TAHOE REGIONAL PLANNING AGENCY

Adopted by the
TRPA Governing Board
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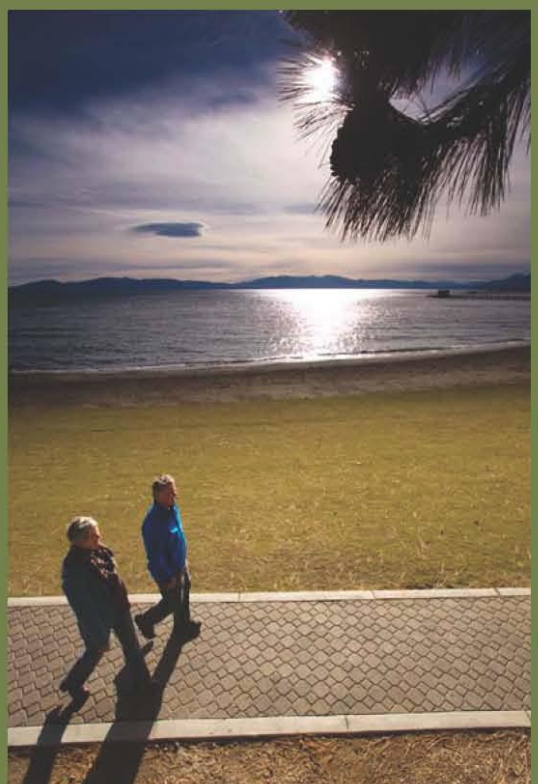
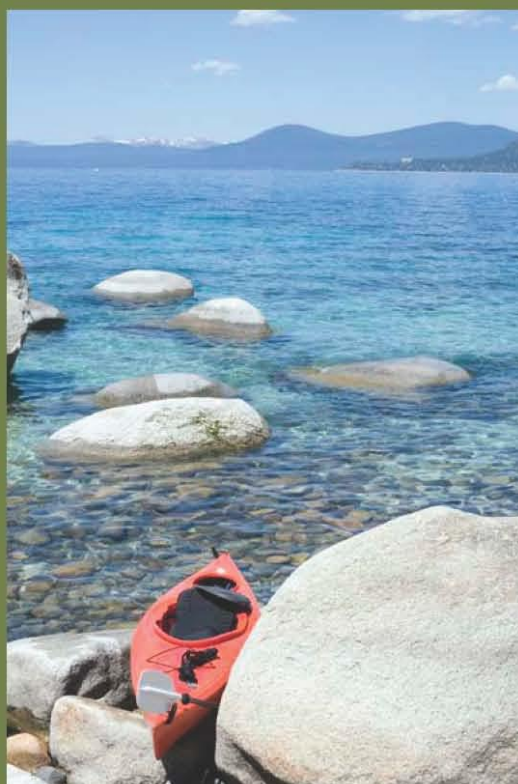
CODE OF ORDINANCES

TAHOE REGIONAL PLANNING AGENCY | lake Tahoe





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TRPA

Code of Ordinances

Adopted by Governing Board
December 12, 2012
Effective February 9, 2013

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CHAPTER 1: INTRODUCTION TO CODE OF ORDINANCES

1.1. PURPOSE

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

1.2. SHORT TITLE

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

1.3. OVERVIEW OF THE ORGANIZATION OF THE CODE OF ORDINANCES

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

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

1.3.1. General Provisions (Chapters 1 through 6)

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

A. Chapter 2: *Applicability of the Code of Ordinances* - Descriptions of projects and activities subject to review by the Tahoe Regional Planning Agency, projects and activities that are exempt or qualified exempt from agency review, and projects and activities delegated to local governments for review;

B. Chapter 3: *Environmental Documentation* - Provisions identifying when environmental impact statements or environmental assessments are required, and the required content of such reports;

C. Chapter 4: *Required Findings* - An overview of the procedures required for making findings necessary for project review and approval; and

D. Chapter 5: *Compliance* – Descriptions of enforcement mechanisms concerning project applications, project approvals, conditions of approval, and other elements of the Regional Plan and supporting documents.

1.3.2. Planning (Chapters 10 through 16)

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

A. Chapter 10: *TRPA Regional Plan Maps* – A description of the coordinated system of officials maps that support the Regional Plan;

B. Chapter 11: *Plan Area Statements and Plan Area Maps* – The relationship of Plan Area Statements (PAS) to Goals and Policies and community plans, the required content of PAS statements and maps, and the PAS amendment process;

C. Chapter 12: *Community Plans* – Areas eligible for community plans, the relationship of community plans to PAS and the Goals and Policies, and the processes for developing and amending community plans;

D. Chapter 13: *Area Plans* – The procedures and standards by which Area Plans may be approved by TRPA as in conformity with the TRPA's Goals and Policies, Codes, Environmental Thresholds, and the Compact, and the long-term monitoring and review requirements for maintaining conformity;

E. Chapter 15: *Environmental Improvement Program* – A description of the development and administration of the EIP, which is designed to attain, maintain, or surpass multiple environmental thresholds through an integrated approach; and

F. Chapter 16: *Regional Plan and Environmental Threshold Review* – Identification of the means and time schedules by which environmental threshold carrying capacities and applicable air and water quality standards shall be attained or maintained, including compliance measures and effects of projects on attainment and maintenance of thresholds and standards.

1.3.3. Land Use (Chapters 20 through 23)

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

A. Chapter 20: [reserved];

B. Chapter 21: *Permissible Uses* – Lists, definitions, and standards of the permissible primary and accessory land uses, including standards for uses that existed prior to adoption of this Code; and

C. Chapter 22: *Temporary Uses, Structures, and Activities* - Standards for uses, structures, and activities of limited duration.

1.3.4. Site Development (Chapters 30 through 39)

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

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

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

B. Chapter 31: *Density* – A general overview of maximum density rules, special situations and circumstances that allow increases to maximum density, rules for calculating maximum density, and standards for addressing density existing prior to the adoption of this Code;

C. Chapter 33: *Grading and Construction* – Standards for grading, including requirements for special information reports and plans to inform the grading and construction process in certain situations, plus standards for tree and vegetation protection during construction;

D. Chapter 35: *Natural Hazard Standards* – Standards to protect life and property from natural hazard risks, including avalanche and mass instability, flooding, and wildfires;

E. Chapter 36: *Design Standards* – Standards affecting the quality of the built environment, including site design, building design, landscaping, exterior lighting, water conservation, and miscellaneous related site and building features;

F. Chapter 37: *Height* – The general rules for determining the maximum height of buildings and other structures, plus exceptions that allow additional height in certain locations and for structures when additional findings are met; and

G. Chapter 38: *Signs* – The standards governing the erection and maintenance of signs in the Tahoe basin, including general standards applicable to all signs and specific standards for individual sign types.

1.3.5. Growth Management (Chapters 50 through 53)

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

A. Chapter 50: *Allocation of Development* – The rules governing the rate and timing of growth within the region, including standards for awarding and distributing residential allocation units;

B. Chapter 51: *Transfer of Development* – Provisions for the transfer of residential development rights, residential allocations, and existing development from one parcel to another;

C. Chapter 52: *Bonus Unit Incentive Program* – Standard for assigning multi-residential and tourist accommodation bonus units in accordance with the Goals and Policies; and

D. Chapter 53: *Individual Parcel Evaluation System* – Establishment of the IPES and related procedures, which provides a mechanism for the evaluation of vacant residential parcels, the assignment to each parcel of a numerical score, and the ranking of such parcels in terms of suitability for development.

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

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

A. Chapter 60: *Water Quality* – Standards intended to protect water quality through discharge limits, snow disposal limits, fertilizer management, and similar techniques; requirements that new residential, commercial, and public projects completely offset their water quality impacts; requirements for source water protection; and requirements for the installation of Best Management Practices to protect and restore water quality;

B. Chapter 61: *Vegetation and Forest Health* – Standards that regulate the management of forest resources to achieve and maintain the thresholds for species and structural diversity, provide wildlife habitat, and reduce potential wildfire threats;

C. Chapter 62: *Wildlife Resources* – Standards to protect and enhance wildlife habitats, especially habitats of special significance such as deciduous trees, wetlands, meadows, and riparian areas;

D. Chapter 63: *Fish Resources* – Standards to protect fish habitat and enhance degraded habitat, including standards intended to prevent the introduction and spread of aquatic invasive species;

E. Chapter 64: *Livestock Grazing* – Standards to implement livestock grazing management practices in a manner that supports other resource management goals;

F. Chapter 65: *Air Quality/Transportation* – Standards to protect air quality and thus attain and maintain applicable standards and thresholds, including limits on direct sources of air pollution, and new and modified stationary source review; and establishment of programs to maintain and improve air quality, including a traffic and air quality mitigation program, a rental car mitigation program, and an employer-based trip reduction program;

G. Chapter 66: *Scenic Quality* - Standards to protect scenic quality within the Tahoe region, including the establishment of scenic highway corridors and related design standards, and scenic quality review in shoreland areas,

H. Chapter 67: *Historic Resource Protection* – Standards to identify and protect significant cultural, historical, and archaeological resources; and

I. Chapter 68: *Noise Limitations* – Limitations on single noise events and maintenance of community noise levels.

1.3.7. Shorezone (Chapters 80 through 86)

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

A. Chapter 80: *Review of Projects in the Shorezone and Lakezone* – Introduction of shorezone concepts, designations, and procedures,;

B. Chapter 81: *Permissible Uses and Structures in the Shorezone and Lakezone* – Identification of and standards for the primary and accessory land uses allowed within the lakezone, shorezone, and lagoons of lakes;

C. Chapter 82: *Existing Structures* – Regulations affecting the maintenance, repair, and expansion of existing structures within the shorezone of Lake Tahoe;

D. Chapter 83: *Shorezone Tolerance Districts and Development Standards* – Shorezone tolerance district challenges and development standards applicable to shorezone projects, including project location and design standards.

E. Chapter 84: *Development Standards Lakeward of High Water* – Regulations affecting development lakeward of the high water line, including fish habitat and spawning, standards for man-made structures, filling and dredging, and motorized watercraft;

F. Chapter 85: *Development Standards in the Backshore* – Regulations affecting development in the backshore, including applicability and backshore delineation, allowable land coverage, vegetation, and project review and development standards; and

G. Chapter 86: *Mitigation Fee Requirements* – Requirements for mitigation fees assessed to provide funds for restoration of fish habitat and to mitigate possible degradation.

1.3.8. Definitions (Chapter 90)

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

1.4. LAND USE DOCUMENTS SUPPORTING THE CODE OF ORDINANCES

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

A. The Tahoe Regional Planning Compact, as amended ("Compact");

B. The environmental threshold carrying capacities adopted in Resolution 82-11;

C. The Goals and Policies Plan;

D. The Plan Area Statements and Maps; and

E. Other TRPA plans and programs.

1.4.2. Tahoe Regional Planning Compact as Amended

A. The Compact represents an endeavor by the States of California and Nevada, approved by Congress, to address numerous pressing environmental and other problems facing the Tahoe region. Originally enacted in 1969 (P.L. 91-148, 83 Stat. 360), the Compact was amended in 1980 (P.L. 96-551, 94 Stat. 3233). The factual background against which the amended Compact was adopted is set forth in Article I(a) where it is declared, among other things, that:

1. "The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.

2. The public and private interests and investments in the region are substantial.

3. The region exhibits unique environmental and ecological values which are irreplaceable.

4. By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution, and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

5. Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

6. Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific natural and public health values provided by the Lake Tahoe Basin.

7. There is a public interest in protecting, preserving, and enhancing these values for the residents of the region and for visitors to the region.

8. Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public, who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.

9. In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to ensure an equilibrium between the region's natural endowment and its manmade environment."

B. Article I(b) of the Compact Provides:

"In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this Compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities."

1.4.3. Environmental Threshold Carrying Capacities

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

1.4.4. Goals and Policies Plan

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

1.4.5. Code of Ordinances

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

1.5. 208 PLAN

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

1.6. INTERPRETATION AND SEVERABILITY

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

1.7. ADMINISTRATIVE FEES

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

1.8. CODE AMENDMENTS

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

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

Chapter 5: Subparagraph 5.3.1.C

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

Chapter 21: Table 21.4.A

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

Chapter 31: Subsection 31.5.3

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

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

Chapter 53: Section 53.10

Chapter 63: Subparagraph 63.4.2.C

Chapter 65: Subparagraph 65.1.8.C

Chapter 90: Section 90.2

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

Chapter 50: Subsections 50.4.1, 50.5.1, 50.5.2

Chapter 51: Subsections 51.3.3, 51.5.3

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

Chapter 36: Subsection 36.2.2

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

Chapter 2: Table 2.5-1

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

Chapter 2: Table 2.6-1

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

Chapter 13: Table 13.5.3-1

Chapter 36: Subsection 36.2.2

Chapter 38: Subparagraph 38.2.3.D

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

Chapter 13: Subparagraph 13.5.3.E

Chapter 36: Subsection 36.6.1

Chapter 37: Subsection 37.6.2

Chapter 65: Subsection 65.1.8

Chapter 68: Subsection 68.4, Subsection 68.8.3

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

Chapter 50: Subsection 50.5.2

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

Chapter 50: Subsection 50.5.1, Subsection 50.5.2

Chapter 51: Subparagraph 51.3.3.C

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

Chapter 50: Subsection 50.7.1

Chapter 52: Section 52.4, Section 52.5

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

Chapters 1, 2, 5, 11, 13, 21, 30, 33, 35-27, 39, 51-53, 60, 61, 84, 90

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

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

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

Chapter 2: Section 2.5

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

Chapter 34: Section 34.2.3

Chapter 36: Subparagraph 36.2.2.C

Chapter 38: Subparagraph 38.2.3.D.3

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

Chapter 30: Subsections 30.4.3 and 30.6.1.C.2

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

Chapter 50: Subsection 50.10.8

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

Chapters 1,5,13,16,30,31,50,53,60,82 and 90

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

Chapter 84

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

Chapters 10, 11, 12, 14, 30, 60, 61, 62, 66, 67, 68, and 90**.**

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

Chapters 34, 36, and 38

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

Chapter 63, Subsection 63.4.2

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.1. GENERAL PROVISIONS

2.1.1. Purpose

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

2.1.2. Applicability

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

2.1.3. Organization of this Chapter

A. Section 2.2 implements the Compact provisions relating to projects and permits. An activity that is not exempt or granted a qualified exemption from this Code pursuant to Section 2.3 is a project subject to TRPA review and approval pursuant to Section 2.2.

