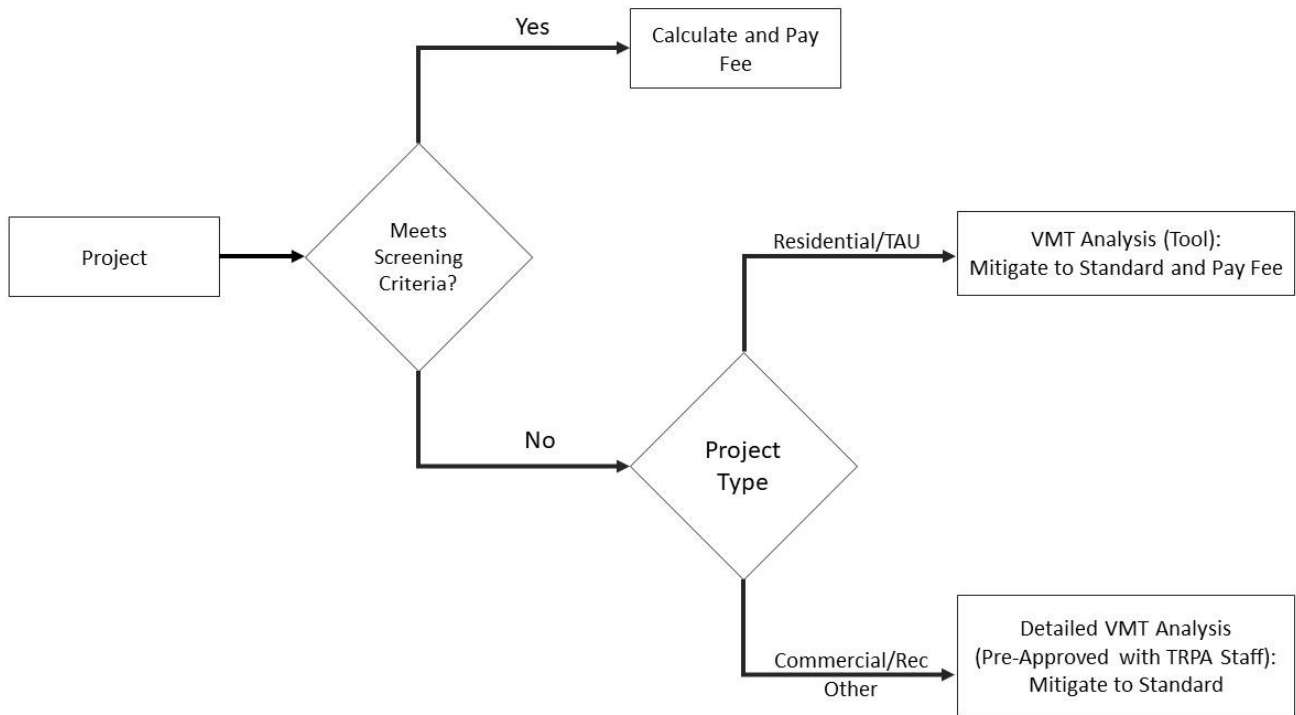
For the purposes of this section the metrics to be used for applicable land uses are as shown in Table 65.2.3-2:

TABLE 65.2.3-2: VMT METRICS	
Applicable Land Use	VMT Metric
Commercial	Total VMT
Public Services	VMT per Public Service Use
Recreation – Campgrounds	Evaluated on a case-by-case basis
Recreation – Other Uses	Total VMT
Residential Uses	VMT per resident
Tourist Accommodation Unit	VMT per TAU
Transportation Projects	Total VMT

65.2.4. Requirements for New Development

New development shall be subject to the requirements provided below and illustrated in Figure 65.2.4-1.

FIGURE 65.2.4-1: PROJECT IMPACT ANALYSIS AND MITIGATION FEE PROCESS SUMMARY



A. Applicant Responsibility

Project information about proposed uses, transportation demand management features included in the proposed project, vehicle trip generation, vehicle miles travelled, and other information relevant to the project and required for analysis of the project transportation impact shall be made available to TRPA by the applicant at the time application is made.

B. Traffic Analysis

As part of the project application for new development, the applicant shall prepare and submit to TRPA an analysis of potential transportation and air quality impacts using the TRPA project impact analysis methodology. If more detailed VMT analysis than what can be provided using the project impact analysis methodology is necessary, the applicant shall submit a technically adequate analysis of potential transportation impacts in addition to the analysis from the project impact analysis methodology. If a project's impacts to air quality cannot fully be evaluated using the project impact analysis methodology, additional air quality analysis may be required. The analysis shall also include:

1. Impacts of the proposed project on regional and subregional air quality;
2. Measures necessary to mitigate all air quality impacts to a level consistent with the environmental thresholds, the Goals and Policies, the Regional Transportation Plan, and the 1992 Air Quality Plan; and
3. Additional information that TRPA may require.

C. Required Offsets

New development shall offset the potential transportation and air quality impacts of the project in accordance with the provisions provided below.

1. Regional and Cumulative Impact Fees

In order to offset regional and cumulative impacts, additional development, excepting deed-restricted affordable, moderate, and achievable housing development within areas eligible for Residential Bonus Units, shall contribute to the Mobility Mitigation Fund, except as provided for in subparagraph 2 below. The amount of contribution is established in subparagraph 65.2.4.D.

2. Regional and Cumulative Mitigation Measures

To offset regional and cumulative impacts, and in lieu of the contribution required under subparagraph 65.2.4.C.1, additional development may provide mitigation measures. The cost of such measures shall be equal to or greater than the contribution required under subparagraph 65.2.4.C.1. Regional and cumulative mitigation measures may include, but are not limited to:

- a. Transfer and retirement of remote offsite development rights;
- b. Offsite transit facility construction and other measures to increase transit accessibility;
- c. Offsite facilities to reduce commuter trips;
- d. Inclusion of features in the proposed development that will reduce vehicle miles travelled, including, but not limited to, publicly available parking restricted to carpool and transit users, transit facilities, bicycle facilities, and pedestrian facilities;
- e. Other measures included in the project impact analysis methodology.

3. Localized Mitigation Measures

In order to offset the localized impacts of a project, when a project impact analysis has been prepared pursuant to subparagraph 65.2.4.B, all necessary mitigation measures shall be required as a condition of project approval for all new development. Mitigation measures may include, but are not limited to:

- a. Inclusion of features in the proposed development that will reduce vehicle miles traveled, including, but not limited to, publicly available parking restricted to carpool and transit users, transit facilities, bicycle facilities, and pedestrian facilities;
- b. Unbundle parking costs from property costs and implement market price public parking;

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65.2.5 Use and Distribution of Mitigation Funds

- c. Contribution to the Mobility Mitigation Fund in an amount sufficient to pay for the actual cost of the necessary mitigation measures after exhausting all project-level mitigation options.
- d. Other measures included in the project impact analysis methodology.

D. Fee Schedule

The mobility mitigation fee shall be assessed in accordance with the fee schedule. The mitigation fee shall be adjusted annually consistent with Article 16 in the Rules of Procedure. Fee adjustments are limited to increases, even in instances when the calculation may result in a negative percentage growth, to preserve the intent of the mobility mitigation fee and maintain consistency with the costs to implement VMT reduction measures.

E. Limited Exception for New Development within Adopted Area or Community Plans

New development shall be exempt from the requirements of subparagraph 65.2.4.C if located within an adopted area or community plan, where the impacts under Threshold Standard TSC-1 have been evaluated in the EIS, EA, or IEC for the area or community plan and TRPA finds that the new development's impacts are mitigated by the implementation element of the area or community plan consistent with the standards of subparagraphs 65.2.4.B and 65.2.4.C.

65.2.5. Use and Distribution of Mitigation Funds

- A. TRPA shall deposit mobility mitigation funds in a trust account. Interest accruing to the trust account shall remain in the account until used on VMT mitigation projects. TRPA shall keep track of the amount of funds collected for each local jurisdiction, with interest, and shall disburse funds to the local jurisdiction, or to the Tahoe Transportation District at the local jurisdiction's request, for expenditure within the jurisdiction of origin on VMT reducing projects and programs, provided TRPA finds that the expenditure is consistent with TRPA's Regional Transportation Plan constrained project list or the 1992 Air Quality Plan and is included as a project in the most recent transportation improvement program and Five Year Environmental Improvement Program (EIP) Priority Project List. Pursuant to subparagraphs 65.2.4.C.2, certain funds may be identified for the construction of specific projects. By October 1 of each year, the recipient shall submit to TRPA an annual report of the funds expended as of June 30 each year.
- B. As an alternative to distributing mobility mitigation funds to the jurisdiction of origin, a portion of the mobility mitigation funds may be distributed across jurisdictional boundaries to support projects of regional priority that are specifically identified in a regional capital improvement program developed in cooperation with local jurisdictions, such as the Five Year Environmental Improvement Program (EIP) Priority Project List.

65.2.6. Revision of Fee Schedules

TRPA shall review the fee schedules in accordance with Article 16 in the Rules of Procedure.

65.2.7. Mitigation Credit

The two programs below address mobility mitigation credit.

A. Mitigation Fee Credit

If a project approval expires and the project is not complete, then a mobility mitigation fee credit may be given for a subsequent similar project approval. This subparagraph shall not be construed to require a refund of a mobility mitigation fee. Credit shall be given if the following requirements are met:

1. The prior project approval was granted within the same project area as the project approval for which a credit is sought;
2. The applicant provides sufficient evidence of the payment of a mobility (previously air quality) mitigation fee; and
3. A mobility mitigation fee is required as part of the project approval for which a credit is sought.

B. Regional and Cumulative Mitigation Credit Programs

In those instances when a reduction in VMT will result from the implementation of a project that is in the most recent transportation improvement program and is an EIP Priority Project that is not associated with any required mitigation, TRPA may allow for a regional and cumulative mitigation credit to be given to the participating entities. Credit shall be given based on the number of VMT that will be reduced as a result of the proposed project. Credit cannot be awarded when the reduction in vehicle trips/VMT is a mitigation requirement pursuant to subparagraphs 65.2.4.C above. Candidate credit recipients shall submit a plan to TRPA describing the proposed project, quantifying the reduction in VMT, and specifying the areas where the credit can be used. The award of mitigation credit shall be reviewed and approved by TRPA, in consultation with the appropriate local jurisdiction and the Tahoe Transportation District, on an individual basis. Credit shall be awarded at such time that the proposed project is implemented.

65.3. BICYCLE AND PEDESTRIAN FACILITIES

65.3.1. Purpose

The requirements in this section are intended to implement the current Active Transportation Plan.

65.3.2. Applicability

- A.** All applicants for commercial, tourist, mixed-use, multi-family, public service, and recreation projects, including the construction, alteration, or improvement of roadways, on lands designated with bicycle and pedestrian network trail segments in the Bicycle and Pedestrian Plan shall be required to grant an easement for the bicycle and pedestrian facilities in any of the following situations listed below:

1. When there is new development of at least five residential or tourist units, or at least 10,000 square feet commercial floor area; or
 2. When alterations to existing development are 35 percent or greater of the value of the total improvements on the site and the improvements are not exempt or qualified exempt in accordance with Section 2.3.
- B. Instead of granting an easement, the land may be donated to a public agency for public use, or the bicycle or pedestrian facility may be constructed and maintained by a public agency for public use when the standards of Section 65.3.3 are met.

65.3.3. Standards

A. Applicable Agency or Local Government Standards

Easements for public bicycle or pedestrian facilities shall accommodate facilities that comply with the standards of the Agency.

B. Trail Alignment Location

1. Where feasible, alignment of bicycle or pedestrian trails that are shown adjacent to public rights-of-way on Map 5 of the Regional Plan (Bicycle and Pedestrian Facilities) shall be located in the public right-of-way, subject to approval from the applicable state transportation department.
2. Where it is not feasible to locate facilities in a public right-of-way, easement location should minimize impacts on private parcels to the extent feasible.

C. Adjustment to Code Requirements

TRPA, in reviewing project applications under this section, shall have the discretion to adjust or waive certain Code requirements to the minimum extent necessary, as determined by TRPA, to facilitate the efficient connection of new trails to existing and planned trail networks, while minimizing impacts of the easement on development and redevelopment projects. Adjustments may be authorized to site development standards (Chapters 30-39) as necessary to implement this subsection. Neither the land coverage nor the site area required for the bicycle or pedestrian improvement shall reduce the total land coverage or development potential otherwise allowed for the project area.

D. Reasonable Relationship to Anticipated Impacts

All easement dedications imposed on approved applications shall be reasonably related to the anticipated impacts of the proposed development or land use and to the purposes of this section. Any condition imposed shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts. Easements shall not be required if these determinations cannot be made.

E. Relationship to Other Code Requirements

1. Mobility Mitigation

Any dedication made pursuant to this section may qualify toward required offsets of the mobility mitigation program (See Section 65.2.4.C).

2. Sidewalks

Sidewalks required by the Agency or a local government shall count towards any bicycle or pedestrian facility required by this section.

65.3.4. Prior to Issuance of Final Inspection

The easement dedication shall be finalized and recorded prior to final project inspection by TRPA per Section 5.3.

65.3.5. Use of Trail

Public use shall be allowed within the easement for bicycle and pedestrian facilities.

65.3.6. Trespass

Nothing in this section is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired.

65.4. RENTAL CAR MITIGATION PROGRAM

65.4.1. Purpose

This section implements the 1992 Regional Transportation Plan - Air Quality Plan, and Goal 4, Policy 2 of the Development and Implementation Priorities Subelement, Implementation Element of the Regional Plan Goals and Policies Plan. The rental car mitigation program set forth in this section is also intended to assist in the achievement and maintenance of environmental thresholds for transportation and air and water quality.

65.4.2. Applicability

This section applies to all rental car transactions in the Tahoe region, except that a local resident who hires a rental car shall be exempt from the mitigation fee.

65.4.3. Definitions

The following term shall be defined as provided below:

A. Rental Transaction

A commercial agreement for the hire of a rental car by a person for one or more days.

65.4.4. Mitigation Fee

Each rental transaction in which the rental car is rented by, or delivered to, a person in the Tahoe region shall be assessed a mitigation fee for each day of the rental transaction. TRPA shall review the fee schedules in accordance with subparagraph 10.8.5.A.2 in the Rules of Procedure. TRPA and/or the Tahoe Transportation District (TTD) will notify rental car companies when an adjustment is made to the fee. The up-to-date fee should be posted on the websites of the TTD and the TRPA.

65.4.5. Collection

The mitigation fee shall be charged and collected by all rental car businesses that rent or deliver rental cars to persons in the Tahoe region. The mitigation fee shall be charged and collected for each day of each rental transaction. Mitigation fees shall be remitted to TRPA quarterly and no later than 30 days after each quarter. The remitted mitigation fees shall be accompanied by a certified statement setting forth the number of days for all rental transactions in the Tahoe region and a list of exempted transactions.

65.4.6. Use of Mitigation Fees

TRPA shall deposit rental car mitigation fees in an interest-bearing trust account and accrued interest shall remain with the trust account. TRPA shall disburse funds to the Tahoe Transportation District (TTD), upon request, provided TRPA finds the expenditure is consistent with TRPA's Regional Transportation Plan Air Quality Plan. By October 1 of each year, TTD shall submit an annual report to TRPA on the funds expended as of June 30 of that year.

65.5. EMPLOYER-BASED TRIP REDUCTION PROGRAM

65.5.1. Purpose

This section implements the 1992 Regional Transportation Plan - Air Quality Plan, and Goal 4, Policy 2 of the Development and Implementation Priorities Subelement, Implementation Element of the Regional Plan Goals and Policies Plan. The Employer-Based Trip Reduction Program set forth in this section is intended to assist in the achievement and maintenance of environmental thresholds for transportation and air and water quality.

A. Local Government Standards

Local governments may adopt equal or superior trip reduction programs. TRPA, upon finding the local program is equal or superior to the TRPA Employer-Based Trip Reduction Program as it may affect attainment and maintenance of the thresholds, may exempt employers subject to such a program from the provisions of this section.

B. Definitions

The terms used in this section are defined as provided below.

1. Alternative Commute Mode

The method of traveling to and from the worksite other than by using a single occupant vehicle (e.g., transit, carpool, vanpool, bicycle, walking, telecommuting).

2. Average Vehicle Ridership (AVR)

The average number of persons occupying each vehicle. AVR is calculated by multiplying the number of persons by the standard number of trips in a work week (generally 10), then dividing by the actual number of vehicle trips per work week. The higher the AVR, the more people are using alternative transportation methods.

EXAMPLE AVR CALCULATION

For example, if all employees drive alone to work each day, the AVR = 1.0 (i.e., 10 employees would be expected to take 10 trips each per week for a total of 100 trips). If only 67 vehicle trips are taken, then the AVR is 1.5 $((10 \times 10) \div 67 = 1.5)$, which means that, on average, each vehicle is transporting 1.5 people to their destination.

3. Carpool

A motor vehicle occupied by two or more persons traveling to and from work.

4. Common Work Location

A single building, building complex, campus, or work sites at a common location. A common work location is typified by a common private parking area to be used by employees, tenants, customers, and other visitors to the complex, even if there are parking spaces reserved for certain uses or tenants. For the purposes of this section, to be considered a common work location, the site shall have a central contact point, such as a property manager, property owner, or lessor. This definition shall apply to projects lasting longer than three months.

5. Commuter

An employee who travels regularly to and from an employment facility three or more days a week.

6. Commuter Matching Service

Any system for mapping and matching home and work locations of interested commuters to identify prospects for ridesharing.

7. Employer

A person or business firm with a business license that hires one or more persons to work for wages or salary. A reference to an employer shall also include, as appropriate, employers within a common work location.

8. Employer Transportation Coordinator (ETC)

An employer, an employee, or other individual designated by the employer or project controller to coordinate and implement TCM activities as required by the Employer Transportation Plan. In addition, any reference to an ETC shall also include, as appropriate, reference to the employer performing the ETC duties and the Property Transportation Coordinators (PTC) for common work locations.

9. Employer Transportation Plan

The plan developed by the employer or project controller to reduce single occupant vehicle trips.

10. Peak Period Commuter

Any employee who travels regularly to and from a work facility three or more days a week and arrives or departs from the facility during the peak period

specified by the jurisdiction. This peak period shall be linked to the hours that commuter congestion actually occurs.

11. Project Controller

An owner, lessor, or property manager of a common work location.

12. Property Transportation Coordinator (PTC)

An owner, lessor, or property manager, of a common work location, or its designee designated to coordinate and implement TCM activities as required by the Employer Transportation Plan.

13. Ridesharer

Any employee who commutes to and from work location by a mode other than single occupancy light or medium duty vehicle, motorcycle, or moped.

14. Shift of Employment

Any group of employees who work at a common work location and who arrive and depart from work in a common time interval not greater than one hour.

15. Single Occupant Vehicle (SOV)

A motor vehicle occupied by one employee for commute purposes.

16. Transportation Control Measures (TCMs)

Measures used to maintain or improve the efficient movement of persons and goods while reducing the congestion and air quality impacts associated with motorized vehicles.

17. Transportation Control Measure (TCM) Coordinator

A TRPA employee or other individual designated to manage and enforce employer compliance with the requirements of this section.

18. Transportation Management Association (TMA)

An association, usually of employers, developers, property managers, and public agencies organized to facilitate, support, and encourage the use of alternative transportation methods for commuters.

19. Trip Reduction Credit

The credits assigned to an Employer Transportation Plan for implementing a specific transportation control measure (TCM) program.

20. Vanpool

A motor vehicle, other than a motor truck or truck tractor, suited for occupancy by more than six but less than 16 persons including the driver traveling to and from work.

65.5.2. Program Requirements

The requirements of the Employer-Based Trip Reduction Program are provided below.

A. All Employers (Level 1)

Every employer shall encourage ridesharing and use of alternative commute modes by providing the information listed below. Participation in a local transportation management association (TMA) may assist in implementation of these Level 1 requirements.

1. Posting, in a conspicuous place, informational material to encourage ridesharing, such as:
 - a. Current schedules, rates (including procedures for obtaining transit passes), and routes of mass transit service to the common work location or employment site;
 - b. The location of all bicycle routes within at least a five-mile radius of the employment site; and
 - c. Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing.
2. Distributing rideshare applications to interested employees when a regional service is available.

B. All Employers and Employers within Common Work Locations with 100 or More Employees at a Single Project Area (Level 2)

In addition to the requirements of subparagraph 65.5.2.A, all employers and employers within common work locations with 100 or more employees working at a single project area, shall provide additional encouragement for the use of alternative transportation modes through the provision of the incentives and resources listed below. Employers within a common work location with more than 100 employees may be exempted from the Level 2 requirements if implementation is found to be impractical by TRPA.

1. Employee Transportation Coordinator (ETC)

Every employer shall facilitate the use by employees and tenants of area-wide ridesharing programs and other trip reduction programs by performing the following responsibilities. An employer may designate an employee as an employee transportation coordinator (ETC) to carry out the employer's responsibilities.

a. Responsibilities

The employer's responsibilities shall include:

Implementing the requirements of subparagraph 65.5.2.A;

Communicating employee or tenant transportation needs to TRPA, the Transportation Management Association (TMA) representative, property manager, property owner, and city and county staff, as appropriate;

Assisting employees and tenants in forming carpools or vanpools;

Developing, coordinating, and implementing the Employer Transportation Plan, as required under subparagraph 65.5.2.B.2;

Performing an annual survey of employees and tenants showing the distribution of employees and tenants by transportation mode;

Coordinating the Employer transportation plan with property owners/managers and other tenants, as applicable; and

Participating in the development of a ridesharing program through a TMA, if available.

2. Employer Transportation Plan

Every Level 2 employer shall prepare an Employer Transportation Plan.

a. Employer Transportation Plan Elements

The Employer Transportation Plan shall include the elements listed below.

(i) Description

A description of the activity and operating characteristics of the proposed or existing project (e.g., business hours and peak hours of travel), including a parking area map or diagram.

(ii) Existing Conditions

A description of the available alternative transportation facilities and program currently in place, such as bike lockers, preferential carpool parking, rideshare information posting, vanpool subsidies.

(iii) Estimate

A description and estimate of the commuting characteristics of the labor force (e.g., travel distance and mode).

(iv) Transportation Control Measures (TCM)

Measures designed to reduce the number of single occupant vehicle trips. At a minimum, all required TCMs, as set forth in subparagraph 65.5.3.A, shall be included in the Employer Transportation Plan. Each Employer Transportation Plan of employers with between 100 and 200 employees, and of employers within common work locations, shall include optional TCMs totaling at least 15 credits. Each Employer Transportation Plan of employers with greater than 200 employees shall include optional TCMs totaling at least 22 credits.

(v) Implementation Schedule

A timeline showing the approximate schedule of implementation of each TCM.

3. Trip Reduction Credit for Transportation Control Measures

An Employer Transportation Plan shall include and implement the mandatory TCMs set forth in subparagraph 65.5.3.A. The employer shall select optional TCMs from the list of transportation control measures in subparagraph

65.5.3.B below that will best serve to reduce commute trips of its employees and tenants.

4. Seasonal Employment Distinguished

For seasonal work locations, the Employer Transportation Plan shall be in effect only at such times that the employment level reaches 100 or more employees.

65.5.3. Transportation Control Measures (TCM) Menu

Below is the list of transportation control measures (TCMs). The optional TCMs in subparagraph 65.5.3.B are assigned a trip reduction credit. Each Employer Transportation Plan shall include optional measures that, when the credits are added together, meet or exceed the required trip reduction credits in subparagraph 65.5.2.B.2.a(iv). Mandatory TCMs shall not have trip reduction credits assigned to them; each plan shall include them.

A. Required Transportation Control Measures (TCMs)

The following TCMs shall be included in an Employer Transportation Plan:

1. Designation of an Employee Transportation Coordinator (ETC)

The employer shall serve as ETC or designate an employee to perform the duties of the ETC.

2. Posting of Ridesharing Information

Posting of ridesharing information, including:

- a. Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing; and
- b. The names and phone numbers of the ETC and transportation management associations, where applicable.

3. Posting Alternative Transportation Mode Information

Posting alternative transportation mode information, including:

- a. Current schedules, rates (including procedures for obtaining transit passes), and routes of mass transit service to the common work location or employment site; and
- b. The location of all bicycle routes within at least a five mile radius.

4. Bicycle Parking Facilities

Provisions of bicycle parking for the bicycle commuters, as determined by the ETC. The bicycle parking facilities shall be, at a minimum, Class II stationary bike racks.

5. Preferential Carpool/Vanpool Parking

Unless TRPA finds there are overriding considerations specific to the employment site or common work location, parking spaces for four percent of the employees shall be designated as carpool or vanpool parking and shall be, with the exception of handicapped and customer parking, the spaces with

the most convenient access to employee entrances. The employer may issue carpool and vanpools tickers and shall be responsible for monitoring the spaces.

B. Optional Transportation Control Measures (TCMs) Trip Reduction Credit

Each employer, in preparing an Employer Transportation Plan, shall include measures from the following list of optional TCMs to achieve the required number of trip reduction credits. It is at the discretion of the individual employer to choose which measures are best suited to its location, business, employees, and tenants.

1. ETC Education Program (3 credits per seminar)

ETC attendance at one educational seminar, workshop, or other approved training program, on an annual basis, subject to TRPA approval of the seminar, workshop, or program.

2. In-House Carpool Matching Service (3 credits)

A survey of employees to identify persons interested in being in carpools and a match of potential carpoolers by work address and shift. The survey and matching shall be performed on an annual basis for all interested employees.

3. Additional Preferential Carpool/Vanpool Parking (1-3 credits)

Up to 3 credits may be given for additional preferential carpool/vanpool parking provided beyond that required under subparagraph 65.5.3.A.5. A credit shall be earned for each additional two percent of the total number of employee-designated parking for which additional preferential carpool/vanpool parking is provided.

4. ETC Membership in Transportation Management Association (TMA) (15 credits)

To qualify as active participation, the ETC shall attend membership meetings or send a designated representative, pay all required dues, and be involved in any other programs that the TMA Board administers.

5. Guaranteed Ride Home Program (2 credits)

The provision, by contract or otherwise, of a guaranteed ride home for employees who rideshare two days or more a week. The guaranteed ride home shall be provided to the ridesharer if any emergency or illness requires that they or their carpool or vanpool driver must leave work early or late.

6. Clean Air Fuel Vehicles (1-5 credits)

For obtaining and maintaining fleet vehicles that use clean air fuels, such as compressed natural gas, electricity, methanol, and propane. One credit is given for each dedicated alternative fuel vehicle, or flexible fuel (able to use either gasoline or alternative fuel) vehicle, up to a maximum of 5 credits.

7. Shuttle Bus/Buspool Program (5 credits)

The provision of shuttle service to transport workers to and from their residences, a park-and-ride lot, or other staging area, to the workplace. The

employer may lease a bus and may work with nearby employers or employment complexes to maximize ridership. Five credits shall be given for every five percent of the total number of its employees served.

8. Carpool Program (4 credits)

For obtaining a vehicle and related insurance that is made available to any group of two or more employees for commute purposes. The employer may recover full or partial operating costs from the carpool participants. Four credits shall be given for every five percent of the total number of employees served.

9. Vanpool Program (5 credit)

For obtaining a van and related insurance that is made available to any group of seven or more employees for commute purposes. The employer may recover full or partial operating costs from the vanpool participants. Five credits shall be given for every seven percent of the total number of employees served.

10. Transit Pass Subsidy (5 credits)

For provision, to the employees and tenants, of a monthly transit or rail pass subsidy of 50 percent, or the maximum taxable benefit limit, whichever is greater.

11. Paid Parking (3-9 credits)

For development of an Employee Parking Management Plan, addressing paid parking, subject to approval by TRPA. Three credits shall be given for paid parking provided for each ten percent of the total number of employees, up to a maximum of 9 credits.

12. Transit Shelter (3 credit)

For provision of a transit shelter on the designated bus route or posting a bond for future construction when the transit route is extended to the employment site. Credit shall be given when the transit shelter is constructed in conformance with city/county regulations and when the employment site is on or adjacent to an existing or planned bus route.

13. Secure Bicycle Parking Facilities (2 credits)

For provision of bicycle parking for at least five percent of the total number of employees. The bicycle parking facilities shall be of the following types:

- a. A Class I bicycle parking facility with a locking door, typically called a bicycle locker, where a single bicyclist has access to a bicycle storage compartment; or
- b. A fenced or covered area with Class II stationary bike racks and a locked gate.

- 14. Showers (2 credits)**
One shower facility shall be provided by employers of less than 200 persons. For employers of 200 or more persons, four showers shall be provided with an additional two showers for every additional 500 employees.
- 15. Lockers (2 credits)**
Ten lockers shall be provided by employers of less than 200 persons. For employers of 200 or more persons, 20 lockers shall be provided with an additional 10 lockers for each additional 500 employees.
- 16. Flexible Work Location Outside of Employer's Established Work Location (2 credits)**
This option may include, but is not limited to, telecommuting from the employee's home, or the creation of satellite neighborhood offices. Credit shall be given when employees are permitted to telecommute at least one day per week.
- 17. Flexible Work Hours Outside of Employer's Established Work Schedule (1 credit)**
Variable work hours may include, but are not limited to: 1) staggered work hours shifting the work hours of all employees to outside of peak hours; and 2) flexible work hours with individually determined work hours within guidelines established by the employer. Credit shall be given when employees are permitted to take advantage of flexible work hours. This TCM should be coordinated with other TCMs, such as van and carpools.
- 18. Compressed Work Weeks (3 credits)**
This option requires a management strategy allowing the employee to compress the total number of hours required in week to fewer days. For example, a typical 40-hour work week could be compressed into four 10-hour days. Credit shall be given when employees are permitted to reduce their number of work days by at least one in two weeks (9-80 schedule). This TCM should be coordinated with other TCMs, such as van and carpools.
- 19. On-Site Services (1-5 credits)**
This option requires the provision of necessary services on or near the employment site that eliminate the need for a vehicular trip before, during, or after the work day. Necessary services include, but are not limited to, child care, cafeteria/restaurant, lunchroom, automated teller machine, dry cleaners, or post office. These services may be provided by the employer through cooperative efforts of employers and service providers, or by other means. The number of credits given by TRPA shall depend on which service or combination of services is provided and their proximity to the employment site.
- 20. Transit System Support (1-15 credits)**
This option requires the provision of support to a local transit system, such as system operations, marketing, or capital needs (e.g., new buses). Subsidies

or grants may be financial or by donation of capital needs. The number of credits given by TRPA shall depend on the amount and type of subsidy or grant.

21. Other (credits to be determined by TRPA)

Trip reduction measures that are not included in this menu or do not specifically fit the TCM descriptions may also be considered. Innovative measures are strongly encouraged. An example is a high school setting up a ridesharing educational program for their students.

65.5.4. Plan Review

The Employer Transportation Plan shall be referred to the TRPA TCM Coordinator or the Executive Director of a regional TMA, for review and evaluation of the proposed mitigation measures. The TRPA TCM Coordinator or the Executive Director of a regional TMA shall make a recommendation to the TRPA Executive Director. The Executive Director may approve, deny, or modify the Plan.

65.5.5. Annual Reporting Requirements

All ETCs shall meet with the TRPA TCM Coordinator at least once every two years to review progress of their transportation plans and to submit the annual transportation surveys regarding employees' and tenants' use of alternative transportation modes.

65.5.6. Implementation Schedule

Employers and employers within a common work location with 100 or more employees working within a single project area shall submit an Employer Transportation Plan within six months of the effective date of this ordinance, or when the employment level reaches 100 or more employees, whichever is later. Employers and employers within a common work location, with less than 100 employees, shall comply with this ordinance within thirty days of receipt of posting information from TRPA.

65.5.7. Compliance Monitoring

Employers shall encourage employees to use alternative transportation. TRPA shall conduct random audits to evaluate the effectiveness of the Employer Transportation Plans.

CHAPTER 66: SCENIC QUALITY

66.1. SCENIC QUALITY STANDARDS

66.1.1. Purpose

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

66.1.2. Applicability

All projects shall comply with the standards of this section.

66.1.3. Roadway and Shoreline Unit Scenic Quality

The project shall not cause a decrease in the numerical ratings assigned to roadway or shoreline units, including the scenic quality rating of the individual resources within each unit, as recorded in the 1982 Scenic Resources Inventory and shown in Tables 13-3, 13-5, 13-8, and 13-9 of the *Study Report for the Establishment of Environmental Threshold Carrying Capacities*, October 1982. The criteria for rating scenic quality as identified in the referenced study report shall be used to determine if a project will cause a decrease in the numerical rating.

66.1.4. Roadway and Shoreline Unit Travel Routes

The project shall not cause a decrease in the 1982 roadway or shoreline travel route ratings as shown in Tables 13-6 and 13-7, respectively, of the *Study Report for the Establishment of Environmental Threshold Carrying Capacities*, October 1982. The criteria for rating travel routes as identified in the referenced study report and as further explained in the report entitled *A Scenic Analysis of Principle Travel Routes In The Lake Tahoe Region*, 1970, shall be used to determine if a project will cause a decrease in the numerical rating. For projects in the shoreland, Section 66.3 shall be used to determine if it will contribute to a decrease in the numerical rating for a shoreline travel route rating.

66.1.5. Public Recreation Areas and Bicycle Trails

The project shall not cause a decrease in any numerical subcomponent threshold rating or total threshold rating assigned to a scenic resource identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation. Prior to approving a project that may potentially affect an identified scenic resource, TRPA shall find that the project is consistent with applicable recommendations for preserving scenic quality of the affected recreation area or bicycle trail found in the 1993 Lake Tahoe Basin Scenic Resource Evaluation.

66.1.6. Reflectivity and Glare

Structure planes (roofs, walls, etc) that directly reflect sunlight glare onto Lake Tahoe, a scenic roadway unit, or a scenic recreation area are subject to the following standards:

A. Reflectivity for Windows and Glass Railings

Reflectivity shall not exceed 11 percent on all unscreened glass or glass-like windows, railings and other building features that directly reflect sunlight glare onto Lake Tahoe, a scenic roadway unit, or a scenic recreation area.

B. Reflectivity for Metal and Other Low-Texture Building Surfaces

Metal, plastic, composite, and other low texture building surfaces that directly reflect sunlight glare onto Lake Tahoe, a scenic roadway unit, or a scenic recreation area shall be constructed with a non-glare finish that minimizes reflectivity.

C. Screening and Orientation

Projects with vegetation screening and/or surface plane orientations preventing sunlight glare from directly reflecting onto Lake Tahoe, a scenic roadway unit, or a scenic recreation area are exempt from these Reflectivity and Glare standards.

66.2. ESTABLISHMENT OF SCENIC HIGHWAY CORRIDORS

66.2.1. Purpose

TRPA and other public agencies within the Tahoe region shall maintain and enhance viewing opportunities, whenever feasible, by establishing scenic highway corridors. TRPA, through the project review process, shall ensure that viewsheds and view corridors along the scenic highway corridors are maintained and enhanced.

66.2.2. Designation of Scenic Highway Corridors

All federal and state highways that lie within the Tahoe region and Pioneer Trail are designated as scenic highways.

A. Urban Scenic Corridors

Urban scenic highway corridors are generally urbanized areas where man-made development is the dominant visual feature. When viewed from areas outside of the urban corridor, man-made developments shall blend into the natural environment. Those portions of federal and state highways and Pioneer Trail that lie within the urban areas as shown on TRPA's scenic units map layers are designated as urban scenic highway corridors. The width of urban scenic highway corridors shall include the highway right-of-way and all properties or portions thereof up to 300 feet on either side of the highway right-of-way that are visible from the highway.

B. Transition Scenic Corridors

Transition scenic highway corridors shall be generally areas of transition between urban and natural areas where the built environment is not the dominant visual feature; rather it appears well integrated into and in balance with the natural elements of the landscape. When viewed from areas outside of the transition corridor, man-made developments shall blend into the natural environment. Those portions of federal and state highways and Pioneer Trail that lie within the transition areas as shown on TRPA's scenic units map layers are designated as transition scenic highway corridors. The width of transition scenic highway corridors shall include the

highway right-of-way and all properties or portions thereof up to 1000 feet on either side of the highway right-of-way that are visible from the highway.

C. Natural Scenic Corridors

Natural scenic highway corridors are generally those areas where natural landscape elements and processes are the dominant visual features. Those portions of federal and state highways that lie within the natural areas as shown on TRPA's scenic units map layers are designated as natural scenic highway corridors. The width of natural scenic highway corridors shall include the highway right-of-way and all properties or portions thereof up to one-half mile on either side of the highway right-of-way that are visible from the highway.

66.2.3. Scenic Viewpoint Corridor Plan Prepared

The TRPA shall, in cooperation with other interested agencies and private citizens, prepare a comprehensive Scenic Viewpoint Corridor Plan. The purpose of this plan shall be the improvement of the public's traveling experience in the region. The Scenic Viewpoint Corridor Plan shall be a design plan that shall, at a minimum: identify potential scenic viewpoints, pull-off facilities, and moving vistas; create a signage program, including interpretive signs and displays, that identifies the scenic corridor; provides opportunities for mass transit service; and specifies implementation of proposed improvements.

