

ATTACHMENT B

TECHNICAL CORRECTIONS

INTRODUCTION

There are **44** proposed technical corrections affecting **18** chapters in the Code of Ordinances. These amendments are numbered in sequence (Ref # 1 through 44) for reference. The technical amendments fall into one of five categories. These categories can be referenced by letters (A through E).

This document includes the following sections:

- **Technical Correction Categories:** Lists the five lettered categories.
- **Chapters and Sections Proposed for Amendment:** An index of proposed numbered technical amendments listed by chapter and section and including page number and category.
- **Description of Technical Correction Categories:** Provides a description of each of the five categories and references which amendments are associated with that category.
- **Description of Amendments:** Lists each of the 46 amendments and includes a description, its purpose, and its result. Language to be deleted is shown in ~~red-strikeout~~. Language proposed for addition is shown in blue underline.

TECHNICAL CORRECTION CATEGORIES



Updating References and Correcting Errors

These amendments address errors and inconsistencies in the Code of Ordinances.



Incorporating References to Area Plans

These amendments add a reference to Area Plans wherever the Code of Ordinances references requirements in local planning documents (e.g. Plan Area Statements, Community Plans, Area Plans).



Clarifying Residential Density Standards

These amendments address clarity issues regarding residential density within Area Plans.



Technical Amendments for Development Rights

These amendments are intended to clarify language adopted in October 2018 as part of the Development Rights Strategic Initiative.



Technical Amendments for Shoreline

These amendments are intended to clarify language adopted in October 2018 as part of the Shoreline Plan Strategic Initiative.

CHAPTERS AND SECTIONS PROPOSED FOR AMENDMENT

Ref #	Chapter	Action	Page	Category
1	6	Amend Subsection 6.7.1, Paragraph D	12	D
2		Amend Subsection 6.8.1, Paragraph C	13	D
3	14	Amend Section 14.1	14	B
4		Amend Subsection 14.2.1	15	B
5		Amend Section 14.6	16	B
6		Amend Paragraph C of Subsection 14.10.1	17	B
7	21	Amend Section 21.1	18	B
8		Amend Section 21.2	19	B
9	30	Amend Subsection 30.6.1, Subparagraph C.2	21	A
10	31	Add new Subsection 31.4.4	22	C
11		Amend Subsection 31.5.2, Subparagraph B.4	23	B
12		Amend Subsection 31.5.2, Subparagraph B.5.b	24	B
13		Amend Subsection 31.5.2, Subparagraph B.7	25	B
14	34	Amend Section 34.2	26	A
15	36	Amend Subsection 36.2.2	28	B
16	37	Amend Subparagraph C.3.g of Subsection 37.5.9	29	A
17		Amend Subparagraph C.7 of Subsection 37.7.15	31	A
18		Amend Paragraph C of Subsection 37.9.3	32	B
19	50	Amend Subsection 50.5.2, Subparagraph B.3	33	D
20	51	Amend Subsection 51.3.2, Paragraph G	34	D
21	52	Add new Paragraph C to Subsection 52.3.2	35	D
22		Amend Subsection 52.3.5	36	D
23	65	Amend Paragraph D of Subsection 65.2.3	37	A
24	66	Amend Subsection 66.3.6	38	E
25	80	Amend Subsection 80.3.3	39	E
26	81	Amend Subsection 81.3.2	40	E
27		Amend Subsection 81.4.4	41	E
28		Amend Paragraph A of Subsection 81.6.1	42	E
29	82	Amend Paragraph I of Subsection 82.5.1	43	E
30		Amend Paragraph B of Subsection 82.7.1	44	E
31	84	Amend Subsection 84.2.3	45	E
32		Amend Subparagraph E.7 of Subsection 84.3.2	46	A

Ref #	Chapter	Action	Page	Category
33		Amend Subsection 84.4.2	47	E
34		Amend Subparagraph A.10.c of Subsection 84.4.3	48	E
35		Amend Subpagraph B.2 of Subsection 84.4.3	49	E
36		Amend Subpagraph C.2 of Subsection 84.4.3	51	E
37		Amend Paragraph B.2 of Subsection 84.4.4	53	E
38		Amend Subparagraph A.2.c of Subsection 84.	54	E
39		Amend Subsection 84.7.1	55	E
40		Amend Subsection 84.8.2	57	E
41		Amend Paragraph C of Subsection 84.11.2	58	E
42	90	Add definition of "Local Plan" to Section 90.2	59	B
43		Add a definition of "Pier, Multiple-Use" in Section 90.2	60	E
44		Amend definitions of Single-Use Pier in Section 90.2	61	E

DESCRIPTION OF TECHNICAL CORRECTION CATEGORIES

A. Updating References and Correcting Errors

These amendments address errors and inconsistencies throughout the Code of Ordinances. They are intended to rectify inconsistencies, reduce ambiguity, and ensure consistent references throughout the Code.