B. Section 2.3 identifies activities that will not have a substantial effect on the land, air, water, space, or any other natural resources in the Tahoe region and therefore are exempt or are eligible for a qualified exemption from TRPA review and approval. Exemption or qualified exemption of activities from TRPA review and approval shall not be construed to exempt such activities from other applicable provisions of the Code.

2.2. PROJECT REVIEW

2.2.1. Project Review

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

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

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

A. General Projects or Matters

1. Governing Board Review

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

a. EIS certification (Chapter 3: *Environmental Documentation*);

b. Projects for which an EIS has, or will be prepared, or at the discretion of the Executive Director;

c. Plan amendments, ordinances and resolutions;

d. Community Plans, including preliminary plan or work program, redevelopment, master or special plans;

e. Problem assessments and remedial action plans, excluding voluntary problem assessments and remedial action plans (Section 5.12 Remedial Action Plans);

f. Increases in supply of land coverage (Chapter 30: *Land Coverage*);

g. Delegation Memoranda of Understanding pursuant to Section 2.5 (except as otherwise provided in this Code);

h. Substantial harvest or tree removal plans (61.1.8) except for fuels management projects (61.1.7.D);

i. Mitigation fund expenditures and projects (Section 60.2 and Section 65.2);

j. Permit revocations (Chapter 5: *Compliance*);

k. Historic resource designations (Chapter 67: *Historic Resource Protection*);

l. Projects resulting in a significant increase in traffic when the project causes level of service (LOS) to worsen by one letter grade at an intersection, or results in any additional delay at an intersection already rated at LOS "F" (Section 65.2);

m. Allocation systems (Chapter 50: *Allocation of Development*);

n. Establishing the level defining the top-ranked parcels, lowering the line defining the top-ranked parcels pursuant to subsection 53.5.1 and determining allowable base land coverage pursuant to subsection 53.8.1;

o. Findings of the demonstration of commitment for affordable housing pursuant to subparagraph 39.2.5.F;

p. Special project allocations (subparagraph 50.6.4.D);

q. Area Plan conformity review (Chapter 13: *Area Plans)*; and

r. In jurisdictions with conforming Area Plans, projects that are not eligible to be delegated from TRPA review, and delegated projects that are appealed to TRPA.

2. Hearings Officer Review

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

a. Special uses, including changes, expansions or intensifications of existing uses (Chapter 21: *Permissible Uses*);

b. Additional height for eligible structures, in special height districts for adopted community and redevelopment plan areas (subsection 37.5.4);

c. Additions, reconstruction, or demolition of eligible or designated historic resources (Chapter 67: *Historic Resource Protection*);

d. Modification to SEZs, excluding modifications for residential projects in accordance with subparagraph 30.5.2.A and erosion control and other environmentally oriented projects and facilities in accordance with subparagraph 30.5.2.D;

e. Land capability challenges and man-modified challenges, except land capability challenges pursuant to subsection 30.3.4 submitted under the special provisions for designated land banks (Chapter 30 and 80);

f. Additional land coverage in excess of 1,000 square feet in land capability districts 1-3; and

g. Projects resulting in a significant increase in traffic that do not require Governing Board review (Section 65.2).

B. Residential Projects

1. Governing Board Review

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

a. Allocation of ten or more residential bonus units to affordable or moderate-income housing; and

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

2. Hearings Officer

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

a. Multi-residential and employee housing greater than four units;

b. Projects that require special use findings (except those identified for Governing Board review) involving changes, expansions or intensification of existing uses; and

c. Allocation of more than two, but less than ten, residential bonus units to affordable or moderate-income housing.

C. Commercial Projects

1. Governing Board Review

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

2. Hearings Officer

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

D. Public Service Projects

1. Governing Board Review

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

a. New facilities or additions involving over 3,000 square feet of floor area or 3,500 square feet of new land coverage; and

b. Airport Expansion.

E. Recreation Projects

1. Governing Board Review

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

a. New facilities or additions involving more than 3,000 square feet of building floor area or 3,500 square feet of land coverage (except recreational trails);

b. New recreational trails exceeding one mile in length, or shorter trails that create new land coverage on low capability land or pass through sensitive wildlife habitat; and

c. Projects requiring an allocation of PAOTs from the overnight pool of 1,000 PAOTs.

2. Hearings Officer

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

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

F. Shorezone Projects

1. Governing Board Review

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

a. Tour boat operations (new or expansion);

b. Waterborne transit (new or expansion);

c. Seaplane operation (new or expansion);

d. Marinas (new or expansion);

e. Boat launching facilities (new or expansion);

f. Recognition of multiple-use facilities (Section 84.9); and

g. Expansions, requiring a deviation of development standards, except low-level boatlift additions and reconfigurations of existing structures to increase conformance.

2. Hearings Officer

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

a. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensifications of existing uses; and

b. New structures (except those identified for Governing Board review).

G. Delegation to Executive Director

1. Governing Board Action

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

2. Unusual Circumstances

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

3. Appeals

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

2.2.3. Special Provisions

The following special provisions apply to certain projects:

A. Emergency Projects

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

B. Structures that Do Not Comply with Site Development Provisions

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

1. The structure is not subject to a specific program of removal or modification pursuant to the site development provisions or other implementing programs of TRPA, or that the structure shall comply with the requirements of the applicable programs;

2. The repair, remodeling, reconstruction, modification, or expansion does not increase the extent to which the structure does not comply with the site development provisions;

3. In the shorezone, all modifications or expansions to structures comply with the requirements of this Code; and

4. Any expansion complies with all applicable site development provisions.

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

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

1. Application

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

2. Findings

TRPA may approve such projects provided TRPA determines that:

a. The repair or reconstruction does not increase the extent to which the structure does not comply with the site development provisions; and

b. There is no increase in height, floor area, land coverage, or volume of the structure.

2.2.4. Expiration of TRPA Approvals

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

A. Operation of Law

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

B. Commencement of Construction

Commencement of construction shall be the pouring of concrete for a foundation, or work of a similar nature upon the permitted structure. Commencement of

construction does not include grading, plan preparation, installation of utilities or landscaping.

C. Diligent Pursuit

"Diligent pursuit" is defined as follows:

1. Diligent pursuit shall be defined by the condition of approval relating to completion of the project. Project approvals shall state the time for completion of the project.

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

D. Single-Family Homes

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

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

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

E. Other Projects

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

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

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

F. Completion of Project

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

2.2.5. TRPA Contractor Certification Program

[reserved]

2.3. EXEMPT ACTIVITIES

2.3.1. Purpose

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

2.3.2. General Activities

The following general activities are exempt.

A. Interior Remodeling

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

B. Ordinary Maintenance and Repair

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

C. Repair of Fences

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

D. Excavation, Filling, or Backfilling

Excavation, filling, or backfilling for a volume not in excess of three cubic yards, provided the activity is completed within a 48-hour period and the excavation site is stabilized to prevent erosion. The following exemptions shall not be construed to exempt a series of excavations that collectively would constitute a project.

E. Removal of Dead Trees

1. Removal of dead trees less than or equal to 30 inches dbh in westside forest types and snags less than or equal to 24 inches dbh in eastside forest types; or

2. Removal of dead trees of any size provided the tree is not on a lakeshore property, is not within a SEZ or Conservation and Recreation Land, and poses a hazard to life and property.

F. Seasonal Lighting

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

G. Demolition

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

H. Landscaping and Gardening

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

I. Home Occupation

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

J. New Residential Fences

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

K. Parcel Consolidations

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

L. Replacement of Combustion Heaters and Woodstoves

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

M. Removal of Live Trees

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

2.3.3. Shorezone Activities

The following activities are not subject to review and approval by TRPA provided they comply with subsection 83.11.1, do not result in the creation of additional land coverage, or in an increase in the dimensions of the structure, including height, width, and length.

A. Ordinary maintenance and repair, which is the replacement of, or modification to parts of a structure that do not affect the weight bearing or strength capacity of the structure, including replacement and repair of windows, doors, and electrical and mechanical equipment.

B. The replacement and repair of mooring buoys, excluding replacement of their anchoring devices.

C. Parcel consolidations in accordance with subparagraph 2.3.2.K.

2.3.4. Sign Activities

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

A. Changing of Advertising Copy
The changing of the advertising copy of message on a lawfully erected changeable copy sign.

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

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

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

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

F. Construction Site Identification Sign
Construction site identification signs, which may identify the project, the owner or developer, architect or other designer, engineer, contractor and subcontractors, funding sources, and other related information. Not more than one such sign shall

be erected per site, and it shall not exceed 32 square feet in area or eight feet in height. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within ten days of site or building occupancy.

G. Building Name and Erection Date Signs

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

H. Danger and/or Safety Signs

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

I. Residential Property Identification Signs

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

J. Signs Not Visible

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

K. Interior Signs

1. Any sign that is located within a building and that is clearly intended to be visible primarily to people located within the building;

2. Signs located within structures, including window signs intended to be seen from outside of the building when such signs are limited to five percent of the area of each window. See also subsection 38.4.19.

L. Small Access, Identification, and Stop Signs

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

M. Signs Approved Under Intergovernmental MOUs

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

N. Signs Approved Under Local Government Substitute Standards

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

O. Replacement of Street and Directional Signs

Replacement of street signs and other regulatory or directional signs when the area or height of the replacement sign does not exceed the area or height of the sign to be replaced and when the sign conforms to the applicable standards of the *Manual*

on Uniform Traffic Control Devices, 1978, as amended. Installation of new street signs and other regulatory or directional signs or replacement of such signs where the area or height of the replacement sign is greater than the area or height of the sign to be replaced shall be reviewed as a project unless specifically exempted by means of a memorandum of understanding or other agreement.

2.3.5. Mail Delivery Activities

The mail delivery activities listed below are exempt.

A. Mail delivery receptacles that are designed and installed in accordance with design standards that are part of a TRPA-approved area wide mail delivery program.

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

1. A maximum of one mail box shall be allowed for each parcel or project area provided that:

a. Complies with all U.S. Postal Service standards;

b. Is located in a manner and place that can be accessed by mail delivery vehicles such that the vehicles will not cause compaction or disturbance of previously uncompacted or undisturbed road or driveway shoulders or aprons; and

c. If located within a scenic highway corridor pursuant to Section 66.2, is colored using dark shades of earthtone colors and matte finish.

2. One set of cluster boxes shall be allowed provided that the number of boxes is equal to the number of parcels or project areas being served and the set meets the design and scenic standards listed in subparagraph 1 above.

2.3.6. Temporary Activities

The temporary activities listed below are exempt.

A. A temporary activity that:

1. Does not cause parking on unpaved areas;

2. Does not create or relocate land coverage or disturbance;

3. Does not require closure of a traffic lane or intersection of a state or federal high way for more than one hour, or the closure of U.S. 50 at any point between the South Y and S.R. 207 (Kingsbury) Grade for any period of time;

4. Does not create noise in excess of the limits in Chapter 68: *Noise Limitations*;

5. Does not exceed fourteen consecutive days in duration and will not occur more than four times in a calendar year; and

6. If the temporary activity, other than the parking, is located on unpaved areas, the temporary activity does not occur on an unpaved area that has been used for temporary projects more than four times in the past calendar year;

B. Temporary activities in TRPA-approved special event areas in accordance with the TRPA approval; and

C. Temporary activities that are reviewed and approved by a local government, the Forest Service, or a state agency pursuant to a memorandum of understanding with TRPA consistent with Chapter 22: *Temporary Uses, Structures, and Activities*.

2.3.7. Qualified Exempt Activities

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

A. General Activities

The general activities listed below are qualified exempt.

1. Structural Repair

Structural repair of existing structures of less than $21,000 per year, provided there is:

a. No excavation, filling, or backfilling in excess of that exempted by subparagraph A.6 below;

b. No increase in the dimensions of a structure;

c. No intensification or change in use;

d. No increase in commercial floor area, and

e. No increase in density.

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

2. Structural Modifications

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

a. Documentation by the local building department is submitted to TRPA;

b. The modification is the minimum necessary; and

c. There is:

(i) No excavation, filling, or backfilling in excess of that exempted by subparagraph A.6 below;

(ii) No increase in the dimensions of a structure visible from any TRPA-designated scenic threshold travel route;

(iii) No height created greater than that allowed by Table 37.3.1-1;

(iv) No intensification or change in use, and

(v) No increase in commercial floor area.

3. Structural Remodeling or Additions

Structural remodeling or additions to existing structures, provided:

a. There is:

(i) No excavation and backfilling in excess of that exempted by subparagraph A.6 below;

(ii) No increase in the dimensions of a structure visible from any TRPA-designated scenic threshold travel route;

(iii) No height created greater than that allowed by Table 37.3.1-1;

(iv) No intensification or change in use;

(v) No increase in commercial floor area;

(vi) No increase in density; and

(vii) No increase in existing hard coverage.

b. A BMP retrofit plan and compliance schedule as set forth in Chapter 60: *Water Quality*, is submitted to TRPA;

c. All excess coverage mitigation requirements, if any, are satisfied in accordance with Chapter 30: *Land Coverage;* and

d. There is existing paved access and parking.

4. Non-Permanent Structures

Non-permanent structures meeting the requirements of subparagraph 30.4.6.A, provided a land capability verification has been completed in accordance with Section 30.3 and TRPA has verified that all land coverage on the parcel was legally established in accordance with the definition of "Existing" in Section 90.2.

5. Replacement of Existing Mobile Home

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

6. Excavation, Filling, or Backfilling

Excavation, filling, or backfilling for an area not in excess of seven cubic yards is exempt provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, or on parcels with

IPES scores above the line, and the excavation site is stabilized within 48 hours to prevent erosion. This exemption shall not be construed to exempt a series of excavations that viewed as a whole would constitute a project.