66.2.4. Scenic Highway Corridor Design Standards

All projects that are within the scenic highway corridors designated in subsection 66.2.2 shall meet the design standards listed in subparagraphs A and B below, in addition to other applicable design standards. All projects that are within the natural scenic highway corridor shall also meet the design standards listed in subparagraph C below, in addition to other applicable design standards.

A. Utilities

1. Electrical Lines

All new electrical lines that operate at 32 kilovolts or less, including service connection lines, shall be placed underground. Exceptions to this requirement may be allowed, provided TRPA finds that undergrounding would produce a greater environmental impact than above ground installation. If new electrical lines are permitted to be installed above ground, the new lines, poles, and hardware shall be screened from views from scenic highways to the maximum extent possible.

2. Communication Lines

All new communication lines including telephone lines, cable television lines, and service connection lines shall be placed underground. Exceptions to this requirement may be allowed, provided TRPA finds that undergrounding would produce a greater environmental impact than above ground installation. If new communication lines are permitted to be installed above ground, the new lines, poles, and hardware shall be screened from views from scenic highways to the maximum extent possible.

B. Highway Fixtures

1. Guardrails and other highway fixtures, including but not limited to retaining walls, safety barriers, traffic signals and controllers, light standards, and other structures shall be limited to the minimum length, height, and bulk necessary to adequately provide for the safety of the highway user.
2. Earth tone colors of dark shades and flat finish shall be used on all highway fixtures. New and replacement guardrails shall not have a shiny reflective finish.
3. Retaining walls and other erosion control devices or structures shall be constructed of natural materials whenever possible and shall to the maximum extent possible be designed and sited as to not detract from the scenic quality of the corridor. Such structures shall incorporate heavy texture or articulated plane surfaces that create heavy shadow patterns.
4. Adopted community plans may establish equal or superior standards for highway fixtures.

C. Siting of Development

All projects, excluding signs, driveways, parking for scenic vista points, trailheads, and pedestrian/bicycle paths shall be sited in such a manner that they are not visually evident from the scenic highway. All projects, when viewed from a distance of not less than 300 feet, should meet the Visual Magnitude/Contrast Ratings for Natural Scenic Highway Corridors established in Appendix D of the Design Review Guidelines.

66.3. SCENIC QUALITY REVIEW IN THE SHORELAND

66.3.1. Applicability

To make the scenic findings required by subsection 66.1.4, all projects within the shoreland (see Section 90.2 for definition) of any Shoreline Threshold Travel Route shall be reviewed for compliance with the standards set forth below except for projects within marinas with adopted master plans and certified EISs, or structures designated as historic by TRPA, pursuant to Chapter 67: *Historic Resource Protection*.

66.3.2. Review Process

The applicant shall complete a scenic assessment when applying for any activity requiring a TRPA permit. An applicant may apply for a scenic assessment at any time to document the baseline condition. Review and mitigation of scenic impacts shall be based on subsection 66.3.3 below.

A. Scenic Assessment

A scenic assessment shall be required prior to submittal of a project application for Levels 3, 4, 5, and 6 projects. The scenic assessment will establish a baseline scenic condition for all following scenic impact analyses. The baseline shall be the existing condition at the time of the first scenic assessment, unless the site is the subject of an existing TRPA approval, by litigation settlement or otherwise, that contains a scenic analysis, in which case the approved scenic analysis shall be the baseline. For

purposes of this Section, unbuilt projects with an active permit shall be considered as existing.

1. Description of existing scenic conditions in the project area including, but not limited to, structure color and height, existing visible mass from the Lake, types and areas of materials of existing structures, and identification of needed scenic BMPs;
2. Identification of existing vegetation types and their location, size, and height; and
3. Photographic inventory of the project area from 300 feet and one quarter mile offshore, with at least one photo from center and perpendicular to the project area, and photos of onsite existing conditions.

66.3.3. Levels of Scenic Mitigation

The levels of scenic mitigation provided below shall be required based on the level of the activity or project.

A. Level 1

This level consists of all non-visible projects in the shoreland or projects and activities on existing visible structures in the shoreland that are considered repair or maintenance. This includes exact in-kind replacement. There are no mitigation requirements required except as noted in Level 2.

B. Level 2

This level consists of all projects and activities on existing visible structures in the shoreland that are considered painting, re-siding, re-roofing, or similar activities that affect the color of the structure. The mitigation requirements for this level shall be the color requirements set forth in subsection 36.6.1.

C. Level 3

All projects on existing visible structures in the shoreland altering or increasing the lakefront façade area 20 percent or less and the result is 1,500 square feet or less of lakefront façade or non-repair projects on structures adjacent and lakeward of the shoreland, including pier structures per subsection 84.4.3(A)(4) and per ratio requirements in 84.4.3(A)(6). The mitigation requirements for this level shall be the implementation of scenic BMPs in the shoreland. The BMPs shall bring the project area into conformance with a minimum contrast rating score of 21 except where:

1. It is physically impossible to attain a score of 21 through application of scenic BMPs; or
2. The cost of the scenic BMPs required to increase the baseline contrast score to 21 exceeds ten percent of the cost of the project; and
3. If the project is not required to bring the project area into conformance as a result of subparagraphs 1 and 2 above, the applicant shall attain the highest possible score.

D. Level 4

1. Description

This level consists of all projects where existing visible structures in the shoreland exhibit one or more of the following characteristics:

- a. Alter or increase the lakefront façade where the altered/added area is 20 percent or less of the existing façade and the result is more than 1,500 square feet of total lake front façade;
- b. The altered/added area is greater than 20 percent but equal to or less than 50 percent of the existing lakefront façade; or
- c. The project is a new accessory structure.

2. Mitigation

The mitigation requirements for this level shall be as set forth in Option 1 or Option 2 at the applicant's choice.

a. Option 1: Basic Review

The project shall meet the following mitigation standards:

The project area shall score a minimum of 24 points based on the Contrast Rating System; except where:

- (1) It is physically impossible to attain a score of 24 through application of scenic BMPs; or
- (2) The cost of the scenic BMPs required to increase the baseline contrast score to 24 exceeds 20 percent of the cost of the project; and
- (3) If the project is not required to bring the project area into conformance as a result of subparagraphs (1) and (2) above, the applicant shall attain the highest possible score.

The allowable visible area square footage in the project area shall not exceed 2,200 square feet. The visible area square footage may be increased by 165 square feet for each additional ten feet of linear lake frontage over 100 feet. Existing structures exceeding the 2,200 (or as increased by lake frontage) visible square feet standard shall mitigate any additional area square footage on a 1:1.5 square foot basis.

A minimum building setback from the backshore boundary line shall be ten percent of the lot depth not to exceed 20 feet. Each side yard setback shall be ten percent of the lot width or the setback established by the local jurisdiction whichever is greater. Existing structures shall not be required to conform to setback standards. No expansion of structures shall be allowed in the setback area. At grade decks, erosion control structures, stairs, and similar structures shall be permissible in the setback at the allowed land coverage.

The height standard, including but not limited to the height limitations, findings, and regulations set forth in Chapter 37: *Height*, for structures shall apply.

Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1,000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and horizontally to approximately ten feet. TRPA may approve equal or superior alternatives to this standard.

b. Option 2: Visual Magnitude System

A project must score a minimum contrast point score for the desired square footage of visual magnitude based on Appendix H, Visual Assessment Tool, of the Design Review Guidelines or if non-complying, shall implement Scenic BMPs as required in Option 1 in subparagraph a above; and:

The visible façade square footage may be increased by 7.5 percent for each additional ten feet of linear Lake frontage over 100 feet;

Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1,000 square feet of lakefront facade. A break shall extend vertically to two-thirds of the structure height and approximately ten linear feet horizontally. TRPA may approve equal or superior alternatives to this standard; and

Existing projects not complying with visual magnitude shall implement visual breaks and improvements that demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structure.

E. Level 5

This level consists of all projects in the shoreland altering or increasing the lakefront façade area of an existing visible structure more than 50 percent or proposing a new visible structure exclusive of new accessory structures. The mitigation requirements for this level shall be as set forth in Option 1 or Option 2 below, at the applicant's choice.

1. Option 1: Basic Review

As a result of the project, the project area shall score a minimum 28 points, based on the Contrast Rating System. The projects shall meet the following mitigation standards:

- a. The allowable visible area square footage in the project area shall not exceed 2,200 square feet. The visible area square footage may be increased by 165 square feet for each additional ten feet of linear lake frontage over 100 feet. Existing structures exceeding the 2,200 (or as

increased by lake frontage) visible square feet standard shall mitigate any additional area square footage on a 1:2 square foot basis;

- b. A minimum building setback from the backshore boundary line shall be ten percent of the lot depth not to exceed 20 feet. Each side yard setback shall be ten percent of the lot width or the setback established by the local jurisdiction, whichever is greater. Existing structures shall not be required to conform to setback standards unless the proposed modification makes it feasible. No expansion of structures shall be allowed in the setback area. At-grade decks, erosion control structures, stairs, and similar structures shall be permissible in the setback at the allowed land coverage;
- c. The height standard, including but not limited to the height limitations, findings, and regulations set forth in Chapter 37 for structures shall apply; and
- d. Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1,000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and approximately ten linear feet horizontally. TRPA may approve equal or superior alternatives to this standard.

2. Option 2: Visual Magnitude System

A project shall attain the minimum contrast point score for the desired square footage of visual magnitude based on Appendix H, Visual Assessment Tool, of the Design Review Guidelines, or if non-complying shall implement Scenic BMPs as required in Option 1 in E.1 above and shall meet the following standards:

- a. The visible façade square footage may be increased by 7.5 percent for each additional ten feet of linear lake frontage over 100 feet;
- b. Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1,000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and horizontally to approximately ten linear feet. TRPA may approve equal or superior alternatives to this standard; and
- c. Existing projects not complying with visual magnitude shall implement visual breaks and improvements that demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structure. In no case shall the total visible façade square footage exceed the maximum set forth by the visual magnitude system.

F. Level 6

This level consists of all projects involving new or existing structures in the shoreland that are visible from the Lake and that qualify as public health and safety projects or Environmental Improvement Program projects. The mitigation requirements for this

level shall be established on a case-by-case basis. Projects whose primary purpose is implementation of water quality or scenic BMPs that do not increase the lake front façade and show an improvement in the contrast rating score are exempt from mitigation requirements.

66.3.4. General Standards of Review

The general standards of review provided below shall apply to projects reviewed pursuant to this section.

A. Prohibition on Segmenting

Projects may not be segmented in order to qualify for a lower level of mitigation requirements.

B. Calculation of Cost and Value

Whenever required by this section, cost estimates and replacement values shall be based on Marshall Swift calculations.

C. Fire Protection

The applicant shall not submit vegetative screening inconsistent with local fire protection standards. As used in this section, the term “physical impossibility” shall not include inconsistency with local fire protection standards.

66.3.5. Independent Review

If there is a disagreement in the application of the standards of this section, the applicant or TRPA staff may elect to pursue one of independent review options provided below.

A. Third Party Expert Review

In the event there is a disagreement in review of a proposed project, a third party expert review consistent with the process outlined in subparagraphs 2.a through 2.c may be initiated. The initiator shall fund the review and the third party expert review shall use the same methodology in the Visual Assessment Tool established in Appendix F of the TRPA’s Design Review Guidelines.

1. Third Party Expert

TRPA shall maintain a list of scenic experts recognized as possessing the necessary qualifications to evaluate impacts to the scenic resources threshold. An expert shall be selected from the list randomly, as long as that expert did not consult on or participate in the design of the proposed project.

2. Third Party Expert Report

The report shall include:

- a. A description of the proposed project;
- b. An analysis of the proposed project’s consistency with the standards set forth in this ordinance; and

- c. Written findings quantifying the project's impacts and any mitigation, if required.

3. Use of Third Party Report

The Executive Director shall review the third party expert report and may approve, deny, or require modifications to the project. The expert's findings shall be included in the review of the project.

B. Scenic Panel Review

Until November 20, 2004, the applicant or TRPA may elect to initiate a Scenic Panel Review if there is a disagreement in the determination of mitigation required pursuant to this section. The cost of the panel shall be paid by the initiator. Panels initiated during this period shall continue until the completion of the panel's review process. An expert panel of three people shall prepare a scenic analysis of the project and its impact, including foreseeable reasonable activities on the entire scenic unit. The panel shall recommend appropriate conditions of approval necessary to make the required scenic attainment findings.

1. Selection of Scenic Review Panel

TRPA shall select a panel member, the applicant shall select a panel member, and the two panel members shall select a third member to review the project.

2. Use of Other Evaluation Methods

The analysis may include other professionally accepted methods of evaluating scenic impacts. This subparagraph may be extended beyond the two-year limitation pursuant to the performance review required in subsection 66.3.6.

3. Use of Panel Report

The Executive Director shall review the scenic panel report and may approve, deny, or require modifications to the project. The panel's findings shall be included in the review of the project.

66.3.6. Marina Master Plans and Projects

In developing and approving marina projects or marina master plans pursuant to Chapter 14: *Specific and Master Plans*, the applicant shall use the contrast rating/visual magnitude system outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines or an equal or superior method of evaluating scenic impacts. All significant scenic impacts shall be identified in the environmental document using an approved scenic impact analysis methodology and mitigation measures shall be proposed and incorporated into the master plan or project to ensure consistency with attainment and maintenance of environmental thresholds.

66.3.7. Additional Visual Magnitude

TRPA may permit additional square footage of visual magnitude with visual breaks for a given contrast rating in Appendix H, Visual Assessment Tool, of the Design Review Guidelines as provided below.

A. Public Outdoor Recreation

For public outdoor recreation uses that are subject to subsection 50.9.3, PAOT allocations, additional square footage of visual magnitude may be permitted if TRPA finds that:

1. The project is a necessary part of a long range plan for public outdoor recreation;
2. The project is consistent with the Recreation Element of the Regional Plan;
3. There is no reasonable alternative that would avoid or reduce the extent of visual magnitude; and
4. The additional square footage is mitigated pursuant to subsection 66.3.8 below; or
5. If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements: Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

B. Public Service Facilities

For public service uses, additional square footage of visual magnitude may be permitted if TRPA finds that:

1. The project is necessary for public health, safety or environmental protection;
2. There is no reasonable alternative that would avoid or reduce the extent of visual magnitude; and
3. The additional square footage is mitigated pursuant to subsection 66.3.8 below; or
4. If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements: Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

C. Tourist Accommodation and Commercial Projects in Commercial and Public Service Plan Areas and Tourist Accommodation Plan Areas

Additional square footage of visual magnitude may be permitted for projects in Commercial and Public Service Plan Areas, if TRPA finds that:

1. The additional square footage is necessary as the use customarily requires increased square footage of lakefront façade than that set forth in Levels 4 and 5;
2. There is no reasonable alternative that would avoid or reduce the extent of visual magnitude; and
3. The additional square footage is mitigated pursuant to subsection 66.3.8 below; or
4. If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements: Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

D. Residential Uses Other Than Single-Family Dwelling

Additional square footage of visual magnitude may be permitted for projects, if TRPA finds that:

1. The additional square footage is necessary as the use customarily requires increased square footage of lakefront façade than that set forth in Levels 4 and 5;
2. There is no reasonable alternative that would avoid or reduce the extent of visual magnitude; and
3. The additional square footage is mitigated pursuant to subsection 66.3.8 below; or
4. If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements: Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

66.3.8. Transfer of Scenic Mitigation Credits (Interim System)

Until a permanent scenic mitigation credit system is adopted, certain scenic impacts may be mitigated outside the shoreland as provided below.

- A. The mitigation source is the adjacent shorezone project area or other shoreland parcels within the same scenic unit.

- B.** Project mitigation requirements shall utilize the Visual Magnitude System outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines to calculate the square footage mitigation requirement or mitigation may be determined by the full panel review process.
- C.** Mitigation in attainment areas shall be on a one-to-one basis and on a one-to-one and a half basis in non-attainment areas.
- D.** All structures in the shoreland, both on the receiving and sending project areas, shall have implemented scenic BMPs (21 contrast score rating) to be eligible for transfer of mitigation credits.
- E.** TRPA shall require restoration securities, deed restrictions, and inspections as appropriate to assure implementation and documentation of scenic mitigation credit.
- F.** This interim system may be utilized:
 - 1.** To mitigate additional square footage associated with shorezone structures; or
 - 2.** To gain additional square footage when permissible (e.g. for commercial, public service, multi-residential, etc.)
- G.** Contributions to TRPA-approved non-profit organizations that have qualifying scenic mitigation projects may be accepted for mitigation credit provided the mitigation credit can be quantified and tracked.

66.3.9. Performance Review

For two years after the adoption of the Scenic Quality Review System, TRPA shall monitor the application of the system. No later than two years from the adoption of the system, TRPA shall prepare a report on the system with recommended amendments, if necessary, and present it to the TRPA Governing Board. A long-term performance review shall be included in the next applicable threshold review.

CHAPTER 67: HISTORIC RESOURCE PROTECTION

67.1. PURPOSE

This chapter provides for the identification, recognition, protection, and preservation of the region's significant cultural, historical, archaeological, and paleontological resources.

67.2. APPLICABILITY

Projects and activities affecting sites, objects, structures, or districts that have been designated by TRPA or are pending designation as historic resources shall be subject to the provisions of this chapter. Unless the context of the sentence indicates otherwise, "designated historic resources" shall include resources pending designation pursuant to Section 67.5.

67.3. RESOURCE PROTECTION

Sites, objects, structures, or other resources eligible or designated as historic resources, or for which designation is pending, shall not be demolished, disturbed, removed, or significantly altered unless TRPA has approved a resource protection plan to protect the historic resources.

67.3.1. Discovery of Historic or Cultural Artifacts During Construction

If, during the course of a project or activity, a potential archaeological, cultural, or historical resource is discovered, all operations shall stop until a qualified archaeologist has evaluated the potential for significance of the resource.

67.3.2. Ground Disturbing Activities

A site survey shall be performed by a qualified archaeologist within project areas with known or newly discovered sites of cultural and/or historic significance prior to any TRPA project approval. TRPA shall consult with the Washoe Tribe on all site surveys for the purpose of determining the presence of Washoe sites. If resources are discovered and deemed significant, then subsections 67.3.3 and 67.3.4 shall be implemented.

67.3.3. Resource Protection Plan

Resource protection plans shall be prepared by a qualified professional and may provide for surface or subsurface recovery of data and artifacts and recordation of structural and other data.

67.3.4. Protection During Construction

Grading, operation of equipment, or other soil disturbance is prohibited in areas where a designated historic resource is present or could be damaged, except in accordance with a TRPA-approved resource protection plan. The resource protection plan shall indicate all such known areas on the site and shall indicate the measures that shall be taken to protect them. (See also subsection 33.3.7.)

67.4. DISCOVERY OF ELIGIBLE RESOURCES

Upon discovery of a site, object, district, structure, or other resource, potentially meeting the criteria of Section 67.6, TRPA shall consider the resource for designation as a historic resource and shall consult with the Washoe Tribe if it is a Washoe site.

67.5. DESIGNATED HISTORIC RESOURCES

Designated historic resources shall be shown in the TRPA Historic Resource Layers, except that locations of resources found by TRPA to be especially sensitive may be kept confidential in order to protect them from trespassers or vandalism. The historic resources map layers indicate the location of archaeological and historic sites determined by TRPA to be significant. Such locations shall be recorded in confidential reports or layers of the TRPA. Resources shall be designated as historic according to the procedure provided below.

67.5.1. Nominations for Designations

Nominations for designations may be made by TRPA, a state historic preservation officer, the property owner, the Washoe Tribe, or land management agency. The nomination shall be in the form of a report containing information necessary to evaluate the significance of the resource pursuant to Section 67.6. Nominations shall be reviewed by the applicable state's historic preservation office (SHPO). From the time a nomination report is filed with TRPA until a decision is made pursuant to subsection 67.5.2, the designation shall be considered pending. Notice of pending designations shall be given by publication and to affected property owners, in accordance with the Rules of Procedure.

67.5.2. Review and Approval

TRPA shall review the nomination reports along with the comments of the SHPO, the property owner, the Washoe Tribe, and other interested parties and determine if the resource, pursuant to Section 67.6, is sufficiently significant to be designated as a historic resource.

67.5.3. Withdrawal of Designation

The designation of a historic resource may be withdrawn by TRPA based on a request for withdrawal by TRPA, the SHPO, property owner, or land management agency if the resource is determined not to be significant and does not qualify for designation as a historic resource. TRPA shall consider the request in the same manner as for approval in subsection 67.5.2.

67.6. CRITERIA FOR ELIGIBILITY AS A HISTORIC RESOURCE

Sites, objects, structures, districts or other resources, eligible for designation as resources of historical, cultural, archeological, paleontological, or architectural significance locally, regionally, state-wide or nationally, shall meet at least one of the criteria provided below.

67.6.1. Resources Associated with Historically Significant Events and Sites

Resources shall exemplify the broad cultural, political, economic, social, civic, or military history of the region, the states, or the nation, or be associated with events that have made

a significant contribution to the broad patterns of history, including regional history. Such resources shall meet one or more of the following criteria:

- A.** Association with an important community function in the past;
- B.** Association with a memorable happening in the past; or
- C.** Contain outstanding qualities reminiscent of an early stage of development in the region.

67.6.2. Resources Associated with Significant Persons

Resources that are associated with the lives of persons significant in history, including regional history, such as:

- A.** Buildings or structures associated with a locally, regionally, or nationally known person;
- B.** Notable examples, or best surviving works, of a pioneer architect, designer, or master builder; or
- C.** Structures associated with the life or work of significant persons.

67.6.3. Resources Embodying Distinctive Characteristics

Resources that embody the distinctive characteristics of a type, period, or method of construction that possess high artistic values or that represent a significant and distinguishable entity but whose components may lack individual distinction. Works of a master builder, designer, or architect also are eligible. Resources may be classified as significant if they are a prototype of, or a representative example of, a period style, architectural movement, or method of construction unique in the region, the states, or the nation.

67.6.4. State and Federal Guidelines

Archeological or paleontological resources protected or eligible for protection under state or federal guidelines.

67.6.5. Prehistoric Sites

Sites where prehistoric archaeological or paleontological resources that may contribute to the basic understanding of early cultural or biological development in the region.

67.7. PROJECTS RELATING TO HISTORIC RESOURCES

As part of the application for a project affecting eligible or designated historic resources, TRPA may require a report documenting compliance with the standards to this chapter. The report may be submitted to the applicable state's historic preservation office for review. Projects and activities affecting designated resources shall comply with the standards provided below.

67.7.1. Additions

Additions to historic structures, adjacent to a historic structure, within an historic district, or on an historic site shall be in compliance with subsection 67.7.4. Additions shall be eligible for the exceptions in Section 67.8, if such construction is required to attain the objectives of that section. Provisions from the Design Review Guidelines may be required as conditions of approval.

67.7.2. Repairs, Maintenance, and Reconstruction

All repairs, maintenance, reconstruction, or other disturbance of designated historic resources shall comply with and be maintained in accordance with subsection 67.7.4. Provisions from the TRPA's Design Review Guidelines may be required as conditions of approval.

67.7.3. Demolition

Historic resources shall not be demolished, disturbed, or removed unless TRPA finds that:

- A.** The action will not be detrimental to the historic significance of the resource;
- B.** The action is pursuant to a TRPA-approved recovery plan; or
- C.** It is the only feasible alternative to protect the health and safety of the public.

67.7.4. Construction, Reconstruction, Repair, and Maintenance Standards

Construction, reconstruction, repair, and maintenance of historic resources shall be in accordance with the U.S. Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

67.8. EXCEPTIONS FOR HISTORICAL STRUCTURES AND DISTRICTS

To encourage the protection, maintenance, or rebuilding of sites, structures, or districts designated as a historic resource, TRPA may grant exceptions to certain provisions of this Code to allow reconstruction or repairs.

67.8.1. Findings

Exceptions may be granted if TRPA finds that:

- A.** The site, structure, or district is designated as a historic resource; and
- B.** The reconstruction, modification, or repair is in the public interest.

67.8.2. Conditions

Exceptions granted shall be subject to the following conditions:

- A.** Modifications shall not increase nonconforming land coverage, exceed the height of the existing structure, or result in an expanded use subject to an allocation under the terms of the Goals and Policies, or Code, unless an allocation has been

obtained pursuant to Chapter 50: *Allocation of Development*, or transferred pursuant to Chapter 51: *Transfer of Development*;

- B.** Modifications to a structure shall conform to the standards in subsection 67.7.4; and
- C.** Modifications that will endanger or significantly affect the historical, cultural, or architectural significance shall not be made.

67.8.3. Exceptions

Exceptions from the following Code provisions may be granted:

- A.** Chapter 34: *Driveway and Parking Standards*;
- B.** Section 32.2, *Paved Roads*;
- C.** Section 36.5, *Site Design Standards*;
- D.** Section 36.6, *Building Design Standards*;
- E.** Section 36.9, *Water Conservation Standards*;
- F.** Section 36.10, *Standards For Combustion Appliances*; or
- G.** Chapters 80 through 86, inclusive, *Shorezone*.

CHAPTER 68: NOISE LIMITATIONS

68.1. PURPOSE

The purpose of this chapter is to implement the Goals and Policies, Land Use Element, Noise Subelement and to attain and maintain the TRPA noise thresholds.

68.2. APPLICABILITY

The provisions of this chapter apply to single noise events from aircraft, watercraft, motor vehicles, motorcycles, off-road vehicles, and over-snow vehicles. The provisions also apply to community noise levels in the Tahoe region.

68.3. SINGLE NOISE EVENTS

TRPA shall use the maximum level recorded on a noise meter, L-MAX, for measuring single noise events. The noise levels set forth in subsection 68.3.1 shall be the maximum permissible noise levels for the types of operations listed, unless specifically exempted under Section 68.9.

68.3.1. Maximum Allowable Noise Levels (dBA)

The maximum allowable noise levels (dBA) shall be:

A. Aircraft

Measurement of the standard shall be at 6500 meters from start to takeoff roll and at 2,000 meters from runway threshold approach. The noise standards for aircraft are provided below.

1. **Transport Category Aircraft (more than 65 seats or weighing more than 60,000 pounds)**
The daytime arrival standard at Lake Tahoe Airport is 86 dBA (Lmax).
2. **Commuter Aircraft (65 seats or less or weighing 60,000 pounds or less) and General Aviation:**
The daytime arrival standard at Lake Tahoe Airport is 84 dba (Lmax).
3. **All Other Aircraft Operations - Daytime**
The single event noise standard is 80 dBA.
4. **All Aircraft Operations - Nighttime (8:00 p.m. to 8:00 a.m.)**
The single-event noise standard is 77.1 dBA (Lmax) for all aircraft operations.

B. Helicopter

[Reserved.]

C. Watercraft

Watercraft shall meet each of the following separate threshold measurement standards:

1. Certification by the manufacturer or by TRPA approved field test agent that the watercraft passes the Society of Automotive Engineers (SAE) test J34 or SAE-J34, Pass by Test, 82.0 dBA to be measured at 50 feet with the engine at 3,000 RPM;
2. Field test measurements that the watercraft passes the Society of Automotive Engineers (SAE) test J1970 or SAE-J1970, Shoreline Test, 75 dBA; and
3. Field test measurements that the watercraft passes the Society of Automotive Engineers test J2005, Stationary Test, 88 dBA if watercraft manufactured on or after January 1, 1993 and 90 dBA if watercraft manufactured before January 1, 1993.

TRPA may permit exceedances from these standards for regatta or watercraft race events.

D. Motor Vehicles

For motor vehicles less than or equal to 6,000 GVW, 76.0 dBA at 50 feet when traveling less than or equal to 35 MPH. For motor vehicles greater than 6,000 GVW, 82.0 dBA at 50 feet when traveling greater than 35 MPH.

E. Motorcycles

For motorcycles traveling less than or equal to 35 MPH, 77.0 dBA when measured at 50 feet. For motorcycles traveling greater than 35 MPH, 86.0 dBA when measured at 50 feet.

F. Off-Road Vehicles

For off-road vehicles traveling less than or equal to 35 MPH, 72.0 dBA when measured at 50 feet. For off-road vehicles traveling greater than 35 MPH, 86.0 dBA when measured at 50 feet.

G. Over-Snow Vehicles

For over-snow vehicles, 82.0 dBA when measured at 50 feet.

68.4. COMMUNITY NOISE LEVELS

TRPA shall use community noise equivalent levels (CNELs) to measure community noise levels. The plan area statements shall set forth CNELs that shall not be exceeded by any one activity or combination of activities (See subsection 11.6.10). In addition, community noise levels shall not exceed levels existing on August 26, 1982, where such levels are known. The CNELs set forth in the plan area statements are based on the land use classification, the presence of transportation corridors, and the applicable threshold. The CNEL Corridor GIS data layer indicates the location of special noise corridors for highways and the South Lake Tahoe Airport.

68.5. MEASUREMENT OF NOISE LEVELS

Noise levels shall be measured as provided below.

68.5.1. Meter Setting

Any single event noise measurement made pursuant to the provisions of the Code shall be measured with a Type I sound level meter using the A-weighting and "slow" response pursuant to applicable manufacturer's instructions, except that for sounds of a duration of two seconds or less, the "fast" response shall be used. Any CNEL measurements shall be made with a Type I sound level meter using the A-weighted "slow" response.

68.5.2. Meter Calibration

The sound level meter shall be calibrated to assure meter accuracy within the tolerances set forth in American National Standards, ANSI-SI.4.1971.

68.5.3. Location of Microphone

The location of noise measurements shall be taken as provided below.

A. Transportation and Single Noise Events

The location of the microphone used to measure noise from transportation sources and single noise events shall be in accordance with subsection 68.3.1. The microphone shall be oriented in the direction of the noise source.

B. Residential, Commercial, Tourist Accommodation, Recreation, Wilderness, Wildlife Habitat Areas, and Response to Noise Complaints

The location of the microphone for measuring CNELs in residential, commercial, tourist accommodation, recreation, wilderness, wildlife habitat areas and for responding to noise complaints shall be no less than four feet above the ground and shall utilize an appropriate wind screen to reduce the effect of wind noise. The microphone shall be placed on the property line closest to the noise source or at the nearest point where the general public is legally entitled to congregate, whichever is closer to the noise source.

68.5.4. Measurement Intervals

Sound levels shall be taken at intervals of ten seconds or less and an instant reading from the sound level meter shall be recorded. If the noise source is an impulse sound (duration of one second or less) then each event shall be measured and recorded.

68.5.5. Lake Tahoe Airport

Single event noise measurements shall be made as set forth in the adopted Lake Tahoe Airport Master Plan.

68.6. MONITORING

TRPA shall monitor single event and community noise levels regularly pursuant to TRPA's monitoring work program.

68.7. PERFORMANCE STANDARDS

Projects and activities in the categories listed below shall meet the stated performance standards to ensure that TRPA noise thresholds shall be attained and maintained.

68.7.1. Airport

The applicable performance standards for the Lake Tahoe Airport are set forth in the adopted Lake Tahoe Airport Master Plan.

68.7.2. Heliports and Seaplane Bases

[Reserved]

68.7.3. Helipads

[Reserved]

68.7.4. Highways and Transportation Corridors

Projects within transportation corridors shall include design criteria to help reduce the transmission of noise from the transportation corridor.

68.7.5. Marinas

Marinas and boat launching facilities open to the public shall post conspicuous notices of the noise standards in subsection 68.3.1. Rental and excursion operators shall not operate or offer for use or rent marine craft not in compliance with the standards in subsection 68.3.1.

68.7.6. Off-Road Vehicles and Over-Snow Vehicles

Public agencies responsible for the administration of public lands and recreation areas shall post notices of the standards in subsection 68.3.1 in conspicuous locations at access points to use areas. Rental and excursion operators shall not operate or offer for rent or use any off-road vehicle or over-snow vehicle not in compliance with the standards in subsection 68.3.1.

68.7.7. Loudspeakers

No person shall use loudspeakers or similar devices for amplifying sound outdoors for the purpose of advertising products or services or to attract patrons.

68.8. COMPLIANCE

TRPA shall use the procedures set forth in this section to ensure that the noise thresholds are attained and maintained and to ensure compliance with this chapter.

68.8.1. Project Review

TRPA shall not approve a project which causes a community noise standard (CNEL) to be exceeded. Based upon completion of an initial environmental checklist pursuant to Chapter 3: *Environmental Documentation*, TRPA may require a noise impact report prior to approving a project.

68.8.2. Complaint System

Upon receipt of a noise complaint or upon detection of a possible violation of a noise standard, TRPA may conduct a monitoring study in accordance with Section 0. Based on the results of the monitoring study, TRPA shall implement appropriate corrective measures under the provisions of Chapter 5: *Compliance*. TRPA may delegate all or part of these activities to another public entity through a memorandum of understanding.

68.8.3. Highways and Transportation Corridors

For project applications submitted after January 1, 2015, if the project will result in the alteration or improvement of segments of State Routes 89, 207, 28, 267, or 431, or U.S. Highway 50 that are not in attainment of adopted transportation corridor CNEL standards, and (a) the alterations or improvements include an expansion of the road vehicular capacity (as opposed to repaving or repairs to return the road to a pre-existing level of functionality or safety) and (b) the alterations or improvements are not exempt or qualified exempt in accordance with Section 2.3, the project applicant shall develop and implement design features or other mitigations to achieve the adopted CNEL standards. Noise mitigation features may include but are not limited to improvements to support alternative modes of transportation, noise reducing pavement, noise mitigating landscaping, and/or the reduction or consolidation of curb cuts.

68.9. EXEMPTIONS TO NOISE LIMITATIONS

The standards of this chapter shall not apply to noise from TRPA-approved construction or maintenance projects or the demolition of structures provided such activities are limited to the hours between 8 a.m. and 6:30 p.m. The standards of this chapter shall not apply to safety signals, warning devices, or emergency pressure relief valves, and other similar devices. Emergency work to protect life or property shall be exempt from noise standards, as shall be fireworks used in accordance with a state or local permit.



TRPA

Code of Ordinances

Adopted by Governing Board

October 24, 2018

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Shorezone

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CHAPTER 80: REVIEW OF PROJECTS IN THE SHOREZONE AND LAKEZONE

80.1. PURPOSE

The Shorezone Subelement, Conservation Element of the Goals and Policies identifies special qualities, including physical, biological and visual, that shall be considered when reviewing a project in the shorezone or lakezone. In accordance with those policies, this chapter sets forth findings that must be made by TRPA prior to approving a project in the shorezone or lakezone.

80.2. APPLICABILITY

All projects and activities in lagoons or the shorezone or lakezone of any lake in the Region shall comply with the provisions of this chapter.

80.3. REQUIRED FINDINGS

80.3.1. Findings Required for Lakezone, Shorezone, and Lagoon Projects.

No project or activity within the lakezone, shorezone, or lagoon of lakes in the Region, shall be approved unless TRPA makes all the applicable findings listed below.

80.3.2. Findings for All Projects.

- A. **General Environmental Findings.** TRPA must analyze and make the required environmental findings pursuant to Chapter 3, *Environmental Documentation*. In addition, such environmental findings must demonstrate that the project will not adversely impact:
 - 1. Littoral processes;
 - 2. Fish spawning;
 - 3. Backshore stability; or
 - 4. On-shore wildlife habitat, including wildfowl nesting areas.
- B. **Accessory Facilities.** TRPA must find that there are sufficient accessory facilities to accommodate the project.
- C. **Compatibility.** TRPA must find that the project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.
- D. **Water Dependent Use.** TRPA must find that the proposed use in the lakezone, nearshore, foreshore, or lagoon is water-dependent.
- E. **Hazardous Materials.** TRPA must find that measures will be taken to prevent spill or discharges of hazardous materials.

- F. Construction.** Construction and access techniques will be used to minimize disturbance to the ground and vegetation.
- G. Navigation and Safety.** TRPA must find that the project will not adversely impact navigation or create a threat to public safety pursuant to the determination of agencies with jurisdiction over the navigable waters in the Basin.
- H. Other Agency Comments.** TRPA must find that it has solicited comments from those public agencies having applicable jurisdiction over the lakezone, shorezone, and lagoon, and that all comments received from such agencies were considered prior to taking action on the project.

80.3.3. Additional Findings for Special Use Projects.

- A.** The project, and the related use, is of such a nature, scale, density, intensity, and type to be appropriate for the project area, and the surrounding area.
- B.** The project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of the persons or property in the neighborhood, or in the Region.
- C.** The applicant has taken reasonable steps to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.
- D.** The project, and the related use, will not change the character of the neighborhood, detrimentally affect or alter the purpose of any applicable plan area statement, community, redevelopment, specific, or master plan.

80.3.4. Additional Findings for Public Outdoor Recreation Facilities

The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility;

Additional Findings for Public Outdoor Recreation Facilities Creating Coverage or Permanent Disturbance in the Backshore.