These amendments affect the following sections:

REF #	SECTION	DESCRIPTION
9	30.6.1.C(2)	Addresses an inconsistency regarding the development of the excess land coverage mitigation fee. The word “annually” would be deleted and existing text specifying that the fee is calculated every four years would remain.
14	34.2	Updates the references to the documents and policies that establish substitute parking and driveway standards.
16	37.5.9.C(3)(g)	Corrects a reference to the Scenic Quality Improvement Program (SQIP).
17	37.7.15.C(7)	Corrects a reference to the Scenic Quality Improvement Program (SQIP).
23	65.2.3.D	Updates references to Plan Area Statements, since several of these have been superseded by Area Plans.
32	84.3.2.E(7)	Specifies that the review of the allocation of moorings would occur after the 2019 Threshold Evaluation. There will be no such report in 2021.

B. Incorporating References to Area Plans

These amendments add a reference to Area Plans wherever the Code of Ordinances references requirements in local planning documents (e.g. Plan Area Statements, Community Plans, Area Plans). In lieu of listing all three types of planning documents, these amendments would also define the term “local plan” to refer to the three documents. These amendments are intended to clarify that Area Plans should also be referenced in considering new master plans and determining permissible uses and maximum density.

These amendments affect the following sections:

REF #	SECTION	DESCRIPTION
3	14.1	Specifies that Specific and Master Plans augment all <i>local plans</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
4	14.2.1	Specifies that Specific and Master Plans should be reviewed for consistency with all <i>local plans</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
5	14.6	Specifies that Specific and Master Plans supplement, but do not replace, all <i>local plans</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
6	14.10	Requires that a finding be adopted that the plan is consistent with the applicable Area Plan. Presently, the finding only requires consistency with a Plan Area Statement or Community Plan.
7	21.1	Specifies that permissible uses be determined by reference to Area Plans in addition to other specified plans (e.g. Community Plans, redevelopment plans, Specific or Master Plans, etc.).
8	21.2	Specifies that allowed and special uses are identified in <i>local plans</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
11	31.5.2.B(4)	Specifies a density of one unit per project area if residential uses are allowed by the <i>local plan</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
12	31.5.2.B(5)(b)	Specifies that maximum density is prescribed by the <i>local plan</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.

13	31.5.2.B(7)	Specifies that mixed uses shall be permitted if allowable by the <i>local plan</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
15	36.2.2	Specifies that TRPA may adopt substitute design standards pursuant to an Area Plan, in addition to other plans referenced (e.g. Community Plans, redevelopment plans, specific/master plans, etc.)
18	37.9.3.C	Requires a finding that the existing use is a permissible use in the <i>local plan</i> (i.e. including Area Plans) for additions to existing buildings. Presently, only Plan Area Statements and Community Plans are referenced.
42	90.2	Defines “local plan” to mean a Plan Area Statement, Community Plan, or Area Plan.

C. Clarifying Residential Density Standards

In accordance with Chapter 13, through adoption of an Area Plan, the allowed residential density in the Town Center, Regional Center, and High-Density Tourist Core overlays can exceed the maximum densities established in Chapter 31. This amendment would reinforce this provision by providing a reference within Chapter 31. The new language reiterates that density can be exceeded beyond the maximums set in Chapter 31 through adoption of an Area Plan. In those cases, the maximum density standards set forth in Chapter 13 would apply.

This amendment affects the following section:

REF #	SECTION	DESCRIPTION
10	31.4.4	Clarifies that density may be increased within the Town Center, Regional Center, and High-Density Tourist District overlays through adoption of an Area Plan, as set forth in Section 13.5.3

D. Development Rights Technical Amendments

These amendments are intended to clarify language adopted in October 2018 as part of the Development Rights Strategic Initiative.

These amendments affect the following sections:

REF #	SECTION	DESCRIPTION
1	6.7.1.D	Requires that the tracking of units exempt from an allocation apply not only to affordable units, but also moderate and achievable units. This is necessary, as the Development Rights Strategic Initiative expands the bonus unit program to cover more than just affordable units.
2	6.8.1.D	Requires that the total number of moderate and achievable units constructed be included in the residential allocation report. This is necessary, as the Development Rights Strategic Initiative expands the bonus unit program to cover more than just affordable units.
19	50.5.2.B(3)	Deletes a reference to moderate income housing allocations, as allocations are no longer needed for moderate-income residential bonus units.
20	51.3.2.G	Specifies that deed restriction, restoration, and revegetation of a site with banked development rights is only required if applicable. This addresses certain situations where development rights can be banked without requiring site restoration. An example of this scenario would be the conversion of a commercial shopping center into a public service use, where the structures would remain even though the Commercial Floor Area can be banked.
21	52.3.2.C	Specifies that an allocation is required for residential bonus units, unless they qualify as affordable, moderate-income, or achievable. The present language does not specify whether an allocation is needed for market-rate bonus units.
22	52.3.5.C	Specifies that a deed restriction be recorded to ensure that achievable residential bonus units remain achievable.

E. Technical Amendments for Shoreline

These amendments are intended to clarify language adopted in October 2018 as part of the Shoreline Plan Strategic Initiative.