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

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

8. Changes in Operation

Changes in operation resulting in generation of less than 100 additional vehicle trips, in connection with a commercial, recreation or public service use, provided there is no change from one major use classification to another, the resulting use is an allowed use, and the applicant pays an air quality mitigation fee in accordance with subparagraph 65.2.4.D.

9. Seasonal Outdoor Retail Sales Use

An outdoor retail sales use associated with a holiday season such as Christmas tree and pumpkin patch sales, provided the use shall not cause parking on unpaved areas, does not operate for more than six consecutive weeks in a 12-month period, and is located in a plan area designated commercial, public service, or tourist.

10. Timber Harvesting

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

a. A Tahoe Basin Tree Removal Permit that expires twelve months after issuance has been issued for trees marked pursuant to the memorandum of understanding between the appropriate state forestry agency and TRPA;

b. Dying trees are defined as those determined to be dead within one year by a qualified forester authorized to issue a Tahoe Basin Tree Removal Permit by the Memoranda of Understanding between TRPA and the Nevada Division of Forestry;

c. A pre-operations field inspection shall be completed by TRPA that is attended by a representative from the appropriate state forestry agency, property owner or authorized representative, and the licensed timber operator. TRPA shall notify the local representative from the appropriate state forest agency no less than five business days prior to

the pre-operation field inspection to choose to attend the pre-operation field inspection;

d. Grading shall not be in excess of seven cubic yards for activities occurring between May 1 and October 15, or not in excess of three cubic yards for activities occurring between October 15 and May 1, and is limited to land capability districts 3, 4, 5, 6, and 7;

e. All slash shall be treated by chipping, piling for burning, or hauled away within 15 days following cutting, and any burning of piled slash shall be completed within 30 days during permissible burn periods or no later than May 1 of the following year;

f. Soil erosion protection and stabilization of disturbed areas shall be done concurrently with logging operations, with full completion no later than 48 hours following the end of cutting; and

g. There shall be no watercourse or stream environment zone crossings except for existing bridges and culverts.

11. Replacement of Existing Roof with Metal Roof

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

B. Shorezone Activities

The following activities are not subject to review and approval by TRPA provided the applicant certifies, on a TRPA qualified exempt form, that the activity fits within one or more of the following categories and the activity does not result in the creation of additional land coverage or relocation of existing land coverage and complies with all restrictions set forth below.

1. Minor structural repair as defined in subsection 82.3.3 and painting, staining, reroofing, residing and the installation or replacement of deck coverings, provided such activities conform to the design standards set forth in Section 83.11 and do not result in a change in use or an increase in the dimensions of the structure, including height, width, and length.

2. Repair of fences, provided the fence complies with the applicable development standards in subsection 84.12.2 and the design standards in subsections 83.11.1 and 83.11.3.

3. The replacement and repair of the anchoring device for a mooring buoy provided TRPA has issued a permit for such mooring buoy pursuant to subsection 82.4.7.

4. Demolition of structures, improvements, or facilities in accordance with subparagraph 2.3.7.A.7.

5. Construction, reconstruction, repair, and modification of piers, floating docks and platforms and shoreline protective structures in lagoons pursuant to memorandums of understanding as provided for in Section 84.11.

6. Changes in operation resulting in the generation of less than 100 additional vehicle trips are exempt provided the resulting use is an allowed use and the applicant pays an air quality fee in accordance with the Rules of Procedure.

C. Sign Activities

The following sign activities are qualified exempt:

1. Subdivision Identification Signs

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

2. Replacement of Approved Sign Faces

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

2.3.8. Loss of Exemption

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

2.4. PREVIOUSLY APPROVED PROJECTS, USES, AND ACTIVITIES

2.4.1. Purpose

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

2.4.2. Applicability

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

2.4.3. Prior Conditions of Approval

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

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

B. The allocation limits and other applicable provisions of Chapter 50; and

C. Code provisions concerning the installation of BMPs, woodstoves and heaters.

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

The activities listed in Table 2.5-1 shall be reviewed and approved in accordance with the TRPA Regional Plan and this Code by a local government pursuant to a memorandum of understanding (MOU) and shall therefore be exempt from TRPA review and approval.

TABLE 2.5-1: ACTIVITIES REVIEWED BY LOCAL GOVERNMENT

Memoranda of Understanding (MOU)	Adoption/Amendment Date
1. Residential Activities within Placer County	February 1995
2. Residential Activities within El Dorado County	
3. Sign Activities within the Placer County Portion of the Region	December 17, 1997
4. Residential Activities within Washoe County	October 1995
5. Activities Reviewed by El Dorado County	Adopted April 1999 Amended June 27, 1999
6. Various Activities within Placer County	Adopted April 3, 2000 Amended April 26, 2000
7. Douglas County Area Plan	Adopted September 25, 2013
8. Delegated permitted authorities within the City of South Lake Tahoe	Adopted December 2014

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

Activities included in the memoranda of understanding (MOUs) between the public and quasi-public entities listed in Table 2.6-1 and TRPA are exempt from TRPA review and approval.

TABLE 2.6-1: EXEMPT ACTIVITIES UNDER MEMORANDA OF UNDERSTANDING BY PUBLIC AND QUASI-PUBLIC ENTITIES

Memoranda of Understanding Partner	Adoption/Amendment Date
California Department of Parks and Recreation	Amended May 23, 1999
California Department of Transportation	
California Regional Water Quality Control Board	
California Tahoe Conservancy	Amended September 26, 1999
City of South Lake Tahoe	
Contel/GTE	

TABLE 2.6-1: EXEMPT ACTIVITIES UNDER MEMORANDA OF UNDERSTANDING BY PUBLIC AND QUASI-PUBLIC ENTITIES

Memoranda of Understanding Partner	Adoption/Amendment Date
Douglas County	Amended August 22, 2001
Douglas County Sewer Improvement District	
El Dorado County	
Fulton Water Company	
Incline Village General Improvement District	
Kingsbury General Improvement District	
Lahontan Regional Water Quality Control Board	Amended May 23, 1999
Lukins Brothers Water Company, Inc.	
McKinney Water District	Amended May 23, 1999
Nevada Bell	
Nevada Department of Transportation	
Nevada Division of State Lands	Amended June 28, 2000
Nevada Division of State Parks	Amended September 27, 2000
North Tahoe Public Utility District (NTPUD)	
Pacific Bell	
Round Hill General Improvement District	
Sierra Pacific Power Company	Amended May 23, 1999
South Tahoe Public Utility District	
Southwest Gas Corporation	
Tahoe City Public Utility District	
Tahoe-Douglas District	
Tahoe Park Water Company	Amended May 23, 1999
Tahoe Truckee Unified School District	
TCI Cablevision	
United States Forest Service	
U.S. Department of Agriculture	
WP Natural Gas	
City of South Lake Tahoe Fire Department	8/21/2007
Lake Valley Fire Protection District	8/25/2005
Meeks Bay Fire Protection District	6/5/2007
North Lake Tahoe Fire Protection District	9/2/2004
North Tahoe Fire Protection District	6/5/2007
Tahoe Douglas Fire Protection District	5/5/2010
Douglas County Area Plan	Adopted September 25, 2013

CHAPTER 3: ENVIRONMENTAL DOCUMENTATION

3.1. PURPOSE

This chapter sets forth the provisions regarding environmental documentation.

3.2. APPLICABILITY

3.2.1. Environmental Impact Statement Required

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

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

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

A. Projects Exempt From Preparation of Environmental Impact Statement

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

1. Construction of single-family houses and additions and accessory structures thereto, in compliance with the provisions of the Code;

2. Changes in use consisting of minor increases in vehicle trips (See Chapter 65: *Air Quality/Transportation*); and

3. Transfers of development rights and residential allocations (does not include construction of new units).

B. Significant Effect

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

3.3. DETERMINATION OF NEED TO PREPARE ENVIRONMENTAL IMPACT STATEMENT

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

3.3.1. Initial Environmental Checklist

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

A. The applicant shall describe and evaluate the significance of all impacts receiving "yes" answers.

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

3.3.2. Findings for Initial Environmental Checklist

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

A. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with Rules of Procedure Section 6.6;

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

C. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and the Rules of Procedure, Article 6.

3.4. ENVIRONMENTAL ASSESSMENTS

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

3.4.1. Environmental Assessment Contents

Environmental assessments shall contain the following elements:

A. A brief discussion of the need for the project;

B. Alternatives to the proposed project;

C. A discussion of the environmental impacts of the proposed project and the alternatives; and

D. A list of agencies and persons consulted.

3.4.2. Findings for Environmental Assessment

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

3.4.3. Availability of Environmental Assessments

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

3.5. FINDING OF NO SIGNIFICANT EFFECT

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

3.6. MITIGATED FINDING OF NO SIGNIFICANT EFFECT

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

3.7. ENVIRONMENTAL IMPACT STATEMENT

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

3.7.1. Preparation of EIS

When preparing an EIS, TRPA shall:

A. Utilize a systematic interdisciplinary approach that integrates natural and social sciences and the environmental design arts in planning and decision making that may have an impact on man's environment;

B. Study, develop, and describe appropriate alternatives to recommended courses of action for any project that involves unresolved conflicts concerning alternative uses of available resources;

C. Consult with and obtain the comments of any federal, state, or local agency that has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state, and local agencies that are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes; and

D. Consult the public during the environmental impact statement process and solicit views during a public comment period of not less than 60 days.

3.7.2. Contents of EIS

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

A. Description of the project;

B. The significant environmental impacts of the proposed project;

C. Any significant adverse environmental effects that cannot be avoided should the project be implemented;

D. Alternatives to the proposed project;

E. Mitigation measures that must be implemented to assure meeting standards of the region;

F. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

G. Any significant irreversible and irretrievable commitments of resources that would be involved in the proposed project should it be implemented; and

H. The growth-inducing impact of the proposed project.

3.7.3. Inclusion of Other Data and Information

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

3.7.4. Findings for Environmental Impact Statement

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

A. Changes or alterations have been required in or incorporated into such project that avoid or reduce the significant adverse environmental effects to a less than significant level; or

B. Specific considerations, such as economic, social, or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.

CHAPTER 4: REQUIRED FINDINGS

4.1. PURPOSE

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

4.2. APPLICABILITY

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

4.3. PROCEDURE FOR FINDINGS

Findings shall be made as provided below.

4.3.1. Written Findings

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

4.3.2. Statement

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

4.4. THRESHOLD-RELATED FINDINGS

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

4.4.1. Findings Necessary to Approve Any Project

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

A. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs;

B. The project will not cause the environmental threshold carrying capacities to be exceeded; and

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

4.4.2. Making Specific Findings

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

A. Identify the nature, extent, and timing or rate of effects of the project, using applicable measurement standards consistent with the available information, on all applicable:

1. Compliance measures (Section 16.6);

2. Indicators (Section 16.4);

3. Additional factors (subsection 16.4.5); and

4. Supplemental compliance measures (subsection 16.3.8).

B. Quantify any contribution of the project to any of the cumulative accounts for the items listed in subsection 16.8.2 and record that contribution in the current cumulative account;

C. Confirm that any resource capacity utilized by the project is within the amount of the remaining capacity available, as that remaining capacity has been identified in any environmental documentation applicable to the project, including the environmental impact statement for the Regional Plan package;

D. Confirm that the project will not prevent attainment of any adopted target date (subsection 16.5.1) or interim target (subsection 16.5.2);

E. For project-specific mitigation measures relied upon to confirm the matters in subparagraphs 4.4.1.B and C, TRPA shall identify an adequate means, including setting a baseline status, by which the mitigation measure's effectiveness shall be evaluated; and

F. Except for recreation projects in the EIP for which an environmental assessment or an environmental impact statement is prepared, and that will use additional water supply, additional sewage capacity, or will create additional vehicle miles of travel greater than forecast in the environmental assessment for the most recent Evaluation Report, TRPA shall confirm that sufficient capacity remains in each of the respective capacities that are utilized by the project to permit development of recreation projects contained in the EIP.

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

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

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

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

CHAPTER 5: COMPLIANCE

5.1. PURPOSE

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

5.2. APPLICABILITY

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

5.3. PROJECT INSPECTIONS

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

5.3.1. Required Inspection

TRPA shall conduct the following inspections, as appropriate:

A. For projects that require grading, TRPA shall conduct a pregrading inspection to determine if the permittee has satisfied pregrading conditions of approval, including installation of temporary erosion control and vegetation protection, and construction site boundary fencing. Other than actions to satisfy pregrading conditions of approval, no grading or construction shall be undertaken in the project area by the permittee until TRPA has notified the permittee that, based on the pregrading inspection, TRPA has verified that the pregrading conditions of approval have been satisfied.

B. For all projects, TRPA may conduct inspections as necessary to assure that the permittee has complied with the project approval and provisions of law.

C. Prior to issuance of a local certificate of occupancy, the scheduled date of project completion, or project completion, whichever is earliest, TRPA shall conduct a final project inspection to ensure that all conditions of project approval shall be satisfied. Section 5.9 sets forth provisions regarding release of securities at the time of final project inspection. With the cooperation of local jurisdictions, a certificate of occupancy may be withheld until applicable conditions are satisfied.

5.3.2. Other Inspections

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

5.3.3. Permittee Inspection Requests

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

5.3.4. Inspection Records

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

5.3.5. Inspection Card

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

5.4. NONCOMPLIANCE

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

5.4.1. Correction Notice

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

5.4.2. Cease and Desist Orders

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

5.5. PERMIT SUSPENSION AND REVOCATION

In the event that the permittee fails to comply with the terms of a correction notice or cease and desist order, TRPA may proceed to suspend or revoke the permit. TRPA shall provide notice and an opportunity to be heard on the suspension or revocation to the permittee pursuant to its Rules of Procedure. Upon revocation of a permit, the permittee shall have

no further rights under the permit. Upon suspension of a permit, the matter shall be scheduled for the next Governing Board meeting for which notice can be given pursuant to the Rules of Procedure.