- A.** The project is a necessary part of a public agency's long range plans for public outdoor recreation.
- B.** The project is consistent with the recreational element of the goals and policies.
- C.** The project, by its very nature, must be sited in the backshore.
- D.** There is no feasible alternative that avoids or reduces the amount of land coverage or disturbance proposed in the backshore.

80.3.5. Additional Findings for Public Service Facilities

Additional Findings for Public Service Facilities Creating Coverage or Permanent Disturbance in the Backshore.

- A.** The project is necessary for public health, safety, or environmental protection.

- B. There is no reasonable alternative that avoids or reduces the amount of land coverage or disturbance in the backshore.

80.3.6. Additional Findings for Coverage or Disturbance in the Backshore

Additional Findings for Coverage or Disturbance in the Backshore Created to Allow Access to Structures or Uses in the Nearshore or the Foreshore

The amount of land coverage is the minimum that is necessary when all Thresholds are taken into consideration to provide access to an approved or an existing structure or use located in the nearshore or foreshore.

80.4. GENERAL STANDARDS FOR SHOREZONE PROJECTS

In addition to applicable requirements elsewhere in Chapters 80 through 85, projects in the shorezone shall meet the following standards.

80.4.1. Vegetation.

No naturally occurring vegetation shall be manipulated or disturbed except in accordance with Chapter 30. No planting of new vegetation, or manipulation of naturally occurring vegetation, shall be permitted in the shorezone, unless such activities comply with the standards in Chapter 30.

80.4.2. Special Project Conditions.

Any special project conditions of approval shall be guided by the unique characteristics of the project area, and the nature of the backshore (utilizing Policies 1 and 2, Goal #1 of the Shorezone Subelement, Conservation Element of the Goals and Policies), as well as the following objectives:

- A. The protection of significant vistas.
- B. The preservation of the site and shorezone from environmental harm during and after construction.
- C. Protection of views of adjoining development.
- D. Providing sufficient space for proper infiltration of runoff and nutrient uptake through natural processes.

80.4.3. Backshore Coverage and Land Disturbance.

- A. No additional coverage or permanent land disturbance shall occur in the backshore unless it is for an authorized shorezone permissible use or accessory structure.
- B. The impacts from authorized coverage and disturbance must be mitigated through the application of BMPs, and the restoration at the rate of 1.5 times the backshore area covered or permanently disturbed by the project. Said restoration shall be in-kind in the backshore and shall comply with the restoration standards in Chapter 30.

- C. The allowable base land coverage in the backshore is one percent (1%). However, it shall only be utilized outside of the backshore portion of the parcel unless it is for an authorized shorezone permissible use or accessory structure.
- D. No erosion control projects that create coverage or permanent disturbance in the backshore shall be permitted unless:
 - 1. The project, program, or facility is necessary for environmental protection; and
 - 2. There is no reasonable alternative that avoids or reduces the extent of encroachment in the backshore.

80.4.4. Projects in Fish Habitat.

All projects undertaken in areas identified as, and adversely affecting, “Spawning Habitat” or “Feeding and/or Escape Cover Habitat” on TRPA’s Prime Fish Habitat Map, as of December 24, 2018, as amended or areas meeting the applicable definition for “Spawning Habitat” or possessing similar characteristics for “feeding and/or escape cover habitat” shall comply with the provisions for mitigation set forth in Section 84.11.

80.4.5. Topline Fishing.

No projects shall be permitted if such project will create significant adverse impacts to topline fishing access that cannot be mitigated. TRPA shall make this determination in consultation with California Fish and Game and Nevada Division of Wildlife.

80.4.6. Projects that May Impact Historical/Cultural Resources.

Projects that may impact historical/cultural resources shall comply with the mitigation, construction and survey measures in Chapter 29. Where appropriate, TRPA shall require signage to educate the public that explains the importance of the historical/cultural resources and the sensitivity to disturbances. However, in lieu of the above, at mapped historical Washoe Indian resource sites, TRPA shall, in coordination with the Washoe Tribe, provide educational materials to property owners aimed at encouraging protection of the resources associated with the sites. Adequate setbacks from TRPA’s designated, mapped, or eligible (pursuant to Chapter 29) historic sites, including submerged sites, shall be established in consultation with an qualified archaeologist, and if a Washoe site, the Washoe tribe.

80.4.7. Recreation Projects.

Developed recreation projects may require an operating plan or equivalent document demonstrating that spatial conflicts with other recreational uses will not be significant as a result of the project. TRPA shall ensure that shorezone recreational projects are designed to avoid overuse and to avoid conflicts between recreation users.

80.4.8. Projects that May Impact Sensitive or Uncommon Plants.

Projects that have the potential to detrimentally impact sensitive or uncommon plants shall comply with the mitigation, construction, and survey measures listed in Chapter 61, subsection 61.3.6, and the Tahoe Yellow Cress Conservation Strategy. Where appropriate, TRPA will require interpretive signs to educate the public, designated trails through high-use areas, and/or fenced enclosures to protect vulnerable plant populations.

80.4.9. Review of Support Facilities.

Whenever review of a structure, use, or activity is required by the terms of this chapter, such review shall encompass the structures, uses, and activities in the backshore, nearshore, foreshore, and on the adjacent littoral parcel to ensure adequacy of all facilities related to the structure, use, or activity.

CHAPTER 81: PERMISSIBLE USES AND STRUCTURES IN THE SHOREZONE AND LAKEZONE

81.1. PURPOSE

This chapter sets forth the allowable uses and accessory structures in the shorezone and lakezone. The concept of "use" includes any activity within the Region, whether related to land, water, air or other resources of the Region. The primary uses are classified as "allowed," "special," and "nonconforming." The applicability of such classification to a parcel is determined by reference to the applicable plan area statement and map, community plan, redevelopment plan, and specific or master plan. Generic primary uses and accessory structures for the shorezone and lakezone are set forth in Section 81.4. Provisions applicable to continuing existing uses in the shorezone and lakezone are set forth in Section 81.6.

81.2. APPLICABILITY

All existing and proposed uses within the shorezone, lakezone, and lagoons within the Region shall be identified as one or more of the primary uses listed in this chapter, except for parcels that are undeveloped or unimproved. Such parcels shall be considered vacant parcels. Vacant parcels are entitled to apply for a use pursuant to the provisions of this Code. Dispersed water-oriented outdoor recreational uses, as described in subsection 81.4.3, are considered an established primary use on littoral parcels.

81.3. CLASSIFICATION OF USES AND STRUCTURES

Primary uses are classified as "allowed (A)," "special (S)," and "nonconforming." Any use that is not an allowed use, a special use, or a nonconforming use as defined in this section is prohibited, with the exception of temporary uses, structures, and activities authorized pursuant to Chapter 22.

81.3.1. Allowed Uses

Uses listed in applicable area plans, plan area statements, community plans, redevelopment plans, specific or master plans or subsection 81.4.1 as "allowed" ("A") are appropriate uses for the specified area, and projects and activities pursuant to such uses may be permitted. Allowed uses are assumed to be compatible with the direction of the Regional Plan and surrounding uses.

81.3.2. Special Uses

Uses listed in applicable area plans, plan area statements, community plans, redevelopment plans, specific or master plans or subsection 81.4.1 as "special" ("S"), may be found to be appropriate uses for the specified area, and projects and activities pursuant to such uses may be permitted. To allow a special use, TRPA shall conduct a public hearing in according to the procedures in TRPA's Rules of Procedure. Before issuing an approval, TRPA shall make the findings in Subsection 80.3.3.

81.3.3. Nonconforming Uses

Uses legally commenced prior to [the effective date of the ordinance adopting this Chapter], which would be prohibited if new, are nonconforming uses and may be continued, subject to the provisions of Section 81.6. Existing development in a special use category for which the findings in subsection 81.3.1 have not been or cannot be made shall be nonconforming uses. Nonconforming structures are addressed in Chapter 82.

81.3.4. Prohibited Uses

Proposed uses not listed in applicable plan area statements, community plans, redevelopment plans, specific or master plans, or subsection 81.4.1 are prohibited. Proposed special uses for which the findings in subsection 81.3.1 cannot be made shall be prohibited uses.

81.4. PERMISSIBLE USES AND ACCESSORY STRUCTURES

This section identifies the permissible uses in the shorezone and lakezone. Each permissible use is defined in Section 81.5. Any use not listed in Section 81.4 is prohibited. Plan area statements, area plans, and community, specific, master, and redevelopment plans establish whether uses are allowed (A) or special (S) in all areas except the lakezone. Subsection 81.4.1 establishes whether uses are allowed (A) or special (S) in the lakezone.

81.4.1. Permissible Uses in the Lakezone

The following list identifies the permissible uses in the lakezone:

- A. Safety and navigational facilities (A).
- B. Salvage operations (S).
- C. Seaplane operations (S).
- D. Tour boat operations (S).
- E. Waterborne transit (A).
- F. Water intake lines (A).

81.4.2. Permissible Uses in the Shorezone

The following list identifies the permissible uses in the shorezone:

- A. Beach recreation.
- B. Boat launching facilities.
- C. Construction equipment storage.
- D. Marinas.
- E. Safety and navigational facilities.

CHAPTER 81: PERMISSIBLE USES AND STRUCTURES IN THE SHOREZONE AND LAKEZONE

81.4 Permissible Uses and Accessory Structures

81.4.3 Permissible Uses in the Shorezone and Lakezone

- F. Salvage operations.
- G. Seaplane operations.
- H. Tour boat operation.
- I. Waterborne transit.
- J. Water-oriented outdoor recreation concessions.

81.4.3. Permissible Uses in the Shorezone and Lakezone

Dispersed water-oriented outdoor recreational uses which do not require developed facilities, and which occur in the shorezone or on lakes, such as recreational boating, windsurfing, ballooning, swimming, skin diving, snorkeling, sunbathing, and fishing are allowed uses in the shorezone and lakezone. Rental of equipment and services related to such uses are included in water oriented outdoor recreation concessions. Commercial boating, parasailing, fish habitat restoration, and scientific study projects are special uses in the shorezone and lakezone. Uses resulting from construction of the following structures or facilities are allowed uses in the shorezone and lakezone:

- A. Shoreline protective structures and other erosion control and environmentally oriented projects and facilities in accordance with subsection 85.5.3.
- B. Public service facilities in accordance with subsection 85.5.2.
- C. Public outdoor recreation facilities in accordance with subsection 85.5.1.
- D. Access to the foreshore in accordance with subsection 85.5.4.

81.4.4. Accessory Structures

Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 21: *Permissible Uses* and in accordance with the applicable local plan. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel. Structures not listed in this section are prohibited. Shoreline protective structures and water intake lines may be permitted independently of a primary use on the littoral parcel:

- A. Boat ramps.
- B. Breakwaters or jetties.
- C. Buoys.
- D. Fences.
- E. Floating docks and platforms.
- F. Piers.

- G. Shoreline protective structures.
- H. Water intake lines.
- I. Storage racks for non-motorized watercraft.

81.5. USE DEFINITIONS

The following uses are defined as set forth below:

81.5.1. Beach Recreation

Recreational use of a beach, supported by developed facilities such as sanitation facilities, parking, picnic sites, piers, boat ramps, floating docks and platforms and mooring buoys.

81.5.2. Boat Launching Facilities

Recreational establishments which provide boat launching, parking and short term trailer storage for the general public. Long-term storage, mooring, and maintenance of boats are included under "marinas."

81.5.3. Commercial Boating

Commercial use of pleasure craft or other vessel on a body of water.

81.5.4. Construction Equipment Operation

The operation of equipment, such as barges, pile drivers, and amphibious vehicles, for the purpose of repairing or constructing structures located in the shorezone.

81.5.5. Construction Equipment Storage

The storage of equipment, such as barges, pile drivers, and amphibious vehicles, used for the repair or construction of structures located in the shorezone. Construction equipment storage does not include stock piling of materials, except when the equipment is stored on or within other construction equipment.

81.5.6. Marinas

Establishments providing water-oriented services, such as yachting and rowing clubs; boat rentals; storage and launching facilities; sport fishing activities; excursion boat and sightseeing facilities; and other marina-related activities, including, but not limited to, fuel sales and boat and engine repair. Marinas contain water-oriented facilities and structures that are regulated and defined in Chapter 84. Condominiums, hotels, restaurants, and other such uses with accessory water-oriented multiple-use facilities are not considered marinas. Outside storage or display is included as part of the marina use.

81.5.7. Recreational Boating

Noncommercial use of pleasure craft on a body of water, including regattas and speedboat races.

81.5.8. Safety and Navigation Facilities

Structures in the shorezone or lakezone whose purpose is the protection of the public health, safety, and general welfare, such as navigational buoys, lighthouses, scientific monitoring devices, and radio communication devices.

81.5.9. Salvage Operations

The act of bringing a vessel, or its cargo to the water's surface.

81.5.10. Seaplane Operations

Use of a permanent facility for the landing and take-off of aircraft on a body of water. Includes the fueling, maintenance, and storage of such aircraft.

81.5.11. Tour Boat Operation

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at a single site.

81.5.12. Waterborne Transit

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at different sites.

81.5.13. Water-Intake Lines

Pipelines and accessory structures, located within a body of water, whose purpose is to draw in and transport water to the backshore or beyond.

81.5.14. Water-Oriented Outdoor Recreation Concessions

Water-oriented outdoor recreation uses, such as food and beverage facilities at public beaches; fishing guide services; parasailing; recreation equipment rental (e.g., boats, wind surfing and beach equipment); but not including, boat slips, boat and engine repair or the sale of fuel. The following uses are defined as set forth below:

81.6. EXISTING USES

Existing uses in the shorezone or lakezone shall be regulated as follows:

81.6.1. Right to Continue Existing Uses

Uses legally commenced prior to the effective date of ordinance adopting this Chapter, are recognized as existing uses and may be continued, except as otherwise set forth in subparagraphs 81.6.1.A and 81.6.1.B. Continuation of an existing use includes a change in ownership, tenancy, or management, where the nature and character of the existing use remains substantially unchanged. Short-term or seasonal uses existing pursuant to legally issued TRPA permits may continue only for the duration of the permits authorizing them. Neither this section nor this chapter shall be construed as a limitation upon TRPA's authority to regulate all uses, present or future, by permit, prohibition or otherwise.

A. Nonconforming Uses

If an existing nonconforming use is discontinued for a period of one year or more, any subsequent use shall comply with the use regulations set forth in the local plan. Discontinuance of use for periods found by TRPA to be beyond the applicant's control, such as weather caused calamity, governmental seasonal regulations and periods during which TRPA was prohibited by court order from accepting applications for repairs related to the use, shall not be counted in establishing discontinuance of use pursuant to this section.

B. Uses Subject to a Specific Program Requiring Discontinuance or Modification of the Uses

A use subject to a specific program requiring discontinuance or modification of the use shall be discontinued or modified in accordance with the requirements of such program. Such specific programs shall be further defined and adopted by ordinance.

81.6.2. Changes, Expansions, or Intensifications of Existing Uses

Expansions and intensifications of existing uses, or changes in use to the extent permitted by this chapter, are subject to the requirements for a permit set forth in Chapter 2: *Applicability of the Code of Ordinances* and Chapter 82: *Existing Structures and Exempt Activities*. Modifications, expansions and other changes to structures are governed by other provisions of the Code and also are subject to the requirements of Chapter 2 and 82. Changes in use of a littoral parcel may not increase shorezone development potential.

A. Allowed Uses

Uses identified as allowed uses may be changed, expanded, or intensified in conformance with this Code. Any change, expansion, or intensification, resulting in a special use, shall be subject to the special use requirements.

B. Special Uses

Uses identified as special uses and for which the required findings pursuant to subsection 81.3.2 have been made by TRPA, may be changed, expanded, or intensified subject to subsection 81.3.2.

C. Nonconforming Uses

Uses identified as nonconforming shall not be expanded or intensified. A nonconforming use shall not be changed unless the new use conforms to the use regulations set forth in this Code. Expansions of structures containing a nonconforming use shall not be permitted. Modifications may be permitted only when TRPA finds that the modifications do not increase the extent of nonconformity.

CHAPTER 82: EXISTING STRUCTURES AND EXEMPT ACTIVITIES

82.1. PURPOSE

Policy 11, Goal #1 of the Shorezone Subelement, Conservation Element of the Goals and Policies requires that TRPA regulate the maintenance, repair, and modification of piers and other existing structures in the nearshore and foreshore. Since some existing structures do not conform to the Code standards for new structures, the policy requires that, for maintenance, repair and modification, the Code set requirements, appropriate for the situation, to correct environmental and navigational problems. This chapter sets forth standards in accordance with that policy.

82.2. APPLICABILITY

Structures Structures legally existing in the shorezone or lagoons in the Region prior to December 24, 2018, or structures legally constructed after December 24, 2018 are recognized as existing structures, provided the structure has not been unserviceable beyond the time limits set forth in subsection 82.7.4. The maintenance, repair, or expansion of existing structures in the shorezone or lagoons shall comply with the provisions of this chapter.

82.3. GENERAL PROVISIONS

All activities in the lakezones, shorezones, and lagoons of lakes within the Region shall comply with the following:

- 82.3.1.** An activity which is not specifically exempt (pursuant to Section 82.4), qualified exempt (pursuant to Section 82.5), or a continuation of an existing use (pursuant to Section 81.6), is subject to TRPA review and approval.
- 82.3.2.** All activities that are not a permissible use (pursuant to Section 81.4), an accessory structure (pursuant to subsection 81.4.4), or an existing use (pursuant to Section 81.6) are prohibited.
- 82.3.3.** No project shall be approved unless the applicable findings can be made in compliance with Chapters 80 and 84, and no project shall be built unless the applicant pays all applicable fees.
- 82.3.4.** Any maintenance, repair or reconstruction activity pursuant to this chapter shall comply with the shorezone design standards for color and roofs contained in Section 83.11.
- 82.3.5.** An exempt or qualified exempt activity shall not create additional land coverage or relocate any existing land coverage.

82.4. EXEMPT LAKEZONE, NEARSHORE, FORESHORE, AND LAGOON ACTIVITIES

The following activities are exempt from TRPA review and approval:

CHAPTER 82: EXISTING STRUCTURES AND EXEMPT ACTIVITIES

82.5 Qualified Exempt Activities

81.6.2 Changes, Expansions, or Intensifications of Existing Uses

- 82.4.1.** Ordinary maintenance and repair of an existing structure, or the demolition/removal of an existing structure less than 50-years old, in a manner that does not affect or disturb the backshore, lake substrate unless associated with pile replacement as outlined below, or Tahoe Yellow Cress habitat. This includes the replacement and repair of windows, doors, siding, roofing, decking, and electrical and mechanical equipment, and replacement of not more than 6 piles. To obtain possible credit for land coverage or existing development, TRPA verification is required prior to any demolition/removal. An exempt activity must meet all of the following standards:
- A.** The structure is in accordance with the design standards in Section 83.11;
 - B.** Temporary construction best management practices are implemented, and all below-water construction activities occur from October 1 through April 30, if the structure is within fish spawning habitat;
 - C.** No discharge to the waters of the region; and
 - D.** The structure is legally existing with respect to TRPA requirements and has not been unserviceable for the last three years.
- 82.4.2.** The consolidation of one or more parcels, provided that
- A.** A deed restriction that permanently consolidates the parcels is recorded by the affected owners;
 - B.** No parcel is subdivided or has its boundaries changed (other than by the elimination of the boundary line(s) separating the consolidated parcels); and
 - C.** No reduction in recreational access occurs through the consolidation.
- 82.4.3.** Water-oriented outdoor recreational (dispersed) uses that do not require the construction of permanent structures.
- 82.4.4.** Water-oriented public service uses that are law enforcement activities that do not require the construction of permanent structures.
- 82.4.5.** Temporary activities which do not create threshold impacts, and which comply with Subsection 2.3.6.
- 82.4.6.** Water-oriented scientific studies and research projects that do not require the discharge of substances or the placement of structures or the disturbance of land or lake bottom in the lakezone, lagoon or shorezone of the Region.
- 82.4.7.** Beach raking activities covered by an MOU entered into pursuant to Section 2.6.
- 82.4.8.** Replacement of buoy floats and chains for buoys permitted by TRPA.

82.5. QUALIFIED EXEMPT ACTIVITIES

No TRPA review and approval is necessary for the following activities if the activity fully meets one or more of the categories in this section and the applicant files a properly completed TRPA Qualified Exempt declaration form pursuant to subsection 2.3.7 with TRPA at least five working days before the activity begins.

- 82.5.1.** Maintenance or repair of an existing structure, or the demolition/removal of an existing structure less than 50-years old. Such activities do not include the relocation of existing structures. To obtain possible credit for land coverage or existing development, TRPA verification is required prior to any demolition/removal. Upon the discretion of the Executive Director, TRPA may require special conditions upon submittal of a Qualified Exempt declaration. A qualified exempt activity must meet all the following standards:
- A.** The activity shall not result in a change of use or an increase in the area or dimensions of the structure, including height, width, length or overall area. Any associated excavation, filling or backfilling located above the highwater line (elevation 6,229.1 feet Lake Tahoe Datum) elevation or the elevation of the equivalent highwater line at other lakes is completed within 48-hours, has a volume of no more than three cubic yards, and is stabilized to prevent erosion. This exemption shall not be construed to exempt a series of excavations that viewed as a whole would constitute a project.
 - B.** No excavation, grading, or filling occurs below the highwater line (elevation 6,229.1 feet Lake Tahoe Datum or the equivalent highwater line at other lakes). Notwithstanding this limitation, the following activities will not be considered excavation, grading, or filling:
 - 1.** Driving or removing piles;
 - 2.** Repair of jetties or breakwaters when performed in compliance with all applicable TRPA shorezone BMPs.
 - C.** The structure is legally existing and has not been unserviceable for the last three years;
 - D.** The activity does not involve the replacement of vertical revetments;
 - E.** The applicant shall submit to TRPA together with the Qualified Exempt Declaration, a Certificate of Completion for water quality BMPs for the project area unless the activity constitutes an emergency repair pursuant to Rules of Procedure Article 5.20, and compliance plans for temporary or construction BMPs;
 - F.** Any impact to fish habitat from the driving or removing of piles is mitigated and any areas of fish habitat previously disturbed by removing piles is restored. In shorezone areas containing spawning gravels, construction can only occur from October 1 through April 30 unless TRPA conducts a site analysis in coordination with other appropriate agencies and finds that the proposed activity will not have a detrimental effect on the spawning habitat, spawning fish, incubating eggs, or

CHAPTER 82: EXISTING STRUCTURES AND EXEMPT ACTIVITIES

82.5 Qualified Exempt Activities

81.6.2 Changes, Expansions, or Intensifications of Existing Uses

fry. Such analysis and findings shall be incorporated as a Special Condition of the Qualified Exempt activity;

- G.** Reconstruction of a jetty or breakwater shall not be considered a qualified exempt activity;
- H.** The applicant certifies that it has contacted all appropriate public agencies or private entities, including those to ensure that any element of the activity will not affect any underground utilities; and
- I.** Prior to Qualified Exempt Declaration submittal, the applicant shall request from TRPA or other qualified individual or entity a Tahoe Yellow Cress survey during the growing season immediately prior to the date of proposed activity if the activity will result in impacts to the shorezone lakeward of lake bottom elevation 6,229 feet Lake Tahoe Datum. The growing season shall be considered June 15th through September 30th. If Tahoe Yellow Cress is found, the permittee shall submit an appropriate plan (flag/avoid or mitigation) to TRPA staff upon Qualified Exempt Declaration submittal. Tahoe Yellow Cress mitigation, if necessary, shall be incorporated as a Special Condition of the Qualified Exempt activity. The applicant shall certify that the activity will not adversely affect after mitigation, if necessary, Tahoe Yellow Cress or other sensitive plant species. If a project area is lakeward of the low water line (elevation 6,223 feet Lake Tahoe Datum) and construction activity will not occur between the high water line (elevation 6,229.1 feet Lake Tahoe Datum) and low water line, the applicant shall not be required to conduct a Tahoe Yellow Cress survey.

82.5.2. The demolition of structures 50 years or greater in age, provided that:

- A.** The demolition meets all the requirements in subparagraph 82.5.1.82.5.1.A;
- B.** The structure, improvement or facility is not designated, pending or eligible for designation, on the Historic Resource Map; and
- C.** The Qualified Exempt Declaration is accompanied by the results of a TRPA historic determination.

82.5.3. The repair or replacement of an existing anchoring device for a buoy authorized by a TRPA permit.

82.5.4. The repair of an existing fence that complies with the applicable standards for fences in Chapter 84.

82.5.5. The repair or reconstruction of legally existing piers, slips, floating swim platforms and shoreline protective structures in Tahoe Key lagoons.

- 82.5.6.** A change in operation that generates less than 650 additional vehicle miles travelled and adds less than five additional motorized watercraft, provided there is no change from one use classification to another, the resulting use is allowed by this Chapter, there is no increase in threshold impacts (e.g., noise, water quality, etc.), and the applicant pays the applicable TRPA air quality mitigation fee.
- 82.5.7.** Placement above highwater of signs that relate to navigation, public access, or resource protection and no more than one additional sign for another purpose. Signs shall be a maximum of 12" x 18" in size in accordance with the sign standards in Chapter 38.
- 82.5.8.** Relocation of boulders for navigational purposes provided that the character and habitat function throughout the project area is maintained and the relocation is consistent with Chapter 67. This provision does not apply to removal, modification, or destruction of boulders. Up to six boulders, or three cubic yards of boulders, whichever is more limiting, may be relocated if they are directly impeding watercraft access to an existing boatlift or catwalk. Relocations of boulders may also be allowed in conjunction with a pier expansion if the expansion will bring a con-conforming pier completely into conformance with the applicable development standards in TRPA Code of Ordinances Chapter 84. A qualified exempt boulder relocation must comply with the all of the following requirements:
- 1.** No more than 6 boulders, or a total of 3 cubic yards of boulders, whichever is more limiting, may be relocated under a Qualified Exempt Declaration.
 - 2.** A boulder is an object that is greater than 10 inches in diameter
 - 3.** Boulders to be relocated shall not be buried or partially buried beneath the substrate. The declarant shall demonstrate that a boulder can be plucked off the top of the substrate rather than pulled out from the substrate so that lake bottom disturbance is minimized.
 - 4.** A boulder shall not be relocated if the only way to move the boulder is to drag it across the lake bottom.
- 82.5.9.** Placement above highwater of racks for the storage of non-motorized watercraft by homeowner's associations, provided that screening from the lakeshore and adjacent public roadway, as applicable, is demonstrated.
- 82.5.10.** Installation of a buoy and associated anchoring device by a public agency or water purveyor for navigational purposes.
- 82.5.11.** These exemptions shall not be construed to exempt a series of activities that viewed as a whole would constitute a project.

82.6. LOSS OF EXEMPTION

CHAPTER 82: EXISTING STRUCTURES AND EXEMPT ACTIVITIES

82.7 Existing Structures in the Nearshore or Foreshore

82.7.1 Nonconforming Structures

An exempt or a qualified exempt shorezone activity shall lose its exemption and be reclassified as a project if TRPA finds that the activity meets the criteria set forth in subsection 2.3.8.

82.7. EXISTING STRUCTURES IN THE NEARSHORE OR FORESHORE

82.7.1. Nonconforming Structures

- A.** Structures that were legally established and are used for a conforming use but are nonconforming with regard to applicable location and design standards may continue as legal nonconforming structures and may be maintained and repaired.
- B.** Reconstructions and Non-Exempt Repairs of Existing Structures: Non-conforming structures that were legally established may be fully or partially reconstructed or repaired in kind. If the structure to be reconstructed is located in California, the applicant shall provide a lease, verified staff report, or letter from the State Lands Commission authorizing the activity or stating it has no objection to the project. Adaptations to the reconstruction required by the State Lands Commission to promote public access under this provision may be included as a part of the reconstruction. This visible mass attributable to these adaptations do not require mitigation. Coverage attributable to these adaptations is allowed pursuant to subsection 30.4.6.D.3.a.
- C.** Except as expressly allowed in Chapter 84, expansion of nonconforming structures shall be prohibited.
- D.** Modification of nonconforming structures may be allowed if the modification:
 - 1.** Results in a material net environmental benefit;
 - 2.** Brings the structure into greater compliance with location and design standards;
 - 3.** Does not increase the degree of nonconformance of the structure with any standard; and
 - 4.** In the case of a structure interfering with littoral processes, materially reduces such adverse effects.

82.7.2. Compliance with Best Management Practices (BMPs)

No approval shall be granted under the provisions of subsection 82.7.1, unless the project complies with the requirements to install BMPs as set forth in Section 60.4.

82.7.3. Permit Requirement for Mooring Buoys

No mooring buoy may be placed or maintained in the waters of the Lake Tahoe Region unless it is authorized by a permit from TRPA.

82.7.4. Mooring Buoys Identification

TRPA approved mooring buoys shall display a TRPA Buoy Identification at all times.

82.8. EXISTING STRUCTURES IN THE BACKSHORE

Repair, reconstruction, modification, expansion, and relocation of existing structures located in the backshore shall be regulated in accordance with the standards set forth in Chapters 21 and 2. When a structure in the foreshore extends into the backshore, that portion of the structure in the backshore shall be regulated pursuant to Section 82.3 and Chapter 85.

CHAPTER 83: SHOREZONE TOLERANCE DISTRICTS AND DEVELOPMENT STANDARDS

83.1. PURPOSE

Policies 4, 5, 6, and 7, Goal 1 of the Shorezone Subelement, Conservation Element of the Goals and Policies establish management strategies and development restrictions with respect to the eight shorezone tolerance districts described in the 1973 Shorezone Plan for Lake Tahoe. Policy 9, Goal #1 of the Shorezone Subelement requires TRPA to regulate structures in the foreshore and nearshore to avoid interference with the attainment of scenic thresholds. Policy 15, Goal #1 of the Shorezone Subelement permits the designation of shorezones as man-modified and sets forth the findings necessary for designation. In accordance with these policies, this chapter sets forth development standards for the eight tolerance districts, standards for designating shorezones as man-modified, design standards and standards for other related matters.

83.2. APPLICABILITY

All projects and activities within the shorezone shall comply with the regulations and standards applicable within the shorezone tolerance district in which the project or activity is located.

83.3. ESTABLISHMENT AND EFFECT

There are eight shorezone tolerance districts identified along the shorelines of Lake Tahoe, Fallen Leaf Lake, and Cascade Lake. These districts are described in the 1973 Shorezone Plan for Lake Tahoe and are depicted on TRPA Shorezone Tolerance District and Land Capability Overlay Maps, pursuant to Chapter 10: *TRPA Regional Plan Maps*. The 1973 Shorezone Plan was used as a guideline in establishing the use and development standards and regulations as set forth in this chapter.

83.4. PRECISE BOUNDARIES

The location of precise boundaries of shorezone tolerance districts shall reflect the physical and other considerations that led to the classifications of the lands in the districts that the boundary lines separate. Determinations of precise boundaries on a parcel may be made by TRPA as part of a project approval without amendment to the shorezone maps consistent with the procedures for field verification in Chapter 30. Such determinations may not result in a major adjustment of the boundaries (i.e., creation of new districts, elimination of districts, etc.) that would otherwise require an amendment pursuant to Section 83.5. Boundary line determinations shall be consistent with the criteria set forth in the report entitled *Toward a Shore-Zone Plan For Lake Tahoe*, Orme, A.R., 1972.

83.5. SHOREZONE TOLERANCE DISTRICT CHALLENGE

In the event TRPA or the owner of a littoral parcel is of the opinion the shorezone adjacent to the parcel is not properly classified pursuant to Section 83.3, either may initiate a shorezone

tolerance district challenge with respect to such parcel. The person or entity initiating the challenge shall bear the cost thereof. For parcels one acre or less in size, the cost to be charged an owner initiating the challenge shall not exceed an amount prescribed by resolution of the Governing Board.

83.5.1. Team of Experts

A team of experts retained by TRPA shall evaluate the shorezone tolerance district challenge. Depending on the nature of the challenge, the team may include, as determined by TRPA, a geomorphologist, soil scientist, geologist, hydrologist, and fisheries biologist, selected by TRPA. Such persons shall be recognized as possessing special qualifications to evaluate soils, geomorphology, hydrology, fisheries, vegetation and other characteristics and related environmental factors pertinent to the subject shorezone area. TRPA shall consider data provided by experts retained by the owner, and TRPA's team of experts shall comment on the accuracy of the owner's data. No expert retained by the owner shall be a member of TRPA's team.

83.5.2. Shorezone Tolerance District Report

TRPA's team of experts shall prepare a shorezone tolerance district report analyzing the shorezone tolerance district challenge. The report shall include:

- A.** A description of the parcel.
- B.** Detailed information concerning topography; soil capabilities and limitations; compositional and geometric properties; surface and ground water conditions; geomorphology; vegetation characteristics and related environmental factors pertinent to the subject shorezone area.
- C.** An analysis identifying limitations on use and disturbance in the shorezone due to: compositional and geometric properties; surface and subsurface hydrologic conditions; erosion hazard; littoral processes and lake bottom material composition; biological characteristics such as fish, wildlife and vegetation; and visual and aesthetic factors.
- D.** Identification by a qualified expert of the shorezone tolerance district generally exhibiting the characteristics of the section of shorezone analyzed in the report.
- E.** Additional information required by TRPA to properly assess the merits of the application.

83.5.3. Review of and Action on the Report

The Executive Director shall review the shorezone tolerance district report and, if it recommends no change in shorezone district, may deny the shorezone tolerance district challenge, subject to an appeal to the Governing Board. If the report recommends a change in shorezone tolerance district, the change shall be approved or denied by the Governing Board. The challenge may be approved if the Governing Board finds that the pertinent shorezone, due to natural characteristics specifically identified, properly belongs in a shorezone tolerance district other than that in which it is presently classified.

83.5.4. Notification Procedure

An appeal of the Executive Director's denial of a shorezone tolerance district challenge and the action by the Governing Board upon a report recommending a change in shorezone tolerance shall be pursuant to notification to affected property owners in accordance with TRPA's Rules of Procedure.

83.5.5. Procedure After Action on Shorezone Tolerance District Challenge

Once TRPA has completed its action on the shorezone tolerance district challenge, it shall:

- A.** Give written notification to the owners of all parcels affected by the action taken;
- B.** Include the information set forth in the report prepared pursuant to subsection 83.5.2 and the action pursuant to subsection 83.5.3 in TRPA's data base for purposes of Chapter 5;
- C.** Recognize the action pursuant to subsection 83.5.3 as superseding the TRPA Shorezone Tolerance District Overlays with respect to the pertinent parcel; and
- D.** Affix a symbol to the shorezone tolerance district overlays denoting the action pursuant to subsection 83.5.3 as applicable to all parcels affected by the action.

83.5.6. Amendment of Shorezone Tolerance District Overlay Maps

Amendments to the tolerance district overlay maps shall be processed as amendments to the Regional Plan.

A. Minimum Land Area

Amendments to the shorezone tolerance district overlay maps shall be limited to sections of shoreline that are 400 feet or greater in length.

B. Line Adjustments

Adjustments of existing shorezone tolerance district lines, other than minor adjustments which occur under Section 83.4 shall require amendment to the shorezone tolerance district maps. Such adjustments shall not create new or eliminate existing districts; however, the adjustment may substantially affect permitted uses and apply to more than one property.

C. New Shorezone Tolerance Districts

The creation of a new shorezone tolerance district shall require amendment to the shorezone tolerance district maps. New shorezone tolerance districts shall include all the adjoining land area which exhibits the characteristics of the new district.

83.6. MAN-MODIFIED CHALLENGE

The Shorezone Tolerance District Overlay Maps may be amended for man-modified areas through an amendment of the Regional Plan in the manner set forth in this subsection. The amendment may be initiated by TRPA or the owner of the pertinent land, provided there is

sufficient information demonstrating a reasonable possibility the requirements of this subsection can be met.

83.6.1. Team of Experts

A team of experts retained by TRPA shall evaluate the man-modified challenge in accordance with the requirements of subsection 83.5.1.

83.6.2. Man-Modified Report

TRPA's team of experts shall prepare a man-modified report in accordance with the requirements of subsection 83.5.2. In addition to the foregoing information, the report shall contain information showing that the area in question was modified by man's placement of fill, dredging or grading, in so substantial a fashion as to generally exhibit the characteristics of a shorezone tolerance district other than the one depicted for said land on TRPA's Shorezone Tolerance District Overlay Maps. In the case where the shorezone has been so modified that it no longer exhibits characteristics similar to any of the established tolerance districts, the report shall recommend the limitations, standards, and regulations that should be applied within the new tolerance district.