These amendments affect the following sections:

REF #	SECTION	DESCRIPTION
24	66.3.6	Adjusts wording in the section that describes scenic quality review for marina projects.
25	80.3.3	Consolidates the special use project findings into Subsection 80.3.3. Presently they are duplicated in Subsection 81.3.2.
26	81.3.2	Deletes special use project findings from Subsection 81.3.2. These findings are already identified in Subsection 80.3.3.
27	81.4.4	Adds a missing conjunctive (“and”) to a sentence.
28	81.6.1.A	Specifies that discontinued non-conforming uses must comply with use regulations established in any local plan (i.e. including an Area Plan). Presently, only consistency with use requirements in a plan area statement is specified.
29	82.5.1.1	Rephrases a statement (“The applicant certifies”) in the form of a declarative requirement (“The applicant <i>shall</i> certify”).
30	82.7.1.B	Adds a missing verb (“is”) to a sentence.
31	84.2.3	Specifies that shorezone use regulations are set forth in “local plans” (a term that includes Plan Area Statements, Community Plans, and Area Plans) rather than using the undefined term “plan area.”
33	84.4.2	Adds the term “Subsection” and “Paragraph” before internal references.
34	84.4.3.A(10)(c)	Adds the term “Paragraphs” before an internal reference.
35	84.4.3.B(2)	Adds the term “Subparagraph” to an internal reference and adds a missing verb “is” to two sentences.
36	84.4.3.C(2)	Moves a subparagraph requiring piers to be perpendicular up above another subparagraph that specifies an exception to that standard.

37	84.4.4.B(2)	Specifies that piers are to be allocated based on the “multiple-parcel” and “single-parcel” categories, rather than the “multiple-use” and “single-use” categories, consistent with Table 84.4.4-1.
38	84.4.5.A(2)(c)	Adds the term “Subsection” to an internal reference and adds the word “otherwise” to a sentence.
39	84.7.1	Adds the term “Paragraph” before internal references.
40	84.8.2	Eliminates capitalization of “shorezone” and changes a plural noun (“Facilities”) into its singular form.
41	84.11.2.C	Adds the term “Paragraph” before an internal section reference.
43	90.2	Creates a new definition for “Pier, Multiple-Use” consistent with the applicability standards in Section 84.4.3.C.1.
44	90.2	Renames the definition of “Single-Use Pier” to “Pier, Single-Use.”

DESCRIPTION OF AMENDMENTS

1. Amend Subsection 6.7.1, Paragraph D

D

<i>Description</i>	Include moderate and achievable units in the accounting of the number of units exempted from allocations.
<i>Purpose</i>	Since the adoption of the Development Rights Strategic Initiative, moderate and achievable units may also be exempted from a residential allocation. This revision will allow those units to be tracked.
<i>Result</i>	The revision ensures that all units exempted from an allocation will be accounted for.

Revise Paragraph D of [Subsection 6.7.1](#) as follows:

CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING

6.7. UNITS OF USE AND OTHER INFORMATION FOR ACCOUNT FILES

6.7.1. Residential Use

D. Number of Affordable, Moderate, and Achievable Units

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

2. Amend Subsection 6.8.1, Paragraph C

D

<i>Description</i>	Include the number of moderate and achievable units constructed in residential allocation reports.
<i>Purpose</i>	The Development Rights Strategic Initiative references not only affordable units, but also moderate-income and achievable units. This revision will allow those units to be tracked.
<i>Result</i>	Residential allocation reports will track moderate-income and achievable units in addition to affordable units.

Revise Paragraph C of [Subsection 6.8.1](#) as follows:

CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING

6.8. REGIONAL ALLOCATION ACCOUNTING

6.8.1. Residential Allocation Report Contents

- C. The total number of affordable, moderate, and achievable units constructed.

3. Amend Section 14.1

B

<i>Description</i>	Specifies that Specific and Master Plans augment all local plans (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	This would clarify the relationship between Area Plans and Master/Specific Plans.
<i>Result</i>	Along with other modification to Chapter 14, this would ensure that Area Plans are considered when adopting or amending a Specific or Master Plan.

Revise [Section 14.1](#) as follows:

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 ~~area statements or community 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 ~~Plan Area Statements or community~~ 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.

4. Amend Subsection 14.2.1

B

<i>Description</i>	Specifies that Specific and Master Plans should be reviewed for consistency with all local plans (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	This would clarify that Specific and Master Plans are to main consistency with Area Plans.
<i>Result</i>	Along with other modification to Chapter 14, this would ensure that Area Plans are considered when adopting or amending a Specific or Master Plan.

Revise [Subsection 14.2.1](#) as follows:

CHAPTER 14: SPECIFIC AND MASTER PLANS

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 ~~area statement or community plan~~, and the Goals and Policies.

5. Amend Section 14.6

B

<i>Description</i>	Specifies that Specific and Master Plans supplement, but do not replace, all local plans (i.e. including Area Plans. Presently only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	This would clarify the relationship between Area Plans and Specific or Master Plans.
<i>Result</i>	Along with other modification to Chapter 14, this would ensure that Area Plans are considered when adopting or amending a Specific or Master Plan.

Revise [Section 14.6](#) as follows:

CHAPTER 14: SPECIFIC AND MASTER PLANS

14.6. RELATIONSHIP TO PLAN AREA STATEMENTS AND COMMUNITY PLANS

Specific or master plans shall supplement, but shall not replace, ~~plan area statements and community~~ local plans, as they may be amended from time to time, and shall be consistent with ~~plan area statements and community~~ 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.