5.6. PENALTIES

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

5.7. (RESERVED)

5.8. (RESERVED)

5.9. SECURITIES

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

5.9.1. Types of Securities

Acceptable types of securities are:

A. Cash;

B. Assignment of a personal savings account;

C. Letter of credit;

D. Hold on a personal savings account or certificate of deposit;

E. Certificate of deposit; or

F. Faithful performance bond.

5.9.2. Calculation of Security

Securities shall be calculated as follows:

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

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

5.9.3. Security Exemptions

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

A. Projects in the TRPA Water Quality Capital Improvement Program;

B. Projects in the TRPA Stream Restoration Program;

C. Projects in the TRPA Regional Transportation Plan for the Lake Tahoe Basin;

D. BMP retrofitting of the project area outside the construction site boundary which is to be accomplished following the completion of the project;

E. Projects which do not require or include BMPs or other erosion control and water quality improvements; or

F. Performance of the conditions of approval required to be secured is assured through an equivalent alternative mechanism.

5.9.4. Forfeiture of Security

Securities may be forfeited in either of the following ways:

A. Non-compliance

TRPA shall monitor compliance with secured conditions of approval pursuant to Section 5.3. A security, or portion thereof, shall be forfeited if TRPA finds that a secured condition of approval has not been timely complied with, and that the security, or a portion thereof, is necessary to achieve compliance. After notice and an opportunity to be heard are given to the permittee pursuant to the Rules of Procedure, TRPA may use the security to accomplish the condition of approval which was found to be not in compliance. Any portion of the security not used by TRPA shall remain posted until release pursuant to Subsection5.9.4.c

B. Abandonment of Cash Securities

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

1. the check or IRS form was returned with no forwarding address,

2. the person who posted the cash security did not respond to the request to complete and return the IRS form necessary to release the check;

3. the person who posted the cash security did not cash the check within one year of receipt, or;

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

C. Release of Security

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

5.10. JUDICIAL RELIEF

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

5.11. CORRECT INFORMATION/NAMES REQUIRED

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

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

5.12. REMEDIAL ACTION PLANS

5.12.1. Purpose

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

5.12.2. Applicability

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

5.12.3. Environmental Problem Assessment

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

A. Consultation

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

5.12.4. Contents of Remedial Action Plans

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

A. Action Plan Guidance

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

5.12.5. Preparation of Voluntary Remedial Action Plan

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

5.12.6. Preparation of a Mandatory Action Plan

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

5.12.7. Approval of Action Plans

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

5.12.8. Failure to Deliver a Mandatory Action Plan

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

5.12.9. Compliance with Action Plans

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

5.12.10. Other Requirements, Permits, Or Procedures

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

5.12.11. Relationship to Chapter 5

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

CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING

6.1. PURPOSE

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

6.2. APPLICABILITY

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

6.3. GENERAL PROVISIONS

6.3.1. Responsibility for Tracking and Accounting System

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

6.3.2. Coordination and Cooperation with Land Banking Programs

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

6.3.3. Accounting and Crediting Limitations

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

6.4. TRACKING AND ACCOUNTING PROCEDURES

Tracking and accounting procedures are as follows:

6.4.1. Accounts and Tracking Described

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

6.4.2. Establishment of Account Files

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

6.4.3. Responsibility and Timing for Filing Tracking Reports

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

6.4.4. Verification and Recording of Tracking Reports

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

6.4.5. Cross-Referencing Tracking Reports

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

6.4.6. Mergers

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

6.4.7. Non-Parcel Accounts

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

6.5. BASIC DATA FOR ACCOUNT FILES

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

6.5.1. Account File Number

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

6.5.2. Parcel Information

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

6.5.3. Geographic Information

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

6.5.4. IPES Score

If applicable, IPES score and allowable land coverage.

6.5.5. Parcel Size

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

6.5.6. Plan Area Statement Status

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

6.5.7. Community Plan Status

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

6.5.8. Area Plan

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

6.5.9. Master Plan or Specific Plans

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

6.5.10. Redevelopment Area

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

6.5.11. Existing Use

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

6.5.12. TRPA Permits

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

6.5.13. BMP Status

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

6.5.14. Deed Restrictions

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

6.5.15. Other Information

Information TRPA determines to be necessary.

6.6. LAND COVERAGE INFORMATION FOR ACCOUNT FILES

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

6.6.1. Total Existing Coverage

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

6.6.2. Allowable Base Coverage

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

6.6.3. Record of Coverage Transfers

Coverage transfers shall be recorded as follows:

A. Receiving Site

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

1. Project permit number and sending parcel account file number;

2. Date of transfer (date transaction is final);

3. The cost of transfer in dollars per square foot for each coverage type;

4. The mechanism for transfer (e.g., private transaction; land bank and land bank account number); and

5. The type of coverage transferred in square feet of each type transferred.

B. Sending Site

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

1. Receiving parcel account number and project permit number;

2. Date of transfer (date transaction is final);

3. The cost of transfer in dollars per square foot for each coverage type;

4. The mechanism for transfer (e.g., private transaction, land bank and land bank account number);

5. The type of coverage transferred in square feet of each type transferred;

6. The mechanism for assuring retirement; and

7. Coverage reduced in exchange for additional height pursuant to Chapter 37: *Height*.

6.6.4. Excess Land Coverage Mitigation Program

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

A. Fees Paid for Coverage Mitigation

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

1. The date and amount, in square feet, of coverage credited;

2. The type of coverage credited;

3. The cost per square foot of coverage credited; and

4. The mechanism for coverage mitigation (e.g., land bank, offsite restoration, or retirement of coverage).

B. Coverage Retired Onsite

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

1. The date and amount of coverage retired in square feet;

2. The type of coverage retired; and

3. The mechanism for assuring retirement.

6.6.5. Existing Authorized Coverage

Existing authorized coverage in square feet with date of entry.

6.6.6. Existing Excess Coverage

Excess land coverage in square feet with date of entry.

6.6.7. SEZ Restoration

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

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

1. The amount (in square feet) of restoration required;

2. The amount restored; and

3. The amount, if any, to be credited for future projects.

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

6.7. UNITS OF USE AND OTHER INFORMATION FOR ACCOUNT FILES

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

6.7.1. Residential Use

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

A. Number of Existing Units

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

B. Number of Transfer Units

1. Receiving Site

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

a. Sending site account number or land bank and project permit number;

b. Date of transfer (date transaction is final);

c. Cost of transfer per unit, if applicable;

d. The mechanism for transfer (e.g., land bank, private transaction or other); and

e. Number of units added through transfer, including type and date of retirement or credit.

2. Sending Site

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

a. The receiving parcel and project permit number;

b. Date of transfer (date transaction is final);

c. Cost of transfer per unit, if applicable;

d. The mechanism for transfer (e.g., land bank, private transaction or other); and

e. Number of units retired.

C. Number of Bonus Incentive Units

Date, number, and reason for units awarded.

D. Number of Affordable Units

Date of construction and number of units exempted from the allocation.

E. Number of Residential Unit Allocations Assigned

Number of allocations assigned to the parcel.

F. Number of Development Rights

Number of development rights assigned to the parcel.

6.7.2. Commercial Use

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

A. Amount of existing CFA in square feet and date of entry. Where transferred CFA is being held as credit on a parcel and not yet transferred, the amount of the CFA credit shall be included;

B. Where CFA has been transferred, the following additional information shall be recorded:

1. Sending parcel account number, land bank account, receiving parcel account number, and project permit number;

2. Cost of transfer in CFA per square foot, if applicable; and

3. Retired CFA, date of retirement, and verification;

C. Amount of CFA allocated, plus project permit number and date permit issued;

D. For improvements of 500 square feet or less or five percent of total floor area the amount of CFA, project permit number, and date permit issued; and

E. Identification of the parcel as part of a community plan, as shall be part of a community plan, or as outside of a community plan.

6.7.3. Tourist Accommodation Use

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

A. Number of existing units and date of entry. Where the transfer unit is being held as credit on a parcel and not yet transferred, the number of units credited shall be included;

B. When units have been transferred, the following additional information shall be recorded:

1. Sending parcel account number, land bank account number, receiving parcel account number, and the project permit number;

2. Cost of the transfer units per unit, if applicable; and

3. Number of retired transferred units, date of retirement, and verification;

C. Amount of tourist accommodation units allocated, and the project permit number and date permit issued; and

D. Identification of the parcel as part of a community plan, as shall be part of a community plan, or as outside of a community plan.

6.7.4. Public Service Use

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

A. The primary existing public service use and, if applicable, the capacity;

B. Use and dates proposed on the public service plan five-year list; and

C. For approved uses, the project permit number and date permit issued.

6.7.5. Recreation Lands

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

A. Primary existing use and, if applicable, capacity in Persons At One Time (PAOT);

B. PAOT allocation proposal on the Recreation Plan Five-year list, including dates, and use;

C. Where a recreational unit is transferred the following additional information shall be recorded:

1. Sending parcel account number, receiving parcel account number, and project permit number;

2. Cost per unit transferred, if applicable;

3. Retired units and date retired; and

4. Where transferred PAOT is being held as a credit on a parcel and is not yet transferred, the amount of credit shall be included.

D. For approved uses, the project permit number and date permit issued and PAOTs allocated.

6.8. REGIONAL ALLOCATION ACCOUNTING

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

6.8.1. Residential Allocation Report Contents

For residential allocation reports:

A. For new allocations:

1. Total number of allocations allowed;

2. Total number of allocations allocated; and

3. Total number of units (from allocation) constructed;

B. For bonus residential allocations:

1. Total number of allocations allowed;

2. Total number of allocations allocated; and

3. Total number of units (from allocation) constructed; and

C. The total number of affordable units constructed.

6.8.2. Commercial Allocation Report Contents

For commercial allocation reports:

A. Total number of allocations allowed in CFA;

B. Total number of allocations issued in CFA; and

C. Total number of CFA constructed.

6.8.3. Tourist Accommodations Allocation Report Contents

For tourist accommodation reports:

A. Total number of allocations allowed;

B. Total number of allocations issued; and

C. Total number of allocations constructed.

6.8.4. Recreation Allocation Report Contents

For recreation allocation reports:

A. Total number of units allowed in PAOTs;

B. Total number of allocations issued; and

C. Total number of allocations used.

6.9. LAND BANK

Transfers of land coverage and land coverage mitigation programs, pursuant to Chapter 30, and transfer of development programs pursuant to Chapter 51, may use a TRPA-approved land bank.

6.9.1. Designation of Land Bank

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

6.9.2. Fee

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

6.9.3. Calculation of Fee

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

6.9.4. Tracking Report

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

6.10. CUMULATIVE ACCOUNT

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

TRPA

Code of Ordinances

Adopted by Governing Board
December 12, 2012
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Planning

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CHAPTER 10: TRPA REGIONAL PLAN MAPS

10.1. PURPOSE

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

10.2. APPLICABILITY

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

10.3. ESTABLISHMENT OF OFFICIAL TRPA MAPS AND GIS DATA LAYERS

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

10.3.1. Regional Plan Map Layers

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

A. Plan Area GIS Layers

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

B. Land Capability Overlay

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

C. Prime Fish Habitat GIS Layer

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

D. Stream Habitat Quality GIS Layer

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

E. Pierhead Line GIS Layer

F. Scenic Units GIS Layers

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

10.3.2. Other Maps, GIS Layers, and Data

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

10.3.3. TRPA Jurisdictional Boundary Amendments

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

10.4. MAP AMENDMENT

10.4.1. Procedure for Map and GIS Layer Amendment

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

10.4.2. Notice of Map and GIS Layer Amendments

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

CHAPTER 11: PLAN AREA STATEMENTS AND PLAN AREA MAPS

11.1. PURPOSE

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

11.2. APPLICABILITY

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

11.3. ESTABLISHMENT OF PLAN AREAS AND PLAN AREA STATEMENTS

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

11.4. RELATIONSHIP TO GOALS AND POLICIES AND THE CODE

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

11.5. RELATIONSHIP TO COMMUNITY PLANS

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

11.6. CONTENT OF PLAN AREA STATEMENTS

Each plan area statement shall include the following:

11.6.1. Name and Number

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

11.6.2. Plan Area Designation

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

A. Land Use Classifications

The land use classifications are:

1. Wilderness

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

2. Backcountry

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

3. Conservation

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

a. Public lands already set aside for this purpose;

b. High-hazard lands, stream environment zones, and other fragile areas without substantial existing improvements;

c. Isolated areas that do not contain the necessary infrastructure for development;

d. Areas capable of sustaining only passive recreation or non-intensive agriculture; and

e. Areas suitable for low to moderate resource management.

4. Recreation

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

a. Areas of existing private and public recreation use;

b. Designated local, state, and federal recreation areas;

c. Areas without overriding environmental constraints on resource management or recreational purposes; and

d. Areas with unique recreational resources that may service public needs, such as beaches and ski areas.

5. Resort Recreation

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

6. Residential

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

a. Areas already developed for residential purposes;

b. Areas of moderate to good land capability;

c. Areas within urban boundaries and serviced by utilities; and

d. Areas of centralized location in close proximity to commercial services and public facilities.

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

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

8. Tourist

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

a. Areas already developed with high concentrations of visitor services, visitor accommodations, and related uses;

b. Lands of good to moderate land capability (land capability districts 4 – 7);

c. Lands with existing excess coverage; and

d. Areas located near commercial services, employment centers, public services, transit facilities, pedestrian paths, and bicycle connections.

B. Management Strategies

The management strategies are:

1. Maximum Regulation

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

2. Development With Mitigation

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

3. Redirection of Development

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

11.6.3. Special Designations

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

A. Preliminary Community Plan Areas

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

B. Transfer of Development Rights (TDR) Receiving Areas

The following designations determine which plan areas, or portions thereof, are receiving areas for transfer of the development specified in Chapter 51: *Transfer of Development*:

1. Existing Development

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

2. Multi-Residential Units

The multi-residential unit designation determines which areas are eligible for the transfer of residential development rights.

C. Scenic Restoration Areas

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

D. Preferred Affordable Housing Areas

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

E. Preferred Industrial Areas

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

F. Town Center

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

G. Regional Center

The Regional Center includes a variety of land uses in the core of South Lake Tahoe, including the Gondola and base lodge facilities for Heavenly Ski Area. Development patterns in the Regional Center have been and should continue to be more intensive than Town Centers and less intensive than the High Density Tourist District. Older development within the Regional Center is a significant source of sediment and other water contaminants. The Regional Center is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, and provides economic opportunities in the region.