83.6.3. Criteria

An amendment to the shorezone tolerance district maps may be approved only if TRPA finds that:

- A.** Further development will not exacerbate the problems caused by development in shorezones that the original tolerance rating was meant to avoid;
- B.** The area no longer exhibits the characteristics of the original shorezone tolerance rating;
- C.** Restoration of the area is infeasible because of factors such as the cost thereof, a more positive cost-benefit ratio would be achieved by offsite restoration, onsite restoration would cause environmental harm, restoration onsite would interfere with an existing legal use, and the area is not identified for restoration by any TRPA program;
- D.** The impacts from further development will be mitigated offsite;
- E.** Mitigation to offset the losses caused by modification of the area and pertinent shorezone tolerance district, shall be as follows:
 - 1.** Onsite and offsite mitigation;
 - 2.** Pursuant to a maintenance program, including a schedule of maintenance proposed by the owner and approved by TRPA; and
 - 3.** Collection of a security, if deemed necessary by TRPA, to guarantee mitigation; and
- F.** The area in question was modified to the extent being recognized prior to February 10, 1972.

83.6.4. Review and Action

The man-modified report shall be reviewed and acted upon in accordance with subsection 83.5.3.

83.6.5. Notification Procedure

Notification procedures shall be in accordance with subsection 83.5.4.

83.6.6. Procedure After Action on Man-Modified Challenge

After action is taken on a man-modified challenge, TRPA shall comply with the provisions of subsection 83.5.5.

83.6.7. Amendment of Shorezone Tolerance District Overlay Maps

Amendment to the shorezone tolerance district overlay maps resulting from a man-modified challenge shall be in accordance with the provisions of subsection 83.5.6.

83.7. SHOREZONE TOLERANCE DISTRICT 1

Shorezone Tolerance District 1 is described and regulated as follows:

83.7.1. Nature of District

The beach that forms the shoreline in these districts is a low sandy barrier that separates the lake proper from marshes and wetlands. Generally, the shorezone is ecologically fragile and any substantial use or alteration can lead to excessive sedimentation, beach erosion, and water turbidity.

83.7.2. Development Standards

In addition to the standards set forth in Chapters 84 and 85, the following standards shall be applicable to Shorezone Tolerance District 1:

- A.** Vertical access to the shoreline shall be restricted to planned footpaths which minimize the impact to the backshore.
- B.** Vegetation shall not be manipulated or otherwise disturbed except when permitted under Chapter 85.
- C.** No drainage or modification of backshore wetlands shall be permitted.
- D.** New development in the backshore of a Shorezone Tolerance District 1 shall be regulated in accordance with the regulations in this Code for stream environment zones.
- E.** Replacement of existing land coverage in the backshore of a Shorezone Tolerance District 1 shall be in accordance with the regulations for replacing existing land coverage in stream environment zones.

83.8. SHOREZONE TOLERANCE DISTRICTS 2 AND 3

Shorezone Tolerance Districts 2 and 3 are described and regulated as follows:

83.8.1. Nature of The Districts

The natures of the districts are:

A. Tolerance District 2

Tolerance District 2 is typically volcanic and morainic debris shorezones with slopes 30 percent and over and alluvial soils at nine to 30 percent slopes. Potential for disturbance in the nearshore is high as is potential for erosion and cliff collapse in the backshore.

B. Tolerance District 3

Tolerance District 3 is armored granite shorezones with slopes exceeding 30 percent. The erosion potential is high immediately above the shore, with moderate potential for disturbance in the steep nearshore zone. Removal of vegetation in the backshore may lead to mass movement and erosion.

83.8.2. Development Standards

In addition to the standards set forth in Chapters 84 and 85, the following standards shall be applicable to Shorezone Tolerance Districts 2 and 3:

- A.** Permitted development or continued use may be conditioned upon installation and maintenance of vegetation to stabilize backshore areas and protect eroding areas from further destruction.
- B.** Projects shall not be permitted in the backshore unless TRPA finds that such project is unlikely to accelerate or initiate backshore erosion.
- C.** Access to the shoreline shall be restricted to stabilized access ways which minimize the impact to the backshore.

83.9. SHOREZONE TOLERANCE DISTRICTS 4 AND 5

Shorezone Tolerance Districts 4 and 5 are described and regulated as follows:

83.9.1. Nature of Districts

The natures of the districts are:

A. Tolerance District 4

Tolerance District 4 exhibits volcanic rock shorelines with moderate potential for erosion. The potential increases where colluvium of volcanic debris is present and stoney, sandy loams lie on 15 to 30 percent slopes; on morainic debris shorezones with high erosion potential above the shoreline; and alluvial shorezones where the shoreline is characterized by steep, crumbling cliffs with continuing erosion problems.

B. Tolerance District 5

Tolerance District 5 exhibits armored granite shorezones with 15 to 30 percent slopes with less erosion potential than similar lands in Shorezone Tolerance District 4.

83.9.2. Development Standards

In addition to the standards set forth in Chapters 84 and 85, the following standards shall be applicable to Shorezone Tolerance Districts 4 and 5:

- A.** Permitted development or continued use maybe conditioned upon installation and maintenance of vegetation to stabilized backshore areas and protect existing cliffs from accelerated erosion.
- B.** Projects shall not be permitted in the backshore unless TRPA finds that such project is unlikely to require the cliff area to be mechanically stabilized or that the project will not accelerate cliff crumbling, beach loss or erosion.
- C.** Access to the shoreline shall be restricted to stabilized access ways which minimize the impact to the backshore.
- D.** Access to buoys shall be designed to cause the least possible environmental harm to the foreshore and backshore.
- E.** Access to piers, floating platforms and boat ramps shall be designed to cause the least possible alteration to the natural backshore.

83.10. SHOREZONE TOLERANCE DISTRICTS 6, 7, AND 8

Shorezone Tolerance Districts 6, 7, and 8 are described and regulated as follows:

83.10.1. Nature of Districts

The natures of the districts are:

A. Tolerance District 6

Tolerance District 6 is underlain by weathered volcanic or morainic debris with slopes of five to 15percent.

B. Tolerance District 7

Tolerance District 7 is comparatively level shorezone underlain by morainic and alluvial materials with slopes of zero to nine percent.

C. Tolerance District 8

Tolerance District 8 is gently sloping, armored granite shorezone with high capability for development. Shorelines are in equilibrium and potential for erosion in foreshore and nearshore is low. Backshore possesses a moderate erosion potential in some cases.

83.10.2. Development Standards

In addition to the standards set forth in Chapters 84 and 85, the standards set forth in subsection 83.9.2 for Tolerance Districts 4 and 5 shall be applicable to Tolerance Districts 6, 7, and 8. The following standards also shall apply:

- A. Vehicular access to the shoreline shall not be permitted except where TRPA finds that such access will not cause environmental harm.
- B. Boat launching facilities and marinas shall be located where the nearshore shelf is of sufficient width to enable construction and use without potential for significant shelf erosion.

83.11. DESIGN STANDARDS WITHIN THE SHOREZONE

Design standards within the shorezone are as follows:

83.11.1. Color

The color of structures, including fences, shall be compatible with its surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within a range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish-brown, brown, tan, ochre, umber, sand, and dark green. Colors shall be medium to dark and shall meet the Munsell® Color value as set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G. Structures in the shoreland that were constructed prior to January 1, 1950 may maintain their historic colors when doing exempt maintenance and repair.

83.11.2. Roofs

Roofs shall be composed of non-glare earthtone or wood tone materials that minimize reflectivity. Metal roofs shall be compatible with their surroundings and composed of non-glare earthtone colors. Metal roofs colors shall meet the Munsell® Color value as set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines that have a value and chroma of 0-4 or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G.

83.11.3. Fences

Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or dark green vinyl, including fence poles.

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.1. PURPOSE

The Shorezone Subelement, Conservation Element of the Goals and Policies requires TRPA to regulate the placement of new piers, buoys, and other structures in the nearshore and foreshore to avoid degradation of fish habitats, creation of navigation hazards, interference with littoral drift, interference with the attainment of scenic thresholds and other relevant concerns. The Goals and Policies also requires TRPA to conduct studies, as necessary, to determine potential impacts to fish habitats and apply the results of such studies and previous studies on shoreline erosion and shorezone scenic quality in determining the number of, location of, and standards of construction for facilities in the nearshore and foreshore. The Shorezone Subelement indicates that provisions should be made to allow multiple-use piers when such uses are intended to reduce the number of single use piers on adjoining properties. This chapter sets forth standards and provisions in accordance with these policies.

84.2. APPLICABILITY

- 84.2.1. All projects and activities in the nearshore, foreshore, or in lagoons of Lake Tahoe shall comply with the standards and provisions set forth in this chapter, with the exception that the standards and provisions set forth in this chapter shall not apply to the lagoons within the Tahoe Keys Homeowners Association. Development Standards for the lagoon area within the Tahoe Keys Homeowners Association will be established in a memorandum of understanding between TRPA and the Homeowners Association.
- 84.2.2. Whenever review of a structure, use, or activity is required pursuant to the terms of this chapter, review shall encompass the structures, uses, and activities in the backshore, nearshore, foreshore, and on the adjacent littoral parcel to ensure adequacy of all facilities related to the new or expanded structure, use, or activity.
- 84.2.3. Structures and Uses in Lakes and Lagoons other than Lake Tahoe. All projects and activities permitted by this chapter in the nearshore and foreshore of Lake Tahoe may be permitted by TRPA in other lakes and lagoons in the region pursuant to the permissible use regulations set forth in the local plan in which the project or activity is located. The location, design, and construction standards for such structures shall be determined using the standards in this chapter as guidelines.
- 84.2.4. Structures and uses subject to this Chapter shall also be subject to all applicable regulations and required approvals by authorities other than TRPA, including state and federal agencies.

84.3. MOORING STRUCTURES**84.3.1. Applicability**

- A.** The provisions of this Section apply to the construction of additional mooring structures and to the relocation and conversion of existing mooring structures.
- B.** As used in this Section, mooring structures include buoys, boat slips, boat houses, and boat lifts.
- C.** For the purposes of this Section, a mooring structure is considered “additional” if it is to be created pursuant to a TRPA approval issued on or after October 24, 2018. The following are not “additional” mooring structures:
 - 1.** The authorization of a legally existing buoy pursuant to 84.3.3.D.3 of this Section;
 - 2.** The repair, reconstruction, or replacement, in the same location on the same parcel, of a legally existing mooring structure;
 - 3.** The modification or expansion, on the same parcel, of a legally existing mooring structure;
 - 4.** The relocation of a legally existing mooring structure on the same parcel;
 - 5.** The conversion of a legally existing mooring structure to a different mooring structure pursuant to subparagraph 84.3.2.D;
 - 6.** Essential public health and safety facilities.

84.3.2. General Standards**A. Moorings per Littoral Parcel.**

Unless otherwise allowed under this Chapter, a littoral parcel not associated with a public agency, homeowners’ association, or marina shall be permitted a maximum of two moorings.

B. Watercraft per Mooring.

Only one watercraft shall be allowed per mooring, unless otherwise allowed as a permitted concession associated with a marina per subsection 84.10.2.

C. Boat houses.

- 1.** Additional boat houses shall be prohibited.
- 2.** Legally existing boat houses are allowed to be repaired and maintained.
- 3.** Modification or expansion of legally existing boat houses may be allowed pursuant to subsection 84.4.3.

D. Conversion of Existing Mooring Structures.

Subject to the following conditions, certain legally existing mooring structures may be converted from one type of structure to another.

1. Converted mooring structures shall comply with all applicable development standards for additional mooring structures in this Chapter.
2. Allowed Conversions.
3. A serviceable, legally existing marine railway may be converted to a buoy or boat lift. A boat lift converted from a marine railway pursuant to this subsection shall not be subject to the maximum number of boat lifts per single-use pier as set forth in subparagraph 84.4.3.B.2, not to exceed two boat lifts total per pier. The converted boat lift shall be considered an additional mooring per 84.4.3.E below. Conversion of a marine railway to a pier shall be prohibited.
 - a. A legally existing boat slip within a marina or public facility may be converted to a buoy within the same facility, and vice-versa.
 - b. A legally existing buoy may be converted to a boat lift, and vice-versa, consistent with the maximum number of mooring structures and buoys set forth in 84.3.2.A and 84.3.3.D.1 of this Section, respectively, and the provisions for additional boat lifts set forth in 84.3.2.E.6 of this Section.

E. Allocation and Permitting

1. **Maximum Number of Additional Moorings.** TRPA may permit up to a maximum of 2,116 additional moorings following the date of adoption of this Chapter.
2. **Allocation of Additional Moorings.** Of the additional moorings authorized in this Section:
 - a. 1,486 moorings shall be used for private moorings as either buoys or boat lifts.
 - b. 330 moorings shall be allocated for use by marinas as either buoys or boat slips.
 - c. 300 moorings shall be allocated for use by public agencies (for use as buoys or boat slips). The Executive Director may utilize a portion of this allocation for private applicants once the moorings available under Subsection 84.3.2 (E)(2)(a) are exhausted and subject to finding that sufficient capacity exists for public agency anticipated use. If the Executive Director allocates such moorings for private applicants, a minimum of 100 moorings must remain for future use by public agencies.
3. **Phasing of Applications for Additional Private Moorings**
 - a. Permit Review Priority. TRPA shall give first permitting priority to those applicants with previous state or federal approvals issued before September 1, 2018 or pending project applications with TRPA. Following completion of review for priority applicants, new project applications shall be reviewed in the order they are received.

b. Homeowners' Association Buoy Fields. From [the effective date of the ordinance adopting this Chapter] and continuing for five years, new buoy permits for homeowner's associations shall be subject to the following provisions:

- (i) Only those homeowners' associations with the number of legally existing buoys totaling less than 50 percent of the total number of housing units shall be eligible for new buoys; and
- (ii) The number of new buoys requested per year shall not exceed 20 percent of the total number of legally existing mooring structures, up to 50 percent of the total number of housing units.

4. Permit Release Schedule.

- a. Beginning in 2020 and continuing thereafter, a maximum of fifteen (15) percent of the available moorings shall be permitted annually.
- b. If fewer than fifteen (15) percent of the available moorings are permitted in a given year, the remaining moorings shall be placed back in the available mooring pool for re-calculation the following year.
- c. TRPA shall monitor boating activity and emissions and the number of new mooring permits issued to ensure that no significant impacts from the increase in moorings will occur.

5. Allocation of New Boat Slips

- a. New private boat slips shall be prohibited.
- b. TRPA may permit new boat slips in lieu of new buoys for marinas and public agencies, subject to the buoy allocation provisions set forth in subsection 84.3.2.E.2 above.

6. Additional Boat Lifts. TRPA may permit additional boat lifts subject to the total number of moorings allowed in subsection 84.3.2, and the pier development standards in subsection 84.4.3.

7. Adaptive Management. Following release of the 2019 Threshold Evaluation Report, TRPA shall review and revise as necessary the allocation of moorings as set forth in this Section. The review of allocation does not include adjustments to the maximum number of additional moorings identified in subsection 84.3.2.E.1 above. Subsequent reviews, pursuant to subsection 84.3.2.E.1 above, shall occur every eight (8) years thereafter.

F. Installation of BMPs. BMPs shall be installed in upland areas of the project site, pursuant to Chapter 60, *Resource Management and Protection*, prior to application to TRPA.

G. Mooring Registration Fee. All existing and additional moorings shall be subject to an annual TRPA mooring registration fee, as set forth in Article 16 of the TRPA Rules of Procedure and fee schedule.

84.3.3. Mooring Buoys

In addition to the general standards in subsection 84.3.2, mooring buoys are subject to the following standards:

- A. Removal or Relocation.** The removal of buoy anchors or the relocation of buoy anchors shall follow best management practices.
- B. Location.** The placement of a mooring buoy shall be prohibited within Stream-mouth Protection Zones of the creeks and rivers listed in subsection 84.4.3.A.1.
- C. Buoy Scenic Mitigation Fee.** All existing and additional buoys shall be subject to an annual TRPA buoy scenic mitigation fee in addition to the annual mooring registration fee, as set forth in Article 16 of the TRPA Rules of Procedure and fee schedule.
- D. Mooring Buoys Not Associated with a Buoy Field.**
 - 1. Eligibility.** Private, single-family littoral parcels shall be eligible for mooring buoys according to the following provisions:
 - a. Except as provided in subsection 84.3.3.D.3, littoral parcels shall be eligible for a maximum of two mooring buoys per parcel, provided the development standards in subsection 84.3.3.D.2 below are met.
 - b. For constricted parcels that are unable to meet the development standards in subsection 84.3.3.D.2 below, TRPA may adjust the spacing requirement from adjacent littoral parcel boundary projection lines on a case-by-case basis.
 - c. Where parcel boundary projection lines within a cove environment prevents a littoral parcel from meeting the spacing requirement from adjacent littoral parcel boundary projection lines per subsection 84.3.3.D.2 below, TRPA may adjust the projection lines on a case-by-case basis to allow up to one mooring buoy on the affected parcel.
 - 2. Development Standards.** Mooring buoys not associated with a permitted buoy field shall be located according to the following, as shown in Figure 84.3.3-1:
 - a. At least 50 feet from another mooring buoy;
 - b. No greater than 600 feet lakeward from elevation 6,220 feet Lake Tahoe Datum, as measured horizontally, or no farther lakeward than elevation 6,210 feet Lake Tahoe Datum, whichever is less; and
 - c. At least 20 feet from adjacent littoral parcel boundary projection lines.
 - 3. Existing Buoys.** TRPA may authorize existing mooring buoys offshore of a littoral or non-littoral parcel according to the following provisions, notwithstanding the actual number of buoys present offshore of the subject parcel:

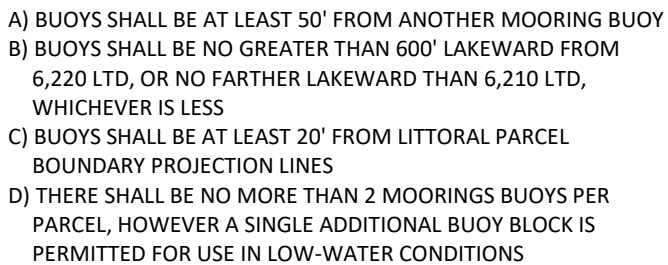
- a. TRPA may authorize a maximum of two existing buoys for a littoral parcel with less than 50 linear feet of lake frontage, or three existing buoys for a littoral parcel with 50 linear feet or more of lake frontage; provided:
 - (i) The littoral parcel owner provides a valid buoy permit issued by a federal or state agency with appropriate jurisdiction prior to September 1, 2018; or
 - (ii) The littoral parcel owner provides clear evidence of the existence of the buoy(s) prior to February 10, 1972.
- b. TRPA may authorize a maximum of one existing buoy for a non-littoral parcel, provided:
 - (i) The non-littoral parcel owner provides clear evidence of the existence of the buoy prior to February 10, 1972; and
 - (ii) The non-littoral parcel owner provides a valid authorization from the applicable federal or state agency with jurisdiction at Lake Tahoe.
- c. Existing buoys shall comply with the development standards in subsection 84.3.3.D.2 of this subsection, above, unless TRPA concludes that relocation would create unnecessary additional environmental impacts; that the existing buoy is at least 50 feet from any other buoy or structure; and that the existing buoy does not unreasonably interfere with potential buoy locations on adjacent littoral parcels.

E. Buoy Fields.

1. Eligibility.

- a. No additional buoy fields shall be permitted by TRPA.
- b. The total number of homeowners association mooring structures, including buoys within buoy fields, shall not exceed the total number of residential units served by the association.
- c. The total number of buoys allowed within a buoy field shall not exceed the buoy field capacity. The maximum buoy field area, for the purposes of determining capacity, is the length of the littoral property's lake frontage multiplied by a width of 300 feet (Figure 84.3.3-2). The capacity within the calculated buoy field area shall be limited by a 50-foot grid spacing pattern.

84.3.3 Mooring Buoys



- Figure 84.3.3-1. Mooring Buoy Location Standards**

2. **Development Standards.** The following provisions apply to additional buoys in legally existing buoy fields. TRPA may allow deviation from these standards based on site-specific conditions, including neighboring uses and structures; State agency compliance; Coast Guard consultation; navigation; substrate, including obstacles; or bathymetry. Buoy fields associated with marinas are also subject to the provisions of subsection 84.6.3.C of this Chapter.
- a. Buoys within a buoy field shall be located at least 50 feet from all legally existing buoys (50-foot grid spacing);
 - b. Buoys within a buoy field shall be located no greater than 600 feet lakeward from elevation 6,220 feet Lake Tahoe Datum, as measured horizontally; and
 - c. Buoys within a buoy field shall be located at least 20 feet from adjacent littoral parcel boundary projection lines.

3. **Existing Buoys in a Buoy Field.**

- a. TRPA may authorize existing mooring buoys offshore of a littoral parcel associated with a homeowner's association or similar entity, commercial, tourist accommodation, marina, or public use, providing:
 - (i) The littoral parcel owner provides a valid buoy permit issued by a federal or state agency with appropriate jurisdiction prior to September 1, 2018; or
 - (ii) The littoral parcel owner provides clear evidence of the existence of the buoy(s) prior to February 10, 1972.
- b. TRPA may authorize existing mooring buoys associated with a non-littoral homeowner's association or similar entity within the Lake Tahoe region, providing the association provides a valid buoy permit issued by a federal or state agency with appropriate jurisdiction prior to September 1, 2018. Buoy fields associated with a non-littoral homeowner's association may not expand beyond what was previously approved.

- F. **Low Lake Level Adaptation.** TRPA may authorize additional permanent anchor blocks to accommodate low water levels or when harbors are inaccessible due to sediment accumulation, according to the following provisions:

- 1. **Mooring Buoys not within a Buoy Field.** TRPA may authorize one additional anchor block per littoral parcel, for a maximum of three anchor blocks per littoral parcel. The additional anchor block shall be located lakeward of other additional or legally existing buoys to the extent practicable, and shall comply with the development standards in subsection 84.3.3.D.2.
- 2. **Buoy Fields.** TRPA may authorize up to one additional row of anchor blocks within an existing buoy field. The additional anchor blocks shall be located lakeward of other additional or legally existing buoys to the extent practicable, and shall comply with the development standards in subsection 84.3.3.E.2.

-
- PROPERTY LINE PROJECTION
- PROPERTY LINE
- ≤ 600' [C]
- 300'
- 200'
- 160'
- 6,220 LTD
- ≥ 50'
- ≥ 20' [D]
- [A]
- [B]
- WATER
- SHORE
- PROPERTY LINE
- PROPERTY LINE PROJECTION
- A) TOTAL NUMBER OF BUOYS IN BUOY FIELD SHALL NOT EXCEED THE CAPACITY, THE AREA FOR WHICH IS THE LAKE FRONTAGE MULTIPLIED BY 300'
- B) BUOYS SHALL BE LOCATED AT LEAST 50' FROM LEGALLY EXISTING BUOYS
- C) BUOYS SHALL BE NO GREATER THAN 600' LAKEWARD FROM 6,220 LTD
- D) BUOYS SHALL BE LOCATED AT LEAST 20' FROM ADJACENT LITTORAL PARCEL BOUNDARY PROJECTION LINES

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84.4. PIERS**84.4.1. Applicability**

- A.** The provisions of this Section apply, exclusive of marinas, to the construction of additional piers and to the relocation, transfer, modification, or expansion of existing piers. Piers within marinas shall be subject to Section 84.6, Marinas.
- B.** Single-use piers, single-parcel piers, multiple-use piers, and multiple-parcel piers are defined in Chapter 90.
- C.** For the purposes of this Section, a pier is considered “additional” if it is to be created pursuant to a TRPA approval issued on or after [the effective date of the ordinance adopting this Chapter]. The following are not “additional” piers when considering the allocation of additional piers per subsection 84.4.4:
 - 1.** The repair, reconstruction, or replacement, on the same parcel, of an existing pier;
 - 2.** The modification or expansion, on the same parcel, of an existing pier;
 - 3.** The relocation or transfer of an existing pier, and
 - 4.** The conversion of a boat ramp to a pier, as set forth in Section 84.5, Boat Ramps.

84.4.2. Eligibility

- A.** A private littoral parcel shall be eligible for an additional pier provided the following requirements are met:
 - 1.** No pier exists on the parcel at the time of project application;
 - 2.** Pier development potential on the parcel is not restricted via a deed restriction pursuant to Subsection 84.4.4.E, or other restrictive policy or covenant;
 - 3.** The parcel is not located in a Shorezone Preservation Area;
 - 4.** All applicable development standards set forth in Subsection 84.4.3 shall be met; and
 - 5.** If the private littoral parcel has access to an existing homeowners association pier, the parcel shall only be eligible for an additional multiple-parcel pier and subject to the deed restriction requirements set forth in subsection 84.4.4.E.2. A multiple-parcel pier authorized under this provision and serving only one residence is limited to the single-parcel pier design standards.
- B.** A littoral parcel owned by a public entity shall be eligible for a new pier provided the requirements set forth in Paragraph (A) of this subsection are met, with the exception that requirement set forth in subsection 84.4.2.A.3 may be waived subject to environmental review.
- C.** A commercial or tourist accommodation use located on a littoral parcel shall be eligible for an additional pier provided the associated upland includes a

commercial use and the requirements set forth in Paragraph (A) of this subsection are met.

84.4.3. Development Standards

A. General Standards

1. Stream-mouth Protection Zones.

- a. Designation Criteria: Stream-mouth Protection Zones shall generally represent the historical meander pattern of creek and rivers tributary to Lake Tahoe that support or could with restoration support migrating populations of fish. The designated area shall include all portions of the shorezone, including areas lakeward, if the designation is a linear distance from the stream-mouth.
- b. Development Restrictions: No additional shorezone structures shall be permitted in Stream-mouth Protection Zones. Maintenance and repairs to existing structures may be allowed. Reconstructions, expansions and modifications of existing structures shall be prohibited, except for private water-intake lines and public and quasi-public utilities, such as water, wastewater, power, gas, and communications services. Shorezone structures may only be relocated outside of Stream-mouth Protection Zones if authorized by other provisions of this Code.
- c. Adjustment in Zones: TRPA may adjust a Stream-mouth Protection Zone if an applicant can demonstrate that the location for a proposed project is outside of the historical meander pattern for the applicable stream or river. In order to make the necessary demonstration, the applicant shall select from a list of TRPA-approved experts to conduct an applicant-funded historical meander study.
- d. The placement of a pier shall be prohibited within Stream-mouth Protection Zones of the following creeks and rivers:
 - (i) Third Creek;
 - (ii) Incline Creek;
 - (iii) Wood Creek;
 - (iv) Slaughterhouse Creek;
 - (v) Upper Truckee River;
 - (vi) Taylor Creek;
 - (vii) Tallac Creek;
 - (viii) Cascade Creek;
 - (ix) Eagle Creek;
 - (x) Lake Tahoe Tributary at Mouth of Paradise Flat;
 - (xi) Lonely Gulch Creek;
 - (xii) Meeks Creek;
 - (xiii) General Creek;
 - (xiv) McKinney Creek;
 - (xv) Quail Creek;
 - (xvi) Madden Creek;

- (xvii) Blackwood Creek;
 - (xviii) Ward Creek;
 - (xix) Truckee River;
 - (xx) Dollar Creek;
 - (xxi) Watson Creek;
 - (xxii) Griff Creek;
 - (xxiii) Baldy Creek; and
 - (xxiv) Snow Creek.
2. Within Visually Sensitive Areas, the placement of a pier other than a multiple-parcel pier shall be prohibited.
 3. For an additional pier located within one-quarter mile of a public drinking water intake, TRPA shall notify and consult with the appropriate water purveyor(s) as part of the application process.
 4. In accordance with the provisions set forth in Chapter 66 for Scenic Quality Review in the Shoreland, a project application for an additional pier shall meet the following requirements:
 - a. The project area shall initially score a minimum of 21 points based on the Contrast Rating System; and
 - b. No later than six months following project application submittal, the project area shall score a minimum of 25 points based on the Contrast Rating System, unless the project applicant demonstrates that a score of 25 points is infeasible.
 5. **Pier color.** All new or expanded piers shall be matte medium to dark grey. TRPA may require alternate colors depending on the background view of the project site.
 6. **Scenic Mitigation.** Additional piers and expansions of existing piers shall mitigate additional visible mass according to the following provisions;
 - a. In Visually Dominated Areas, as identified on the official TRPA Shoreline Conditions Map, the scenic mitigation ratio shall be 1:1.5;
 - b. In Visually Modified Areas, as identified on the official TRPA Shoreline Conditions Map, the scenic mitigation ratio shall be 1:2.0;
 - c. In Visually Sensitive Areas, as identified on the official TRPA Shoreline Conditions Map, the scenic mitigation ratio shall be 1:3.0;
 - d. The location of scenic mitigation shall occur in the following order of decreasing preference:
 - (i) On the littoral parcel and within the shorezone;
 - (ii) On the littoral parcel and within the upland area;
 - (iii) On a different littoral parcel within the same unit and within the shorezone;

- (iv) On a different littoral parcel within the same unit and within the upland; and
 - (v) In a different non-attainment unit.
 - e. Scenic Credits. Scenic Credits are defined as the difference between the existing visible mass and the proposed visible mass associated with shorezone structures. Banking of scenic credits may be allowed subject to the following provisions:
 - (i) Scenic credits may be used to offset additional visible mass only for projects in the same Scenic Unit; and
 - (ii) Scenic credits may only be used on the parcel on which scenic improvement is achieved.
- 7. **Fish Habitat Mitigation.** Pier construction in spawning habitat shall comply with the mitigation requirements in Section 84.11, Mitigation.
- 8. **Lighting on Private Piers.** Lighting on additional private use piers shall be directed downward and only onto the pier deck and shall not exceed two feet in height above the deck. Lighting shall be the minimum illumination necessary to ensure safety and shall comply with all applicable standards set forth in Chapter 36, *Design Standards*. Pier lights for navigational purposes must be approved by the United States Coast Guard and the Army Corps of Engineers.
- 9. **Floating Piers.** Applications for new piers and pier extensions that include floating piers or floating portions longer than 25 feet must submit a site-specific littoral drift and wave analysis which evaluates the sediment movement along the lake bottom during low, mid, and high lake levels. The lake level condition with the greatest effect on littoral transport and backshore stability shall be used to design the floating pier section so that wave heights are not reduced by more than 50 percent and the floating pier section is no greater than 50 percent of the length of the site-specific design wavelength.
- 10. **Accessory Structures.**
 - a. Boatlifts, handrails, and other allowable accessory structures and safety devices shall not extend more than four feet above the pier deck, with the exception of flag poles.
 - b. A maximum of one flagpole is permitted on any private pier. Flag poles shall be medium or dark in color and shall have a value of 4 or less on the Munsell Color Chart. Flagpoles shall have a non-reflective finish, shall be a maximum of 20 feet high above the pier deck and have a maximum diameter at the base of 6 inches.
 - c. Allowable visible mass as set forth in Paragraphs (B) and (C) below shall include any catwalk but shall exclude the visible mass of a boat lift, watercraft on a boat lift, and other allowed accessory structures.

- d. Visible mass used to calculate required scenic mitigation for piers as set forth in subsection 84.4.3.A.6 shall include all accessory structures, including boat lift and watercraft on a boat lift.

11. Prohibited Structures on Piers. Superstructures, permanent umbrellas, canopies, storage racks for non-motorized watercraft, plant containers, and furniture other than benches shall be prohibited on piers.

12. Signage. In addition to the requirements set forth in subsection 84.8.5, signs on piers shall not be larger than 12 inches high by 18 inches wide by 2 inches thick, unless otherwise required to meet safety regulations. Signs shall not exceed the standard railing height and shall be mounted on railings or on the pier rim joists.

B. Additional Standards for Single-Use Piers

1. Applicability. These provisions apply to:

- a. Piers on littoral parcels serving one to two residential units on the same parcel; and
- b. Piers on littoral parcels serving a single primary residence with ownership of more than one adjacent vacant littoral parcel. Such piers shall be allocated as multiple-parcel piers pursuant to subsection 84.4.4.

2. Development Standards. Piers shall be constructed consistent with the following provisions as shown on Figures 84.4.3-1 and 84.4.3-2:

- a. Pier orientation shall be perpendicular to the shoreline, as feasible, according to property boundary projection lines;
- b. Piers shall extend no farther lakeward than elevation 6,219 feet Lake Tahoe Datum or the pierhead line, whichever is more limiting, except as provided under Subparagraph (c) below. Up to an additional 15 feet in length lakeward may be permitted provided if:
 - (i) the project applicant demonstrates that the additional length is necessary for the functionality of the pier, and
 - (ii) the average grade of the lake bottom beneath the additional pier length is a minimum of three percent;
- c. Properties with deep water adjacent to shore, such as parts of Crystal Bay or Rubicon Bay, where placement of a pier is not feasible under the limits above, may orient the pier in a non-perpendicular fashion. The non-perpendicular pier but shall be no more than 30 feet in length and no portion of the structure may be located more than 30 feet lakeward of the shoreline. The pier may include a catwalk and boatlift;
- d. Pier width shall be a maximum of 10 feet, not including a catwalk;
- e. Allowable visible mass shall not exceed 220 square feet (Figure 84.4.3-3). Visible mass due to lateral public access accommodations (e.g. added height, ladders, or stairs) shall not count towards the visible mass limit

nor be subject to the mitigation requirements of subsection 84.4.3.A.6 nor be part of the parcel's shoreland scenic score;

- f. Piers shall be setback a minimum of 40 feet from all other piers, as measured from the pierhead;
- g. Piers shall be setback from each adjacent property boundary projection line by a minimum of 20 feet;
- h. To permit free circulation of water, piers shall be floating, or shall be built on an open piling foundation, but in no case shall a pier be supported on a foundation that is less than 90 percent open;
- i. Pier decks shall not extend above elevation 6,232.0 feet, Lake Tahoe Datum, as depicted in Figure 84.4.3-4. Pier decks may extend up to elevation 6,234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons, local wave characteristics that represent a real threat to the integrity of the structure, or to provide lateral public access;
- j. Catwalks. One catwalk is allowed, up to three feet wide and 30 feet long; and
- k. Boat lifts. One boat lift is allowed per single-use pier. Mitigation depends upon the capacity of the boat lift.