6. Amend Paragraph C of Subsection 14.10.1

B

<i>Description</i>	Requires that a finding be adopted that the plan is consistent with the applicable Area Plan. Presently the finding only requires consistency with a Plan Area Statement or Community Plan.
<i>Purpose</i>	This would ensure that Area Plan consistency is verified as part of the adoption or amendment of a Master or Specific Plan.
<i>Result</i>	Along with other modification to Chapter 14, this would ensure that Area Plans are considered when adopting or amending a Master or Specific Plan.

Revise Paragraph C of [Subsection 14.10.1](#) as follows:

CHAPTER 14: SPECIFIC AND MASTER PLANS

14.10. FINDINGS FOR APPROVAL

14.10.1. General Findings

- C. The plan is consistent with the adopted plan area statement, area plan, or community plan applicable to the area;

7. Amend Section 21.1

B

<i>Description</i>	Specifies that permissible uses be determined by reference to Area Plans in addition to other specified plans (e.g. Community Plans, redevelopment plans, Specific or Master Plans, etc.).
<i>Purpose</i>	This would clarify that Area Plans are to be referenced when determining the permissible uses for a site.
<i>Result</i>	This amendment would confirm existing practice, which is to refer to Area Plans for permissible uses.

Revise [Section 21.1](#) as follows:

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.

8. Amend Section 21.2

B

<i>Description</i>	Specifies that allowed and special uses are identified in <i>local plans</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	This would clarify that Area Plans are to be referenced when determining the allowed (“A”) and special (“S”) uses for a site.
<i>Result</i>	This amendment would confirm existing practice, which is to refer to Area Plans for allowed and special uses.

Revise [Section 21.2](#) as follows:

CHAPTER 21: PERMISSIBLE USES

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 ~~plan area statements, community~~ 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 ~~plan area statements, community~~ 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 ~~planning area statement, community~~ local plan, and specific or master plan, as the case may be.

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.

9. Amend Subsection 30.6.1, Subparagraph C.2

A

<i>Description</i>	Addresses an inconsistency regarding the development of the excess land coverage mitigation fee. The word “annually” would be deleted and existing text specifying that the fee is calculated every four years would remain.
<i>Purpose</i>	To clarify that the excess land coverage mitigation fee is to be calculated every four years rather than annually. At present, conflicting language exists.
<i>Result</i>	Existing language stating that the fee is to be calculated every four years will remain.

Revise Subparagraph C.2 of [Subsection 30.6.1](#) as follows:

CHAPTER 30: LAND COVERAGE

30.6. EXCESS LAND COVERAGE MITIGATION PROGRAM

30.6.1. Implementation of Program

C. Determination of Excess Land Coverage Mitigation

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 **annually** 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 schedule provided in the Rules of Procedure in subsection 10.8.5.

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.Q

10. Add new Subsection 31.4.4



<i>Description</i>	Clarifies that density may be increased within the Town Center, Regional Center, and High-Density Tourist District overlays through adoption of an Area Plan, as set forth in Section 13.5.3
<i>Purpose</i>	To reinforce that the Area Plans may override the density standards in Chapter 31, subject to the limitations in Chapter 13.
<i>Result</i>	The language reinforces that Area Plans can have densities that exceed those allowed by Chapter 31.

Add a new [Subsection 31.4.4](#) as follows:

CHAPTER 31: DENSITY

31.4. INCREASES TO MAXIMUM DENSITY

31.4.4. Density in Area Plan Overlays

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

11. Amend Subsection 31.5.2, Subparagraph B.4

B

<i>Description</i>	Specifies a density of one unit per project area if residential uses are allowed by the <i>local plan</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	To clarify that Area Plans should be referenced where applicable to determine if residential units are allowable.
<i>Result</i>	This amendment would ensure that applicable Area Plans are referenced when considering mixed use developments outside of the Town Center, Regional Center, and High Density Tourist District overlays.

Revise Subparagraph B.4 of [Subsection 31.5.2](#) as follows:

CHAPTER 31: DENSITY

31.5. CALCULATION OF MAXIMUM DENSITY

31.5.2. Mixed Uses

B. Maximum Density for Mixed-Use Categories

4. Category D

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

12. Amend Subsection 31.5.2, Subparagraph B.5.b

B

<i>Description</i>	Specifies that maximum density is prescribed by the <i>local plan</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	To clarify that Area Plans should be referenced where applicable to determine residential density.
<i>Result</i>	This amendment would ensure that applicable Area Plans are referenced when considering residential density in mixed use developments outside of the Town Center, Regional Center, and High Density Tourist District overlays.

Revise Subparagraph B.5.b of [Subsection 31.5.2](#) as follows:

CHAPTER 31: DENSITY

31.5. CALCULATION OF MAXIMUM DENSITY

31.5.2. Mixed Uses

B. Maximum Density for Mixed-Use Categories

5. Category E

- 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 ~~plan-area-statement or community~~ local plan.