H. High Density Tourist District

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

I. Stream Restoration Plan Area

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

11.6.4. Description

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

11.6.5. Planning Statement

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

11.6.6. Planning Considerations

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

11.6.7. Special Policies

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

11.6.8. Permissible Uses

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

A. General List

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

B. Special Areas

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

C. Nearshore and Foreshore of the Shorezone

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

11.6.9. Maximum Densities

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

11.6.10. Maximum Community Noise Equivalent Levels

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

11.6.11. Additional Developed Outdoor Recreation

A. Additional recreational capacity shall be measured in people at one time (PAOT). Each plan area statement shall specify the amount of additional recreational capacity subject to the PAOT allocations permissible within that plan area, pursuant to subsection 50.9.2.

B. Additional recreational capacity beyond that amount specified in the plan area statements may be drawn from pools reserved for summer day uses or overnight uses. Such reserved capacity shall be allocated upon permit approval by TRPA or may be allocated to a specific plan area pursuant to 11.8.1.

C. Allocations shall be consistent with the targets for outdoor recreation set forth in Subsection 50.9.

11.6.12. Improvement Programs

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

11.7. PLAN AREA MAPS

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

11.7.1. Plan Area Boundaries

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

A. Where plan area boundaries appear to follow the center or right-of-way lines of streets or highways, such lines shall be treated as the plan area boundaries;

B. Where plan area boundaries appear to be approximately parallel to center or right-of-way lines of streets or highways, such boundaries shall be treated as being parallel to such lines and at distances as indicated on the plan area maps;

C. Where plan area boundaries appear to follow ownership boundaries, such boundaries shall be the plan area boundaries; and

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

11.8. PLAN AREA STATEMENT AND PLAN AREA MAP AMENDMENT

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

11.8.1. Plan Amendments

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

11.8.2. Amendment by Ordinance

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

11.8.3. Amendment by Resolution

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

11.8.4. Findings for Plan Area Amendments

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

A. General

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

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

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

1. The amendment corrects an error that occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or

2. The amendment enables TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 16: *Regional Plan and Environmental Threshold Review*, indicators; or

3. The amendment is needed to protect public health and safety and there is no reasonable alternative.

C. Addition of Multiple-Family as Permissible Use

1. If the amendment proposes to add multiple-family as a permissible use to a plan area or for one or more parcels, except as provided for in subparagraph 3 below, the plan area or affected parcel shall be found suitable for transit-oriented development (TOD). When determining TOD suitability, TRPA shall find that the site contains the following features, or functional equivalents, that facilitate TOD in a manner that is equal or superior to the listed features:

a. Access to operational transit within one-half mile walk;

b. Neighborhood services within one-half mile walk(e.g., grocery/drug stores, medical services, retail stores, and laundry facilities);

c. Good pedestrian and bike connections;

d. Opportunities for residential infill (at densities greater than eight units per acre) or infill with mixed uses; and

e. Public facilities adequate to service increased demand from the addition of multi-family units (e.g., public schools, urban or developed recreation sites, government services, and post offices).

2. In order for TRPA to find a proposal is the functional equivalent of one of the factors listed in 11.8.4.C.1 or 11.8.4.C.3.a, the proposal must be found to facilitate TOD in a manner that is equal or superior to that feature.

3. If the amendment is to add multiple-family dwellings as a permissible use to a plan area or for one or more parcels and would result in deed-restricted affordable housing units, the plan area or affected parcel shall be found suitable for transit-oriented development (TOD). When determining TOD suitability, TRPA shall find that the following factors are satisfied when determining TOD suitability:

a. Access to operational transit within one-half mile, or a functional equivalent as provided for in 2 above; and

b. Neighborhood services; or

c. Public facilities.

CHAPTER 12: COMMUNITY PLANS

12.1. PURPOSE

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

12.2. APPLICABILITY

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

12.3. ESTABLISHMENT OF COMMUNITY PLANS

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

12.4. ELIGIBLE AREAS

12.4.1. Areas Eligible for Community Plans

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

12.4.2. Preliminary and Adopted Community Plan Boundaries

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

12.4.3. Adjustment of Preliminary Community Plan Boundaries

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

A. Use Considerations

1. The area within the boundaries:

a. Is an area where commercial, tourist, and related uses are concentrated or where commercial, tourist, or affordable residential uses should be concentrated;

b. Is served or easily served by transit systems;

c. Has adequate highway access;

d. Has or can have housing in the vicinity available for employees working in the area; and

e. Otherwise qualifies as an area suitable for continued or increased levels of commercial activity.

2. In areas where existing and proposed development patterns are found to support affordable housing, the community plan shall limit the applicable community plan incentives to uses classified as deed-restricted affordable housing or employee housing with the employment base nexus identified within close proximity to the proposed employee housing.

B. Traffic Considerations

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

C. Concentration

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

D. Size

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

12.5. INCENTIVES

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

12.6. RELATIONSHIP

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

12.6.1. Goals and Policies

Community plans are subject to the Goals and Policies.

12.6.2. Plan Area Statements

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

12.6.3. Code of Ordinances

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

A. Density of use (Chapter 31);

B. Noise (Chapter 68);

C. Driveway and parking (Chapter 34);

D. Outdoor advertising (Chapter 38);

E. Historic resource protection (Chapter 67); and

F. Design standards (Chapter 36).

12.7. COMMUNITY PLAN PROCESS

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

12.7.1. Initiation of Process

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

A. A local government or TRPA, in recognition of local interest or in accordance with a work program for the development of community plans, may initiate the planning process. The community plan may be considered in the context of a larger study area that includes other related plan areas.

B. A planning team shall be formed by the initiating entity. The team shall represent a wide range of community interests and shall include the executive director of the TRPA or his or her designee, and a representative of the local government within whose jurisdiction the community plan area is located. The planning team shall appoint a planning staff.

C. The planning team shall be reviewed and approved by the local government and TRPA prior to commencement of the planning process. With this approval, the local government or TRPA shall assign staff and resources to complete an initial assessment. It is intended that TRPA, local government, and the community work in partnership throughout the community planning process.

D. The initial assessment shall include a survey of existing conditions, an initial needs and opportunities study, a survey of applicable standards and constraints, and a determination of community goals and objectives. TRPA shall seek review and comment from all responsible public agencies at appropriate points in the community planning process. From this information the preliminary plan shall be developed.

12.7.2. Approval of Preliminary Plan and Work Program

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

A. The preliminary plan shall include proposed plan boundaries, estimations of additional commercial floor area and tourist accommodation unit requirements, public recreation objectives, vehicle trip reduction targets, land coverage reduction targets, other threshold related targets consistent with this Code, new standards to be included in the plan, the level of environmental documentation required, and other detail on the scope and scale of the proposed plan. It also shall include a theme for the community plan, such as the following:

1. Major retail and services;

2. Major tourist accommodation, retail, and services;

3. Industrial, storage, and services;

4. Local-serving retail, services, and storage;

5. Local and minor recreation area serving retail and services; or

6. Minor tourist accommodation.

B. Section 12.9 provides guidelines for mixes of uses that may be appropriate for the themes listed above.

C. After consultation with responsible public agencies, a work program shall be included with the preliminary plan and shall indicate time schedules for individual work elements, staffing requirements, and funding sources.

D. The preliminary plan and work plan shall be presented to the TRPA and local government.

E. TRPA and local government shall consider the recommendations of the planning team and approve, deny, or modify the preliminary plan and work program.

F. Based on the preliminary plan, TRPA shall make a preliminary allocation to that community plan for additional commercial floor area from the amount allocated by TRPA to that jurisdiction.

12.7.3. Community Plan Preparation

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

A. Refine the goals for the community plan;

B. Complete the assessment of environmental opportunities and limitations. This shall include the establishment of baseline information about the location, amount,

and condition of all threshold-related elements applicable to the community plan. At a minimum, this also shall include:

1. Stream environment zones;

2. Fish habitat;

3. Coverage (hard, soft, and potential);

4. Scenic resources;

5. Traffic level of service;

6. Vehicle miles travelled;

7. Outdoor recreation facilities;

8. Tributary and littoral water quality;

9. Air quality;

10. Visibility; and

11. Noise;

C. Refine the inventory and needs assessment. This refinement shall include determining the following:

1. The amount and land capability of vacant land;

2. The amount, type, and condition of the inventory of commercial floor area, housing, public service facilities (including transportation facilities) and recreational facilities;

3. The type and amount of commercial, housing, public services, and recreational facilities needed to meet the community goals, with priorities for each; and

4. A description of environmental improvement projects needed in the area to meet environmental thresholds.

D. Identify the applicable ordinance standards, constraints, and direction from federal, state, local, and TRPA sources.

E. Develop a draft plan that addresses the following:

1. Description;

2. Planning statement;

3. Planning considerations;

4. Special designations;

5. Plan boundaries;

6. Land use element with uses and locations addressed in the following categories:

a. Existing and new uses appropriate and compatible that shall be designated allowed uses;

b. Existing and new uses appropriate under some circumstances or in some limited amount that shall be designated special uses; and

c. Existing uses that are inappropriate or incompatible that shall be designated nonconforming.

7. Appropriate findings, in addition to those in Chapter 21: *Permissible Uses*, that would be required for approving special uses;

8. Transportation provisions, including traffic circulation routes, pedestrian and bicycle routes, and any transit modes, routes, and stops;

9. Parking provisions;

10. Public service provisions, including snow removal and storage;

11. Housing provisions;

12. Recreation, open space, and public access provisions;

13. Special features or policies, including setbacks and height restrictions;

14. Special standards pursuant to subsection 12.6.3;

15. Provisions for the allocation of commercial floor area, tourist accommodation, outdoor recreation allocations, and multi-residential units;

16. Relationship to plan area statements, including those nearby and affected by the community plan;

17. Monitoring provisions;

18. Implementation schedule showing how development is to be coordinated with environmental improvement projects, including transportation and water quality improvements. At least one major community plan environmental improvement project shall be completed or an irrevocable commitment made to such a project relying on the incentives of the community plan. For the purposes of this provision, an "irrevocable commitment" is defined in Chapter 90;

19. The manner in which the targets and requirements set forth in the preliminary plan shall be achieved (see 12.7.2.A) including location of proposed projects;

20. Mitigation measures;

21. Manner in which the goals established in 12.7.3.A shall be achieved; and

22. Other relevant provisions that may include applicable state or local planning provisions.

F. Prepare environmental documents with appropriate circulation for public review.

G. Recommend preferred alternative to TRPA and local government.

12.7.4. Approval of the Community Plan

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

A. TRPA Advisory Planning Commission

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

B. Governing Board

1. The Governing Board shall consider the proposed final plan as a Regional Plan amendment and either approve, deny, or modify the community plan, based on all applicable factors, including consistency with the Goals and Policies, the Code, the attainment of the targets and requirements of 12.7.2.A, and consideration of comments of responsible public agencies. The Governing Board also shall determine the effect, if any, on other plan areas considered in the study but not included within the community plan boundaries. (See 12.7.1.A). The Governing Board may consider appropriate amendments to those plan areas pursuant to Chapter 11: *Plan Area Statements and Plan Area Maps*.

2. The Governing Board shall establish the initial allocation of additional commercial floor area for the planning period, pursuant to Chapter 50.

3. The Governing Board shall allocate the appropriate amount of tourist accommodation units for the planning period, pursuant to Chapter 50.

4. The Governing Board shall allocate the appropriate outdoor recreation units, pursuant to Chapter 50.

12.7.5. Alternate Process

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

12.8. MAINTENANCE AND MODIFICATION OF COMMUNITY PLANS

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

12.9. GUIDELINES FOR MIXES OF USES FOR COMMUNITY PLAN THEMES

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

12.9.1. Major Retail and Services

A. Residential

1. Employee housing.

2. Multi-family dwelling.

3. Multi-person dwelling.

4. Nursing and personal care.

5. Residential care.

6. Single-family dwelling.

B. Tourist Accommodation

1. Bed and breakfast facilities.

2. Hotels, motels, and other transient dwelling units.

3. Time sharing (hotel/motel design).

4. Time sharing (residential design).

C. Commercial

1. Retail

a. Auto, mobile home, and vehicle dealers.

b. Building materials and hardware.

c. Eating and drinking places.

d. Food and beverage retail sales.

e. Furniture, home furnishings, and equipment.

f. General merchandise stores.

g. Mail order and vending.

h. Nursery.

i. Outdoor retail sales (S).

2. Entertainment

a. Amusements and recreation services.

b. Outdoor amusements (S).

c. Privately owned assembly and entertainment.

3. Services

a. Animal husbandry services (S).

b. Auto repair and service (S).

c. Broadcasting studios.

d. Business support services.

e. Contract construction services (S).

f. Financial services.

g. Health care services plants (S).

h. Personal services.

i. Professional offices.

j. Repair services.

k. Sales lots (S).

l. Schools - business and vocational.

m. Schools - pre-schools (S).

n. Secondary storage.

4. Light Industrial

Printing and publishing (S).

5. Wholesale/Storage

a. Storage yards (S).

b. Vehicle and freight terminals (S).

c. Vehicle storage and parking (S).

d. Warehousing (S).

e. Wholesale and distribution (S).

D. Public Service

1. General

a. Churches.

b. Cultural facilities.

c. Day care centers (S).

d. Government offices.

e. Hospitals (S).

f. Local assembly and entertainment.

g. Local post office.

h. Local public health and safety facilities.

i. Membership organizations.

j. Public utility centers (S).

k. Publicly owned assembly and entertainment (S).

l. Regional public health and safety facilities (S).

m. Schools – college.

n. Social service organizations.

2. Linear Public Facilities

a. Pipelines and power transmission (S).

b. Transit stations and terminals (S).

c. Transmission and receiving facilities.

d. Transportation routes (S).

E. Recreation

1. Urban Recreation

a. Day use areas.

b. Participant sports facilities.

c. Sport assembly (S).

2. Developed Outdoor Recreation

a. Beach recreation.

b. Marinas (S).

c. Outdoor recreation concessions.

d. Recreational vehicle parks (S).

e. Visitor information center.