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.4 Piers

84.4.3 Development Standards

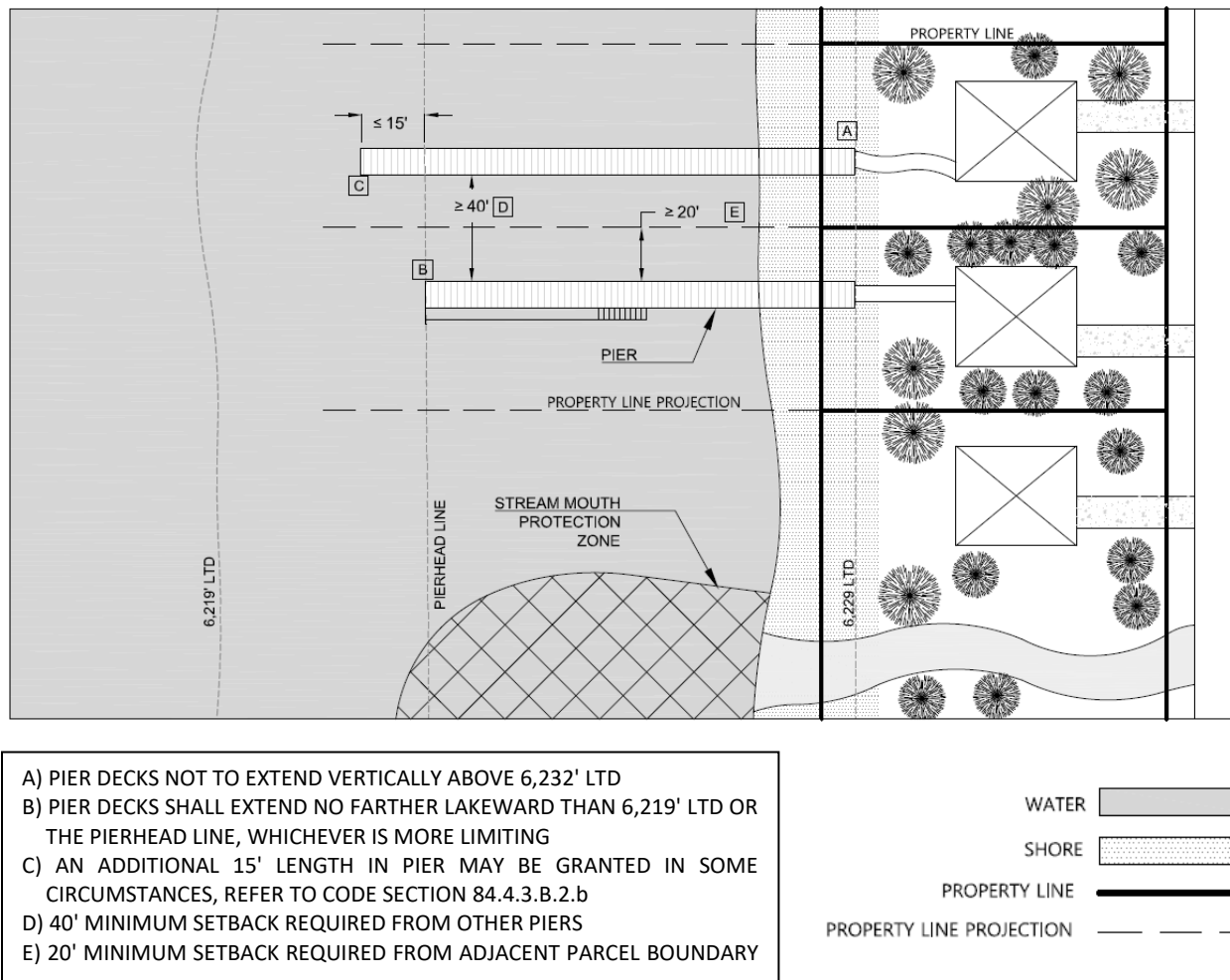
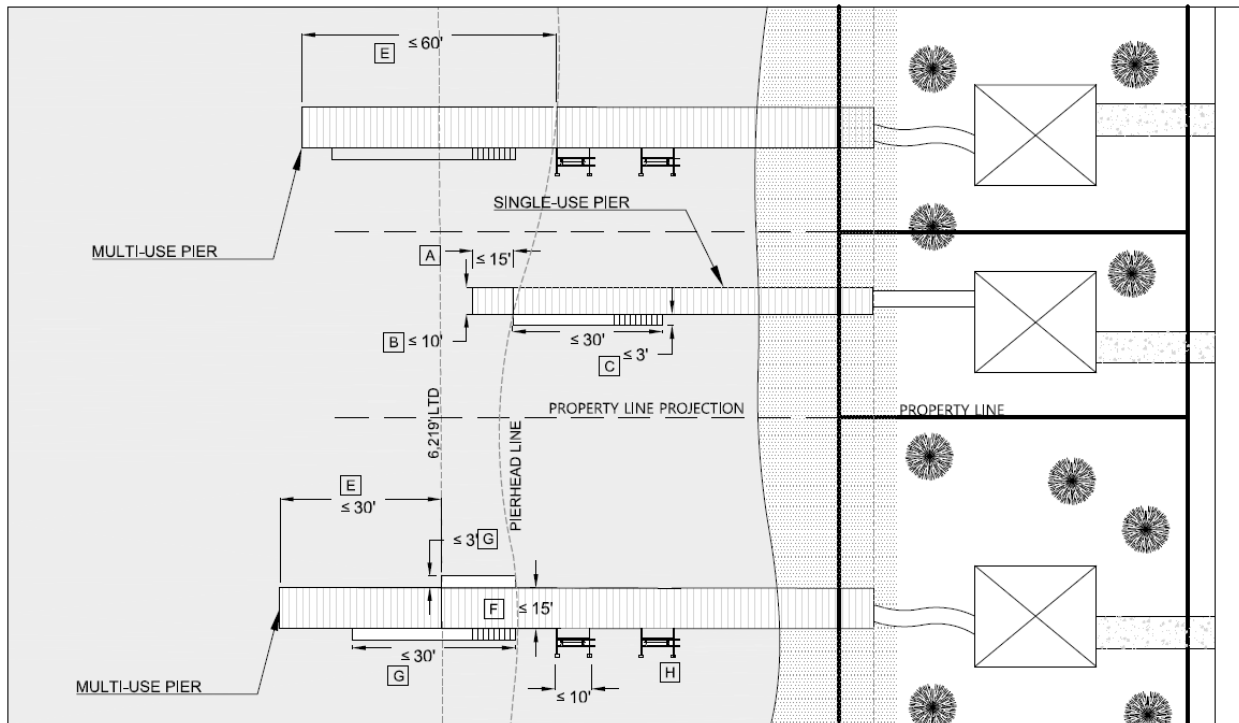


Figure 84.4.3-1. Single-Use Pier Design Standards



SINGLE USE PIER NOTES:

- A) PIERS SHALL EXTEND NO FURTHER THAN 6,219 LTD OR PIERHEAD LINE, WHICHEVER IS MORE LIMITING. 15' ADDITIONAL LENGTH MAY BE CONSIDERED
- B) PIERS SHALL BE MAXIMUM 10' IN WIDTH, NOT INCLUDING CATWALK
- C) PIERS MAY HAVE ONE CATWALK, AND MAXIMUM 3' WIDE AND 30' LONG.

MULTI-USE PIER NOTES:

- D) PIERS SHALL EXTEND NO FARTHER LAKEWARD THAN 30 FEET LAKEWARD OF ELEVATION 6,219 FEET LTD OR 60 FEET LAKEWARD OF THE PIERHEAD LINE, WHICHEVER IS MORE LIMITING. UP TO AN ADDITIONAL 15 FEET IN LENGTH LAKEWARD MAY BE PERMITTED FOR PIERS SERVING THREE OR MORE PRIMARY RESIDENTIAL LITTORAL PARCELS
- E) PIERS SHALL BE A MAXIMUM OF 15' IN WIDTH, NOT INCLUDING CATWALK
- F) PIERS MAY HAVE UP TO TWO CATWALKS, MAXIMUM 3' WIDE AND 30' LONG FOR PIERS SERVING 2 PARCELS, AND 45' LONG FOR PIERS SERVING 3 OR MORE PARCELS.
- G) PIERS MAY HAVE ONE BOAT LIFT PER PARCEL, UP TO FOUR TOTAL

Figure 84.4.3-2. Additional Single-Use and Multiple-Use Pier Design Standards

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.4 Piers

84.4.3 Development Standards

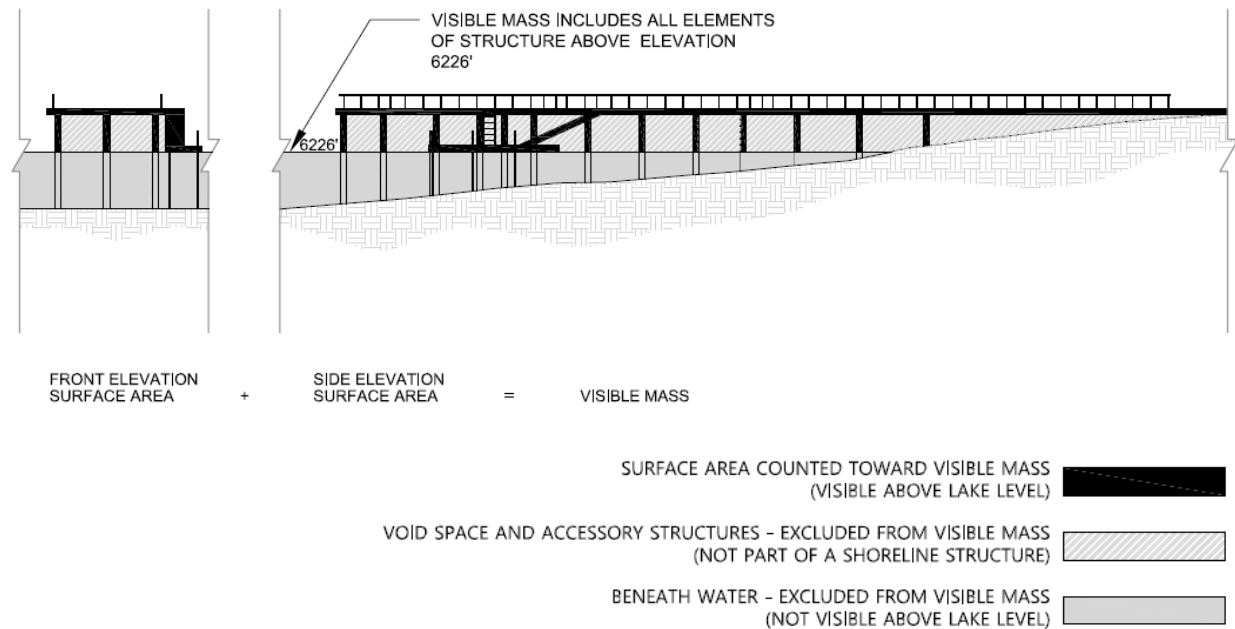


Figure 84.4.3-3. Visible Mass Attributable to Piers

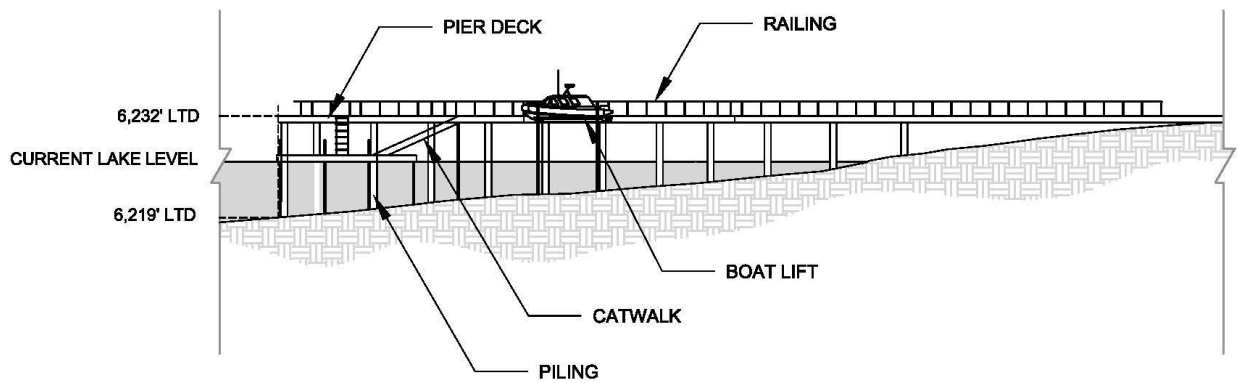


Figure 84.4.3-4. Structural Components Related to Pier Design Standards

C. Additional Standards for Multiple-Use Piers**1. Applicability.** These provisions apply to:

- a. Piers on littoral parcels serving three or more residential units on the same parcel, including multifamily housing, condos, and homeowner's associations; and
- b. Piers on littoral parcels serving two or more primary residential littoral parcels, subject to the deed restriction provisions in subparagraph 84.4.4.E.

2. Development Standards. Piers shall be constructed consistent with the following provisions:

- a. Length. Piers shall extend no farther lakeward than 30 feet lakeward of elevation 6,219 feet Lake Tahoe Datum or 60 feet lakeward of the pierhead line, whichever is more limiting. Up to an additional 15 feet in length lakeward may be permitted for piers serving three or more primary residential littoral parcels.
- b. Pier width shall be a maximum of 15 feet, not including catwalks.
- c. Pier orientation shall be perpendicular to the shoreline, as feasible;
- d. Properties with deep water adjacent to shore, such as parts of Crystal Bay or Rubicon Bay, where placement of a pier is not feasible under the limits above, may orient the pier in a non-perpendicular fashion. The non-perpendicular pier but shall be no more than 30 feet in length and no portion of the structure may be located more than 30 feet lakeward of the shoreline. The pier may include a catwalk and boatlift;
- e. Piers shall be setback a minimum of 40 feet from all other piers, as measured from the pierhead;
- f. Piers shall be setback from each adjacent parcel boundary projection line by a minimum of 20 feet unless the adjacent property has legal shared access to the pier;
- g. To permit free circulation of water, piers shall be floating, or shall be built on an open piling foundation, but in no case shall a pier be supported on a foundation that is less than 90 percent open.
- h. Pier decks shall not extend above elevation 6,232.0 feet, Lake Tahoe Datum. Pier decks may extend up to elevation 6,234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons, because local wave characteristics represent a real threat to the integrity of the structure, or to provide lateral public access.
- i. Allowable visible mass (Figure 84.4.3-3) shall be as follows:
 - (i) For a pier serving two primary residential littoral parcels or serving three or four residential units on the same parcel, a maximum of 400 square feet;

- (ii) For a pier serving three primary residential littoral parcels or serving five to 20 residential units on the same parcel, a maximum of 460 square feet; and
- (iii) For a pier serving four or more primary residential littoral parcels or serving more than 20 residential units on the same parcel, a maximum of 520 square feet.
- (iv) In all cases, visible mass due to lateral public access accommodations (e.g., added height, ladders, or stairs) shall not count towards the visible mass limit set forth above nor be subject to the mitigation requirements of subparagraph 84.4.3.A.6 nor be part of the parcel's shoreland scenic score.

j. Catwalks

- (i) Allowed accessory structures include up to two catwalks, subject to the provisions of this subsection.
 - (ii) Catwalks shall be no more than three feet wide.
 - (iii) Catwalk length shall be a maximum of 30 feet for piers serving two primary residential littoral parcels, and a maximum of 45 feet for piers serving three or more primary residential littoral parcels. For a pier serving three or more residential units on the same parcel, catwalk length shall be as necessary to accommodate multiple users, but no more than 45 feet.
- k. Boatlifts. One boatlift per parcel eligible for shorezone development is allowed in association with a multiple-parcel pier, up to a maximum of four boatlifts.

D. Additional Standards for Public Piers

- 1. Public piers shall be designed as necessary to accommodate their intended function, subject to review by TRPA on a case-by-case basis, with the following limitations:
 - a. Pier length shall be limited to no more than 600 feet lakeward of elevation 6,229 feet Lake Tahoe Datum. Additional length may be granted by TRPA to accommodate public health and safety facilities or waterborne transit; and
 - b. Navigational buoys shall be installed to identify the location of the no-wake zone relative to the pier.
- 2. Permanent moorage on public piers shall be prohibited, except where permitted for commercial or tourist accommodation user's watercraft.

E. Additional Standards for Commercial and Tourist Accommodation Piers

- 1. Commercial or tourist accommodation facilities eligible for an additional pier under 84.4.2.C of this Section and deed restricted to be open to the public

may comply with the additional standards for multiple-use piers serving four or more littoral parcels, as set forth in (C) of this subsection.

2. Commercial or tourist accommodation facilities eligible for an additional pier under 84.4.2.C of this Section that are not deed restricted to be open to the public shall comply with the additional standards for single-use piers, as set forth in (B) of this subsection.

F. Expansion or Modification of Existing Piers. Subject to the following provisions, a legally existing pier may be expanded or modified. These provisions apply to legally existing piers outside of marinas; expansion or modification of legally existing piers within marinas is subject to subsection 84.6.3.E.

1. **Modification of a conforming pier.** An existing pier that conforms to the applicable development standards set forth in this Section may be modified if the modification results in a net environmental benefit and is consistent with the applicable development standards set forth in this Section.
2. **Modification of a non-conforming pier.** An existing pier that does not conform to the applicable development standards set forth in this Section may be modified provided all of the following conditions are met:
 - a. The modification results in a net environmental benefit;
 - b. The modification brings the structure into greater compliance with applicable development standards set forth in this Section; and
 - (i) The modification does not increase the degree of nonconformance with any applicable development standard set forth in this Section.
3. **Expansion of a conforming pier.** An existing pier that conforms to the applicable development standards set forth in this Section may be expanded to the extent allowed by the applicable development standards set forth in this Section.
4. **Expansion of a non-conforming pier.** An existing pier that does not conform to the applicable development standards set forth in this Section shall not be expanded except if all of the following conditions are met:
 - a. The expansion is limited to an existing boat house and does not increase the extent to which the boat house is non-conforming;
 - b. The expansion shall not increase the functional capacity of the pier;
 - c. The effect of the expansion is to increase the contrast rating of the structure; and
 - (i) The expansion is the minimum necessary to accomplish the scenic quality improvement set forth in (c) above.

G. Relocation and Transfer of Existing Piers. Subject to the following provisions, a legally existing pier may be replaced with a pier in a different location on the same parcel (pier relocation) or with a pier on a different parcel (pier transfer):

1. A legally existing pier may be relocated or transferred to a littoral parcel within the same Scenic Unit or to a littoral parcel within a different Scenic Unit that is in scenic attainment. The transfer of an existing pier to a littoral parcel within another Scenic Unit that is out of attainment is prohibited.
2. A relocated or transferred pier shall conform with the applicable development standards for an additional pier set forth in subsection 84.4.3.
3. Boat lifts transferred to a different parcel as part of a pier transfer shall not be subject to the maximum number of mooring structures per parcel as set forth in subsection 84.3.2.A.
4. Both littoral parcels involved in a pier transfer (sending and receiving) shall comply with the requirements for Scenic Quality set forth in subsection 84.4.3.A.4.
5. A littoral parcel to which an existing pier is relocated or transferred (receiving parcel) shall comply with the eligibility requirements for an additional pier set forth in subsection 84.4.2.
6. A pier relocation or transfer to a less visually sensitive area, including away from a stream inlet listed in subsection 84.4.3.A.1, shall be eligible for one or more of the following:
 - a. Application of development standards for a multiple-use residential pier serving two littoral parcels, as set forth in 84.4.3.C of this Section; or
 - b. Additional allowable upland visible mass equal to the visible mass of the relocated or transferred pier, consistent with subsection 84.4.3.A.6, Scenic Mitigation, to be used wholly by either the sending or receiving parcel.
7. The following are required components of a pier relocation or transfer project application:
 - a. The legally existing pier shall be fully removed from the sending parcel;
 - b. The area of the former legally existing pier shall be restored; and
 - c. For pier transfer, a deed restriction shall be placed on the sending parcel to extinguish future pier development potential.

84.4.4. Allocation and Permitting

- A. **Maximum Number of Additional Piers.** TRPA may permit a maximum of 10 additional public piers and 128 additional private piers following the date of adoption of this Chapter. Of the maximum number of additional private piers, no more than 20 percent (25 piers) shall be single-parcel piers.
- B. **Permit Release Schedule**
 1. For 16 years from [the effective date of the ordinance adopting this Chapter] and continuing, a maximum of 12 additional piers shall be permitted every two years, pursuant to the schedule set forth in Table 84.4.4-1.

2. If fewer than 12 additional piers are permitted in a given two-year period, remaining piers from that two-year allocation shall be available during the subsequent two-year period within their respective multiple-parcel or single-parcel categories.

Table 84.4.4-1. 16-Year Release Schedule for New Private Piers

Implementation Years	Maximum New Private Piers		
	Total	Multiple-Parcel	Single-Parcel
1-2	12	7	5
3-4	12	8	4
5-6	12	9	3
7-8	12	11	1
8-year implementation review per 84.4.4(G)			
9-10	12	11	1
11-12	12	11	1
13-14	12	11	1
15-16	12	10	2
Total	96	78	18

3. Following the initial 16-year period defined in (1) above, TRPA may permit three additional piers for every eight littoral parcels which retired future pier development potential through new deed restrictions, up to the 128-pier maximum listed in subsection 84.4.4.A.

C. Permit Review Priority

1. **Single-Parcel Piers.** If the number of applications for single-parcel piers received in a given two-year period exceeds the allocation for that two-year period as set forth in Table 84.4.4-1, single-parcel piers shall be permitted by TRPA using a lottery system.
2. **Multiple-Parcel Piers.** Applications for additional multiple-parcel piers shall be reviewed and prioritized according to the following criteria, listed in order of decreasing priority:
 - a. Number of littoral parcels for which the project retires pier development potential within the same Scenic Character Type and the same Scenic Unit as the subject parcel;
 - b. Number of littoral parcels for which the project retires pier development potential; and
 - c. Piers located in less sensitive scenic character types; Visually Dominated is less sensitive than Visually Modified which is less sensitive than Visually Sensitive scenic character type.
 - d. A proposal for an additional multiple-parcel pier on a littoral parcel with access to an existing homeowner's association or similar entity multiple-use pier will be assigned lowest priority.

- D. **Distribution of Additional Piers.** TRPA shall permit the 128 maximum additional private piers according to geographic divisions and the location of Visually Sensitive Areas as set forth in Table 84.4.4-2.

Table 84.4.4-2. Geographic Distribution of Additional Private Piers on Lake Tahoe

State	Quadrant	Maximum Additional Private Piers	
		Total	In Visually Sensitive Areas
California	Placer	58	7
	El Dorado	28	6
Nevada	Washoe	21	3
	Douglas/Carson	21	3

E. Deed Restrictions Required.

1. An additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted.
2. An additional multiple-parcel pier on a littoral parcel with access to an existing homeowners' association pier on a different parcel, and serving only one residential unit, shall extinguish future potential pier development as follows:
 - a. If the subject littoral parcel is located outside of a Visually Sensitive Area, future pier development potential shall be retired from a minimum of one littoral parcel;
 - b. If the subject littoral parcel is located within a Visually Sensitive Area, future pier development potential shall be retired from a minimum of two littoral parcels, including one littoral parcel located within the same Scenic Unit as the subject littoral parcel.
3. Retirement of pier development potential pursuant to this subsection shall be established through the recordation by the owner of permanent deed restrictions or other covenants running with the land, reflecting use agreements and development limitations approved by TRPA on the affected properties.

F. MOU Requirement. No permits shall be issued for new pier construction, non-exempt modification, or expansion in California until TRPA has a valid agreement with the California State Lands Commission governing pier development activities within the shorezone in California. This requirement for such an agreement only governs and applies to the California side of Lake Tahoe, and in no way affects, or is intended to affect, the Nevada side of Lake Tahoe or the sovereign interests of the State of Nevada.

G. Adaptive Management. Following release of the Threshold Evaluation Report, TRPA shall review and revise as necessary the allocation of piers as set forth in

this Section every four (4) years under the Threshold Evaluation process as well as every eight (8) years together with a review of buoy permitting activity.

84.5. BOAT RAMPS

84.5.1. Applicability

- A.** The provisions of this Section apply to the construction of additional boat ramps and to the relocation, modification, or expansion of existing boat ramps, exclusive of marinas.
- B.** A boat ramp is considered “additional” if it is to be created pursuant to a TRPA approval issued on or after December 24, 2018. The following are not “additional” boat ramps:
 - 1.** The repair, reconstruction, or replacement, on the same parcel, of an existing public boat ramp;
 - 2.** The modification or expansion, on the same parcel, of an existing public boat ramp; and
 - 3.** The relocation of an existing public boat ramp.

84.5.2. Eligibility.

- A.** A public littoral parcel shall be eligible for a maximum of one additional boat ramp, provided:
 - 1.** No boat ramp exists at the time of project application; and
 - 2.** The applicant demonstrates the need for an additional boat ramp.
- B.** Additional boat ramps on private littoral parcels are prohibited. Existing boat ramps on private littoral parcels may be maintained and repaired consistent with the provisions set forth in Chapters 80 and 82.

84.5.3. Development Standards

- A. Location.** The placement of an additional boat ramp shall be prohibited within Stream-mouth Protection Zones of the creeks and rivers listed in subsection 84.4.3.A.1.
- B. Fish Habitat.** Additional boat ramp construction in spawning habitat shall be prohibited.
- C. Water Quality Mitigation.** A water quality mitigation plan that meets the TRPA BMP requirements and that is approved by TRPA shall be required prior to approval of an additional boat ramp.
- D. Dimensional and Construction Standards.** Additional public boat ramps shall be constructed consistent with the following provisions:
 - 1. Width.** Boat ramp width shall be a maximum of 24 feet;

2. **Length.** Ramp length shall be the minimum necessary to provide access, including access during periods of low water levels down to elevation 6,220 feet Lake Tahoe Datum;
3. **Gradient.** No boat ramp shall be located where the slope gradient exceeds 15 percent;
4. **Location.** Additional public boat ramps shall be located in areas exhibiting shoreline conditions, including depth and bathymetry that can accommodate access during periods of low lake levels down to elevation 6,220 feet Lake Tahoe Datum; and
5. Excavation associated with boat ramp construction shall be the minimum necessary. Unless TRPA determines it infeasible, construction shall be accomplished by placing a steel grid foundation onto piles and cross members, and by placing pre-cast concrete sections onto the grid or other equally environmentally protective method.

E. Relocation, Modification, and Expansion of Existing Boat Ramps

1. **Relocation.** A legally existing public boat ramp may be relocated on the same parcel or to a littoral parcel better suited to accommodate low lake levels, subject to the following provisions:
 - a. The littoral parcel to which the boat ramp is relocated shall comply with the eligibility requirements for a new boat ramp set forth in 84.5.2 of this Section; and
 - b. The relocated boat ramp shall comply with the development standards for new boat ramps set forth in 84.5.3 of this Section.
2. **Expansion.** A legally existing public boat ramp may be extended lakeward in order to operate during periods of low lake levels, provided the applicant demonstrates such extension is feasible and meets the length standards set forth in (D) above. At no point shall the boat ramp be expanded laterally to increase the ramp's boat launch capacity.

- F. Conversion.** A legally existing private boat ramp may be converted to a pier, provided the converted boat ramp (pier) and littoral parcel receiving the pier shall comply with the applicable eligibility and development provisions for additional piers set forth in 84.4.2 and 84.4.3, respectively, of this Chapter.

84.5.4. Allocation

- A. Maximum Number of Additional Boat Ramps.** Additional private boat ramps shall be prohibited. TRPA shall permit a maximum of two (2) additional public boat ramps from the effective date of ordinance adopting this Chapter.

- B. Distribution of Additional Boat Ramps.** Additional public boat ramps shall be located in areas that promote geographic distribution of lake access, and to the extent feasible, shall be associated with clustered development and/or transportation hubs.

84.6. MARINAS

84.6.1. Applicability.

The provisions of this Section apply to the modification or expansion of existing marinas. New marinas are prohibited. Marinas with existing approved Marina Master Plans may continue to implement the Master Plans.

84.6.2. Eligibility.

- A. Definition of Minor and Major Projects.** A proposed modification or expansion to an existing marina not defined as exempt or qualified exempt under Chapter 82 shall be defined as a minor or major project pursuant to this subsection. Those proposed projects not addressed in this subsection shall be subject to definition as minor or major projects by TRPA staff. For the purpose of this subsection, “expansion of use” shall include the addition of new structures or the extension of existing structures.
- 1.** A minor project shall be defined as a project that includes any of the following and does not include any element of a major project as defined subsection 84.6.2.A.2 below:
 - a. Conversion of slips to buoys or reconfiguration of existing facilities, such as to add or widen gangways or walkways to improve ADA accessibility, or move existing fingers within marinas, that does not result in a change or addition to existing fixed structures or expansion of use;
 - b. Establishment of concessionaires without expansion of use;
 - c. Low lake level adaptation, including placement of additional buoy anchors in deeper water and temporary pier extensions, but not including new dredging; or
 - d. Improvements listed in subsection 84.6.2.B.3.b.
 - 2.** A major project shall be defined as a project that includes any of the following:
 - a. Expansion of use;
 - b. New dredging;
 - c. Reconfiguration of existing facilities which result in a change or addition to existing structures without expansion of use or conversions not otherwise covered by Subsection 84.6.2.A.1.a;
 - d. Conversions of temporary pier extensions to permanent pier extensions;
 - e. Alterations which accommodate public health and safety access; or
 - f. Establishment of waterborne transit facilities.

B. Required Findings.

- 1. Aquatic Invasive Species Management Plans.** All marinas shall prepare and implement an Aquatic Invasive Species Management Plan within three years of December 24, 2018. The Management Plan shall, at a minimum:
 - a. Identify strategies to prevent the establishment of invasive macrophytes and Asian clams within the marina or where aquatic invasive species are already present, identify measures to control or eradicate the species, or reduce the potential for their spread;
 - b. Include an aquatic invasive species monitoring and early detection program within the marina and, where feasible, partner with appropriate resource management agencies or organizations; and
 - c. Include a public education component.
- 2. Minor Projects.** Minor projects may be approved if TRPA makes the following findings:
 - a. The marina has an approved aquatic invasive species control plan;
 - b. The marina has a current NPDES permit with Lahontan, if applicable;
 - c. The marina has a current lease with State Lands, if applicable;
 - d. The marina has received a Clean Marina Certification recognized by TRPA; and
 - e. The marina has a BMP certificate in good standing from TRPA.
- 3. Major Projects.** Major projects may be approved if TRPA makes the following findings:
 - a. All requirements for minor projects as set forth in subsection 84.6.2.B.2 are met; and
 - b. One or more of the following environmental improvements has been completed at the marina or is included in the proposed major project. The environmental improvements shall be prioritized for each marina to provide the greatest environmental benefit.
 - (i) Demonstration of water flow improvements, if applicable;
 - (ii) Reduction of aquatic invasive species habitat conditions;
 - (iii) Reduced need for dredging;
 - (iv) Provision of a boating rental and operations fleet 80% of which meets or exceeds the most current EPA and/or CARB standards;
 - (v) Access improvements pursuant to the Americans with Disabilities Act;
 - (vi) Provision of facilities related to boater education of 600-foot no wake zone, boater safety, and clean boating practices;

- (vii) Provision of public access to marina fueling and/or pump-out stations;
- (viii) Installation of stormwater BMPs that treat runoff volumes above existing TRPA and, if in California, Lahontan RWQCB requirements, provided that the proposed BMPs are, at a minimum, proportional to the proposed project impacts;
- (ix) Provision of additional scenic improvements, such as screening of storage racks;
- (x) Provision of existing boat ramps for public use. If a ramp is not functional for motorized boating due to low lake level conditions, provide access for non-motorized boaters;
- (xi) Provision of dedicated access for non-motorized boaters;
- (xii) Provision of non-motorized boat storage for public;
- (xiii) Installation of an electric charging station for cars;
- (xiv) Reduction of on-site coverage; or
- (xv) Implementation of a green infrastructure project.

c. For a major project that proposes expansion of use by 15 or more mooring structures, all applicable improvements listed in subsection 84.6.2.B.3.b shall be required. For a major project that proposes expansion of use by less than 15 mooring structures, the greater the number of moorings proposed, the greater the number of applicable improvements listed in 84.6.2.B.3.b shall be required. For all major projects, the greater the cost and scope of the project, the greater the number of applicable improvements listed in subsection 84.6.2.B.3.b shall be required. TRPA shall develop marina improvement guidelines to implement this provision.

C. Accessory Uses. Examples of accessory uses related to marinas include: marine sales and repairs, parking lots, maintenance facilities, employee facilities, secondary residence, water-oriented outdoor recreation concessions such as fishing guide services; parasailing; and recreation equipment rental; bars and restaurants, water-oriented services such as rowing clubs; boat rentals; storage and launching facilities; sport fishing activities; excursion boat and sightseeing facilities; and other marina-related activities, including but not limited to fuel sales and boat and engine repair.

84.6.3. Development and Use Standards

A. General Standards.

1. **Support Facilities.** Any expansion of marina moorage capacity shall provide the following facilities and conditions:
 - a. Public restrooms, fueling facilities, trash receptacles, and pump-out facilities for boat sewage.

- b. Boat washing facilities connected to a sewer system or an acceptable alternate.
 - c. Gas pumping facilities that include emergency and standard shut-off systems to avoid gas leakage to the lake.
 - d. Adequate parking or active transportation measures to accommodate all uses and activities associated with a marina.
 - e. Water treatment system for lake waters contained within a marina enclosure;
 - f. Driveways and launching ramps shall be kept clean. Any petroleum products, chemicals, or soil removed from such surfaces shall be intercepted to avoid runoff into the lake;
 - g. Marina lighting shall be adequate for safety and security while avoiding glare. Low level light fixtures shall be used;
 - h. Fire extinguishers at intervals specified by local regulations or no more than 200 feet along main walkways. Cabinets for storage of fire extinguishers shall be painted red for easy identification;
 - i. Piers at marinas shall not be used for permanent moorage; and
 - j. Piers at marinas shall be subject to the provisions for Scenic Mitigation set forth in subsection 84.4.3.A.6.
2. **Commercial Facilities.** All commercial and tour boat facilities shall be located at a marina facility.
 3. **Fueling Facilities.** Fueling facilities shall only occur within a marina.
 4. **Temporary Access during Low Lake Levels.** Temporary floating structures that provide lake access for boats shall be allowed during periods of lake levels below elevation 6,225 feet Lake Tahoe Datum, provided that such structures be removed following a period of six consecutive months of lake levels above elevation 6,225 feet Lake Tahoe Datum.

B. Applicable Development Standards for Shorezone Structures and Uses.

1. In addition to the provisions of this Section, marinas shall be subject to all applicable provisions for specific shorezone structures and uses set forth in the following Sections of this Chapter:
 - a. Mooring Structures (Section 84.3);
 - b. Shoreline Protection (Section 84.7);
 - c. Other Structures (Section 84.8);
 - d. Filling and Dredging (Section 84.9);
 - e. Other Activities and Uses (Section 84.10); and
 - f. Mitigation (Section 84.11.)

2. Unless otherwise specified in this Section, marinas shall not be subject to the provisions for Piers set forth in Section 84.4 or the provisions for Boat Ramps set forth in Section 84.5 of this Chapter.
- C. **Mooring Structures.** In addition to the provisions set forth in Section 84.3, Mooring Structures, the following provisions apply to mooring structures in marinas.
1. Relocation or conversion of existing mooring structures or construction of new mooring structures in marinas may be designed and operated to accommodate access during periods of low lake levels down to elevation 6,220 feet Lake Tahoe Datum.
 2. **Boat Slips.** Boat slips in marinas shall be subject to the following provisions:
 - a. Support pilings shall be constructed of metal or concrete;
 - b. Decks shall be non-skid or similar surface;
 - c. Main walkway piers should be a minimum of six feet wide to allow the use of carts and allow passing room; and
 - d. Floating finger piers should be a minimum of two feet wide, with additional width provided for fixed finger piers and those supporting double-wide boat slips.
- D. **Boat Ramps.**
1. Additional boat ramps shall be prohibited at marinas.
 2. Existing marina boat ramps may be reconstructed, relocated, or modified according to the following provisions:
 - a. Marina boat ramps may be relocated on the same parcel if the relocation is determined to improve water access during periods of low lake levels, all impacts are mitigated to the maximum extent, and the development standards listed in subsection 84.6.3.A are met; and
 - b. Marina boat ramps may be extended lakeward in order to operate during periods of low lake levels, provided the applicant demonstrates such extension is feasible and shall be the minimum necessary to provide reasonable access, down to elevation 6,220 feet Lake Tahoe Datum.
- E. **Piers.**
1. **Additional Piers.** Additional piers at marinas shall be subject to the development standards for multiple-use piers serving more than 20 residential parcels, as set forth in subsection 84.4.3.C.2 subparagraphs (b-h).
 2. **Permanent Extension of Existing Piers.** Permanent lakeward extension of existing piers at marinas may be permitted, subject to the following provisions:
 - a. The pier shall serve the public;
 - b. The proposed pier extension shall not have detrimental impacts to navigation;
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- c. All impacts associated with pier extension shall be mitigated;
- d. An existing marina pier may be extended 15 feet lakeward if the substrate slope within the additional length is a minimum of three percent. Additional extensions may be allowed if the average substrate slope in the area being extended is a minimum of three percent; and
- e. The total length of the pier shall not exceed 1,000 feet.

84.6.4. Permitting

- A. Phasing Plan.** As applicable and to the extent feasible, applications for major marina projects shall include a phasing plan for comprehensive marina improvements, including both short- and long-term environmental improvements, low lake level adaptation strategies, and plans for additional capacity.
- B. Monitoring Information Requirements.** Monitoring of water quality, current patterns and intensities, wind patterns, shore alterations, and any other conditions which may be altered by the proposed marina project may be required by TRPA for a reasonable period after completion of project construction. Remedial measures shall be required to mitigate adverse impacts, when necessary.

84.7. SHORELINE PROTECTION**84.7.1. Shoreline Protective Structures**

- A. Eligibility.** Shoreline protective structures may be approved by TRPA to prevent erosion in the backshore if TRPA makes the following findings:
 - 1. Structures in the backshore or environmental threshold values will be enhanced by the construction and maintenance of the protective structures;
 - 2. The protection of structures in the backshore or the enhancement of environmental threshold values more than offset the adverse environmental effects of the construction and maintenance of the shoreline protective structures;
 - 3. Each protective structure has been designed to be sloping and permeable; provided, however, that this finding is not necessary if TRPA concurrently makes the findings required under Paragraph (B) below; and
 - 4. Each protective structure has been designed so that backshore erosion on adjacent properties will not be accelerated as a result of the erection of the protective structure.
- B. Development Standards**
 - 1. Sloping permeable revetments are the preferred design for shoreline protective structures. Bulk heads, gabions, and other vertical revetments shall not be permitted unless, in addition to the findings required under Paragraph (A) above, TRPA finds that:
 - a. A sloping permeable revetment is not feasible; and

- b. The alternative structure will not cause significant erosion or modification of the foreshore.
2. Where a shoreline protective structure is necessary, it shall be of sufficient strength and depth to prevent movement of backfill materials into lake waters; and
3. Shoreline protective structures shall be constructed of natural materials to blend with the surrounding backshore or, if man-made materials are necessary, will be of earthtone colors.

