

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2021-03

AN ORDINANCE UPDATING AIR QUALITY THRESHOLD STANDARD 14
TO ESTABLISH AND REFLECT THE REGIONAL GOALS OF PROMOTION
OF MOBILITY, REDUCE GREENHOUSE GAS EMISSIONS, AND REDUCE
DEPENDENCY ON THE AUTOMOBILE.

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

Section	Findings
1.00	
1.05	The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities (“threshold standards”) for the Tahoe Region.
1.10	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”.
1.15	The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.
1.20	The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.
1.35	In August 1982, pursuant to Compact Article V(c), the TRPA Governing Board adopted Resolution 82-11, which set forth in its Exhibit A the threshold standards for the Tahoe Region.
1.30	Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan. Resolution 82-11 also states that TRPA should review and update the threshold standards from time to time.

- 1.35 In April 2019, the TRPA Governing Board adopted Ordinance 2019-03, superseding and replacing Resolution 82-11 by collocating the environmental threshold standards with the Regional Plan Goals and Policies.
- 1.40 Ordinance 2019-03 specified numerical standards, management standards, and policy statements to assist in the achievement and maintenance of such thresholds standards.
- 1.45 Ordinance 2019-03 states that the established threshold standards serve as the basis for a long-term program to protect and enhance the significant environmental values of the Tahoe Region and that said “program will be reviewed from time to time to ensure its consistency with the currently available scientific evidence and technical and other information.”
- 1.50 Ordinance 2019-03 requires the amendment of the pertinent threshold standard where scientific evidence and technical information indicate: (1) two or more threshold standards are mutually exclusive; (2) substantial evidence to provide a basis for a threshold standard does not exist; (3) a threshold standard cannot be achieved; or (4) a threshold standard is not sufficient to maintain a significant value of the Region or additional threshold standards are required to maintain a significant value.
- 1.55 TRPA has determined that the threshold standard (Air Quality Threshold Standard 14) to be amended meets the criteria of Ordinance 2019-03, and, further, TRPA may amend the threshold standards pursuant to its discretion as provided in the Compact.
- 1.60 It is necessary and desirable to amend TRPA Ordinance 2019-03, as amended, by amending the threshold standard pursuant to Article V(c) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.65 TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.
- 1.70 The Advisory Planning Commission (APC) and Regional Plan Implementation Committee (RPIC) conducted a public hearing on the amendment and issued a recommendation regarding the adoption of the amendment. The Governing Board has also conducted a noticed public hearing on the amendment. At the hearings, oral testimony and documentary evidence were received and considered.
- 1.75 The Governing Board finds that the amendment adopted here will satisfy Compact requirements and that Air Quality Threshold Standard 14 , as amended by this Ordinance, is “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.”

- 1.80 The Amendment to Air Quality Threshold Standard 14 adopted by this Ordinance will be achieved and maintained through implementation of TRPA’s Regional Plan as implemented through agency ordinances, rules and regulations.
- 1.82 Nitrogen is a pollutant of concern in the Lake Tahoe Basin, and Air Quality Threshold Standard 14 was adopted in 1982 to reduce in basin nitrogen emissions from the transportation sector.
- 1.84 Current in basin nitrogen emissions from the transportation sector are less than 50% of what they were in 1981 and far in exceedance of the 10% reduction established by AQ 14.
- 1.86 Future nitrogen emissions from the transportation sector are likely to decline further as a result of cleaner cars.
- 1.90 Air Quality Threshold Standard 14 lacks a quantifiable baseline, and no longer conforms to the adopted requirements for a threshold standard.
- 1.92 Existing Air Quality Threshold Standard 14 reads as follows: (AQ14) Reduce vehicle miles of travel in the Basin by 10% of the 1981 base year values.”
- 1.94 Each of the foregoing findings is supported by substantial evidence in the record.

Section

2.00 – Update of Air Quality Threshold Standard 14

- 2.10 As amended, Air Quality Threshold Standard 14 sets forth an efficiency based VMT standard that better aligns with identified policies goals and affords consistency with California and Nevada state policies with respect to greenhouse gas emissions reduction and aligns with and is responsive to meaningful change in the regional land use and the transportation system.
- 2.20 Now, therefore, existing Air Quality Threshold Standard 14 is hereby amended to read as follows: “Transportation and Community Sustainability 1) A 6.8% reduction in per capita VMT from the 2018 baseline by 2045 and interim reduction targets to assess progress.”