F. Resource Management

1. Watershed Improvements

a. Erosion control.

b. Runoff control.

c. Stream environment zone restoration.

12.9.2. Major Tourist Accommodation, Retail, and Services

A. Residential

1. Employee housing.

2. Multi-family dwelling.

3. Multi-person dwelling.

4. Nursing and personal care.

5. Residential care.

6. Single-family dwelling.

B. Tourist Accommodation

1. Bed and breakfast facilities.

2. Time sharing (hotel/motel design).

3. Time sharing (residential design).

4. Hotels, motels, and other transient units.

C. Commercial

1. Retail

a. Auto, mobile home, and vehicle dealers (S).

b. General merchandise stores.

c. Mail order and vending.

d. Building materials and hardware (S).

e. Nursery.

f. Outdoor retail sales (S).

g. Eating and drinking places.

h. Service stations.

i. Food and beverage sales.

j. Furniture, home furnishings, and equipment.

2. Entertainment

a. Amusements and recreation services.

b. Privately owned assembly and entertainment.

c. Gaming – nonrestrictive (Nevada).

d. Outdoor amusements (S).

3. Services

a. Auto repair and services (S).

b. Personal services.

c. Professional offices.

d. Broadcasting studios.

e. Repair services.

f. Business support services.

g. Sales lots (S).

h. Contract construction services (S).

i. Schools - business and vocational.

j. Financial services.

k. Schools - pre-schools (S).

l. Health care services.

m. Secondary storage.

4. Light Industrial
Printing and publishing (S).

5. Wholesale/Storage
Vehicle storage and storage (S).

D. Public Service

1. General

a. Churches.

b. Membership organizations.

c. Cultural facilities.

d. Publicly owned assembly and entertainment (S).

e. Day care centers (S).

f. Government offices.

g. Public utility centers (S).

h. Hospitals (S).

i. Regional public health and safety facilities (S).

j. Local assembly and entertainment.

k. Schools – college.

l. Local post office.

m. Social service organizations.

n. Local public health and safety facilities.

2. Linear Public Facilities

a. Pipelines and power transmission (S).

b. Transportation routes (S).

c. Transmission and receiving facilities (S).

d. Transit stations and terminals (S).

E. Recreation

1. Urban Recreation

a. Day use areas.

b. Sports assembly (S).

c. Participant sports facilities.

2. Developed Outdoor Recreation

a. Beach recreation.

b. Marinas (S).

c. Outdoor recreation concessions.

d. Recreational vehicle parks (S).

F. Resource Management

1. Watershed Improvements

a. Erosion control.

b. Stream environment zone restoration.

c. Runoff control.

12.9.3. Industrial, Storage, and Services

A. Commercial

1. Retail

a. Auto, mobile home, and vehicle dealers.

b. General merchandise stores.

c. Mail order and vending.

d. Building materials and hardware.

e. Nursery.

f. Outdoor retail sales (S).

g. Eating and drinking places.

h. Service stations.

i. Food and beverage retail sales.

j. Furniture, home furnishings, and equipment.

2. Services

a. Animal husbandry services.

b. Personal services.

c. Auto repair and service.

d. Professional offices.

e. Broadcasting studios.

f. Repair services.

g. Business support services.

h. Sales lots (S).

i. Contract construction services.

j. Schools - business and vocational.

k. Financial services.

l. Secondary storage.

m. Laundries and dry cleaning plants.

3. Light Industrial

a. Batch plants (S).

b. Printing and publishing.

c. Food and kindred products.

d. Recycling and scrap (S).

e. Fuel and ice dealers.

f. Small scale manufacturing.

g. Industrial services.

4. Wholesale/Storage

a. Storage yards.

b. Warehousing.

c. Vehicle and freight terminals.

d. Wholesale and distribution.

e. Vehicle storage and parking.

B. Public Service

1. General

a. Collection stations (S).

b. Public utility centers.

c. Government offices.

d. Regional public health and safety facilities.

e. Local post office.

f. Local public health and safety facilities.

2. Linear Public Facilities

a. Pipelines and power transmissions (S).

b. Transportation routes.

c. Transmission and receiving facilities (S).

d. Transit stations and terminals (S).

C. Resource Management

1. Watershed Improvement

a. Erosion control.

b. Stream environment zone restoration.

c. Runoff control.

12.9.4. Local-Serving Retail, Services, and Storage

A. Residential

1. Employee housing (S).

2. Nursing and personal care (S).

3. Multi-family dwelling (S).

4. Residential care (S).

5. Multi-person dwelling (S).

6. Single-family dwelling.

B. Tourist Accommodation

1. Bed and breakfast facilities.

2. Time sharing (hotel/motel design) (S).

3. Time sharing (residential design) (S).

4. Hotels, motels, and other transient units (S).

C. Commercial

1. Retail

a. Building materials and hardware (S).

b. General merchandise stores.

c. Nursery (S).

d. Eating and drinking places.

e. Outdoor retail sales (S).

f. Food and beverage retail sales.

g. Service stations (S).

h. Furniture, home furnishings, and equipment (S).

2. Services

a. Auto repair and service (S).

b. Repair shops (S).

c. Schools - pre-schools.

d. Professional offices (S).

e. Secondary storage.

D. Public Service

1. General

a. Churches (S).

b. Local public health and safety facilities (S).

c. Cultural facilities (S).

d. Day care centers.

e. Membership organizations (S).

f. Government offices (S).

g. Public utility centers (S).

h. Local post office.

i. Schools - kindergarten through secondary (S).

2. Linear Public Facilities

a. Pipelines and power transmission (S).

b. Transportation routes (S).

c. Transmission and receiving facilities (S).

d. Transit stations and terminals (S).

E. Recreation

1. Urban Recreation

a. Day use areas (S).

b. Participant sports facilities (S).

2. Developed Outdoor Recreation

a. Beach recreation (S).

b. Outdoor recreation concessions (S).

F. Resource Management

1. Watershed Improvements

a. Erosion control.

b. Stream environment zone restoration.

c. Runoff control.

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

A. Residential

1. Employee housing (S).

2. Nursing and personal care (S).

3. Multi-family dwelling (S).

4. Residential care (S).

5. Multi-person dwelling (S).

6. Single-family dwelling.

B. Tourist Accommodation

1. Bed and breakfast facilities.

2. Time sharing (hotel/motel design) (S).

3. Hotels, motels, and other transient units (S).

4. Time sharing (residential design) (S).

C. Commercial

1. Retail

a. Building materials and hardware (S).

b. General merchandise stores.

c. Nursery (S).

d. Eating and drinking places.

e. Outdoor retail sales (S).

f. Food and beverage retail sales.

g. Service stations (S).

h. Furniture, home furnishings, and equipment (S).

2. Entertainment

a. Amusements and recreation services (S).

b. Outdoor amusements (S).

c. Privately owned assembly and entertainment (S).

3. Services

a. Auto repair and service (S).

b. Repair shops (S).

c. Schools - pre-schools.

d. Personal services (S).

e. Secondary storage.

f. Professional offices (S).

D. Public Service

1. General

a. Churches (S).

b. Local public health and safety facilities (S).

c. Cultural facilities (S).

d. Day care centers.

e. Membership organizations (S).

f. Government offices (S).

g. Public utility centers (S).

h. Local post office.

i. Schools - kindergarten through secondary (S).

2. Linear Public Facilities

a. Pipelines and power transmission (S).

b. Transportation routes (S).

c. Transmission and receiving facilities (S).

d. Transit stations and terminals (S).

E. Recreation

1. Urban Recreation

a. Day use areas (S).

b. Participant sports facilities (S).

2. Developed Outdoor Recreation

a. Beach recreation (S).

b. Outdoor recreation concessions (S).

F. Resource Management

1. Watershed Improvements

a. Erosion control.

b. Stream environment zone restoration.

c. Runoff control.

12.9.6. Minor Tourist Accommodation

A. Residential

1. Employee housing.

2. Nursing and personal care.

3. Multi-family dwelling.

4. Residential care.

5. Multi-person dwelling.

6. Single-family dwelling.

B. Tourist Accommodation

1. Bed and breakfast facilities.

2. Time sharing (hotel/motel design).

3. Hotels, motels, and other transient units.

4. Time sharing (residential design).

C. Commercial

1. Retail

a. Eating and drinking places.

b. Service stations (S).

c. Food and beverage retail sales.

2. Entertainment

a. Amusements and recreation services.

b. Outdoor amusements (S).

c. Privately owned assembly and entertainment (S).

3. Services

a. Broadcasting studios.

b. Schools - business and vocational.

c. Personal services.

d. Professional offices (S).

e. Secondary storage.

D. Public Service

1. General

a. Churches.

b. Membership organizations.

c. Cultural facilities.

d. Public utility centers.

e. Day care centers (S).

f. Regional public health and safety facilities (S).

g. Government offices (S).

h. Local post office.

i. Schools - college (S).

j. Local public health and safety facilities.

k. Social services organizations.

2. Linear Public Facilities

a. Pipelines and power transmission (S).

b. Transportation routes (S).

c. Transmission and receiving facilities (S).

d. Transit stations and terminals (S).

E. Recreation

1. Urban Recreation

a. Day use areas (S).

b. Participant sports facilities (S).

2. Developed Outdoor Recreation

a. Beach recreation (S).

b. Outdoor recreation concessions (S).

F. Resource Management

1. Watershed Improvements

a. Erosion control.

b. Stream environment zone restoration.

c. Runoff control.

CHAPTER 13: AREA PLANS

13.1. PURPOSE

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

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

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

13.2. APPLICABILITY

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

13.3. RELATIONSHIP TO EXISTING REGULATIONS

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

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

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

13.4. DEVELOPMENT OF AREA PLANS

13.4.1. Development of Area Plan is Optional

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

13.4.2. Statements of Intent to Develop an Area Plan

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

13.5. CONTENTS OF AREA PLANS

13.5.1. General

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

13.5.2. Relationship to Other Sections of the Code

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

13.5.3. Development and Community Design Standards for Area Plans

A. Minimum Development Standards

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

TABLE 13.5.3-1: MINIMUM DEVELOPMENT STANDARDS FOR AREA PLANS

Regional Land Use Districts	Wilderness	Backcountry	Conservation	Recreation	Resort Recreation	Residential	Mixed-Use	Tourist	Town Center Overlay	Regional Center Overlay	High-Density Tourist District Overlay
Height [3[	N/A	Sec. 37.4							Up to 4 stories (56 ft) max. [1]	Up to 6 stories (95 ft) max. [1]	Up to 197' max. [2]
Density SFD	Sec. 31.3										
Density MFD [3]	N/A	Sec. 31.3							With adoption of an Area Plan: - Residential: 25 units/acre (max.) - Tourist: 40 units/acre (max.)		
Land Coverage	Sec. 30.4 or Alternative Comprehensive Coverage Management System [See 13.5.3.B.1]										
Complete Streets	Sec. 36.5								[4]		

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

B. Alternative Development Standards and Guidelines Authorized in Area Plans

1. Alternative Comprehensive Coverage Management Systems

An Area Plan may propose a comprehensive coverage management system as an alternative to the parcel-level coverage requirements outlined in subsections 30.4.1 and 30.4.2, provided that the alternative system shall: 1) reduce the total coverage and not increase the cumulative base allowable coverage in the area covered by the comprehensive coverage management system; 2) reduce the total amount of coverage and not increase the cumulative base allowable coverage in Land Capability Districts 1 and 2; and

3) not increase the amount of coverage otherwise allowed within 300 feet of high water of Lake Tahoe (excluding those areas landward of Highways 28 and 89 in Kings Beach and Tahoe City Town Centers within that zone). For purposes of this provision, "total" coverage is the greater of existing or allowed coverage.

Alternative Comprehensive Management System: Process for Establishing Maximum Coverage

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

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

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

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

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

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

Final Requirement: Coverage Management System shall comply with items A-F.

2. Alternative Parking Strategies

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

a. Reduction or relaxation of minimum parking standards;

b. Creation of maximum parking standards;

c. Shared parking;

d. In-lieu payment to meet parking requirements;

e. On-street parking;

f. Parking along major regional travel routes;

g. Creation of bicycle parking standards;

h. Free or discounted transit;

i. Deeply discounted transit passes for community residents; and

j. Paid parking management.

3. Area-wide Water Quality Treatments and Funding Mechanisms

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

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

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

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

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

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

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

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

4. Alternative Transfer Ratios for Development Rights

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

C. Development Standards and Guidelines Encouraged in Area Plans

1. Urban Bear Strategy

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

2. Urban Forestry

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

D. Development on Resort Recreation Parcels

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

1. The parcels must become part of an approved Area Plan;

2. Subdivisions shall be limited to “air space condominium” divisions with no lot and block subdivisions allowed;

3. Development shall be transferred from outside the area designated as Resort Recreation; and

4. Transfers shall result in the retirement of existing development.

E. Greenhouse Gas Reduction Strategy

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

- A local green building incentive program to reduce the energy consumption of new or remodeled buildings;
- A low interest loan or rebate program for alternative energy projects or energy efficiency retrofits;

- Modifications to the applicable building code or design standards to reduce energy consumption; or
- Capital improvements to reduce energy consumption or incorporate alternative energy production into public facilities.

F. Community Design Standards

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

1. Site Design

a. **Development in All Areas**

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

(i) Existing natural features retained and incorporated into the site design;

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

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

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

b. **Development in Regional Center or Town Center**

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

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

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

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

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

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

2. Building Height

a. Area Plans may allow building heights up to the maximum limits in Table 13.5.3-1 above.