84.7.2. Jetties, Breakwaters, and Rock Cribsh

- A. **Eligibility.** New breakwaters, jetties, rock cribs, and other similar structures shall be prohibited unless conducted as a component of a permitted environmental improvement project, or to implement existing approved Marina Master Plans, and including an environmental improvement associated with a marina project
- B. **Development Standards.**
 1. Except as provided in subsection 84.7.2.B.2 below, jetties and breakwaters shall have openings which allow adequate free circulation of water and sediment.
 2. No jetty or breakwater shall be a solid or nearly solid structure unless the applicant demonstrates that the structure will not interfere with littoral processes, cause shoreline erosion, or harm water quality or clarity and:
 - a. The structure is a necessary part of an approved marina project; or
 - b. The structure is necessary to protect the safety of persons using a public boat launching facility.
 3. The size, number, and locations of openings shall be sufficient to avoid interference with littoral drift, shoreline erosion, harm to underlying land, and harm to water quality and clarity.
 4. Rock and other material for construction of structures permitted under this subsection shall not be obtained within the shorezone or lakezone in the Region.

84.8. OTHER STRUCTURES**84.8.1. Floating Platforms**

- A. **Eligibility**
 1. A maximum of one floating platform may be permitted per littoral parcel in lieu of a mooring buoy.
- B. **Development and Use Standards**
 1. The placement of a new floating platform is prohibited within 200 feet of the stream inlets of creeks and rivers listed in subsection 84.4.3.A.1.

2. Floating platforms shall not extend beyond lake bottom elevation 6,219.0 feet, Lake Tahoe Datum, or beyond the pierhead line, whichever is more limiting.
3. Floating platforms shall be located at least 20 feet from adjacent littoral parcel boundary projection lines and no closer than 50 feet from a mooring buoy.
4. A floating platform shall be attached to a permanent anchor block.
5. Floating platforms shall not exceed an area of 100 square feet and shall be a maximum of 10 feet wide by 10 feet long.
6. Floating platforms shall not project more than three feet above the water surface.
7. Anchoring, tethering, or otherwise attaching a floating platform to the backshore or further landward shall be prohibited.
8. Superstructures shall not be permitted on floating platforms.
9. Mooring of motorized watercraft to floating platforms shall be prohibited.

84.8.2. Safety and Navigation Devices.

Essential Public Safety Facilities within the Shorezone provide lake access and egress for public safety and emergency response.

- A. New safety and navigational structures may be permitted only upon the recommendation of the Army Corps of Engineers or the U.S. Coast Guard.
- B. One Essential Public Safety Facility in the shorezone may be designated within each of El Dorado, Placer, Washoe, and Douglas Counties, and one for the U.S. Coast Guard.
- C. Essential Public Safety Facility in the shorezone shall comply with the location, design and construction standards set forth in subsections 84.4.2, 84.4.3.A, and 84.4.3.D for piers, subsections 84.5.2.A and 84.5.3 for boat ramps, subsection 84.3.3.D for mooring buoys, and subsection 84.7.2.B.4 for floating platforms; except that a facility recognized by TRPA as an Essential Public Safety Facility pursuant to this subsection may deviate from location, design and construction standards set forth in the following subsections, when necessary for functionality: 84.4.3.C.2.b, 84.4.3.C.2.d, 84.5.2.A, 84.5.3.D.1, 84.3.3.D.1.a, 84.3.3.D.2.b, 84.8.1.A.1, 84.8.1.B.2, 84.8.1.B.5.
- D. If an Essential Public Safety Facility ceases to be used for public service, any portion of the structure allowed to deviate from general location, design or construction standards pursuant to this subsection must be removed or brought into conformance with development standards.

84.8.3. Retaining Walls and Erosion Control.

Retaining walls and erosion control structures within the shorezone or along the backshore-upland boundary shall comply with the following provisions.

- A. Retaining walls and erosion control structures shall be constructed with natural stone arranged in a natural pattern without hard outlines or straight edges and shall be laid back at a natural angle of repose. Vertical walls and all other materials shall be prohibited except in the case of emergency where no practical alternative exists, as determined by TRPA.
- B. All walls shall include vegetation that shall be planted in accordance with the TRPA Design Review Guidelines.

84.8.4. Fences.

- A. Fences shall be 90 percent open and shall be maintained free of debris.
- B. Fences shall not be placed lakeward of the highwater line, unless TRPA determines that such a location is necessary:
 - 1. To protect the health or safety of the general public or to prevent trespass on private property from adjacent areas of public access in the shorezone, but only if a TRPA-approved signage plan has proven ineffective to prevent trespass to protect public health and safety and provided such fence is approved by agencies having jurisdiction; or
 - 2. To protect sensitive species or identified cultural resources.
- C. Any fence approved below the highwater line shall be designed so that it can be retracted or telescoped landward. Such a fence must be telescoped landward whenever lake levels rise in order to prevent it from extending into the Lake.
- D. A fence extending below the highwater line that was legally existing prior to December 24, 2018 may be repaired or replaced provided the fence telescopes landward, or is modified to so telescope, and is telescoped landward whenever necessary in order to prevent the fence from extending into the Lake.

84.8.5. Signage.

Signs in the shorezone shall comply with Chapter 38. Signs that may discourage the use of public access areas are prohibited.

84.8.6. Access Structures.

Structures or projects in the backshore that provide access to the nearshore or foreshore shall be sized no larger than necessary to provide safe and functional access and shall meet all applicable mitigation requirements. When feasible, access structures shall be built at grade level.

84.9. FILLING AND DREDGING

84.9.1. Applicability.

The provisions of this Section apply to filling and dredging in the shorezone and lakezone. Excavation and grading in the backshore is subject to the provisions of Chapter 33, *Grading and Construction*.

84.9.2. Eligibility

- A.** There shall be no fill placed in the lakezone or shorezone, except as otherwise associated with approved bypass dredging, shoreline protective structures, or beach replenishment projects, or otherwise found by TRPA to be beneficial to existing shorezone conditions or water quality and clarity.
- B.** New dredging shall be permitted in association with the following facilities only where previous approved uses exist, provided all environmental impacts shall be mitigated:
 - 1.** Legally existing marinas within areas previously dredged under the non-degradation standard of Section 84.9.3.F and within areas not previously dredged only where found to be beneficial by TRPA to existing shorezone conditions, water quality, and clarity;
 - 2.** Essential public health and safety facilities; and
 - 3.** Public boat ramps, provided the applicant demonstrates that new dredging shall increase the functionality of the boat ramp.
- C. Maintenance dredging shall be allowed according to the following provisions:**
 - 1.** The maintenance dredging is located in a facility that has been previously legally dredged;
 - 2.** The applicant demonstrates that dredging is necessary to maintain an existing use; and
 - 3.** The maintenance dredging is limited to the previously dredged footprint.

84.9.3. Development Standards

- A. Maintenance Dredging.** Maintenance dredging shall comply with TRPA's approved dredging BMPs and shall include the installation of all upland BMPs pursuant to Chapter 60, *Resource Management and Protection*.
- B. Low Lake Level Adaptation.** In lieu of dredging at marinas, temporary floating structures that provide for boat access may be permitted during periods of low lake levels as set forth in subsection 84.6.3.A.4 of this Chapter.
- C. Artificial Beach Replenishment.** If beaches are to be artificially replenished, only non-organic, chemically, and biologically inert material shall be used. The preferred method of beach replenishment is bypass dredging.
- D. Disposal of Dredged Material.** Where dredging, other than bypass dredging, is permitted, spoil materials shall not be deposited in the lakezone or shorezone, in wetlands, or within the 100-year floodplain of any tributary to a lake except as provided under subsection 84.9.2.A of this Section, but shall be deposited in an approved upland location.
- E. Prohibition of Siltation of Spawning Habitat.** No dredging, filling, or other project may be permitted which results in the permanent siltation of spawning habitat. Disturbances shall not occur between May 1 and September 30. Temporary

siltation associated with construction activities may be permitted provided that the spawning area disturbed is subsequently restored within 60 days or before May 1 when the spawning season begins, whichever is sooner.

- F. Additional Requirements.** New fill and dredging in the shorezone or lakezone shall comply with federal, state, and regional requirements for ensuring protection of Lake Tahoe's water quality and clarity and Outstanding National Resource Water designation, including but not limited to the U.S. Army Corps of Engineers federal standards for new dredging and applicable state permit requirements under sections 404 and 401, respectively, of the Clean Water Act.

84.10. OTHER ACTIVITIES AND USES

84.10.1. Watercraft.

The operation of watercraft shall be subject to the following standards except that operation of watercraft for the protection of public health and safety shall be exempt from the provisions of this Section.

- A. Overnight Anchoring.** Watercraft which remain in the shorezone or lakezone overnight shall be moored to legally existing buoys, boatlifts, boat slips, or other legally existing watercraft storage facilities. The following types of overnight mooring, including anchoring, are exempt from this provision:
1. Mooring of construction watercraft in active use for TRPA-authorized construction activities;
 2. Mooring of public service watercraft for public health and safety purposes; and
 3. Mooring of private watercraft up to 72 hours within a two-week period.
- B. Beaching of Motorized Watercraft.** Beaching of motorized watercraft in spawning habitat, as identified by TRPA fish habitat maps, is prohibited during the spawning season.
- C. No Wake Zones.** The following No Wake Zones and associated standards are established:
1. The creation of a wake or speeds in excess of five MPH by motorized watercraft shall be prohibited from the following areas:
 - a. Within 600 feet of the waterline of Lake Tahoe;
 - b. Within 200 feet of shorezone structures; and
 - c. Within 100 feet of swimmers and non-motorized watercraft.
 2. Within Emerald Bay, all areas are designated as a no wake zone. The creation of a wake or speeds in excess of five (5) MPH by motorized watercraft within Emerald Bay is prohibited, except that tour boats may be permitted to use speeds up to seven (7) MPH.

- D. Prohibition of Motorized Watercraft on the Tributaries of the Region.** The operation of a motorized watercraft on the tributaries of the Region, exclusive of other lakes in the Region, shall be prohibited. The prohibition shall commence at a line across the mouth of the tributary representing an extension of the existing water line across the mouth.
- E. Noise.** Vessels operating on Lake Tahoe that can direct engine exhaust to the air and generate noise levels in exceedance of TRPA or applicable state standards, are prohibited, with the exception of classic or antique boats and TRPA permitted events.

84.10.2. Water Oriented Outdoor Recreation Concessions

A. Applicability

- 1. The provisions of this subsection apply only to those concessions located and/or operated within the shorezone and lakezone.
- 2. Unless otherwise specified under this subsection, the provisions of this subsection apply to non-motorized and motorized boating concessions.

B. Eligibility

- 1. New concessions may be allowed only as an accessory to a permitted upland commercial or public facility or use, provided the applicant demonstrates that upland parking availability for the use is not constrained, and that the function of the concession requires a shorezone location. TRPA permits shall specify the number and type of watercraft(s) and structure(s) authorized in support of a permitted concession.
- 2. New motorized boat concessions may be allowed only within an existing marina.
- 3. Concessions in operation prior to September 1, 2017 may be permitted as new concessions. Such concessions must meet all applicable standards, except motorized watercraft rentals may be allowed outside of a marina if the concession provides documentation of meeting fueling BMPs.
- 4. TRPA shall only issue permits for permanent concessions.

C. Development and Use Standards

- 1. Concessions shall comply with all applicable TRPA BMPs, including fueling BMPs, as well as applicable local health and safety regulations and permit requirements.
- 2. Storage racks for non-motorized watercraft shall be allowed as accessory structures. Racks shall be located above high water unless infeasible, and shall be designed and operated to maximize lake access.
- 3. Concessions and accessory structures, including storage racks, shall comply with the provisions for Scenic Quality as set forth in Chapter 66. Required mitigation shall use the Visual Magnitude System outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

- 4. Mooring.** Concessions providing watercraft moorings shall comply with the following provisions:
- a. Concessions shall moor on legally permitted mooring structures;
 - b. Unless otherwise allowed under this subsection, only one watercraft shall be moored per buoy or slip;
 - c. Concessions shall comply with the provisions for mooring structures set forth in Section 84.3 of this Chapter, including the allocation of new moorings, with the exception that boat concessions associated with a marina may be allowed one watercraft string storing no more than 12 personal watercraft.

D. Motorized Boat Rental Concession Fee

Concessionaires renting motorized watercraft shall be subject to an annual TRPA motorized boat rental concession fee, as set forth in Article 10 of the TRPA Rules of Procedure.

84.10.3. Man-made Lagoons and Artificial Islands.

Construction of man-made lagoons connected to any lake in the Region and artificial islands is prohibited.

84.11. MITIGATION

84.11.1. Applicability

This section applies to projects undertaken in areas identified as, and adversely affecting, “Spawning Habitat” or “Feeding and/or Escape Cover Habitat” as designated on the TRPA Prime Fish Habitat Map, as of December 24, 2018, as amended, or areas meeting the applicable definition for “Spawning Habitat” or possessing similar characteristics for “feeding and/or escape cover” habitat. In addition, this section addresses the potential effects of new construction and the expansion of piers, boat ramps and marinas on public access.

84.11.2. Mitigation Required

- A.** All projects located in spawning habitat as verified by TRPA and that have the potential to detrimentally impact spawning fish, spawning gravels, the incubating eggs, or the emerging fry shall be subject to a case-by-case review by TRPA and the appropriate Fish and Wildlife Agency regarding the applicability of the October 1 through April 30 construction window and to determine whether project impacts can be mitigated.
- B.** As a condition for project approval, all permanent impacts to substrate in designated spawning habitat areas associated with new or expanded structures shall be mitigated at a ratio of 1.5 to 1 using one of the following methods, or a combination thereof, as determined appropriate by TRPA:
- 1.** Replacement “in-kind” with similar spawning gravels where gravels previously existed. Such replacement shall replace the equal or greater function and value either on-site or off-site.

- 2.** Construction of complementary habitat adjoining the remaining spawning gravels on-site, where it can be demonstrated that the complementary habitat will restore or enhance the spawning habitat by substantially increasing its function and value.
- C.** In addition to the mitigation obligation set forth in Paragraph (B) above, any impacts to existing feeding and/or escape cover habitat shall be fully mitigated.
- D.** Mitigation required pursuant to this Section shall include implementation and funding of an approved monitoring and remedial action program that will ensure the effectiveness of the mitigation.
- E.** To assist in providing funds for restoration of fish habitat and providing public access to Lake Tahoe, all new construction and the expansion of piers, boat ramps, and marinas, regardless of fish habitat type, shall pay a mitigation fee, set forth in Article 16 of the TRPA Rules of Procedure and fee schedule.

CHAPTER 85: DEVELOPMENT STANDARDS IN THE BACKSHORE

85.1. PURPOSE

Policies 1 and 2, Goal #1 of the Shorezone Subelement, Conservation Element of the Goals and Policies, establish limitations on disturbance to vegetation and construction activity within the backshore. Policy 1 recognizes that the existing vegetation in the backshore; (1) is the last naturally occurring measure for stabilizing soils and absorbing nutrients in runoff from upland areas; (2) prevents accelerated shoreline erosion due to wave action; (3) reduces the need for engineered structures to stabilize eroding cliffs; (4) is an important element of wildlife and fish habitats occurring in the shorezone; and (5) provides screening of development adjacent to the backshore. Policy 1 generally defines the backshore as the zone that includes backshore cliffs and other unstable lands influenced, in part or in total, by littoral or wave processes. In addition, Policy 2 requires that buildings be set back from the backshore to minimize the risk of accelerated erosion, cliff collapse, or slumping. This chapter sets forth standards and regulations in accordance with these policies.

85.2. APPLICABILITY

All projects and activities located within the backshore shall comply with the standards and regulations set forth in this chapter.

85.3. LIMITS OF BACKSHORE

The limits of the backshore shall be established using the following criteria, whichever establishes the wider backshore. The lakeward limit of the backshore shall be at the high water elevation.

85.3.1. Wave Run-Up

The area of wave run-up, plus ten feet;

85.3.2. Instability

The area of instability, plus ten feet. The area of instability shall be established pursuant to the following procedures;

- A. The area of instability shall be measured landward from the high water line a horizontal distance equal to 1.5 times the height of the bluff located adjacent to the shoreline. The height of the bluff shall be the difference between the high water elevation and the elevation of the top of the bluff; or
- B. The area of instability as identified in a report submitted by the applicant and prepared by a licensed geological, geotechnical or soils engineer or engineering geologist. The area of instability established under this provision may be greater or less than such area established under subparagraph A, above.

85.4. ALLOWABLE LAND COVERAGE

The allowable base land coverage in the backshore shall be one percent. The allowable base land coverage in the backshore may be combined with the allowable base land coverage for the remainder of the littoral parcel to establish a total allowable base land coverage for the parcel. A portion of the total allowable base land coverage may be used to allow construction in the backshore in accordance with Section 85.5.

85.5. PROHIBITION OF NEW LAND COVERAGE

Additional land coverage or other permanent land disturbance shall not be permitted in the backshore, except as follows:

85.5.1. Public Outdoor Recreation

Land coverage and land disturbance may be permitted in the backshore for public outdoor recreation facilities if TRPA finds that:

- A.** The project is a necessary part of a public agency's long range plans for public outdoor recreation;
- B.** The project is consistent with the Recreation Element of the Goals and Policies;
- C.** The project, by its very nature, must be sited in the backshore;
- D.** There is no feasible alternative which avoids or reduces the amount of land coverage or disturbance proposed in the backshore; and
- E.** The impacts of the coverage and disturbance are mitigated to the extent feasible through means including, but not limited to, the following:
 - 1.** Application of BMPs; and
 - 2.** Restoration in accordance with subsection 30.5.3 of land in the backshore or a stream environment zone in the amount of 1.5 times the area of land in the backshore covered or disturbed for the project beyond that permitted in Section 85.4.

85.5.2. Public Service

Land coverage and land disturbance may be permitted in the backshore for public service facilities if TRPA finds that:

- A.** The project is necessary for public health, safety or environmental protection;
- B.** There is no reasonable alternative which avoids or reduces the amount of land coverage or disturbance in the backshore; and
- C.** The impacts of coverage and disturbance are mitigated in the manner prescribed in subparagraph 85.5.1.E.

85.5.3. Erosion Control and Similar Projects

Land coverage and land disturbance may be permitted in the backshore for erosion control projects, habitat restoration projects, forest management programs, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities if TRPA finds that:

- A. The project, program, or facility is necessary for environmental protection; and
- B. There is no reasonable alternative, which avoids or reduces the extent of encroachment in the backshore.

85.5.4. Access to Structures or Uses in The Nearshore or Foreshore

Land coverage and land disturbance may be permitted in the backshore to provide access to an approved or legally existing structure or use located in the nearshore or foreshore, provided TRPA finds that the amount of land coverage proposed is the minimum necessary to provide access to the structure or use and the impacts of coverage and disturbance are mitigated in the manner prescribed in subparagraph 85.5.1.E.

85.6. REPLACEMENT OF EXCESS LAND COVERAGE

The replacement or modification of existing, excess land coverage in the backshore shall be in accordance with Chapter 30: *Land Coverage*.

85.7. VEGETATION

Indigenous vegetation, appropriate to the backshore shall not be removed or damaged in the backshore, unless otherwise authorized under TRPA permit pursuant to Section 85.5 or subsection 61.3.3. Landscaping installed for the purpose of scenic quality may be maintained pursuant to subsection 61.3.3. Species used in the backshore for revegetation or landscaping shall be those listed on the TRPA-approved plant list as species appropriate for the backshore type and site conditions (e.g. barrier beach, sedimentary bluff).

85.8. PROJECT REVIEW

In imposing special conditions of approval on projects in the backshore, TRPA shall be guided by an appraisal of the nature of the backshore, as set forth in Section 85.1 and 67.3, in relation to the unique characteristics of the project area and shall consider the following objectives:

- 85.8.1.** The protection of significant vistas;
- 85.8.2.** Minimizing the visual impact of the proposed project on the shorezone and area surrounding the project;
- 85.8.3.** The preservation of the site and shorezone from environmental harm both during and after construction;
- 85.8.4.** Protection of views of adjoining development; and

- 85.8.5.** Providing sufficient space for proper infiltration of runoff and nutrient uptake through natural processes.

85.9. MAN-MODIFIED BACKSHORE

Areas recognized by TRPA as man-modified pursuant to subsection 83.5.2 shall be regulated in accordance with the recommendations contained in the man-modified report approved by TRPA.



TRPA

Code of Ordinances

Adopted by Governing Board

December 12, 2012

Effective February 9, 2013

Amended September 27, 2023

Definitions

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CHAPTER 90: DEFINITIONS

90.1. RULES OF INTERPRETATION AND CONSTRUCTION

90.1.1. Meanings and Intent

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

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

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

90.1.3. Examples and Explanations

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

90.1.4. Lists and Examples

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

90.1.5. Technical and Non-Technical Terms

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

90.1.6. Computation of Time

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

90.1.7. References to Other Regulations, Publications, and Documents

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

90.1.8. Delegation of Authority

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

90.1.9. Public Officials and Agencies

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

90.1.10. Mandatory and Discretionary Terms

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

90.1.11. Conjunctions

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

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

90.1.12. Tenses and Plurals

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

90.1.13. Term Not Defined

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

90.1.14. Rounding

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

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

90.2. OTHER TERMS DEFINED

For definitions of uses see Section 21.4 (List of Primary Uses), and Section 81.5.

Abandoned Road

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

Accessory Dwelling Unit (ADU)

Formerly “Secondary Residence”. See subsection 21.3.2

Accessory Use

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

Achievable Housing

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

1. Have a household income not in excess of 120 percent of the respective county’s area median income (AMI) (moderate income households and below); or
2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District (TTUSD), including but not limited to public agencies and not-for-profit employers, and which requires the employee’s physical presence within the boundaries of the Tahoe region or TTUSD in order to complete the task or furnish the service for an average of at least 30 hours per week on an annual basis, or seasonal basis for seasonal work. Full-time equivalency may be confirmed by employer; or

3. Is a retired person who has lived in the Tahoe Basin for more than seven years.

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

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

Achievable deed-restrictions issued before date amendments go into effect may utilize this definition or the definition of “achievable” described in the recorded deed-restriction language.

Active Solar Energy System

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

Active Transportation

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

Activity

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

Adaptive Management

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

Adopted Plan

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

“Additional” Commercial Floor Area

See subparagraph 50.6.1.B.

Additional Development

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

Additional Factors

See subsection 16.3.1.

“Additional” PAOTs

See subparagraph 50.9.3.B.

“Additional” Public Service Facility

See subsection 50.8.2.

“Additional” Recreation

See subsection 50.9.2.

“Additional” Residential Unit

See subparagraph 50.5.1.B.

“Additional” Tourist Accommodation Unit

See subparagraph 50.7.1.B.

Adjacent Parcels

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

Advisory Planning Commission (APC)

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

Affordable Housing

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

Agency

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

Agency of Jurisdiction

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

Allocation

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

Alluvial Soils

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

Alluvial Soil Type

All of the following soil types as defined in the United States Department of Agriculture Soil Survey for Lake Tahoe, as identified on Agency maps, or as determined by the Agency to be present in an area: Loam Alluvial land (Lo), Elmira loamy coarse sand, wet variant (Ev), Celio gravelly loamy coarse sand (Co), Marsh (Mh), Gravelly alluvial land (Gr), Fill land (Fd), Seeped soils, and Beaches (Be).

Alternative Commute Mode

See subparagraph 65.5.1.B.1.

Alternative Energy Source

Energy, such as solar, wind, geothermal, or hydroelectric energy, that can replace or supplement traditional fossil-fuel sources of energy, such as coal, oil, and natural gas.

Alternative Fuels

Fuels derived from resources other than petroleum such as ethanol, biodiesel, natural gas, propane and hydrogen.

Apartment

A residential complex of two or more residential units under single ownership, usually but not always sharing the same structure, water distribution system, sewer collection system, parking facilities, open space, and recreational amenities.

Approved Plant Species

Plants designated by TRPA as acceptable species for use in landscaping and revegetation. Such species are usually but not always indigenous to the region. See also "Plant List."

Appurtenant Structure

A fixed structure customarily associated with and attached to a main structure.

Area Plan

The package of policies, plans, maps, codes, and ordinances found by TRPA to be in conformity with the Regional Plan under Ch. 13: *Area Plans*. The Memorandum of Understanding (MOU) that is associated with a Conforming Area Plan is not part of the Area Plan. Conforming Area Plans are a part of the Regional Plan.

Aquatic Invasive Species (AIS)

A nonindigenous species that threatens the diversity or abundance of the native species or the ecological stability of infested waters, or the commercial, agricultural, aquacultural, or recreational activities dependent on such waters, as identified in the Lake Tahoe Region Aquatic Invasive Species Management Plan. Aquatic Invasive Species include but are not limited to: zebra mussel (*Dreissena polymorpha*), quagga mussel (*Dreissena bugensis*), Eurasian water milfoil (*Myriophyllum spicatum* L.), curly leaf pond weed (*Potamogeton crispus* L.), and large mouth bass (*Micropterus salmoides*).

Area of Wave Run-Up

The area landward of the shoreline that is subjected to wave run-up during high water conditions and an extreme wind event. An extreme wind event is an 80 miles-per-hour onshore wind of one-hour duration.

Artificial Beach Replenishment

The importation of materials to maintain an existing beach or to create a new beach.

Average Peak Use

The average of the peak usage over a period of time.

Artificial Islands

Islands created by man that provide additional land area in a lake or other body of water.

Average Vehicle Ridership (AVR)

See subparagraph 65.5.1.B.2.

Backshore

The land area located between the highwater line of the lake and the upland area of instability or the wave run-up area.

Backshore Stability

The extent to which the backshore resists erosion or mass wasting due to factors such as the presence of naturally occurring existing vegetation, the gradient and geological composition of the backshore, and the absence of structures that may affect stability or disrupt natural littoral processes.

Bailey Coefficients

The allowable percentages of land coverage assigned to land capability districts (e.g., one percent in Land Capability Districts 1 and 2; five percent in Land Capability District 3; 20 percent in Land Capability District 4; 25 percent in Land Capability District 5; and 30 percent in Land Capability Districts 6 and 7).

Bailey Report

A report written by Dr. Robert G. Bailey, entitled *Land Capability Classification for the Lake Tahoe Basin, A Guide for Planning* (U.S.D.A.1974), which outlines a system of land classification including land capability districts and coverage coefficients.

Barrier Beach

An area of shorezone characterized by sandy soil separating a marsh-like lowland from a lake.

Barrier Wall

A wall separating lake waters from the shore.

Base Land Coverage

The allowable base land coverage as permitted by Chapter 30: *Land Coverage*.

Basement

The bottom floor of a building, the excavation for which any portion is greater than five feet below natural grade, measured at the location where the bottom of the excavation meets the foundation wall, exclusive of footing excavation.

Basic Services

Paved access roadways, water service, electrical service, and waste water treatment services, as required in Chapter 32: *Basic Services*.

Basin

The Tahoe Basin. See also "Region."

Bathing Facilities

A shower or bathtub.

Beach Replenishment

The artificial placement of large quantities of sand in the shorezone to restore beaches diminished by erosion.

Best Available Control Technology

An emission limitation that will achieve the most stringent emission limitation that is achieved in practice by that source.

Best Available Retrofit Control Technology

An emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each source.

Best Management Practices

Alternative structural and nonstructural practices proven effective in erosion control and management of surface runoff in Lake Tahoe Region.

Biofuel Facilities

Facilities that combust or gasify forest and other plant materials in a manner that, in combination with other systems, generates electrical energy for use or distribution or generates heat for distribution within a building or facility. Any heating unit that meets the definition of a wood heater is not considered a biofuel facility.

BMPs

See “Best Management Practices.”

BMP Retrofit Implementation Program

A program that uses BMPs to retrofit existing developed properties to, for example, control and treat stormwater runoff, to protect water and air quality in the Basin.

Board

The Governing Body of the TRPA, whose members are appointed pursuant to Article III of the Compact.

Boat Launching Facility

Recreational establishment that provides boat launching, parking, and short term trailer storage for the general public. Long term storage, mooring, and maintenance of boats is included under marinas.

Boat Lift

A mechanical device whose function is to raise and lower water craft in and out of a body of water for temporary storage. Also includes low level boat lift, boat hoist, and boat saddle.

Boat Ramp

A ramp allowing boats to be launched into, or retrieved from, the water.

Boat Slip

The portion of a pier or flat where a boat is berthed or moored or used for embarking or disembarking.

Body of Water

An area of water, of natural or artificial creation, including but not limited to lakes, harbors, man-made lagoons, reservoirs, ponds, and rivers.

Bonus Unit

An additional residential or tourist accommodation unit obtained pursuant to Chapter 52: *Bonus Unit Incentive Program*.

Breakwater

A man-made structure that diminishes the force of waves.

Bridge Span

A bridge that extends over a particular obstacle to avoid or minimize disturbance to the land or water area over which it passes. The bridge span measurement is the distance between the bridge abutments, excluding the bridge supports between abutments.

Building

Any structure designed or used for the support, shelter, or enclosure of persons, animals, or property of any kind.

Building Envelope

The area allotted for development of units in a planned individual unit development.

Building Frontage

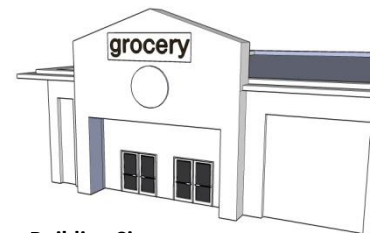
The two-dimensional surface area of a building found within the perimeter bounded by the finished grade line, the cornice line, and exterior side walls in one plane, not including intermediate walls perpendicular to such surface area, and containing a door or other entrance open to the public which faces a street.

Building Season

See "Grading Season."

Building Sign

Any sign attached to and supported by a wall of a building, or the wall of a structure, including a mansard roof. Any permanent sign placed on or behind glass or within a building and located in such a manner as to have an obvious intent to capture interest of those outside the building shall be considered a building sign and shall be treated in the same manner.



Building Sign

Building Site

The portion of a parcel designated for development.

Buoy

A float anchored to a lake bottom that serves as a boat mooring, navigation guide, hazard warning, or similar use.

Bypass Dredging

Rearranging earthen material within the same body of water without removing the material from the body of water.

Canopy

The cover of branches and foliage formed by the crown of adjacent trees and other woody growth. A manmade structure consisting of a suspended covering or roof or similar structure.

Carpool

See subparagraph 65.5.1.B.3.

Carrying Capacity

See “Environmental Threshold Carrying Capacities.”

Carrying Capacity (Grazing)

Level or measurement of grazing based on animal unit months (AUM) that a given range can support without adverse impacts.

Catwalk

Also referred to as a finger pier. A fixed or floating narrow dock or walkway that provides access to a vessel. A catwalk is an accessory structure to a pier.

Cellar

See “Basement.”

Central Furnace

A self-contained space heater providing for circulation of heated air at pressures other than atmospheric through ducts more than 25 cm (10 inches) in length.

Center

A Town Center, Regional Center, or High Density Tourist District.

Change in Operation

See subparagraph 65.2.3.A.

Change in Use

Conversion of a primary use from one use category to another use category as listed in the Table of Primary Uses in Chapter 21: *Permissible Uses* (e.g., service station to professional office).

Chemical Fertilizer for Lawns

Synthetically manufactured inorganic substances containing potassium, nitrogen, and phosphorous used to promote lawn growth.

Child Care Nurseries

Facilities designed or used for the care for six or more children, with or without compensation.

Christmas Tree Cultivation

The planned growth management of trees for sale as Christmas trees.

Clearing

See “Grading.”

Coal

Solid fossil fuels classified as anthracite, bituminous, sub bituminous, or lignite by A.S.T.M. Designation D-388-66.

Coarse Woody Debris

Sound and rotting logs that provide habitat for plants, animals, and insects; stabilize soils; and are a source of organic nutrients for soil development. Material is generally greater than 10 centimeters (4 inches) in diameter.

Code

The Code of Ordinances.

Coefficients

See “Bailey Coefficients.”

Collective Household

A group of at least two, but not more than six, persons who are unrelated by blood, marriage, or adoption, living together as an independent housekeeping unit.

Collector

Device or area that uses the sun's energy to heat domestic water or to heat, cool, or light a living space, including but not limited to space and domestic water heating and cooling system. See also “Solar Collector.”

Combustion Appliance

A device or appliance that produces heat by internal combustion of fuel, including, without limitation, oil, gas, kerosene, coal, wood, or propane.

Commencement of Construction

The pouring of concrete for a foundation, or work of a similar nature upon the permitted structure. Commencement of construction does not include grading, plan preparation, installation of utilities or landscaping.

Commercial

The retail or wholesale sale or rental of any article, substance, commodity, or service.

Commercial and Public Service Area

Areas that have been designated to provide commercial and public services to the region or have the potential to provide future commercial and public services.

Commercial Boating

Commercial use of pleasure craft or other vessel on a body of water.

Commercial Facilities

A structure designed or used for the support, shelter, or enclosure of persons, animals, or property of any kind, for commercial uses.

Commercial Floor Area

The gross square footage of floor area within the outer wall of a commercial building, not including stairwells and airshafts. The square footage of other facilities relating to such building, including but not limited to decks that are designated for commercial use under a permit, shall be considered commercial floor area. Square footage for the following shall not constitute commercial floor area:

- A. Parking areas, driveways, parking structures, outside stairways, and walkways;
- B. Accessory uses determined by TRPA not to contain additional commercial floor area pursuant to subparagraph 50.6.1.A;
- C. Temporary projects pursuant to Chapter 22: *Temporary Uses, Structures, and Activities*; and
- D. The area of play in an indoor tennis court, the area of water in an indoor swimming pool, and the area for skating in an indoor roller or ice skating rink, provided these are the permanent primary uses and otherwise meet the definition of commercial use.

Common Work Location

See subparagraph 65.5.1.B.4.

Community Apartment

An undivided interest in land coupled with the right of exclusive occupancy of a unit.

Community Noise Equivalent Level (CNEL)

A measure of noise that is the logarithmic average of single noise event values as measured by a noise monitor.

Community Plan

An area-specific plan for the areas designated in the Goals and Policies as eligible for development and adoption of a community plan. An adopted community plan replaces any plan area statements contained within the same area but carry forward some of the provisions of the plan area statements. Among other things, community plans identify development themes for the area, define desired types and intensities of uses, and generally try to create a coherent vision for the community. See Chapter 12: *Community Plans*.

Commuter

See subparagraph 65.5.1.B.5.

Commuter Matching Service

See subparagraph 65.5.1.B.6.

Compact

The Tahoe Regional Planning Compact, as amended and set forth in California Government Code Section 66801, Nevada Revised Statutes Section 277.200, or Public Law 96-551, 94 Stat. 3233, (December 19, 1980).

Compliance Measure

See subsection 16.3.2.

Condominium

An interest in real property defined or recognized under applicable (California or Nevada) state law as a condominium.

Condominium Development

The division of real property into, or use of real property for, condominiums, including all structures relating to such division or use.

Condominium Conversion

A change in the form of ownership of improved property whereby persons obtain ownership interests in and to, or rights of occupancy of, individual units thereof, including but not limited to, condominiums, community apartments, stock cooperatives and any other similar change in the form of ownership of real property.

Confined

Stream types classified under major categories A and B, and stream type C2, as defined in the report entitled "A Stream Classification System," David L. Rosgen, April, 1985.

Conforming Area Plan

An Area Plan that has been found in conformance with the Regional Plan in accordance with Chapter 13 of the Code of Ordinances.

Conservation Areas

Areas with value as primitive or natural areas, with strong environmental limitations on use, and with a potential for dispersed recreation or low intensity resource management. Conservation areas include:

- A. Public lands already set aside for this purpose;
- B. High-hazard lands, stream environment zones, and other fragile areas, without substantial existing improvements;
- C. Isolated areas that do not contain the necessary infrastructure for development;
- D. Areas capable of sustaining only passive recreation or non-intensive agriculture; or
- E. Areas suitable for low-to-moderate resource management.

Construction

The creation, building, assembly, disassembly, demolition, modification, or reconstruction of a structure.

Construction Site Boundary

A line on final construction drawings identifying the limits of the area of disturbance surrounding a project.

Contiguous Parcels

Parcels whose boundaries touch along one or more sides.

Conversion of Use

See "Change in Use."

Cooking Facilities

Any area within a structure that contains the following: a gas or electric range, stove top and/or oven (not including a microwave oven), a refrigerator in excess of five cubic feet in size, and a standard-sized kitchen sink.

Coverage

See "Land Coverage."

Coverage Coefficients

See "Bailey Coefficients."

Critical Habitat

Any element of the overall habitat for any species of concern that, if diminished, could reduce the existing population or impair the stability or viability of the population. This shall apply also to habitat for special interest species indigenous to the region whose breeding populations have been extirpated but could return or be reintroduced.

Cut-to-Length

A harvesting system in which felled trees are processed into log lengths at the stump before they are carried to the road or landing.

dBA

A measurement of sound intensity in decibels using the "A" weighted scale.

dbh

"Diameter at breast height," or the diameter of a tree measured at four and one-half feet above the ground on the uphill side of the tree. A circumference of 44 inches at breast height may be considered as the equivalent of 14 inches dbh.

Dead Tree

For any coniferous species, a tree that is totally lacking needles, or totally lacking green limbs or needles throughout the crown. For any deciduous species, a tree determined to be physiologically dead by a qualified forester.