13. Amend Subsection 31.5.2, Subparagraph B.7

B

<i>Description</i>	Specifies that mixed uses shall be permitted if allowable by the <i>local plan</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	To clarify that Area Plans should be referenced where applicable to determine if mixed uses are allowed.
<i>Result</i>	This amendment would ensure that applicable Area Plans are referenced when considering residential density in mixed use developments outside of the Town Center, Regional Center, and High Density Tourist District overlays.

Revise Subparagraph B.7 of [Subsection 31.5.2](#) as follows:

CHAPTER 31: DENSITY

31.5. CALCULATION OF MAXIMUM DENSITY

31.5.2. Mixed Uses

B. Maximum Density for Mixed-Use Categories

7. Category G

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

14. Amend Section 34.2

A

<i>Description</i>	Updates the references to the documents and policies that establish substitute parking and driveway standards.
<i>Purpose</i>	To correctly reference each jurisdictions' parking and vehicular access standards and provide for future Area Plans.
<i>Result</i>	References to antiquated standards are removed and replaced with references to current standards.

Revise [Section 34.2](#) as follows:

CHAPTER 34: DRIVEWAY AND PARKING STANDARDS

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, ~~Kingsbury, and Stateline~~ Community Plans 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 ~~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, 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

The Signage, Parking, and Design Standards and Guidelines for the Community Plans of Washoe County, April 1996, shall apply to the North Stateline, Incline Village Commercial,

Incline Village Tourist, and Ponderosa Ranch Community Plans, until such time as they may be superseded by standards in an approved Area Plan.

34.2.5. El Dorado County

The Meyers Area Plan Design Standards and Guidelines, February 2017, and as amended 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.

15. Amend Subsection 36.2.2

B

<i>Description</i>	Specifies that TRPA may adopt substitute design standards pursuant to an Area Plan, in addition to other plans referenced (e.g. Community Plans, redevelopment plans, specific/master plans, etc.)
<i>Purpose</i>	To confirm existing practice, which is to allow adoption of substitute design standards as part of an Area Plan.
<i>Result</i>	Includes Area Plans among the types of plans that can adopt substitute design standards, in line with current practice.

Revise [Subsection 36.2.2](#) as follows, with no changes to Paragraphs A through D:

CHAPTER 36: DESIGN STANDARDS

36.2. APPLICABILITY

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.

16. Amend Subparagraph C.3.g of Subsection 37.5.9

A

<i>Description</i>	Corrects a reference to the Scenic Quality Improvement Program (SQIP).
<i>Purpose</i>	To ensure the code appropriately references the SQIP.
<i>Result</i>	The reference to Scenic Quality <i>Implementation</i> Program is updated to Scenic Quality <i>Improvement</i> Program.

Revise Subparagraph C.3.g of [Subsection 37.5.9](#) as follows:

CHAPTER 37: HEIGHT

37.5. ADDITIONAL HEIGHT FOR CERTAIN BUILDINGS

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

C. Findings for Additional Height

3. In order to implement pedestrian/transit oriented development (PTOD), the project shall, at a minimum:
 - 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 ~~Implementation~~ Improvement Program and Technical Appendices (SQIP). This shall include improvements that:
 - (i) 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
 - (ii) 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
 - (iii) Provide appropriate screening for any street level parking areas by balancing the need to screen vehicles from view and provide a safe pedestrian environment.
 - (iv) 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.

17. Amend Subparagraph C.7 of Subsection 37.7.15

A

<i>Description</i>	Corrects a reference to the Scenic Quality Improvement Program (SQIP).
<i>Purpose</i>	To ensure the code appropriately references the SQIP.
<i>Result</i>	The reference to Scenic Quality <i>Implementation</i> Program is updated to Scenic Quality <i>Improvement</i> Program.

Revise Paragraph C.7 of [Subsection 37.7.15](#) as follows:

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)

- C. In order to implement pedestrian/transit oriented development (PTOD), the project shall, at a minimum:
 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 ~~Implementation~~ 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.

18. Amend Paragraph C of Subsection 37.9.3

B

<i>Description</i>	Requires a finding that the existing use is a permissible use in the <i>local plan</i> (i.e. including Area Plans) for additions to existing buildings. Presently, only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	To refer to an Area Plan in making a finding that the existing use is a permissible use.
<i>Result</i>	Consistent with Chapter 21 and current practice, this would reinforce that Area Plans are to be referenced where applicable in determining permissible uses.

Revise Paragraph F to [Subsection 37.9.3](#) as follows:

CHAPTER 37: HEIGHT

37.9. ADDITIONS TO EXISTING BUILDINGS

37.9.3. Findings

- C. The existing use is a permissible use in the local plan ~~area statement or community plan~~;

19. Amend Subsection 50.5.2, Subparagraph B.3

D

<i>Description</i>	Deletes a reference to moderate income housing allocations, as allocations are no longer needed for moderate-income residential bonus units.
<i>Purpose</i>	To maintain consistency with the code revisions adopted as part of the Development Rights Strategic Initiative.
<i>Result</i>	A superfluous reference to moderate-income bonus unit allocations is removed.

Revise Subparagraph B.3 of [Subsection 50.5.2](#) as follows:

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

50.5.2. Distribution and Administration of Residential Allocations

B. Distribution of the Residential Allocation Incentive Pool

3. Annual allocations; and sensitive lot retirements, ~~and moderate-income housing allocations~~ shall be made available on a first-come, first-served basis.