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

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

3. Building Design

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

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

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

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

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

4. Landscaping

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

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

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

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

5. Lighting

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

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

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

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

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

6. Signing

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

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

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

(ii) Signs should be incorporated into building design;

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

(iv) Signage should be attached to buildings when possible; and

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

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

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

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

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

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

H. Procedures for Establishing Land Use Boundaries within Area Plans

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

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

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

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

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

13.6. CONFORMITY REVIEW PROCEDURES FOR AREA PLANS

13.6.1. Initiation of Area Planning Process by Lead Agency

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

13.6.2. Initial Approval of Area Plan by Lead Agency

A. When TRPA is Not the Lead Agency

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

B. When TRPA is the Lead Agency

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

13.6.3. Review by Advisory Planning Commission

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

13.6.4. Approval of Area Plan by TRPA

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

13.6.5. Findings of Conformance with the Regional Plan

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

A. General Review Standards for All Area Plans

The submitted Area Plan shall:

1. Identify all zoning designations, allowed land uses, and development standards throughout the plan area;

2. Be consistent with all applicable Regional Plan Policies, including but not limited to the regional growth management system, development allocations and coverage requirements;

3. Demonstrate how the Area Plan is consistent with the Conceptual Regional Land Use Map, including any amendments to the Conceptual Regional Land Use Map that are proposed to be part of the Area Plan in order to more effectively implement the Regional Plan Policies and provide Threshold gain;

4. Recognize and support planned, new, or enhanced Environmental Improvement Projects. Area Plans may also recommend enhancements to planned, new, or enhanced Environmental Improvement Projects as part of an integrated plan to comply with Regional Plan Policies and provide Threshold gain;

5. Promote environmentally beneficial redevelopment and revitalization within Centers;

6. Preserve the character of established residential areas outside of Centers, while seeking opportunities for environmental improvements within residential areas;

7. Protect and direct development away from Stream Environment Zones and other sensitive areas, while seeking opportunities for environmental improvements within sensitive areas. Development may be allowed in Disturbed Stream Environment zones within Centers only if allowed development reduces coverage and enhances natural systems within the Stream Environment Zone; and

8. Identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.

B. TRPA Utilization of Load Reduction Plans

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

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

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

1. Include building and site design standards that reflect the unique character of each area, respond to local design issues, and consider ridgeline and viewshed protection;

2. Promote walking, bicycling, transit use, and shared parking in Town Centers and the Regional Center, which at a minimum shall include continuous sidewalks or other pedestrian paths and bicycle facilities along both sides of all highways within Town Centers and the Regional Center, and to other major activity centers;

3. Use standards within Town Centers or the Regional Center addressing the form of development and requiring that projects promote pedestrian activity and transit use;

4. Ensure adequate capacity for redevelopment and transfers of development rights into Town Centers and the Regional Center;

5. Identify an integrated community strategy for coverage reduction and enhanced stormwater management; and

6. Demonstrate that all development activity within Town Centers and the Regional Center will provide for or not interfere with Threshold gain, including but not limited to measurable improvements in water quality.

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

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

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

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

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

13.6.6. Conformity Review for Amendments to Area Plans

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

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

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

B. If TRPA approves an amendment to the Regional Plan that would also require amendment of an Area Plan to maintain conformity, the lead agency shall be given one year to amend the Area Plan to demonstrate conformity with the TRPA amendment. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the Governing Board's review shall be limited to determining the conformity of only those amendments made by the lead agency to

conform to the TRPA amendment. If the Governing Board finds that the other government fails to demonstrate conformity with the TRPA amendment following the one-year deadline, then the Board shall identify the policies and/or zoning provisions in the Area Plan that are inconsistent and assume lead agency authority to amend those policies and provisions.

13.6.8. Effect of Finding of Conformance of Area Plan

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

13.7. PROCEDURES FOR ADOPTION OF MEMORANDUM OF UNDERSTANDING

13.7.1. Memorandum of Understanding (MOU) Required

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

13.7.2. Contents of MOU

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

A. A comprehensive statement of the type and size of all activities within the Area Plan that are delegated or exempt from TRPA review and approval;

B. A clear statement defining the projects over which TRPA will retain development review responsibility;

C. An agreement to make all findings required by the Compact, Regional Plan, Area Plan and Code for project approval and inclusion of special conditions not inconsistent with the Area Plan;

D. Identification of the types of proposed activities for which TRPA will receive notification pursuant to subsection 13.8.1;

E. Identification of the type and extent of procedures the lead agency government will use to notify TRPA of proposed local development activities and include TRPA in development review proceedings;

F. A description of how the Area Plan will be modified to reflect amendments by TRPA to the Regional Plan, as well as assurances to enforce and maintain

conformance with the Regional Plan amendments prior to amendment of the Area Plan;

G. Statement of how the MOU for the Area Plan will relate to any existing MOUs that the lead agency government has with TRPA; and

H. If necessary, additional clarification of any requirements of this chapter, provided that all such clarifications are consistent with the intent and substance of this chapter and the Regional Plan.

13.7.3. Activities Requiring TRPA Approval

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

1. All development within the High-Density Tourist District;

2. All development within the Shorezone of Lake Tahoe;

3. All development within the Conservation District;

4. All development within the Resort Recreation designation and

5. All development meeting the criteria in the following table:

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

(All measurements are new building floor area.)

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

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

13.7.4. Concurrent Review of Area Plan and MOU

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

13.7.5. Deadline for MOU Approval and Suspension

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

13.8. MONITORING, CERTIFICATION, AND ENFORCEMENT OF AREA PLAN

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

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

13.8.2. Monitoring

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

13.8.3. Annual Review

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

13.8.4. Effect of Annual Review; Annual Report

A. Certification

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

B. Certification Conditionally Granted

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

C. Revocation of Part or All of MOU

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

13.8.5. Four-Year Recertification

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

13.9. APPEALS

13.9.1. Purpose

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

13.9.2. Appeal Allowed

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

13.9.3. Basis of Appeal

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

13.9.4. Exhaustion Required

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

13.9.5. Deadline

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

13.9.6. Content of Appeal

An application for appeal shall contain the following:

A. A clearly written statement explaining the grounds for appeal;

B. Documentation to support the appeal claim; and

C. Additional documentation may be provided by the applicant or lead agency to augment the record.

13.9.7. Fee

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

13.9.8. Stay of Lead Agency Decision

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

13.9.9. Review of Appeal

A. Staff Recommendation and Hearing

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

B. Governing Board Action

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

2. The Governing Board may take action the first time the appeal is presented to the Board or, after hearing the appeal, continue the action to the next Governing Board meeting.

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

C. Standard of Review

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

13.9.10. Effect of Decision

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

CHAPTER 14: SPECIFIC AND MASTER PLANS

14.1. PURPOSE

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

14.2. APPLICABILITY

14.2.1. General

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

14.2.2. Special Uses

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

A. Airports

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

B. Ski Areas

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

C. Marinas

Expansion of marinas shall be limited to ten new boat slips and ten new buoys until the adoption of a specific or master plan for the marina.

D. Existing Commercial Facilities

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

E. Cutting Trees on Private Lands

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

14.3. ESTABLISHMENT OF SPECIFIC PLANS OR MASTER PLANS

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

14.4. ELIGIBLE AND REQUIRED AREAS

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

14.5. TIME LIMITS

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

14.6. RELATIONSHIP TO PLAN AREA STATEMENTS AND COMMUNITY PLANS

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

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

14.7. RELATIONSHIP TO GOALS AND POLICIES AND THE CODE

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

14.8. SPECIFIC AND MASTER PLAN PROCESS

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

14.8.1. Initiation of Process

The initiation process shall be as follows:

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

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

14.8.2. Approval of Work Program

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

14.8.3. Specific or Master Plan Preparation

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

A. Prepare a complete assessment of environmental opportunities and limitations;

B. Refine inventory and needs assessment;

C. Identify applicable plan and ordinance standards and policies and development guidelines;

D. Develop draft alternative plans, including a preferred alternative;

E. Prepare draft environmental documents;

F. Submit draft master plan and draft environmental documents to TRPA for circulation and public and agency review; and

G. Prepare recommended final plan and final environmental documents for TRPA and local government consideration.

14.8.4. Approval of a Specific or Master Plan

Upon receipt of a recommended final specific or master plan from the steering committee, the Advisory Planning Commission shall review the proposed plan and make

recommendations to the Governing Board. Ski area master plans shall be prepared and reviewed in accordance with TRPA's "Ski Area Master Plan Guidelines," November 1990. The Governing Board shall consider the proposed plan as a regional plan amendment and approve, deny, or modify the specific or master plan.

14.8.5. Alternative Process

A. Minor Plans or Minor Modifications of Existing Plans

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

B. Alternate Process

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

14.9. CONTENT OF SPECIFIC AND MASTER PLANS

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

14.9.1. Physical Plan

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

14.9.2. Operational Plan

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

14.9.3. Mitigation Program

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

14.9.4. Monitoring Program

The monitoring program shall describe all monitoring necessary to ensure that the implementation of the plan is consistent with the Tahoe Regional Planning Compact, the Goals and Policies, environmental threshold carrying capacities, state and federal air and water quality standards, and other applicable standards. The monitoring program shall include a summary of proposed funding sources.

14.10. FINDINGS FOR APPROVAL

14.10.1. General Findings

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

A. The plan is consistent with the Goals and Policies;

B. The plan is consistent with the Code;

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

D. The plan does not propose development of residential units, tourist accommodation units, commercial floor area, recreational PAOTs, or other limitations in excess of the limits set forth in the Regional Plan for the plan area; and

E. The plan is consistent with the attainment and maintenance of environmental threshold carrying capacities.

14.10.2. Exception

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

CHAPTER 15: ENVIRONMENTAL IMPROVEMENT PROGRAM

15.1. PURPOSE

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

15.2. APPLICABILITY

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

15.3. DEFINITION OF ENVIRONMENTAL IMPROVEMENT PROGRAM (EIP)

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

15.4. DEVELOPMENT AND ADMINISTRATION OF THE EIP

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

15.4.1. Preparation of the Priority EIP Project List

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

A. Eligibility for Inclusion on the EIP List

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

1. The project, program, or study is needed for the attainment or maintenance of environmental thresholds;

2. The project, program, or study complies with the Goals and Policies, the applicable plan area statement, and the Code;

3. The project, program, or study is consistent with the priorities and schedule of the EIP; and

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

B. Five-Year Priority List

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

C. Amendment of the EIP or Priority Lists

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

1. The findings in subparagraph 15.4.1.A are met for additions and for substitutes; and

2. For replacements, the project, program, or study is of equal or superior value to the one it is replacing.

15.4.2. Finance Plan

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

15.5. EIP RELATIONSHIP TO OTHER PLAN PROVISIONS

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

15.5.1. Mitigation Fees

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

15.5.2. Residential Allocations

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

15.5.3. Commercial Special Project Allocations

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

15.5.4. Relationship to State Transportation Department Responsibilities

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

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

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

15.6. LINKED PROJECT STATUS

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

15.6.1. Designation Parameters

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

A. Criteria

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

1. The development project is linked to accomplishment of one or more EIP projects, but is not an EIP project itself;

2. Participation in creating environmental improvements goes beyond that otherwise required on site for the non-EIP project;

3. There is more than one stakeholder required to accomplish the EIP improvements;

4. Accomplishment of the EIP project(s) may require an agreement between TRPA and implementation partners;

5. A combination of public and private funds may be required to accomplish the affected EIP projects; and

6. Status designation is justified as the best approach to EIP Implementation.

15.6.2. Acceptance of Pre-Development Agreement

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

15.6.3. Findings for Linked Project Status Designation

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

A. The applicant has acknowledged in writing that there is no guarantee a non-EIP project will be approved as a result of linked project status, and has agreed to follow all TRPA rules and regulations if the application is approved by the TRPA Governing Board;

B. The project confers public benefit or use, and results in threshold improvement beyond that which would be required to mitigate the threshold impacts of the non-EIP project;

C. The applicant has submitted appropriate fees related to review and identified mitigation, consistent with current fee schedules for a completed project, and agrees to pay all added necessary fees for the negotiated project;

D. At a minimum, the project shall contribute to the construction of at least one EIP project or portion thereof larger than that required on the subject parcel; and

E. The project will need a combination of private and public funding support, and demonstrates the necessity of a partnership approach in order to accomplish an EIP project with substantial threshold improvement.

15.6.4. Findings for Linked Industrial Project Status

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

A. The project qualifies for linked project status pursuant to subsection 15.6.1;

B. The noncontiguous parcel to be developed is in a community plan designated as a “Preferred Industrial Area”;

C. The noncontiguous parcels are within the same hydrologic area;

D. The parcel on which the EIP project occurs is classified as sensitive and will be restored pursuant to the conditions of the approved EIP project; and

E. The land coverage for the noncontiguous parcel within the community plan does not exceed the maximum coverage limits of 70 percent, pursuant to Section 30.4.

CHAPTER 16: REGIONAL PLAN AND ENVIRONMENTAL THRESHOLD REVIEW

16.1. PURPOSE

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

16.2. APPLICABILITY

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

16.3. DEFINITIONS

16.3.1. Additional Factors

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

16.3.2. Compliance Measure

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

16.3.3. Indicator

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

16.3.4. Interim Target

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

16.3.5. Major Evaluation Interval

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

16.3.6. Measurement Standard

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

16.3.7. Target Date

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

16.3.8. Supplemental Compliance Measure

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

16.4. INDICATORS OF THRESHOLD AND STANDARD ATTAINMENT AND MAINTENANCE

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

16.4.1. Identification and Monitoring of Indicators

A. TRPA Identification of Indicators

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

B. Sub-Regional Indicators

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

16.4.2. List of Indicators

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

16.4.3. Identification of Current Status

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

A. List the current status, expressed using the appropriate measurement standard, of each indicator for which TRPA has reliable data; and

B. List those indicators for which TRPA lacks reliable data sufficient to identify current status, and a program, including an implementation timetable, to provide sufficient reliable data to allow TRPA to report, on a continuing basis, the status of that indicator.