Deck

An elevated structure or element of a structure, designed or used as a floor for the support of persons, animals, or property in an outdoor setting. Decks are typically surfaced with dimensional lumber, composite boards, blocks, or metal grates. Decks are held in place with open structural elements such as foundations, posts, and beams. Decks are not installed directly on the ground or on a concrete pad.

Decorative Gas Appliance

A gas- or propane-fueled combustion appliance certified under ANSI standard Z21.50.

Defensible Space Assessor

A person who works for an organization that is operating under a TRPA MOU that has been approved by TRPA, who has successfully completed a Defensible Space Certification Program for Lake Tahoe, and evaluates structures for defensible space. Annual renewal of this certification is required.

Denuded Area

An area of land from which substantially all vegetation has been removed.

Derelict

An abandoned structure or other development. Abandonment is determined without regard to intent to abandon. Evidence of abandonment includes lack of maintenance, access, utility connections, habitability, or ability to function in the applicable use category.

Designated Floodplain

The limits of the 100-year floodplain where established for creeks by the U.S. Army Corps of Engineers and/or the limits of the 100-year floodplain as established by the Federal Emergency Management Agency (FEMA) on a Flood Insurance Rate Map (FIRM). In areas where the U.S. Army Corps of Engineers or Federal

Emergency Management Agency has not mapped a floodplain and where TRPA has reason to believe that a flood hazard may exist, the limits of the 100-year floodplain shall be determined by application of standard hydrologic data and methods applied by a competent professional, in consultation with appropriate local jurisdictions, and approved by TRPA.

Desilting Basins

An area used to store water runoff so that suspended sediment is allowed to fall and accumulate at the bottom of the basin.

Develop

The act of creating, establishing, constructing, or altering any project or other activity.

Developed Outdoor Recreation

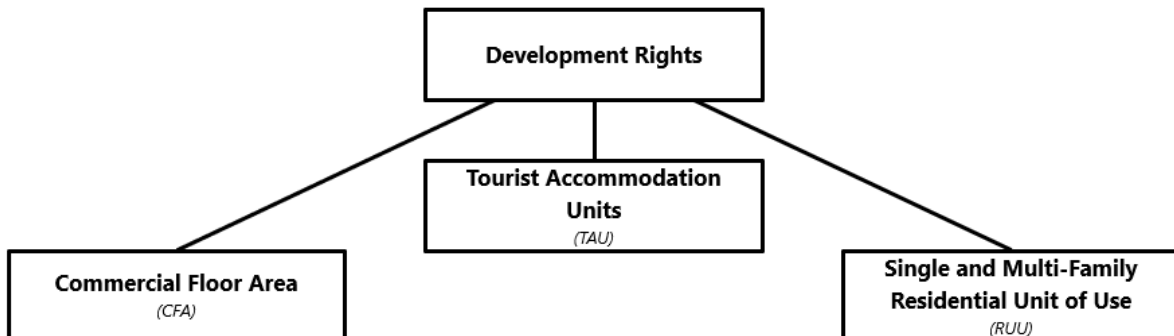
See “Recreation (Developed).”

Developed Recreation

See “Recreation (Developed).”

Development Right

A legally existing unit of use that must be obtained prior to the construction of a project and commencement of use or activity on a property. A development right is not a vested right. Development rights include commercial floor area, tourist accommodation units, and residential units of use (comprised of a potential residential unit of use and a residential allocation). Prior to [the effective date of the amendments], a potential residential unit of use was called a “residential development right” for the purposes of Section 50.3. See “Residential Unit of Use (Potential)”.



Diligent Pursuit

See subparagraph 2.2.4.C.

Directional Sign

Any sign that is used solely for the purpose of traffic or pedestrian direction or safety, and placed on the property to which or on which the public is directed, and that contains no advertising copy.

Discharge-Direct

The release of certain substances into a body of water or ground water.

Discharge-Indirect

The release of certain substances into a body of water by the passage of the substances over the earth.

Diseased Trees

Trees affected with plant pathogens including, without limitation, mistletoe, stalactiform rust and annosus root disease.

Disturbance Zone

The zone around a nest site or animal use area for animals which are highly vulnerable to disturbance.

Disturbed Areas

An area where soil, vegetation, or another natural feature of a site has been removed or substantially altered.

Drainage Way

A man-made depression in the earth's surface in which surface waters collect or flow as a result of rain or melting snow but which is empty at other times.

Dredging

Removing or rearranging earthen materials that are lakeward of the high water line.

Dripline

The area immediately beneath rooftop eaves or other surfaces from which runoff falls, or an area delineated by projection of the periphery of the crown area of a tree down to the ground surface.

Driveway

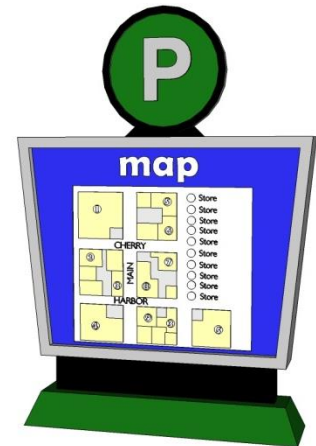
A clearly identifiable path of vehicular access from the parking area of a parcel to the public right-of-way or other access road. A driveway may be either one-way or two-way.

Eastside Forest Type

Those forests east of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps at <http://trpa.org/gis/>). The TRPA Westside and Eastside Forest Types GIS data layer delineates the eastside forest types and westside forest types in the region.

Edge Zone

The zone where two different plant communities meet or merge.



Directional Sign

Effective Date of the Regional Plan

The July 1, 1987, date established by Ordinance 87-9 as the effective date of the Regional Plan. Unless the context indicates otherwise, the calculation of time periods begins from the effective date of the Regional Plan.

Electric Vehicle Charger

Off-board charging equipment used to charge an electric vehicle.

Electric Vehicle Charging Station

One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles.

Emergency

A situation or circumstance that poses immediate danger to life, property, or the environment and demands immediate action to effectuate compliance with the Compact, or the Regional Plan, Code, and Rules of Procedure.

Emission

The act of passing into the atmosphere an air contaminant or gas stream containing an air contaminant. Also, an air contaminant that passes into the atmosphere.

Employer

See subparagraph 65.4.1.B.7.

Employer Transportation Coordinator (ETC)

See subparagraph 65.5.1.B.8.

Employer Transportation Plan

See subparagraph 65.5.1.B.9.

Environmental Assessment (EA)

An analysis used to determine whether a proposed project will have a significant effect on the environment and to determine whether a more detailed Environmental Impact Statement (EIS) will be necessary to provide additional analysis. It includes, among other things, alternatives to the proposed project and discussion of environmental impacts of the project. An EA is required when TRPA determines that an Initial Environmental Checklist (IEC) does not provide sufficient information to fully assess a project's environmental effects.

Environmental Impact Statement (EIS)

An Environmental Impact Statement (EIS) is prepared in order to analyze, among other things, whether a proposed project will have a significant effect on the environment, provide alternatives to the proposed project, recommend methods to mitigate significant effects, and identify significant adverse impacts that cannot be avoided

Environmental Impact Statement (EIS)

The document defined in Article VII of the Compact.

Environmental Improvement Program (EIP)

See Section 15.3.

Environmental Improvement Program (EIP) GIS Layer

The TRPA Environmental Improvement Program GIS data layer indicates the type and locations for stream environment zone, water quality, transportation, and other environmental improvements.

Environmental Threshold Carrying Capacities

See subsection 1.4.3.

Ephemeral Stream

Flows sporadically only in response to precipitation, with flows lasting a short time.

Erosion Control

Structural or nonstructural techniques applied to a particular site or region to prevent or minimize over land loss of soil or nutrients.

Escape Cover

Habitat that animals use to escape from predators.

Essential Public Health and Safety Facility

When located in the Shorezone, an essential public health and safety facility provides lake access and egress for public safety and emergency response.

Estimated Cost of Construction

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

Excavation

The digging out of earthen materials. See also "Grading."

Executive Director

The executive officer of TRPA.

Exempt

Activities that are not subject to review and approval by TRPA. See Section 2.3.

Exhaust Emissions

The products of combustion emitted into the ambient air from any opening downstream of the exhaust ports of an engine.

Existing

Legally present or approved on the effective date of the Regional Plan or subsequently legally constructed, commenced, or approved pursuant to necessary permits. Derelict structures are not considered existing for purposes of Chapters 50, 51, and 52 nor are projects whose approvals have expired.

Exotic Animals

Animals, other than household pets and other domestic animals such as farm animals, which do not occur naturally in the Lake Tahoe Basin. Exotic animals do not include established nonnative fish or game birds but do include mammals, birds, reptiles, and fish not indigenous to North America or the Sierra Mountain Range.

Expansion

Outside of the shorezone, “expansion” means an increase in size or extent of an existing structure or use that results in additional commercial floor area, additional residential units, additional tourist accommodation units, additional PAOTs, additional land coverage, vehicle trips, or other capacities regulated by this Code. Within the shorezone, “expansion” means an increase in size or extent, including an increase in the dimensions of a structure, and the addition of any structure or edifice to an existing structure.

Facility

A stationary man-made feature that is attached directly or indirectly to the lands or waters of the Region.

Factory-Built House

House constructed by an automated process entirely in a factory. There is little or no functional difference between factory-built housing and site-built housing. Factory-built houses include the following:

- A. “Modular Homes”: This is a type of factory-built home in which the individual sections are constructed at the factory, transported to the site on truck beds, and assembled on site by local contractors. They are built to the state, local, or regional code where the home will be located.
- B. “Panelized Homes”: These are factory-built homes in which panels, such as a whole wall with windows, doors, wiring, and outside siding, are transported to the site and assembled. The homes must meet state or local building codes where they are sited.
- C. “Pre-Cut Homes”: This is the name for factory-built housing in which building materials are factory-cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log, and dome homes. These homes must meet local, state, or regional building codes.

Family

One person, or more persons, occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, motel, or like establishment.

Fawning Habitat

The area normally used by deer for the birth and rearing of young.

Feasible

Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Feller-Buncher

A machine that fells and gathers trees. Feller-bunchers fell and bunch trees mechanically with hydraulically-driven chain saws, circular saws, or shears. The feller-buncher bundles trees for a grapple skidder or cable skidder to pick up.

Fertilizer

Inorganic, organic, or synthetic composition that is used to supply artificial amounts of nutrients for the purpose of increasing soil or plant productivity.

Fertilizer Management Program

Guidelines that outline the appropriate use of fertilizer.

Fill

Any rock, soil, gravel, sand, or other material deposited by man. See also "Grading."

Final Action

A decision by TRPA to approve, require modification, or reject a proposal considered by TRPA.

Final Map

A map of a subdivision placed on record as a final subdivision map in the recorder's office of a local government.

Findings

A written statement supported by substantial evidence in the record of the ultimate facts and the rationale supporting a conclusion that applicable Code or Compact requirements are met.

Finish Grade

The final grade of the construction site that conforms to the approved plan.

Finish Grading

Smoothing of an earthen surface to bring it to final grade.

Firebreaks

An area cleared of vegetation to act as a gap between continuous combustible materials.

Fireplace

An open structure, usually masonry, for containment of a fire. See also "Wood Heater."

Fireplace Inserts

See "Inserts."

First Order Stream

A natural depression that conveys surface water to major or minor streams or other receiving waters. A first order stream is a mappable, unbranched tributary. It may not normally contain flowing water and may flow only during storms or snowmelt periods. Examples include swales, ravines, draws, natural ditches, and hollows.

Fish and Wildlife Management Projects

Structural or non-structural projects that enhance or create habitat for fish or wildlife.

Fish Habitat

The combination of qualities that creates suitable conditions for the growth, reproduction, and production of fish. The term specifically refers to the environmental characteristics necessary for food, water, cover, and reproduction needs.

Fisheries

Pertains to the growth, reproduction, and production of fish present in the waters within the Lake Tahoe Basin.

Floating Docks or Platforms

Structures designed to float on a water surface that are attached either to the shoreline or to a lake bottom.

Floating Breakwaters

Structures designed to float on a water surface that are attached either to a shoreline or to a lake bottom. Their purpose is to suppress wave action.

Floodplain

An area adjoining a water course, lake or other body of water that has been or may be covered by flood water.

Food Habitat

An area where environmental conditions are favorable for supplying food to a particular species.

Forage Carrying Capacity

A standard necessary to maintain a level of palatable vegetation.

Foreshore

The zone of a lake level fluctuation that is the area between the high and low water level. (For Lake Tahoe, the elevations are 6,229.1 feet Lake Tahoe Datum and 6,223.0 feet Lake Tahoe Datum, respectively.)

Forest Pest

An animal or insect causing a threat to a forest stand or tree.

Forwarder

A self-propelled machine, usually self-loading, that transports trees or logs by carrying them completely off the ground.

Foundation

The structural support system of a building or other structure.

Fracture

A break in the topography or land form.

Freestanding Sign

Any type of sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces in or on the ground; or that is placed upon a planter, pedestal, retaining wall, or other structure and not supported by a building.



Freestanding Sign

Freeway

A divided arterial highway with full control of access and with grade separations at intersections.

Geographic Information System (GIS)

A Geographic Information System (GIS) is a digital mapping tool designed to capture, store, analyze, and present spatial and geographic data. A GIS data layer is a visual representation of a single geographic dataset such as a feature in the natural or built environment or regulatory boundary in a digital map. Typically, several GIS data layers are added to a map to compare features such as a road GIS data layer compared to a GIS data layer showing park areas.

Geomorphic Unit

A particular type of landform as described in the Bailey Report. The geomorphic unit map (1971) and geomorphic unit GIS data layer indicate the type and location of geomorphic units.

Governing Board

The Governing Body of the TRPA as defined in Article III of the Compact.

Grading

Cutting through or otherwise disturbing the layers of the soil mantle so as to change the existing landform, including, but not limited to, disturbing the soil mantle for construction of a driveway, parking area, utility line, building, or other structure. Also includes filling, excavation, and clearing.

Grading Season

The period each year during which grading is permitted commencing May 1 and ending October 15.

Groin

See "Jetty."

Groundwater Between 20-40 Inches

Evidence of ground water between 20 and 40 inches below the ground surface (somewhat poorly drained soil).

Handbook of BMPs

The document that sets forth the Best Management Practices.

Harbor

A shorezone area that is protected from wave forces and deep enough to provide for the anchorage or moorage of a boat.

Harvester

A machine that falls trees and performs processing functions at the stump, including, but not limited to cut-to-length harvesters and feller-bunchers.

Hazardous Tree

A tree identified as dangerous, immediately or in the near future, to lives or property.

Head of Livestock

One horse, mule, sheep, cow, steer, or other four-legged grazing animal.

Healthy Trees

Trees that are not diseased or infested.

Height

See subsection 37.3.1.

Height of Sign

For a freestanding sign, the vertical distance measured from the curb grade of the nearest street to the highest point of the sign or sign structure. For a building sign, the vertical distance measured from the building grade to the highest point of the sign or sign structure.

Helipad

For the landing of or take off of helicopters. A helipad does not have fueling, maintenance, or other support activities associated with its operation.

Heliport

An area of land, water or a structure, intended or used for the landing or take-off of helicopters. A heliport has fueling, repair, or support activities associated with its operation.

Helispot

An area of land, water, or a structure used for the landing or take-off of a helicopter for an emergency, or for a predetermined limited basis.

High Water Elevation

The established upper elevation limit of the surface of a body of water. (For Lake Tahoe, the high water elevation is 6,229.1 Feet Lake Tahoe Datum.)

High Water Line

Elevation 6,229.1 feet, Lake Tahoe Datum, for Lake Tahoe.

Historic Resources

Structures, buildings, sites, districts, or objects having historic, prehistoric, archaeological, or paleontological significance.

Home Occupations

A use that is customarily conducted entirely within a dwelling by the residents of the dwelling, provided the occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes. The following activities are prohibited as part of home occupations: Sales of products not produced on the premises, unless the sales are done by written order with no commodities or displays on the premises; employment of more than one person other than the residents of the dwelling; No signs or structures advertising the occupation; outside storage of materials or supplies incidental to the home occupation; and more than one home occupation is carried on in a dwelling. The following uses are examples of home occupations: consultative professional occupations, whose function is one of rendering a service; a secondary business office; the making of clothing; the giving of music lessons; and the creation of crafts.

IBC

The International Building Code.

Impervious Coverage

See "Land Coverage."

Indicator

See subsection 16.3.3.

Indirect Discharge

See “Discharge - Indirect.”

Indirect Source

A facility, building, structure, installation, real property, road, or highway that generates or may generate mobile sources of air pollution or serve as a trip end. Indirect sources include, but are not limited to, parking facilities, airports, and retail facilities.

Infiltration Facility

A device used to percolate runoff into the soil, including without limitation a rock-filled trench or basin.

Initial Environmental Checklist (IEC)

A checklist submitted with all applications used to evaluate, on a preliminary level, whether the project will have a significant effect on the environment and serves as basis to determine whether additional environmental analysis is required through an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

Innovative Techniques

As used in subparagraph 61.1.6.C.1.b, newly introduced, but not well-established, silvicultural and harvesting techniques that are designed to be low impact on the environment.

Innovative Technology Vehicles

Motorized vehicles used in vegetation management (including tree removal) operations that have been designed so as to minimize impacts to soils and vegetation. Innovative technology vehicles should be able to be operated in a manner than minimizes disruption of the soil surface (soil detachment), soil compaction, and damage to vegetation. Depending on specific site conditions (e.g., soil type, soil conditions, slope) and the method of operation, the use of low-ground pressure logging vehicles such as certain harvesters and forwarders may qualify as “innovative technology” vehicles.

Insert

An air-tight design placed inside a masonry fireplace that provides greater heating efficiency.

Inspection and Maintenance Program

As used in subsection 65.1.3, a program to reduce emissions from in-use vehicles by identifying vehicles that need emissions control-related maintenance and requiring that maintenance is performed.

Instream Flow

The rate and volume of water passing through a stream channel.

Instream Flow Diversions

The removal of water from a stream channel so as to divert the flow of water or to partially or totally reduce the flow of stream water below the point of diversion.

Instream Value

The ecological or other value integrally linked to the flow of a stream at a given volume and rate.

Intensification of Impacts

Any action relating to an existing use or structure that significantly increases adverse environmental impacts for the categories set forth on the TRPA Environmental Checklist.

Intensification of Use

Any action relating to an existing use that impacts on the extent of nonconformity with provisions of the Code, including, but not limited to, coverage, noise, increases in-vehicle trips, and design standards.

Interim Target

See subsection 16.3.4.

Intermittent Stream

A stream that only flows at certain times of the year. For example, when it receives water from springs or from a surface source such as melting snow.

Invasive Species

The term refers to species, both aquatic and terrestrial, that establish and reproduce rapidly outside of their native range and may threaten the diversity or abundance of native species through competition for resources, predation, parasitism, hybridization with native populations, introduction of pathogens, or physical or chemical alteration of the invaded habitat. Through their impacts on natural ecosystems, agricultural and other developed lands, water delivery and flood protection systems, invasive species may also negatively affect human health and/or the economy.

Irrevocable Commitment

For purposes of subparagraph 12.7.3.E.18, irrevocable commitment to fund each priority public benefit or related mitigation measure (collectively referred to in this subsection as "measures") shall mean the following:

- A. The public entity funding the measure or, when necessary, the electorate, has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and only ministerial acts necessary to the issuance of any such bonded indebtedness and the receipt of funds therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure for the measures;
- B. The application for state and federal grant monies has received approval and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for such public improvements in accordance with the final or demonstration redevelopment plan;
- C. The measures are approved and funded as part of a public entity's capital improvement program;
- D. Where the funding of the measures is the responsibility of the developer, TRPA shall ensure that the public entity shall have received sufficient funds or an acceptable security to fully fund the measures;
- E. The public entity funding the measure has received a funded commitment from another public entity as described in A through C above; or
- F. Any combination of A through E above.

Jetty

A man-made barrier in the water that is usually but not always perpendicular to a shoreline.

Kitchen

A room with cooking facilities.

Kitchen Facilities

See “Cooking Facilities.”

Kitchen Unit

A unit with cooking facilities.

Lagoons (Man-Made)

A body or channel of water created by man, but not including existing marinas or modifications thereto.

Lake

A water body greater than 20 acres in size, exceeding two meters deep at low water and lacking trees, shrubs, persistent emergents, emergent mosses or lichens with greater than 20 percent aerial coverage.

Lakefront Façade

The surface area of the lakefront elevation(s) for all primary and accessory buildings and other structures, with visible area for a given project area within the shoreland.

Lake Tahoe Datum

Elevation Lake Tahoe Datum equals elevation United States Geological Survey plus 1.14 feet.

Lakeward

In the direction of a lake or other body of water as applicable.

Lakezone

The zone including that area of a lake located beyond the lakeward limits of the nearshore.

Land Bank

An entity designated by TRPA to perform the functions set forth in Section 6.9.

Land Capability District

A soils unit designated on the adopted TRPA land capability map and denominated by a numerical rating of one through seven (e.g. Land Capability District 1). The system was devised by Dr. Robert G. Bailey for the U. S. Forest Service and is detailed in the Bailey Report.

Land Coverage

A man-made structure, improvement, or covering, either created before February 10, 1972, or created after February 10, 1972, pursuant to either TRPA Ordinance No. 4, as amended, or other TRPA approval, that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement, or covering. Such structures, improvements, and coverings include, but are not limited to, roofs, decks, surfaces that are paved with asphalt, concrete, or stone, roads, streets, sidewalks, driveways, parking lots, tennis courts, patios; and 2) lands so used before February 10, 1972, for such uses as for the parking of cars and heavy and repeated pedestrian traffic that the soil is compacted so as to prevent substantial infiltration. A structure, improvement or covering shall not be considered as land coverage if it permits at least 75 percent of normal precipitation directly to reach the ground and permits growth of vegetation on the approved species list. See also “Potential Land Coverage.” Common terms related to land coverage are:

- A. Hard Coverage—man-made structures as defined above.
- B. Soft Coverage—compacted areas without structures as defined above.

The following improvements are not land coverage:

- A. Post foundations that are 12 inches or less in width and length at ground level.
- B. Walls and other impervious improvements that are 12 inches or less in width at ground level and in aggregate do not exceed one percent of the project area.
- C. Utility improvements including boxes, vaults, and poles that are required for utility services (including water, sewer, electricity including undergrounding, natural gas, and telecommunications), are surrounded by pervious surfaces, and do not individually exceed 6 square feet in size. This provision does not extend to additional discretionary utility improvements such as generators and HVAC installations.
- D. Bear-resistant garbage enclosures not exceeding 3 feet in depth that are installed on one or more posts and have an enclosure elevated 6 inches or more above ground level.
- E. Land coverage associated with BMP installations may be excluded from land coverage calculations if such improvements are necessary for a properly functioning BMP installation.
- F. Natural rocks used in landscaping, slope retention, and for aesthetic purposes are not land coverage if the rocks are in their natural location or are surrounded by pervious surfaces, are not designed to serve as a walkway or gathering area.

Land Disturbance

Disruption of land that includes alteration of soil, vegetation, surface hydrology, or subsurface hydrology on a temporary or permanent basis, through action including, but not limited to, grading.

Landing

A centrally located log collection area to which logs are skidded or yarded and then loaded for shipment.

Landscaping

The decoration of an area with plants and other vegetation.

Late Seral (Successional)/Old Growth

Coniferous forest stands that contain a relative greater density of large and/or old trees, typically in an advanced stage of community succession. Old-growth communities vary in structural character (number of canopy layers, size of snags, and size of coarse woody debris) due to tree species composition, disturbance regime, and the edaphic site qualities (defined by site specific substrate, precipitation and solar radiation index).

Lawn

An area planted with grass species, usually closely mowed.

Legally Existing

See definition for “Existing.”

Level of Service

For an intersection or roadway segment, the level of service is the delay to motorized vehicles and the volume/capacity ratio and is expressed by a series of letter grades from A (low v/c ratio and delay) through E (high v/c ratio and delay) and F (blocked).

Limited-Use Roads

A class of roads, other than dedicated public roads, for which the primary use is timber harvest operations.

Linear Public Facilities

Public service facilities that are linear in nature such as roads, streets, trails, utility transmission and distribution facilities, and other similar right-of-ways. This term also includes accessory uses to such facilities, including without limitation pump houses, lift stations, substations, and access right-of-ways.

Littoral Parcel

A parcel of land adjoining or abutting the high water elevation of a lake.

Littoral Processes

The redistribution of sediments within the foreshore or nearshore in response to energy generated by waves or longshore currents that have not been disrupted by man-made structures.

Livestock

Domestic animals, such as cattle or sheep, raised and used for commercial purposes.

Livestock Containment Facilities

Structures built or used to hold livestock, including, but not limited to, corrals.

Living Area

The enclosed areas of a structure, including the living area for all stories of the structure, not accessible to motor vehicles.

Local Government Neighborhood Compatibility Requirements

Requirements implemented and enforced by a local government through a cooperative agreement with TRPA that regulate vacation rentals to ensure neighborhood compatibility. Such requirements include, but are not limited to, mitigating the potential adverse impacts related to refuse/garbage, parking, occupancy, noise, lighting, and signage.

Local Plan

An adopted Area Plan, Community Plan, or Plan Area Statement

Local Resident

A person whose primary residence is in the Tahoe region as evidenced by a driver's license.

Lock-Off Unit

A lock-off unit is a tourist accommodation unit within a residential design timeshare use that exists within a split-use unit and consists of one or more bedrooms (or sleeping quarters) and baths, but does not contain kitchen facilities. A lock-off unit is created by "locking-off" the kitchen and one or more baths and bedrooms (or other sleeping quarters) in the split-use unit thereby creating a hotel-type tourist accommodation unit that may be rented or leased separately from the remainder of the split-use unit. A lock-off unit constitutes one tourist accommodation unit of the two tourist accommodation units that constitute, or are required for, a split-use unit, except as set forth in Chapter 11: *Plan Area Statements and Plan Area Maps*.

Log Culverts

Logs placed in a stream to facilitate crossing by equipment.

Lop and Scatter

A slash treatment method where limbs and tops of felled, dead, or damaged trees are cut into short lengths and scattered throughout an area without any concentration. The method requires that no portion of the slash shall be more than twenty inches above the ground and that all unmerchantable chunks are scattered.

Lot

See "Parcel."

Low-Emission Vehicle

A vehicle certified by a state or the U.S. Environmental Protection Agency as a "Low Emission Vehicle."

Low-Level Boat Lift

A device with forks attached to a pier that reaches under a boat to lift it from the water for temporary storage.

Low Water Elevation

The established lower surface elevation for fluctuation within a body of water. (For Lake Tahoe, the low water elevation is 6,223.0 Feet Lake Tahoe Datum.)

Maintenance

- A. Ordinary and routine activities necessary to keep a structure in good working order and to prevent deterioration caused by natural conditions. Examples of maintenance include washing, painting, caulking, and rewiring. Maintenance shall not include replacing any part of a structure.
- B. As used in subparagraph 2.3.3.B, "maintenance" is the ordinary upkeep, repair, and preservation of the condition of a sign in order to keep the existing sign components (including color) safe, neat and orderly in condition and appearance and to prevent corrosion or deterioration caused by weather, age, or other conditions. Maintenance does not include any changes to the sign area that result in a different message, color scheme, or graphic design, or any changes in the external dimensions of the sign or structure.

Maintenance Dredging

The dredging of areas that previously have been dredged to maintain legally established lake bottom elevations, and dimensions, with the legally established elevations and dimensions based on previous permits, plans, physical evidence, or other such documentation.

Major Arterial

U.S. Highway 50; S.R. 89, California; S.R. 28, Nevada and California; S.R. 267, California; S.R. 431, Mt. Rose, Nevada; S.R. 207 Kingsbury Grade, Nevada; Loop Road (Lake Parkway, Montreal Road from the state line to Park Avenue, Park Avenue from Montreal Road to Pine Boulevard, and Pine Boulevard to the state line); Ski Run; Pioneer Trail; Al Tahoe Boulevard; Lake Tahoe Boulevard; Fallen Leaf Lake Road; Tahoe Keys Boulevard; Lake Shore and Country Club Drive, Incline Village Nevada; Sierra Boulevard; Black Bart; Venice Boulevard; and Village Boulevard.

Major Evaluation Interval

See subsection 16.3.5.

Major Stream

A continuously flowing water body and its associated topography. A major stream is usually identified as a permanent stream on a U.S. Geological Survey (USGS) topographic map, 7.5-minute series and classified by TRPA as a third or higher-order streams.

Major Use Classifications

The six use classifications listed in the Table of Primary Uses in Section 21.4, being; I. Residential; II. Tourist Accommodation; III. Commercial; IV. Public Service; V. Recreation; and VI. Resource Management.

Man-Made Channel

A channel constructed by man for the purpose of conveying water or a channel created by water being discharged from a man-made source, such as a culvert or pipe.

Manufactured Home

A home built entirely in the factory on a non-removable steel chassis that is transported to the building site on its own wheels and installed under a federal building code administered by the U.S. Department of Housing and Urban Development, according to the Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) that went into effect June 15, 1976. This term does not include a mobile home dwelling or factory-built housing.

Marina

See subsection 81.5.6.

Marine Railway Systems

A boat ramp designed to use a railed vehicle to launch and retrieve watercraft.

Master Plan

A plan for a defined area that provides more detailed planning to ensure that projects and activities in the area are consistent with the Goals and Policies, the Plan Area Statements or community plans, and the Code.

Maximum Height

See subsection 37.3.1.

Maximum Land Coverage

Allowable base land coverage plus allowed transferred coverage.

Materially Damaged

As used in subsection 61.1.5, any of the following activities or alterations to a live tree that would require a permit to remove; (1) topping; (2) the removal of live limbs within the upper two thirds of the total tree height; (3) girdling; (4) the application of chemicals harmful to the tree; (5) purposefully exposing the cambium layer; or (6) other damage to the tree that will potentially result in its death or disfigurement, or in a significant increase in its susceptibility to insects or disease.

Measurement Standard

See subsection 16.3.6.

Mitigation (Onsite)

Mitigation measures, such as the removal of land coverage, applied in the project area of the project being mitigated.

Mitigation (Offsite)

Mitigation measures applied outside the project area of the project being mitigated.

Mixed-Use Development

Developments fostering the integration of compatible residential and non-residential uses on a single site that are designed to promote pedestrian circulation. Permissible pedestrian-oriented non-residential uses include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses. Lobbies, gymnasiums, and project offices may be included if they are open to the public.

Mobile Home Dwelling

See Table 21.4-A: Primary Use Definitions.

Moderate Income Housing

Residential housing, deed-restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county's median income. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.

Modification

Changes in the form or substance of a structure or activity.

Modified Stationary Source

Any physical change, change in method of operation of, or addition to, an existing stationary source, or any change in hours of operation, process, or production rate, except that routine maintenance or repair shall not be considered to be a physical change. A reconstructed source shall be treated as a new stationary source. Unless previously limited by a permit condition, a replacement of a piece of equipment with an identical piece of equipment with emissions less than or equal to those from the original piece of equipment shall not be considered a modified stationary source.

Montane Zone

The montane zone is all lands below 7,000 feet elevation.

Mooring

A Place where a watercraft is held fast with cables, lines, or anchors.

Mooring Buoy

See “Buoy.”

Multi-Residential

Residential development at a greater density than one unit per parcel.

Multi-Residential Bonus Units

Bonus units available for use only in multi-residential projects.

Multi-Residential Facilities

Residential uses, with two or more units per structure, that meet the Transit Oriented Development standards set forth in subparagraph 11.8.4.C.1 or the functional equivalent as defined in subparagraph 11.8.4.C.3.

Multiple-Use Facility

A shorezone facility, usually but not always a pier, which is used by the public, homeowners association, or two or more littoral parcel owners, and is recognized by TRPA as multiple-use pursuant to subsection 84.4.

Native Plants

Plants indigenous or occurring naturally in the Lake Tahoe Basin. See also “Plant List.”

Natural Ground Elevation

See subsection 37.3.2.

Natural Hazard Maps and GIS Data Layers

The natural hazard maps and GIS data layers indicate locations of avalanche zones, earthquake zones, and flooding zones.

Natural State

That condition that is found in nature and not modified by human intervention.

Navigational Structure

A structure or device maintained solely as an aid to boat navigation.

Near Natural State

Approximating natural conditions.

Nearshore

The zone extending from the low water elevation of Lake Tahoe (6,223.0 feet Lake Tahoe Datum) to a lake bottom elevation of 6,193.0 Feet Lake Tahoe Datum, but in any case, a minimum lateral distance of 350 feet measured from the shoreline. In other lakes, the nearshore extends to a depth of 25 feet below the low water elevation.

Near Surface Groundwater

Evidence of ground water within 20 inches of the ground surface (poorly drained soil).

Nesting Habitat

The area normally used by a species of bird for the nesting and rearing of young.

Net Environmental Benefit to a Stream Environment Zone

See subparagraph 30.4.4.D.

New Development Potential

The regional potential for additional residential, commercial, tourist accommodation, public service, recreation, and related growth, as limited by the number of existing development rights currently remaining and the Bailey coefficients for land coverage. The number of existing development rights is the number of development rights created on July 1, 1987, pursuant to Chapter 31, as amended, minus development rights that have been extinguished. New development potential for piers is limited by subparagraph 82.3.3 of the Code.

Noncommercial Copy

See subsection 38.4.16.

Nonconforming Sign

A sign that is legally existing or approved as of the effective date of Chapter 38: *Signs*, that does not comply with the applicable standards set forth in that chapter.

Nonconforming Use

See subsection 21.2.3 and, for uses within the shorezone, see subsection 81.3.3.

Non-Attainment Area

An area not in attainment of federal primary air quality standards as designated by the Environmental Protection Agency.

Non-combustion Heaters

Electric heaters.

Non-contiguous Parcels

Parcels that are not adjacent parcels and whose boundaries do not touch.

Non-Native Species

Animals, other than domestic animals and household pets, that do not occur naturally in the Lake Tahoe Basin or which have been artificially introduced or established by man.

Non-Permanent Structure

A non-permanent structure is a structure meeting the requirements of subparagraph 30.4.6.A.

Non-Sensitive Lands

For lands with IPES scores, those lands above 725; for lands without IPES scores, those lands identified as Land Capability Districts 4, 5, 6, or 7; and that are not within the back shore.

Nursery Habitat

The area where juvenile fish seek food and cover.

One Hundred-Year Floodplain

The area that would be inundated by a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.

Open Burning

As applied in Nevada only, a fire that emits the products of combustion into the atmosphere without passing through a stack or chimney.

Optimum Stocking Level

The number of trees on a given area that maximizes the growth rate and overall health of a stand of trees.

Organized Recreation Camps

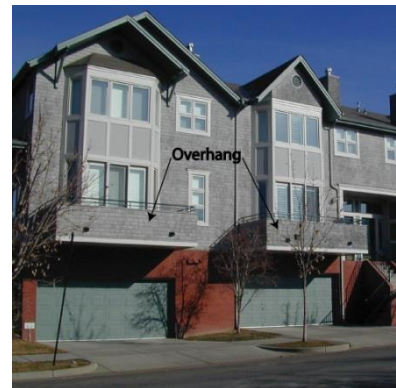
Land or premises containing structures designed to be used for organized camping.

Ornamental Vegetation

The landscaping of property with shrubs, trees, and other vegetative ground cover not native to the Tahoe region.

Overhang

The portion of a structure that is cantilevered so as to not require a structural member attached to the ground, or is a deck with no structure underneath supported by posts. For a building or deck, the overhang is that portion of the structure extending beyond a continuous foundation wall.



Overhang

Over-Snow Removal

Removal of trees from a project site using yarding equipment capable of traveling over snow without disturbing the soil or vegetation beneath.

Oversteepened Cut Slopes

Slopes steeper than 2:1.

PAOT (People At One Time)

The number of people that a recreation use can accommodate at a given time. A measure of recreation capacity.

Parcel

An area of land or, in the case of a condominium, separate space, whose boundaries have been established by some legal instrument such as a recorded map or recorded deed and that is recognized as a separate legal entity for purposes of transfer of title.

Parcel Boundary Projection Line

Projection of a parcel boundary line lakeward from the low water line, perpendicular to the tangent of the shoreline.

Parcel Consolidation

The merging of two or more contiguous parcels into one parcel.

Parcel Line Adjustments

A change in the legal boundary or boundaries of a parcel.

Parcel Map

A map required by state law for the division of land into parcels.

Particulate Matter

Material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

Peak-Period Commuter

See subparagraph 65.5.1.B.10.

Pedestrian-Oriented Sign

A permanent, non-illuminated sign with an area less than five square feet on any one side, and not over ten feet above ground level.

Percent Cross Slope Retained Across Building Site

See subsection 37.3.3.

Perching Site

A tree, cliff, or other high platform, used by raptors for resting, sitting, or viewing.

Perennial Stream

Permanently inundated surface stream courses. Surface water flows throughout the year except in years of infrequent drought. Perennial streams shall be those shown as solid blue lines on USGS Quad Maps, or streams determined to be perennial by TRPA.