20. Amend Subsection 51.3.2, Paragraph G

D

<i>Description</i>	Specifies that deed restriction, restoration, and revegetation of a site with banked development rights is only required if applicable. This addresses certain situations where development rights can be banked without requiring site restoration. An example of this scenario would be the conversion of a commercial shopping center into a public service use, where the structures would remain even though the Commercial Floor Area can be banked.
<i>Purpose</i>	To address scenarios where development rights could be banked, but restoration and revegetation may not be appropriate.
<i>Result</i>	The condition of approval requiring deed restriction, restoration, and revegetation would not need to be applied to every banking proposal.

Revise Paragraph G of [Subsection 51.3.2](#) as follows:

CHAPTER 51: BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT

51.3. BANKING OF DEVELOPMENT RIGHTS

51.3.2 Requirements

- 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, if applicable.

21. Add new Paragraph C to Subsection 52.3.2

D

<i>Description</i>	Specifies that an allocation is required for residential bonus units, unless they qualify as affordable, moderate-income, or achievable. The present language does not specify whether an allocation is needed for market-rate bonus units.
<i>Purpose</i>	To restore prior language requiring an allocation for bonus units, while allowing an exception for affordable, moderate-income, and achievable housing.
<i>Result</i>	This would reinforce that market-rate developments using residential bonus units must also obtain allocations.

Add a new Paragraph C to [Subsection 52.3.2](#) as follows:

CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM

52.3. RESIDENTIAL INCENTIVE PROGRAM

52.3.2. Criteria

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

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

22. Amend Subsection 52.3.5

D

<i>Description</i>	Specifies that a deed restriction be recorded to ensure that achievable residential bonus units remain achievable.
<i>Purpose</i>	To provide for the expansion of the residential bonus unit program to include achievable units by adding that category to the deed restriction requirement.
<i>Result</i>	Achievable housing developments receiving residential bonus units could deed restrict to the achievable level rather than just the moderate-income and affordable levels.

Revise [Subsection 52.3.5](#) as follows:

CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM

52.3. RESIDENTIAL INCENTIVE PROGRAM

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;
- 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.

23. Amend Paragraph D of Subsection 65.2.3

A

<i>Description</i>	Updates references to Plan Area Statements, since several of these have been superseded by Area Plans.
<i>Purpose</i>	To update references to Plan Area Statements in places where Area Plans have been developed.
<i>Result</i>	Antiquated Plan Area Statement references are deleted and appropriate references to Area Plans are added.

Revise Paragraph D of [Subsection 65.2.3](#) to read as follows:

CHAPTER 65: AIR QUALITY/TRANSPORTATION

65.2. TRAFFIC AND AIR QUALITY MITIGATION PROGRAM

65.2.3. Definitions

D. Maintenance Area

The urbanized portions of El Dorado and Douglas Counties within the Tahoe region that are designated as maintenance areas for carbon monoxide under the federal Clean Air Act. The plan area statements listed below are within the maintenance area.

1. Within the County of Douglas

South Shore Area Plan; Round Hill Community Plan; and PASs 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 070A, 070B, ~~071~~, 072, 073, 074, ~~076~~, 080, ~~and 089A~~.

2. Within the City of South Lake Tahoe

Tourist Core Area Plan; Tahoe Valley Area Plan; Bijou/Al Tahoe Community Plan; and PASs 089B, 090, ~~091~~, 092, 093, ~~098~~, 099, 100, 101, 103, 104, 105, 108, ~~110~~, 111, 114, and 116.

3. Within the County of El Dorado

Meyers Area Plan and PASs 116, 118, 119, 120, 122, 123, 124, ~~125~~, 130, 135, 136, 139, and 140.

24. Amend Subsection 66.3.6

E

<i>Description</i>	Adjusts wording in the section that describes scenic quality review for marina projects.
<i>Purpose</i>	To reinforce the message that marina projects are not necessarily subject to a Master Plan
<i>Result</i>	The sentence will clearly apply to (1) marina projects and (2) marina master plans.

Revise [Subsection 66.3.6](#) as follows:

CHAPTER 66: SCENIC QUALITY

66.3. SCENIC QUALITY REVIEW IN THE SHORELAND

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, ~~and projects within marinas,~~ 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.

25. Amend Subsection 80.3.3

E

<i>Description</i>	Consolidates the special use project findings into Subsection 80.3.3. Presently they are duplicated in Subsection 81.3.2.
<i>Purpose</i>	To reduce redundancy.
<i>Result</i>	All four of the special use findings are consolidated into Subsection 80.3.3.

Revise [Subsection 80.3.3](#) as follows:

CHAPTER 80: REVIEW OF PROJECTS IN THE SHOREZONE AND LAKEZONE

80.3. REQUIRED FINDINGS

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.

26. Amend Subsection 81.3.2

E

<i>Description</i>	Deletes special use project findings from Subsection 81.3.2. These findings are already identified in Subsection 80.3.3.
<i>Purpose</i>	To reduce redundancy.
<i>Result</i>	The subsection will refer back to Subsection 80.3.3 for special use project findings.