3.00 – Interpretation and Severability


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

4.00 – Effective Date

4.10 The provisions of this ordinance shall be effective immediately upon adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held April 28, 2021 by the following vote:

Ayes: Ms. Aldean, Mr. Beyer, Mr. Bruce, Mrs. Cegavske, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates



Mark Bruce, Chair
Tahoe Regional Planning Agency
Governing Board

Threshold Standard Amendment Adoption Findings

This document contains required findings per Chapter 3 and 4 of the TRPA Code of Ordinances for amendments to Air Quality Threshold Standard 14 (“Threshold Standard Amendment”).

TRPA Code of Ordinances Section 3.3: Determination of need to prepare Environmental Impact Statement

Finding: TRPA finds that the Threshold Standard Amendment will not have a significant effect on the environment.

Rationale: TRPA staff prepared an Initial Environmental Checklist (IEC) pursuant to Article VI of TRPA Rules of Procedure and Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances to evaluate potential environmental effects of the adoption of an updated Vehicle Miles Travelled Threshold. The IEC tiered from the TRPA 2012 *Regional Plan Update* (RPU) Environmental Impact Statement (EIS) and the TRPA *Mobility 2035: Regional Transportation Plan/Sustainable Communities Strategy* (RTP) EIS/Environmental Impact Report (EIR) in accordance with Sections 6.12j of the TRPA Rules of Procedure.¹

Based on information contained within the IEC, the proposed Threshold Standard Amendment would not have a significant effect on the environment and TRPA staff prepared a finding of no significant effect in accordance with TRPA’s Rules of Procedure Section 6.6 and Code of Ordinances Section 3.3.2.

TRPA Code of Ordinances Section 4.4: Threshold Related Findings

Finding: The Threshold Standard Amendment 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;

Rationale: Based on the analysis in the TRPA staff reports and the IEC for the Threshold Standard Amendment the Governing Board finds the Amendment is consistent with and will not adversely affect the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, and local planning areas, the Code, and other TRPA plans and programs (as amended).

As described in the accompanying Staff Report and the IEC, the Threshold Standard Amendment sets forth a standard that will be attained principally by implementing the Regional Plan and the 2020 Regional Transportation Plan, including existing goals and policies that promote compact, mixed-use development, and walkable, bikeable, transit-friendly communities.

¹ The TRPA Governing Board certified the RPU EIS and RTP EIR/EIS on December 12, 2012.

The proposed Threshold Standard Amendment will enhance the implementation of the Regional Plan by aligning with the following Regional Plan strategies:

- **Redeveloping Town Centers**
Policies LU-1.2, LU-3.3, Transportation Policy 1.1 encourage the redevelopment of Town Centers into mixed-use walkable and bikeable destinations. Such development is consistent with lower trip lengths and therefore reduced vehicle miles travelled. By establishing a system that assesses and mitigates impacts relating to vehicle miles travelled, the updated threshold incentivizes locating in areas that already have low trip lengths (i.e., walkable and bikeable places like the designated Town Centers).
- **Directing Development Away from Distant Areas**
Policy LU-3.5 discourages new development in areas that are distant from services. Such development correlates with higher trip lengths, and therefore higher vehicle miles travelled. The proposed threshold, which is based on per capita VMT, would therefore disincentivize locating in distant areas where trip lengths would be higher.
- **Mitigating Adverse Impacts**
Policy LU-5.1 requires that adverse impacts generated by the plan be mitigated. The updated threshold and corresponding implementing measures will ensure that impacts from VMT will be fully offset.
- **Increasing Connectivity**
Transportation Goal 2 promotes reducing reliance on the automobile by creating transit and active transportation (e.g., bike and pedestrian paths) connections within and between Town Centers.
- **Aligning with Greenhouse Gas Reduction Efforts**
Policy AQ-1.3 requires that TRPA seek to reduce greenhouse gas emissions from sources such as motor vehicles. As stated above, the updated threshold standard will help to incentivize redevelopment of Town Centers and will promote compact walkable and bikeable communities. This type of land use form promotes use of alternative transportation and is correlated with reduced automobile use.

As outlined above and in the Staff Report and the IEC, these amendments 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.

Finding: The Threshold Standard Amendment will not cause the environmental threshold carrying capacities to be exceeded; and

Rationale: Based on the rationale for the foregoing finding, the analysis in the IEC, the Staff Report, and TRPA Compact V(g) Findings below, and the 2015 Threshold Evaluation (November 2016), the Governing Board finds that the Threshold Standard Amendment will not cause the environmental threshold carrying capacities to be exceeded.

As described in the accompanying Staff Report and the IEC, the Amendments will compliment and accelerate implementation of the Regional Plan and its objectives: achievement and maintenance of Thresholds while planning for reasonable growth. As explained in the approval consistency findings below and in the IEC, the Amendments are consistent with the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code and other TRPA plans and programs with the mitigation measures included in the project. The approval findings relating to consistency and IEC consistency analyses are incorporated herein by reference.