Permissible Use

Allowed uses or special uses approved by the Governing Board. See also accessory uses, Section 21.3, and accessory structures, section 81.4.

Person

An individual, partnership, corporation, business association, joint venture, group of individuals, or governmental entity.

Personal Watercraft

Watercraft less than 13 feet in length designated to be operated by a person or persons sitting, standing, or kneeling on the craft rather than within the confines of a hull, and with a maximum capacity of three (3) people.

Person-Trip

A one-direction movement of an individual person which begins and ends at a trip end.

Pervious

Any surface that allows at least 75 percent of precipitation to directly reach and infiltrate the ground throughout the life of the surface.

Pier

A fixed or floating structure intended as a landing or temporary mooring for watercraft and either extending from the backshore to at least 10 feet beyond the line marking the high water elevation of a lake, or extending into Lake Tahoe to a depth of 6,226.1 feet Lake Tahoe Datum, or a functionally similar depth on other lakes in the region.

Pier, Multiple-Parcel

A pier that retires pier development potential through deed restriction on one or more littoral parcels. A multiple-parcel pier may be built to either single-or multiple-use pier development standards.

Pier, Multiple-Use

A pier on a littoral parcel that serves three or more residential units on the same parcel, or that serves two or more primary residential littoral parcels, subject to a deed restriction providing access.

Pier, Single-Parcel

Also referred to as a single-use pier. A pier that serves one littoral parcel, and that retires no development potential as part of a pier application process.

Pier, Single-Use

A facility in the shorezone used and maintained by the owner of one littoral parcel, family, and guests.



Portable Sign

Pier Relocation

The replacement of an existing pier with a new pier in a different location on the same parcel.

Pier Transfer

The replacement of an existing pier with a new pier on a different parcel.

Pierhead Line

A line established on the adopted shorezone maps of TRPA and digitized for all areas around Lake Tahoe.

Plans

Plans include the TRPA Regional Plan as defined in the TRPA Compact, other plans that are authorized by the Regional Plan and have been adopted by the TRPA Governing Board, and Area Plans that are authorized by the Regional Plan and that have been adopted by a Local Government and have been found by TRPA to be in conformance with the Regional Plan.

Plant List

The Recommended Native and Adapted Species List adopted by TRPA.

Political Sign

A sign advertising a candidate for public office, proposition, or other issue to be voted on by the electorate.

Pond

A standing water body less than 20 acres in size and/or less than two meters deep at low water.

Portable Sign

Any sign not permanently affixed to the ground or a building.

Possible Contaminating Activity

Activities equivalent to TRPA primary uses identified by either the California Department of Public Health Services or the Nevada Bureau of Health Protection Services, regardless of where the project is located, as having the potential to discharge contaminants to surface or ground waters. Such uses include but are not limited to those listed in subsection 60.3.5.

Potential Land Coverage

The land coverage allowed as base coverage in Chapter 30: *Land Coverage*, but that does not physically exist.

Predominantly Urbanized Area

See subsection 13.3.1.

Prescribed Fire

The planned application and confinement of fire by professionally trained public agency fire personnel to wild land fuels on lands selected in advance of that application to achieve any of the following objectives: 1) prevention of high-intensity wild land fires through reduction of the volume and continuity of wild land fuels; 2) watershed management; 3) range improvement; 4) vegetation management; 5) forest improvement; 6) wildlife habitat improvement; or 7) air quality maintenance.

Previous Use

See subparagraph 65.2.3.C

Primary Riparian Vegetation

The following vegetative community types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"

- A. Type 0: Open water - Open water, Swamps and pools and Vernal pools.
- B. Type 2: Herbaceous - Wet marsh or meadow and Sphagnum bog.
- C. Type 7: Riparian shrub - Willow thicket and Alder thicket.
- D. Type 9: Broadleaf - Low elevations.

Primary Transit Routes

- A. Highway 50 - from Carson City to Highway 89
- B. Highway 89 – from Truckee to Highway 50 at the South Lake Tahoe “Y”
- C. Highway 28 – from Highway 89 in Tahoe City to the intersection with Country Club Drive in Incline Village
- D. Highway 267 – from Truckee to Highway 28
- E. Highway 207 – from Daggett Summit to Highway 50

Prime Fish Habitat

In Lake Tahoe, the zone of water and substrate less than 30 feet deep where suitable habitat exists for purposes of spawning, feeding, or escape cover, or as designated on TRPA Prime Fish Habitat Maps.

Problem Assessment

A comprehensive identification and evaluation of a significant degradation of the environment prepared by TRPA and used as the basis for action plans provided for in Section 5.12.

Prohibited Use

See subsection 21.2.4, and for uses within the shorezone, see subsection 81.3.4.

Project

An activity undertaken by any person, including any public agency, that may substantially affect the land, water, air, space or any other natural resources of the Region. See also Chapter 2.

Project Area

See subparagraph 30.4.1.C.2.

Project Controller

See subparagraph 65.5.1.B.11.

Project Cost

The fair market value of materials and services used in constructing and implementing a project.

Projecting Sign

A sign other than a building sign which projects from and is supported by a wall of a building, and is not parallel to the plane of the wall.



Projecting Sign

Property Transportation Coordinator (PTC)

See subparagraph 65.5.1.B.12.

Protective Structure

A structure placed in a body of water or the area of wave run-up, to prevent erosion.

Public Athletic Fields

Play fields constructed and operated by or for schools and government agencies primarily for team sport usage, such as baseball, football, and soccer. Public athletic fields are typically open for public use for at least 120 days between May 1 and October 31. Golf courses, landscaping, lawns, meadows, ski runs, and similar open space are not considered public athletic fields.

Public Entity

A public service or quasi public entity that is responsible for public transportation, linear public facilities, utility services, public health and safety, public education, environmental protection, or public open space.

Public Safety Facilities, Essential

Fire and law enforcement facilities and/or stations, including apparatus bays, apparatus maintenance buildings, living quarters, and offices; training facilities including training towers; emergency operation center buildings; emergency communication towers, and fire prevention and fuel management work centers.

Public Service

Public or quasi-public uses or activities pertaining to communication, transportation, utilities, government, religion, public assembly, education, health and welfare, or cultural and civic support. It does not include such uses or activities that are primarily involved in commercial enterprises.

Pump-out Facilities

Pump-out facilities consist of the equipment needed to pump or otherwise receive and transfer contents of vessel holding tanks into sewage retention and/or disposal system approved by the permitting organizations.

Qualified Exempt

Activities not subject to review and approval by TRPA upon the filing of a declaration pursuant to subsection 2.3.6.

Qualified Forester

A person who: 1) is a California Registered Professional Forester (RPF); or 2) holds a Bachelor of Science degree, with a major in Forestry, Renewable Natural Resources, or closely related field, and has had a minimum of three years verifiable experience in forestry-related work. A valid California Registered Professional Foresters (RPF) License shall be required per California State law for any natural person or entity performing forestry work in California.

Quasi-Public

Having the purpose of providing a public service as a utility and under regulation of state, local, or federal law, such as a telephone company, electric power company, TV cable company, and natural gas supplier, or provide services for the public health and welfare or for educational or cultural purposes, on a voluntary or non-profit basis.

Range Professional

A person either meeting the requirements for the Federal Rangeland Management Series (GS-454) of the U.S. Office of Personnel Management, licensed as a Certified Rangeland Manager under the California Professional Foresters Licensing Act (PFLA), or the Certified Range Management Consultants(CRMC) certification program provided by the Society for Range Management.

Reasonable Further Progress

Annual incremental reductions in emissions of the applicable air pollutant that are sufficient to provide for attainment of the applicable national air quality standard by the dates established under the Clean Air Act, as amended in 1977.

Receiving Parcel

Parcel to which coverage, an allocation, or other development is transferred.

Reconstruction

The replacement of all or an entire portion of an existing structure without changing the structure's dimensions or function. The concept of "reconstruction" shall be a functional one to include substitution of one kind of material for another, for example steel for wooden piles, or synthetic for wood decking, even where those changes may result in a negligible change in the dimension or change in appearance of the structure (e.g., placing a steel pile around an existing wood pile). Notwithstanding the foregoing, the replacement of a structure may qualify as a reconstruction where there is a reduction (without reconfiguration) in the dimension of the structure resulting in an improvement to environmental

conditions (e.g., replacing double pilings with single pilings; replacing a pier without a previously existing boat house). No reconstruction shall increase the visual mass or contrast rating of the previously existing structure.

Recreation Areas

Areas with good potential for developed outdoor recreation, park use, or concentrated recreation.

Recreation (Developed)

Outdoor activities that are enhanced by the use of man-made facilities, including, but not limited to, campgrounds, marinas, and ski areas.

Recreation (Dispersed)

Activities such as hiking, jogging, primitive camping, nature study, fishing, cross country skiing, rafting/kayaking, and swimming. The use does not usually involve the use of developed facilities.

Recreation (Dispersed Outdoor)

Outdoor recreational uses that require few or no developed facilities, require no motorized vehicles, and generally occur in rural areas such as hiking; horseback riding; jogging; dispersed, primitive, or back country camping; fishing and hunting; nature study and photography; rafting and kayaking; sightseeing; dispersed beach recreation; swimming; sunbathing; and cross country skiing shall be allowed uses throughout the region. See also "Recreation (Dispersed)."

Recreation (Urban)

Indoor and outdoor activities primarily designed for use by the residents of the region, including, but not limited to, athletic fields and neighborhood parks.

Recreational Fires

Fires used in connection with a recreational activity, including, but not limited to, campfires and barbecues.

Redevelopment

New construction on a site that has existing uses and structures. Redevelopment is not limited to designated Redevelopment Areas or Districts.

Redirection

The redirection of development designation is designed primarily to improve environmental quality and community character by changing the direction of development or density through relocation of facilities and rehabilitation or restoration of existing structures and uses.

Region

All that area described in Article II(a) of the Tahoe Regional Planning Compact. See also Basin.

Regional Plan

The long term general plan for the development of the region and as more specifically described in Article V of the Compact.

Rehabilitation

Upgrading existing facilities by repair, reconstruction, or modification.

Reinforcement

The provision of telephone capacity for existing or projected telephone communication service along existing or approved transmission or distribution routes.

Remedial Action Plan

A plan to correct environmental degradation.

Remedial Vegetation Plan

A plan to address areas where remedial management of vegetation is necessary to achieve and maintain environmental thresholds for health and diversity in vegetation.

Rental Car

A passenger vehicle designed to carry not more than ten persons and that is available for rental on a daily or other basis to members of the general public. The definition of rental car does not include a taxi, limousine, motorhome, truck, or motorcycle.

Rental Transaction

See subparagraph 65.4.3.A.

Repair

Activities necessary to put back a structure to good and sound condition after decay or damage without changing the structure's dimensions or function. Repairs include replacing components of a structure, such as decking, structural members, piles, re-siding, re-roofing, and replacement of electrical or mechanical gear. The concept of "repair" shall be a functional one to include substitution of one kind of material for another, for example steel for wooden piles, or synthetic for wood decking, even where those changes may result in a negligible change in the dimension or change in appearance of the structure (e.g., placing a steel pile around an existing wood pile). No repair shall increase the visual mass or contrast rating of the repaired existing structure.

Residential

Uses, facilities, and activities primarily pertaining to the occupation of buildings for living, cooking, and sleeping by the owner as a permanent or second home, by renters on a monthly or longer term basis, or by renters of a vacation rental that meets the Local Government Neighborhood Compatibility Requirements.

Residential Area

Areas having potential to provide housing for the residents of the region.

Residential / Dooryard Burning

As applied in California only, the burning of vegetative-only waste grown on the site at a residence in the open air. Residential/dooryard burning does not include burning in fireplaces and woodstoves within the residence.

Residential Unit

One or more rooms containing one or more bedrooms, with not more than one kitchen, designed to be occupied permanently as an independent housekeeping unit by one family or one collective household with facilities for living, cooking, sleeping and eating.

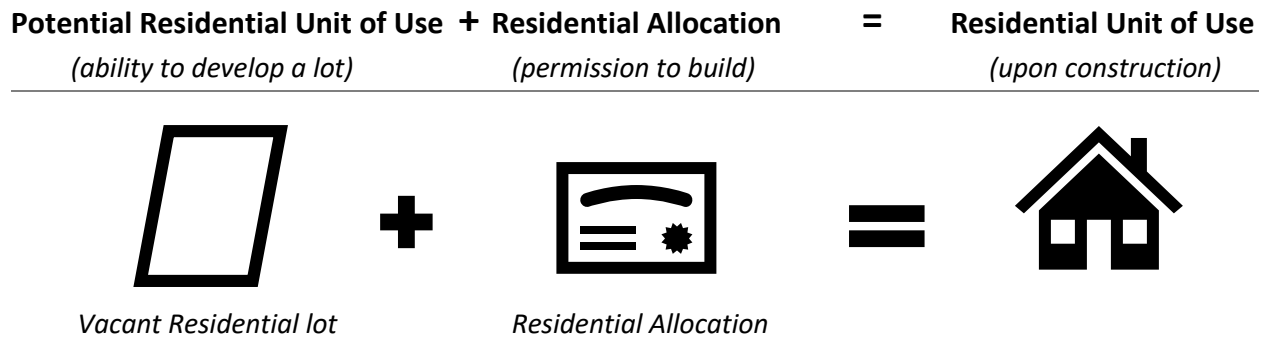
Residential Units of Use

A. Potential Residential Unit of Use (PRU)

A potential residential unit of use is attached to certain parcels in the region in accordance with Section 50.3. A potential residential unit of use is not a vested right. To construct a new residential dwelling, the property must comply with Section 50.3 to be eligible for a potential residential unit of use and the property owner must obtain a residential allocation from the respective local jurisdiction or transfer an existing residential unit of use to the property from an eligible sending site. A potential residential unit of use together with a residential allocation becomes an existing residential unit of use upon construction. Potential residential units of use were previously referred to as a 'residential development right'.

B. Residential Unit of Use (RUU)

A residential unit of use is an existing residential unit constructed (1) prior to the adoption of the Regional Plan, or (2) as a result of a TRPA permit to construct an additional residential unit from the combination of a potential residential unit of use and a residential allocation or conversion from a different type of development right. At a minimum, an existing residential unit of use shall contain cooking facilities, bathing and toilet facilities, and living and sleeping areas. A residential unit of use may be associated with a single-family house containing one residential unit or a multi-residential development containing more than one unit per parcel as defined by this Code.



Resource Management

Uses, facilities, and activities pertaining to the utilization, management, or conservation of natural resources.

Restoration, or Restored

In the context of natural areas, the reestablishment of the primary natural characteristics and functions of the soil, hydrology, vegetation, and other natural features of the natural habitat.

Restricted Gaming (Nevada Only)

Operation of not more than 15 slot machines pursuant to Nevada law as an accessory use to a commercial or tourist accommodation primary use.

Revegetation

Establishment of vegetation on disturbed areas.

Revetment

Sloping structures armored with stone or other material through which water may pass.

Ridesharer

See subparagraph 65.5.1.B.13.

Riparian Plant Community

A plant association identified by the presence of vegetation that requires free or unbound water or conditions more moist than normal in the area. Such communities include, but are not limited to, deciduous trees (alder, aspen, cottonwood, willow), hydrophytes, meadow vegetation, riparian shrub, and lodgepole pine.

Road

A smooth or paved surface designed for travel by motor vehicles.

Rock Cribbing

An enclosure of wood, steel, or other material containing unconsolidated rock.

Roof Sign

A sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure. Signs standing out horizontally from a mansard roof are considered wall signs; however, they may not extend vertically above the top of the mansard.



Roof Sign

Scenic BMPs

Mitigation measures that reduce the visual impact of structures to promote threshold attainment. This includes the use of landscaping, building design, glass treatment, articulation, color, texture, screening, and other such techniques.

Scenic Highway and Corridor

A roadway that has been determined to have outstanding scenic value. The scenic corridor includes the roadway right-of-way and extends 100 feet perpendicularly from the edge of the right-of-way boundary.

Scenic Units GIS Data Layers

The TRPA scenic units GIS data layers indicate the location of the roadway units, the shoreline units, the recreation areas, and the bicycle trails established by the scenic thresholds. Scenic highway corridors, including specific urban, transition and natural corridor designations are also identified.

Seasonal Efficiency

The efficiency, as certified by the California Energy Commission under the provisions of California Administrative Code, Title 20, Chapter 2, Subchapter 4, Article 4, Sections 1603 and 1607, (Appliance Efficiency Standards).

Seasonal High Water Table

The highest level of soil saturated with water during a one year period, usually but not always found in the spring months.

Second Order Stream

A stream formed by the confluence of two or more first order streams.

Secondary Residence

See "Accessory Dwelling Unit," subsection 21.3.2.

Secondary Riparian Vegetation

The following vegetative types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"

- A. Type 2: Herbaceous - Wet mesic meadow.
- B. Type 9: Broadleaf - High elevations.
- C. Type 19: Lodgepole - Wet type.

Seeped Soils

Soils having the characteristics of a high water table.

Seiche

An oscillation of the surface of a landlocked body of water (as a lake) that varies in period from a few minutes to several hours.

Sending Parcel

The parcel from which land coverage, an allocation or other development is transferred.

Sensitive Lands

For lands with IPES scores, those lands at or below 725; for lands without IPES scores, those lands identified as Land Capability Districts 1, 2, or 3; and lands within the backshore.

Sensitive Plant Species

Plants that are extremely scarce and considered vulnerable to local extirpation or extinction.

Service Capacity

The ability to accommodate units of traffic, energy, sewer, water, or people engaged in the activity for which the facility was intended, or other similar units of measure.

Service Connection

The connection of utilities, such as gas, water, electricity, or telephone, to a structure.

Setback

An area established adjacent to the shorezone interface or riparian vegetation to provide a natural buffer between development and sensitive or ecologically significant areas.

SEZ

See "Stream Environment Zone."

SEZ Setback

A strip of land adjacent to the edge of a SEZ, the designated width of which is considered the minimum width necessary to protect the integrity of the various characteristic of the SEZ. The width of the setback shall be established in accordance with the procedure set forth in subsection 53.9.3.

SEZ Vegetation

Species of a plant community indigenous to the Lake Tahoe Region which are commonly associated with the landscape position and land form, soil type, hydrology, elevation, and climate of an SEZ type, such as a wet meadow, mesic meadow, or stream. The plant communities include primary and secondary indicator species listed in Section 53.9.

Shift of Employment

See subparagraph 65.5.1.B.14.

Shoreland

The distance from the highwater line of Lake Tahoe to the most landward boundary of the littoral parcel, or 300 feet landward, whichever is lesser. In the case where the littoral parcel is a narrow parcel not qualifying for a development right, such as a road right-of-way or a dedicated beach access parcel, the most landward boundary of the adjoining parcel to the littoral parcel or 300 feet shall apply. In the case where a littoral parcel is split by a right-of-way but is considered one project area, the most landward boundary of the project area or 300 feet, whichever is less, shall apply.

Shoreline

The highest line normally covered by waters of a lake or body of water. (For Lake Tahoe, the shoreline elevation is 6,229.1 feet Lake Tahoe Datum.)

Shoreline Protective Structure

Walls, earthen banks, bulkheads, revetments, or other devices designed to prevent direct erosion or flooding of the backshore by reinforcing the interface between land and water.

Shorezone

The area including the nearshore, foreshore, and backshore.

Shorezone Tolerance District

Areas with special regulations along the shorelines of Lake Tahoe, Fallen Leaf Lake, and Cascade Lake identified in the 1973 Shorezone Plan for Lake Tahoe and depicted on TRPA Shorezone Tolerance District and Land Capability Overlay Maps. See Chapter 83: *Shorezone Tolerance Districts and Development Standards*.

Sign

Any character, letter, figure, symbol, design, model or device or combination of these used to attract attention or convey a message and which is visible from a street, public recreation area, bicycle trail, or from Lake Tahoe. The term includes banners, pennants, streamers, moving mechanisms, and lights.

Significant Spawning Habitat

In Lake Tahoe, areas designated on TRPA's Prime Fish Habitat Map as "Spawning Habitat" and, through field examination, confirmed to consist of substrate predominantly comprised of small rock, cobble, gravel, or any combination thereof.

Significant Soil Disturbance

Damage to soil structure, chemistry, and biota through compaction, burning, removal or topsoil, soil contamination or other activities, to the degree that there may be reduced vegetation growth, increased surface runoff, or erosion. Soil compaction and other disturbance potential can vary depending upon soil type, rooting depth, soil moisture content, surface litter thickness, and compaction forces.

Significant Vegetation Damage

Damage to non-target vegetation such that a vegetation type or plant community does not recover its previous or better water quality and habitat functions and values by the end of the next growing season following tree removal activity. Vegetation damage shall be evaluated through an approved monitoring program containing specific monitoring criteria.

Silviculture

The science of forestry; the growing of trees.

Single Family House

A detached structure that contains one residential unit.

Single Occupant Vehicle (SOV)

See subparagraph 65.5.1.B.15.

Skidding

The act of dragging a tree or log along the ground or snow by cable systems or by mobile equipment. See also Section 61.1: *Tree Removal*.

Skid Trail

A rough pathway on which logs are skidded.

Slope Condition

The condition of the slope located adjacent to the stream channel or edge of the SEZ shall be defined as follows. The extent of existing slope protection, which is defined as the percent cover of original duff layer, down logs, low growing vegetation or rock fragments greater than 1-2 inches in diameter, shall be given primary consideration when determining slope condition.

- A. Good - Slopes show little or no evidence of surface (sheet, rill, gully) erosion or mass wasting. Slopes are typically covered 90 percent or more with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly less than 30 percent. Soil horizons are usually cohesive and consolidated.
- B. Average - Slopes show evidence of surface (sheet, rill, gully) erosion or mass wasting over 5 to 25 percent of the slope surface. Slopes are typically covered between 50 to 90 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly between 30 and 70 percent. Soil horizons are typically moderately cohesive and consolidated.
- C. Poor - Slopes show evidence of active and pronounced surface (sheet, rill, gully) erosion or mass wasting over more than 50 percent of the slope surface. Slopes are typically covered less than 50 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is often greater than 70 percent. Soil horizons are typically non-cohesive and unconsolidated. Evidence of seeping is often present.

Snag

A standing dead tree in some stage of decay that may have biological and structural attributes usable by wildlife. Hard snags are essentially composed of sound wood, especially on the outside and occur in decay classes 2 through 5. Soft snags are in advanced decay and occur in decay classes 6 through 9. (Source: Maser, C., and J. M. Trappe. 1984. "The seen and unseen world of the fallen tree." USDA, Forest Service. Gen. Tech. Rep. PNW-164).

Soft Land Coverage

See “Land Coverage.”

Soil

The unconsolidated mineral or organic material on the immediate surface of the earth that serves as the natural medium for the growth of land plants, detention of sediment and biogeochemical cycling.

Solid Waste

Any material defined by the Code of Federal Regulations, Title 40, Protection of Environment (Section 261.2) as a solid waste.

Source Water

Water drawn to supply drinking water from an aquifer by a well or from a surface water body by an intake, regardless of whether such water is treated before distribution.

Spawning Habitat

An area that attracts, or is capable of attracting, fish for reasons of producing and fertilizing eggs. Spawning areas are typically comprised of rock, cobble, or rubble.

Special Interest Species

Animal species for which environmental thresholds have been established.

Specific Plan

A comprehensive long-range program for the further development of a facility or area. See Chapter 14: *Specific and Master Plans*.

Specific Program

A program adopted by ordinance that provides for discontinuance or modification of a use or structure. See Chapters 21: *Permissible Uses*, and 81: *Permissible Uses and Structures in the Shorezone and Lakezone*.

Split-Use Unit

A tourist accommodation unit within a residential design timeshare use which has at least one bedroom and two bathrooms and is constructed such that one or more bedrooms are capable of being rented or leased as a hotel-type tourist accommodation unit separately from the bath and kitchen facilities. A split-use unit constitutes two tourist accommodation units except as set forth in Chapter 13: *Redevelopment Plans*. See “Lock-off Unit.”

Spoil Material

Any earthen material that remains after a grading or dredging activity.

Stacked Storage

Stacked Storage refers to boats that are stored ashore, on racks or other structures either outdoors or inside a storage building, that can be retrieved for launching on demand or by reservation.

Stationary Source

A building, structure, facility, or installation that emits or may emit an air pollutant. Building, structure, or facility includes all pollutant-emitting activities which: belong to the same industrial grouping, are located on one or more contiguous or adjacent proper ties, and are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common

control. Installation includes any operation, article, machine, equipment, or other contrivance which emits or may emit an air pollutant.

Step Foundations

Foundations designed to incrementally rise in height in order to conform to the natural ground.

Stock Cooperative

A form of subdivision in which the buyers hold their right to occupancy through ownership of stock or membership in a cooperative corporation.

Stormwater Collection and Treatment System

Stormwater collection includes ditches, storm drains, and water pipes designed to remove surface runoff and transport it to the location or locations where it will be treated. Streets, curbs and gutters can be included as part of the collection system.

Stormwater treatment is the process of improving stormwater runoff quality, reducing runoff volume, and reducing runoff peak flow. Debris and solids are filtered out, followed by a sedimentation process. Water is then infiltrated or discharged from the system into the receiving environment (groundwater table, ponds, streams, waterways, etc.).

Stream Corridor Impediment

A man-made structure, such as a culvert, fence, bridge, or building, that is located in the 100-year floodplain and significantly obstructs or impedes stream hydrologic functions, including fish habitat, stream migration, and riparian vegetation maintenance or establishment.

Stream Environment Zone

Generally an area that owes its biological and physical characteristics to the presence of surface or ground water. The criteria for identifying and SEZ is set forth in Section 53.9.

Street

A public or private way open to general public use, including all classes of roadways and parking lots, but excluding alleys and driveways.

Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Basements and non-habitable floor area, such as attics, are not considered a story.

Structure

Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, that requires location on the ground or is attached to something having a location on the ground. This includes such things as roads, trails, and earthworks.

Structural Diversity

Diversity in a forest stand resulting from layering or tiering of the canopy.

Structural Repairs

Repairs to those elements of a structure that affect the bearing capacity of the structure, including, without limitation, pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete.

Structure Housing Gaming

A building or buildings joined together in some definite manner, containing gaming, as defined in Article VI of the Compact.

Sub-Alpine Zone

The sub-alpine zone is all lands above 8,500 feet elevation.

Subdivision

The act or product of dividing, by a legal instrument such as a recorded deed or map, land, airspace, structures, boat slips, or other property into two or more entities, and which entities are recognized, under the law of either state, as separate legal entities for purposes of transfer of title. Subdivisions include, but are not limited to, divisions of real property, improved or unimproved, for the purpose of use, sale, lease, or financing, immediate or future, into two or more condominiums, community apartments, stock cooperatives, lots, or parcels.

Substantial Tree Removal

See subparagraph 61.1.8.

Substrate

The bottom materials of a lake or stream.

Superstructure

A structure within the foreshore or nearshore, other than a handrail, davit, or flagpole but including boathouses, which projects above high water or ground elevation more than five feet.

Supplemental Compliance Measure

See subsection 16.3.8.

Surface Water

Water produced by rainfall; melting snow; or a spring falling upon, arising from, and naturally spreading over land.

Surface Water Conveyance

A man-made drainage way.

Target Date

See subsection 16.3.7.

Temporary Erosion Control

Temporary devices installed on a site to contain runoff and control erosion from a site.

Temporary Activity

An organized event or a commercial activity that does not occur more than four times in a calendar year and that does not exceed fourteen consecutive days in duration. Activities that are within the scope of a

primary use are conducted within the project area and that would not otherwise require TRPA review and approval are not deemed temporary activities. Examples of such activities are a golf tournament at a golf course, or a ski race at a ski area.

Temporary Project

A temporary use, activity, or structure.

Temporary Roads

A class of non-public roads that are used during forest product harvesting, usually for one or two seasons only, and that thereafter are retired from use and restored and revegetated so as to prevent erosion.

Temporary Structure

A temporary structure is a structure which is approved for a limited time as set forth in Chapter 22: *Temporary Uses, Structures, and Activities*.

Temporary Use

A temporary use is a primary use which does not exceed a period of twelve months.

Tentative Map

A subdivision map made for the purpose of showing the design and improvement of a proposed subdivision, and the existing conditions in and around it, which need not be based upon an accurate or final survey of the property.

Terrace

A moderately flat land area, above the floodplain, generally less than 20 percent slope.

Threshold

See “Environmental Threshold Carrying Capacity.”

Timber Harvesting

Tree harvesting operations in which the primary purpose is the production of raw material for the forest products industry, or for silvicultural purposes, including Christmas tree harvest.

Timber Harvest Plan

A plan issued by TRPA describing the methods to be used in a particular timber harvest, and shall not be provided in lieu of a valid timber harvest plan approved by the California Department of Forestry and Fire Protection under the California Forest Practices Act.

Third-Order Stream

A stream formed by the confluence of two or more second-order streams.

Thrifty

Young, vigorous trees capable of seeding the area to support continuing forest growth.

Tour Boat Operation

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at a single site.

Tourist Accommodation

Uses, facilities, and activities primarily pertaining to the occupation of buildings for eating, sleeping, and living on a temporary basis by persons whose permanent residence is elsewhere.

Tourist Accommodation Unit

A unit, with one or more bedrooms and with or without cooking facilities, primarily designed to be rented by the day or week and occupied on a temporary basis.

Toxic or Hazardous Waste

Any hazardous product that when disposed of improperly can cause damage to human health or the environment. Examples of hazardous wastes include hazardous wastes generated in quantities that are regulated by state or federal laws; and hazardous wastes generated in small quantities by households and small businesses, which include automotive lubricants and cleaners, paint preservatives and strippers, stain removers, pesticides, and many other products which may be poisonous, flammable, corrosive, reactive, explosive, or cancer causing. The definition includes any hazardous wastes defined by local, state, or federal agencies with jurisdiction in the Tahoe region; and when two or more definitions exist, TRPA will apply the more inclusive definition.

Tree Removal

Cutting down, killing, or materially damaging a tree.

Trip Assignment Pattern

An estimate of the paths used by vehicle trips to and from a location.

Trip End

A trip origin or trip destination. Trip ends, for a location, are the summation of origins and destinations.

Trip Generation Rate

The number of motorized vehicle trip ends for a location.

Trip Reduction Credit

See subparagraph 65.5.1.B.19.

Trip Table

TRPA shall adopt and maintain a trip table for the purpose of estimating the number of vehicle trips resulting from additional development or changes in operation. TRPA shall generate and update the data in the trip table by referring to recent publications on traffic and trip generation (for example, publications of the Institute of Transportation Engineers and California Department of Transportation) and field surveys conducted in the Tahoe region by TRPA or other competent technical experts.

TRPA

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

TRPA Permit

A written statement by TRPA of project approval.

Unit

A single quantity regarded as a whole in calculation.

Uncommon Plant Communities

Plant communities for which environmental thresholds have been established, and other plant communities designated as uncommon and unique.

Unconfined

Stream types classified under major categories C (excluding stream type C2), D and E as defined in the report entitled "A Stream Classification System," David L. Rosgen, April 1985.

Upper Montane Zone

Lands between 8,500 feet and 7,000 feet elevation.

Unserviceable

Unserviceable shall be defined as a structure that can not longer serve the function for which it was designed. In calculating the time period that a structure has been unserviceable, the period of time shall not be counted when TRPA was restrained from accepting applications for repairs to structure in the shorezone due to the preliminary injunction filed on August 9, 1984 in the matter of State of California/League to Save Lake Tahoe v. TRPA.

Unused Allocation

A residential allocation that does not mature into actual construction, including, without limitation, forfeited allocations, and case-by-case or prior approvals that expire without construction or where the parcel is sold or donated to an appropriate public entity.

Urban Areas

Those areas designated as residential, tourist, commercial/public service, or mixed-use by the plan area statements.

Urban Interface (also referred to as the Wildland Urban Interface and the Urban Wildland Interface)

See subparagraph 61.1.4.A.1.

Urban Recreation

See "Recreation (Urban)."

Utility

A public or quasi-public entity that provides gas, water, electricity, cable TV, telephone, or similar services.

Vacant Parcel

A parcel that is undeveloped or unimproved and has no established use.

Vacation Rental

A residential unit rented for periods of 30 days or less.

Vanpool

See subparagraph 65.5.1.B.20.

Vegetation

A collective term for plants.

Vehicle Emissions Standard

A specific emission limit allowed for a class of vehicles. The standard is normally expressed in terms of maximum allowable concentrations of pollutants (e.g., parts per million).

Vehicle Miles Traveled (VMT)

The total miles traveled by a motorized vehicle, or a number of motorized vehicles, within a specific area or over a specified period of time.

Vehicle Trip

A one directional vehicle movement to or from a project area. The number of vehicle trips assigned to a project shall be the total daily vehicle trips to and from the project during its maximum hours of operation for the review period. When exact numbers of vehicle trips are not known for a use, they shall be determined from the trip table or other competent technical information.

Vehicle Trip Generation

Residential or tourist accommodation trip generation is the total number of vehicle trips anticipated from persons occupying such units. For commercial and other uses, trip generation is the total number of vehicle trips to and from the project site.

View Corridor

A view of Lake Tahoe from a major arterial that is unobstructed by buildings or other structures.

View Enhancement

The creation of a new view, or the addition to an existing view of the natural landscape, a view of Lake Tahoe, or a view of a major visual feature that is visible from a scenic threshold roadway travel route as identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory.

Visible Area

The surface area of all structures in the shoreland visible from 300 feet offshore and generally perpendicular to and centered on the project area. Surface area blocked by man-made structures in the shorezone shall count as visible area.

Visible Structure

A structure with visible area.

Visual Breaks

The application of landscaping to man-made structures that result in reducing the contrast and breaking the overall visible area of a structure's façade. This may be achieved by screening with vegetation, rocks, soil, and other natural appearing materials or by using such techniques between detached structures.

Wall-Mounted Sign

See "Building Sign" and "Projecting Sign."

Walkway

A clearly identifiable gathering area or access path for pedestrians. Walkways are separated from Driveways and Roads with curbing, railings, landscaping, rocks or similar barriers. Walkways include paved and unpaved patios, sidewalks, trails, and paths. Walkways are generally located on the ground but may have elevated sections or bridges

Waterborne Transit

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at different sites.

Water Breaks

A ditch, dike, or dip, or combination thereof, constructed diagonally across logging roads, tractor roads, skid trails, and firebreaks so that water flow is effectively diverted therefrom. Water breaks are synonymous with water bars.

Watercraft

A waterborne vessel of any type or size including, but not limited to, boats, barges, ferries, yachts, houseboats, floating homes, kayaks, rafts, canoes, personal watercraft, pleasure craft, marine craft, amphibious vehicles.

Water Crossing or Diversion Structure

A structure designed to alter or cross any stream, river, or other body of water.

Watercourse

A man-made stream of water or a natural stream such as a river, creek, or rivulet.

Water-Dependent

A use, activity, or facility that by its very character must be located adjacent to or over water.

Water Heater

A device that heats water at a thermostatically controlled temperature for delivery on demand.

Water Salvage Operations

Public service use of bringing a vessel or its cargo to the water's surface. For storage of salvage equipment, see "Construction Equipment Storage."

Water Purveyor

A private, public, or quasi-public water company, water district, or similar entity, legally empowered to supply or provide water for domestic or other uses.

Water Quality Control Facilities

Facilities required for the attainment and maintenance of water quality and related thresholds, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities.

Westside Forest Type

Those forests west of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps at <http://www.trpa.org/gis/>). The TRPA Westside and Eastside Forest Types GIS data layer delineates the eastside forest types and westside forest types in the region.

Wet Bar

A single bar-sized sink and a refrigerator no greater than five cubic feet in size with minimal cabinets and counters. A wet bar shall not include a gas or electric range, stove top and/or oven (not including a microwave oven), a refrigerator in excess of five cubic feet in size, or a standard-sized kitchen sink.

Wetlands

Low-lying areas where the water table stands near or above the land surface for a portion of the year. These areas are characterized by poor drainage, standing water, and hydrophytes and include but are not limited to those areas identified in the land capability classification system as Class 1B lands.

Wood Heater

A wood-fired appliance, including, but not limited to, a freestanding conventional masonry or prefabricated zero-clearance fireplace; any similar fireplace whose operation requires it to be built into the structure as a component of the building; franklin stove; air tight stove; fireplace insert; or any other stove or appliance designed to burn solid fuel for heating and/or enjoyment purposes.

Woodstove

See “Wood Heater.”

Working Days

Regular TRPA business days excluding weekends and holidays.

208 Plan

The Lake Tahoe Water Quality Management Plan (“208 Plan” or “WQMP”) is a framework that sets forth the components of the water quality management system in the Tahoe Region, as required by the U.S. Environmental Protection Agency’s (U.S. EPA) regulations in 40 C.F.R. Section 130.6, which implements Sections 208 and 303(e) of the Clean Water Act.