Revise [Subsection 81.3.2](#) as follows:

CHAPTER 81: PERMISSIBLE USES AND STRUCTURES IN THE SHOREZONE AND LAKEZONE

81.3. CLASSIFICATION OF USES AND STRUCTURES

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 **following** findings in [Subsection 80.3.3](#):

- ~~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 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, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable plan area statement, community, redevelopment, specific, or master plan as the case may be.~~

27. Amend Subsection 81.4.4

E

<i>Description</i>	Adds a missing conjunctive (“and”) to a sentence.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	The integrity of the subject sentence will be improved.

Revise [Subsection 81.4.4](#) as follows:

CHAPTER 81: PERMISSIBLE USES AND STRUCTURES IN THE SHOREZONE AND LAKEZONE

81.4. PERMISSIBLE USES AND ACCESSORY STRUCTURES

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.

28. Amend Paragraph A of Subsection 81.6.1

E

<i>Description</i>	Specifies that discontinued non-conforming uses must comply with use regulations established in any local plan (i.e. including an Area Plan). Presently, only consistency with use requirements in a plan area statement is specified.
<i>Purpose</i>	To ensure that discontinued non-conforming uses comply with the applicable use standards in the area, even if the area is no longer covered by a plan area statement.
<i>Result</i>	Once a nonconforming use is discontinued, it will need to comply with the applicable use regulations in an Area Plan, community plan, and plan area statement.

Revise Paragraph A of [Subsection 81.6.1](#) as follows:

CHAPTER 81: PERMISSIBLE USES AND STRUCTURES IN THE SHOREZONE AND LAKEZONE

81.6. EXISTING USES

81.6.1. Right to Continue Existing Uses

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 ~~area statement~~](#). 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.

29. Amend Paragraph I of Subsection 82.5.1

E

<i>Description</i>	Rephrases a statement (“The applicant certifies”) in the form of a declarative requirement (“The applicant <i>shall</i> certify”).
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	The integrity of the subject sentence will be improved.

Revise Paragraph I of [Subsection 82.5.1](#) as follows:

CHAPTER 82: EXISTING STRUCTURES AND EXEMPT ACTIVITIES

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:
- 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.

30.Amend Paragraph B of Subsection 82.7.1

E

<i>Description</i>	Adds a missing verb (“is”) to a sentence.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	The integrity of the subject sentence will be improved.

Revise Paragraph B of [Subsection 82.7.1](#) as follows:

CHAPTER 82: EXISTING STRUCTURES AND EXEMPT ACTIVITIES

82.7. EXISTING STRUCTURES IN THE NEARSHORE OR FORESHORE

82.7.1. Nonconforming Structures

- 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.

31. Amend Subsection 84.2.3

E

<i>Description</i>	Specifies that shorezone use regulations are set forth in “local plans” (a term that includes Plan Area Statements, Community Plans, and Area Plans) rather than using the undefined term “plan area.”
<i>Purpose</i>	To ensure that all local plans are considered when determining permissible uses within the shorezone.
<i>Result</i>	The subsection will now reference the defined term “local plan” in determining the permissible uses within the shorezone.

Revise [Subsection 84.2.3](#) as follows:

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.2. APPLICABILITY

- 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 ~~area~~ 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.

32. Amend Subparagraph E.7 of Subsection 84.3.2

A

<i>Description</i>	Specifies that the review of the allocation of moorings would occur after the 2019 Threshold Evaluation. There will be no such report in 2021.
<i>Purpose</i>	To correctly reference the next Threshold Evaluation Report.
<i>Result</i>	Review and revision of the allocation of moorings will occur as a result of the 2019 Threshold Evaluation Report. The errant reference to a report in 2021 will be deleted.

Revise Subparagraph E.7 of [Subsection 84.3.2](#) to read as follows:

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.3. MOORING STRUCTURES

84.3.2. General Standards

E. Allocation and Permitting

- Adaptive Management.** Following release of the ~~2021~~-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.

33. Amend Subsection 84.4.2

E

<i>Description</i>	Adds the term “Subsection” and “Paragraph” before internal references.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	References will be stylized “Subsection 84.4.4.E” and “Paragraph (A)” rather than “84.4.4.E of this section” and “(A)” respectively.

Revise [Subsection 84.4.2](#) as follows:

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.4. PIERS

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 ~~of this Section~~, 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 ~~of this Section~~ 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.

34. Amend Subparagraph A.10.c of Subsection 84.4.3

E

<i>Description</i>	Adds the term “Paragraphs” before an internal reference.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	References will be stylized “Paragraph (A)” rather than simply “(A).”

Revise Subparagraph A.10.c of [Subsection 84.4.3](#) as follows:

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.4. PIERS

84.4.3. Development Standards

A. General Standards

10. Accessory Structures.

- 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.

35. Amend Subparagraph B.2 of Subsection 84.4.3

E

<i>Description</i>	Adds the term “Subparagraph” to an internal reference and adds a missing verb “is” to two sentences.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	References will be stylized “Subparagraph (a)” rather than simply “(a).”

Revise Subparagraph B.2 of [Subsection 84.4.3](#) as follows:

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.4. PIERS

84.4.3. Development Standards

B. Additional Standards for Single-Use Piers

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.