The Amendments will replace Air Quality Threshold Standard 14 with Transportation and Community Sustainability (TCS) Threshold Standard 1, and the amended standard will be achievable and result in nearly zero growth in VMT over the next 25 years.

With respect to the remaining threshold standards, the Threshold Standard Amendment is consistent with and will not adversely affect all applicable compliance measures, indicators, additional factors and supplemental compliance measures and attainment of target dates as identified in the 2015 Threshold Evaluation.

Based on the foregoing and findings 2, 3 and 4 below, the Governing Board finds that adopting the Threshold Standard Amendment will not adversely affect implementation of the entire Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs (as amended).

Finding: 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.

Rationale: Based on the rationale for the foregoing findings, the analysis in the IEC and TRPA Compact V(g) Findings below, and the 2015 Threshold Evaluation, the Governing Board finds the Threshold Standard Amendment will not cause the federal, state and local air and water quality standards applicable for the Region to be exceeded.

The Threshold Standard Amendment is designed to reduce reliance on the automobile and support the attainment of the greenhouse gas emissions reduction goals of California and Nevada. The Threshold Standard Amendment itself will not affect or change the federal, state or local air and water quality standards applicable for the Region. As disclosed in the IEC, these standards

were used as criteria of significance where applicable and no unmitigable impacts were found.

The Compact requires TRPA to make findings before taking certain actions. In addition, the Regional Plan, including the Code and Plan Area Statements, sets forth other findings that must be made. The following specific findings shall be made in writing, pursuant to Planning Compact Article V(c), (g) and VI(b) prior to the approval of any Threshold Standard amendments.

Ordinance 2019-03 Findings:

Finding: The pertinent environmental threshold standards shall be amended where scientific evidence and technical information indicate either:

- (a) Two or more threshold standards are mutually exclusive.
- (b) Substantial evidence to provide a basis for a threshold standard does not exist.
- (c) A threshold standard cannot be achieved.
- (d) A threshold standard is not sufficient to maintain a significant value of the Region or additional threshold standards are required to maintain a significant value.

Rationale: The updating of the threshold standards to reflect a more relevant VMT standard is consistent with criteria “b” and “d” (above). Currently adopted Threshold Standard (Air Quality Threshold Standard 14) for vehicle miles travelled direct the agency to reduce vehicle miles travelled to 10 percent below 1981 levels. This standard has its basis in subregional visibility concerns resulting from nitrate deposition and was set based on a 10 percent reduction in emissions as a target for lake clarity. While some interpret this standard to control VMT growth by stopping development, such actions cannot feasibly achieve material reductions in VMT. Because the Tahoe Region is nearly at buildout under the Regional Plan’s growth control system, new development accounts for a very small portion of VMT. As a result, limiting development over and above Regional Plan caps does little to reduce VMT.

This existing standard is proposed to be replaced with a new standard for a 6.8 percent reduction in VMT per capita by 2045 below 2018 levels. Rather than orienting around nitrate deposition, the revised standard focuses on mobility and sustainable communities. The updated standard places an emphasis on accelerating VMT reduction through implementation of transportation programs and projects. The revised standard aligns with the Region’s longstanding ambition to achieve its regional transportation vision. When implemented through the strategies and funding in the Regional Transportation Plan, it will achieve nearly zero growth in per capita VMT and is fully consistent with and even more progressive than related statewide greenhouse gas emissions reduction goals.

The Threshold Standards amendments therefore meet the criteria of, and are otherwise consistent with, Ordinance 2019-03.

Finding: The Threshold Standard amendments will not cause the environmental thresholds to be exceeded.

Rationale: The Threshold Standard amendments are designed to further enhance and protect environmental quality in the Region and, based on the IEC and Threshold Indicators and Compliance Measures tables, will not result in the exceedance of environmental thresholds. The amendments will improve the function of environmental thresholds and better align them with Regional objectives related to land use, transportation, and air quality.

Finding: Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the Threshold Standard amendments meet or exceeds such standards.

Rationale: Proposed Threshold Standard amendments related to air and water quality are consistent with state and federal air and water quality standards. The Threshold Standard Amendment is designed to reduce reliance on the automobile and support the attainment of the greenhouse gas emissions reduction goals of California and Nevada. The Threshold Standard Amendment itself will not affect or change the federal, state or local air and water quality standards applicable for the Region. As disclosed in the IEC, these standards were used as criteria of significance where applicable and no unmitigable impacts were found.