36. Amend Subparagraph C.2 of Subsection 84.4.3

E

<i>Description</i>	Moves a subparagraph requiring piers to be perpendicular up above another subparagraph that specifies an exception to that standard.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	The standard requiring piers to be perpendicular to the shoreline will now occur before the standard providing an exception to the “limits above.”

Revise Subparagraph C.2 of [Subsection 84.4.3](#) as follows:

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.4. PIERS

84.4.3. Development Standards

C. Additional Standards for Multiple-Use Piers

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;
- ~~e.~~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;
- ~~d.~~ ~~Pier orientation shall be perpendicular to the shoreline, as feasible;~~
- 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 property 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 ~~or that~~ 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.

37. Amend Paragraph B.2 of Subsection 84.4.4

E

<i>Description</i>	Specifies that piers are to be allocated based on the “multiple-parcel” and “single-parcel” categories, rather than the “multiple-use” and “single-use” categories, consistent with Table 84.4.4-1.
<i>Purpose</i>	To ensure internal consistency in terminology.
<i>Result</i>	This will ensure that the “multiple-parcel” and “single-parcel” categories are considered when allocating new piers. The “multiple-use” and “single-use” categories are still used to determine design standards.

Revise Paragraph B.2 of [Subsection 84.4.4](#) as follows:

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.4. PIERS

84.4.4. Allocation and Permitting

B. Permit Release Schedule

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 use~~ or ~~single-parcel use~~ 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

38. Amend Subparagraph A.2.c of Subsection 84.6.2

E

<i>Description</i>	Adds the term “Subsection” to an internal reference and adds the word “otherwise” to a sentence.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	The standard will clearly indicate that projects otherwise covered by Subsection 84.6.2.A.1.a. References will be stylized “Subsection 84.6.2.A.1.a” rather than just “84.6.2.A.1.a.”

Revise Subparagraph A.2.c of [Subsection 84.6.2](#) as follows:

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.6. MARINAS

84.6.2. Eligibility.

A. Definition of Minor and Major Projects.

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.

39. Amend Subsection 84.7.1

E

<i>Description</i>	Adds the term “Paragraph” before internal references.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	References will be stylized “Paragraph (A)” rather than simply “(A).”

Revise [Subsection 84.7.1](#) as follows:

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

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.

40. Amend Subsection 84.8.2

E

<i>Description</i>	Eliminates capitalization of “shorezone” and changes a plural noun (“Facilities”) into its singular form.
<i>Purpose</i>	To ensure consistency and to enhance clarity.
<i>Result</i>	The term “shorezone” will appear without capitalization throughout the Code of Ordinances.

Revise [Subsection 84.8.2](#) as follows:

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.8. OTHER STRUCTURES

84.8.2. Safety and Navigation Devices.

Essential Public Safety Facilities within the **S**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~~ies~~ in the **S**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 Facilities in the **S**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.

41. Amend Paragraph C of Subsection 84.11.2

E

<i>Description</i>	Adds the term “Paragraph” before an internal section reference.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	References will be stylized “Paragraph (A)” rather than simply “(A).”

Revise Paragraph C of [Subsection 84.11.2](#) as follows:

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.11. MITIGATION

84.11.2. Mitigation Required

- 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.

42. Add definition of “Local Plan” to Section 90.2

B

<i>Description</i>	Defines “local plan” to mean a Plan Area Statement, Community Plan, or Area Plan.
<i>Purpose</i>	To create a term that encompasses all local planning documents where regulations pertaining to permissible uses and densities can be found.
<i>Result</i>	A new term “local plan” can be referenced in the Code of Ordinances, rather than separately listing Plan Area Statements, Community Plans, and Area Plans.

In [Section 90.2](#), add a definition of “Local Plans” to read as follows:

CHAPTER 90: DEFINITIONS

90.2. OTHER TERMS DEFINED

Local Plan

An adopted Area Plan, Community Plan, or Plan Area Statement

43. Add a definition of “Pier, Multiple-Use” in Section 90.2

E

<i>Description</i>	Creates a new definition for “Pier, Multiple-Use” consistent with the applicability standards in Section 84.4.3.C.1.
<i>Purpose</i>	To promote internal consistency.
<i>Result</i>	A definition for multiple-use piers will now appear in Chapter 90.

In [Section 90.2](#), amend the definition of “Single-Use Pier” as follows:

CHAPTER 90: DEFINITIONS

90.2. OTHER TERMS DEFINED

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.

44. Amend definitions of Single-Use Pier in Section 90.2

E

<i>Description</i>	Renames the definition of “Single-Use Pier” to “Pier, Single-Use.”
<i>Purpose</i>	To consolidate all pier definitions in one location.
<i>Result</i>	The definition for single-use piers will now appear alongside the definitions for single-parcel piers, multiple-use piers, and multiple-parcel piers.

In [Section 90.2](#), amend the definition of “Single-Use Pier” as follows:

CHAPTER 90: DEFINITIONS

90.2. OTHER TERMS DEFINED

~~Single-Use Pier~~, Single-Use

A facility in the shorezone used and maintained by the owner of one littoral parcel, ~~his~~ family, and guests.