16.4.4. Reliance on Indicators

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

16.4.5. Additional Factors

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

16.5. THRESHOLD ATTAINMENT SCHEDULES

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

16.5.1. Listing of Attainment Status and Target Dates

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

16.5.2. Interim Targets

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

16.5.3. Use of Measurement Standards

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

16.6. COMPLIANCE MEASURES

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

16.6.1. List of Compliance Measures

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

16.6.2. Effectiveness of Compliance Measures

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

16.6.3. Updating of Compliance Measure List

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

16.6.4. Adequacy of Compliance Measures

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

16.7. SUPPLEMENTAL COMPLIANCE MEASURES

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

16.7.1. List of Supplemental Compliance Measures

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

16.7.2. Effectiveness of Supplemental Compliance Measures

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

16.7.3. Updating of Supplemental Compliance Measure List

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

16.7.4. Identification of Additional Compliance Measures

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

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

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

16.8.1. Project Review

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

16.8.2. Cumulative Account

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

A. Units of Use
Residential, commercial, tourist, and recreational allocations.

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

C. Threshold Attainment and Maintenance

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

16.9. REPORTS

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

16.9.1. Periodic Progress Reports

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

A. A report on the amount and rate of actual progress toward threshold and standard attainment contributed by each compliance measure listed pursuant to Section 16.6, and toward the interim targets established pursuant to Section 16.5, using the applicable measurements standards for each compliance measure;

B. A report on the current cumulative impacts on each threshold of projects approved by TRPA from the effective date of the Regional Plan and from the date of the previous periodic report, including but not limited to the information maintained by TRPA pursuant to subsection 16.8.2;

C. A report on the status of each of the additional factors identified pursuant to subsection 16.4.5;

D. A report on the extent to which the region, or applicable sub-region, is making progress toward achieving each threshold and standard, the current status of any applicable indicators identified pursuant to subsection 16.4.1, the relationship of that status to meeting or failing to meet applicable target dates and interim targets established pursuant to Section 16.5; and

E. Recommendations, as necessary, based on the information provided in subparagraphs A through E, inclusive, for implementation of any supplemental compliance measures identified pursuant to Section 16.7 or otherwise, or modification or elimination of compliance measures listed pursuant to Section 16.6, to ensure that progress toward attainment and maintenance of all thresholds and standards is consistent with the target dates established pursuant to subsection 16.5.1.

16.9.2. Annual Reports

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

16.9.3. Other Reports

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

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

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

16.11. MONITORING PROGRAM

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

TRPA

Code of Ordinances

Adopted by Governing Board
December 12, 2012
Effective February 9, 2013

Land Uses

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CHAPTER 20: RESERVED

CHAPTER 21: PERMISSIBLE USES

21.1. PURPOSE

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

21.2. APPLICABILITY

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

21.2.1. Allowed Uses

Uses listed in applicable plan area statements, community 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 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 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.

21.3. ACCESSORY USES

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

21.3.1. Examples of Accessory Use

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

A. Residential

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

Figure 21.3.1-A: Example Residential Accessory Use

B. Tourist Accommodation

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

Figure 21.3.1-B: Example Tourist Accommodation Accessory Use

C. Commercial

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

D. Public Service

Accessory uses such as garages, secondary residence, and emergency facilities.

E. Recreation

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

Figure 21.3.1-C: Example Recreation Accessory Use

21.3.2. Secondary Residence

One secondary residence shall be considered an accessory use to the primary use it serves and may be permitted where the primary use is a permissible use. Secondary units may include a guest house; an affordable or market-rate rental unit; a caretaker residence for a

residential use, commercial use, public service or recreational use; and a manager's quarters for a tourist accommodation or multi-residential use. A secondary residence shall be considered a residential unit subject to the residential allocation limitations and transfer provisions. If the primary use is residential, a secondary unit may be permitted only if either subparagraph 21.3.2.A.1 or 21.3.2.A.2 below is met.

A. Residential Secondary Unit Parcel Size

A secondary residence may be permitted as accessory to a single-family house if:

1. The parcel on which the residence is located is greater in size than one acre; or

2. The parcel on which the secondary residence would be located is within a jurisdiction certified by TRPA to possess an adequate local government housing program and the secondary unit is restricted to affordable housing.

B. TRPA-Certified Local Government Housing Program

TRPA may certify by resolution a local government housing program upon a finding that it adequately addresses, at a minimum, subparagraphs 1 through 3 below.

1. A local government-adopted housing element that addresses the housing needs and issues of the jurisdiction pursuant to state standards;

2. Special ordinance standards for development of secondary residences, including but not limited to:

a. Minimum parcel size;

b. Maximum unit floor area for the secondary unit;

c. Parking standards; and

d. Building setback standards; and

3. An adequately funded and staffed compliance and monitoring program. This program shall through deed restriction limit the project area to the approved use and restrict both rental rates and occupants' household income to affordable housing limits. Secondary units approved under this program shall be made available for long-term occupancy and shall be occupied for at least ten months in each calendar year. Failure to comply for more than six months with use, rental rates/household income levels, or occupancy requirements shall require removal of the unit or modification of the use to bring the project area into compliance with otherwise applicable development standards.

The local government shall document and enforce the special standards through an MOU with TRPA. The MOU shall include objective compliance standards to ensure adequate funding, staff resources, permitting, compliance, and monitoring consistent with the local government housing program.

21.3.3. Local Utility Lines

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

21.3.4. Outside Display and Storage

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

A. Accessory Outside Storage

Storage of materials and equipment that constitutes secondary storage and that is located outside of a walled building or under the roof of a non-walled building.

B. Accessory Outside Display

Exhibition of merchandise for public view that constitutes secondary storage and that is located outside of a walled building or under the roof of a non-walled building.

21.3.5. Determination of Accessory Use

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

21.3.6. Living Area Associated with Residential Accessory Structures

Living area associated with a permissible residential accessory structure under subparagraph A may be permitted for parcels ineligible for a secondary residence provided that such living area does not constitute a secondary residence. Residential accessory structures, other than an authorized secondary residence, shall not contain any of the following:

A. Any item listed under “cooking facilities” as defined in Chapter 90: *Definitions*, or areas for the insertion of these items;

B. Both a bathing facility and a wet bar (either a bathing facility or a wet bar may be permitted);

C. More than one toilet or more than one bathing facility; or

D. Living area greater than 50 percent of the living area of the primary residence, or greater than 640 square feet, whichever area is less.

21.3.7. Threshold-Related Research Facilities

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

A. The facilities shall be primarily used to implement social, political, and scientific research relating to the Lake Tahoe Environmental Thresholds or the Lake Tahoe ecosystem;

B. Structures and related improvements designated as "Threshold-Related Research Facilities" shall provide adequate security, such as a bond, lease requirement, deed restriction, or other appropriate mechanism, to assure their removal or conversion consistent with TRPA ordinances upon discontinuance of threshold research;

C. "Threshold-Related Research Facilities" shall be located in community plan areas unless TRPA finds that there is a demonstrated need to locate them outside a community plan area, the use is designated a special use by the applicable plan area statement, and the project area for which the threshold related research facility is proposed contains existing development; and

D. Subject to the provisions for development rights and allocation of residential development, overnight multi-person facilities for up to 25 persons and caretaker facilities may be deemed accessory to this use.

21.3.8. Accessory Biofuel Facilities

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

21.4. LIST OF PRIMARY USES

This section lists all primary uses that may be permitted within the land area of the region. Each use is defined in this section. Any use not listed in this section, presently or as amended, is prohibited. Plan area statements, community plans, redevelopment plans, Area Plans, and specific or master plans shall determine if a use is an allowable use, a special use, a prohibited use, or a nonconforming use for a specific parcel. The uses listed in this section, including the definitions of the uses in this section, shall apply to and govern all other chapters of this Code, plan area statements, community plans, redevelopment plans, Area Plans, and specific or master plans. Uses listed in this section may be considered accessory uses if they are listed in Section 21.3.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
RESIDENTIAL	
Employee housing	Residential units owned and maintained by public or private entities for purposes of housing employees of said public or private entity.
Mobile home dwelling	A home built entirely in the factory on a non-removable steel chassis that is transported to the building site on its own wheels and was installed prior to June 15, 1976, when the Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect.
Multiple-family dwelling	More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. One detached secondary residence is included; see "Secondary Residence."
Multi-person dwelling	A building designed primarily for permanent occupancy by individuals unrelated by blood, marriage, or adoption in other than single-family dwelling units or transient dwelling units. A multi-person dwelling includes, but is not limited to, facilities such as dormitories and boarding houses, but not such facilities as hotels, motels, and apartment houses.
Nursing and personal care	Residential establishments with in-patient beds providing nursing and health-related care as a principal use, such as skilled nursing care facilities, extended care facilities, convalescent and rest homes, and board and care homes.
Raising domestic animals	The keeping, feeding, or grazing of animals as an avocation, hobby, or school project, secondary to the principal residential use of a property greater than two acres. The use applies to species commonly considered as farm animals, but does not include exotic animals. Household pets, such as dogs and cats, are included when such animals are being bred for commercial reasons. Outside storage or display is included as part of the use.
Residential care	Establishments primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on ability for self care, but where medical care is not a major element. The use includes, but is not limited to, children's homes, halfway houses, orphanages, rehabilitation centers, and self-help group homes.
Single-family dwelling	One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. A caretaker residence is included (see "Secondary Residence").
Summer home	A cabin-type single-family house intended primarily for intermittent vacation use and located in USFS summer home tracts or other remote recreation sites. Such structures are generally located in areas of restricted winter access.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
TOURIST ACCOMMODATION	
Bed and breakfast facilities	Residential-type structures that have been converted to or constructed as tourist accommodation facilities where bedrooms without individual cooking facilities are rented for overnight lodging, and where at least one meal daily is provided. The use does not include "Hotels and Motels," which are defined separately; nor rooming and boarding houses (see "Multi-Family Dwellings").
Hotel, motel, and other transient dwelling units	Commercial transient lodging establishments, including hotels, motor-hotels, motels, tourist courts, or cabins, primarily engaged in providing overnight lodging for the general public whose permanent residence is elsewhere. This use does not include “Bed and Breakfast Facilities” or “Vacation Rentals.”
Time sharing (hotel/motel design)	A right to exclusively use, occupy, or possess a tourist accommodation unit of a hotel/motel design without kitchen units, according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three years.
Time sharing (residential design)	A right to exclusively use, occupy, or possess a tourist accommodation unit of a residential design with kitchen units, according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three years.
COMMERCIAL	
Retail	
Auto, mobile home and vehicle dealers	Retail trade establishments selling new and used automobiles, boats, vans, campers, trucks, mobile homes, recreational and utility trailers, motorcycles, golf carts, snowmobile and jet skis (except bicycles and mopeds; see "General Merchandise"). Such businesses are considered a primary use when the establishment sells more than six vehicles per calendar year. The use also includes establishments selling new automobile parts, tires, and accessories (including tire recapping establishments), as well as establishments dealing in used automobiles exclusively. Includes automobile repair shops only when maintained by an establishment selling new vehicles on the same site. Does not include establishments dealing exclusively in used parts (see "Recycling and Scrap") or outside sales (see "Secondary Storage" or "Sales Lots").
Building materials and hardware	Retail trade establishments within buildings primarily engaged in selling lumber and other building materials, including paint, wallpaper, glass, hardware, nursery stock, and lawn and garden supplies. The use includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales. Outside storage or display is included as part of the use. Establishments primarily wholesaling plumbing, heating and air conditioning equipment, and electrical supplies are classified in "Wholesale and Distribution."

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

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

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
Service stations	Retail trade establishments primarily engaged in the sale of gasoline, which may also provide lubrication, oil change and tune-up services, and the sale of automotive products incidental to gasoline sales. The use may also include as accessory uses towing, mechanical repair services, car washing and waxing, and trailer rental. The use does not include storage of wrecked or abandoned vehicles, paint spraying body and fender work, and retail sale of gasoline as an accessory use to food and beverage retail sales when limited to not more than two pumps.
Entertainment	
Amusements and recreation services	Establishments providing amusement or entertainment for a fee or admission charge, such as: arcades and coin-operated amusements; billiard and pool halls; bowling alleys; card rooms; clubs and ballrooms that are principal uses rather than being subordinate to an eating or drinking place; dance halls; gymnasiums; health and athletic clubs; ice skating and roller skating facilities; indoor sauna, spa, or hot tub facilities; motion picture theaters; reducing salons; and tennis, handball, racquetball, indoor archery and shooting ranges, and other indoor sports activities.
Gaming-non restricted (Nevada only)	Establishments, regulated pursuant to Article VI(d) through (i) of the Compact, that deal, operate, carry on, conduct, maintain, or expose for play any banking or percentage game played with cards, dice, or any mechanical device or machine for money, property, checks, credit, or any representative of value. The use does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes, or games operated by charitable or educational organizations to the extent excluded by state law. Restricted gaming is permissible only as an accessory use.
Outdoor amusements	Commercial establishments for outdoor amusement and entertainment such as: amusement parks; theme and kiddie parks; go cart and miniature auto race tracks; moped, bicycle, and skate rentals; and miniature golf courses. Outside storage or display is included as part of the use.
Privately owned assembly and entertainment	Commercially operated facilities for public assembly and group entertainment with a capacity of greater than 300 people, such as: auditoriums; exhibition and convention halls; theaters, meeting halls and facilities for "live" theatrical presentations or concerts by bands and orchestras; amphitheaters; meeting halls for rent; and similar public assembly uses.
Services	
Animal husbandry services	Establishments primarily engaged in performing services for animals, such as veterinary services, animal hospitals, and animal kennels. The use does not include publicly operated animal control and wildlife care (see "Local Public Health and Safety Facilities").
Auto repair and service	Service establishments engaged in repair, alteration, painting, washing, or waxing of automobiles as a principal use. The use also includes storage and maintenance yards for rental of cars, trucks, or trailers. Outside storage or display is included as part of the use. The use does not include: automobile parking (see "Transportation"); repair shops subordinate to and maintained by

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
	a vehicle dealership; service stations (which are separately defined); or automobile wrecking yards (see "Recycling and Scrap").
Broadcasting studios	Communication establishments such as telegraph, telephone, radio and television broadcasting and receiving stations, and studios, contained entirely within buildings. Transmission and receiving apparatus, such as towers, lines, reflectors, and antennas are included under the definition for "Transmission and Receiving Facilities."
Business support services	Service establishments within buildings that provide other businesses with services including maintenance, repair and service, testing, and rental. This includes establishments such as: outdoor advertising services, mail advertising services (reproduction and shipping); blueprinting, photocopying, and photofinishing; computer-related services (rental, repair, and maintenance); commercial art and design (production); film processing laboratories; and services to structures such as window cleaning, exterminators, janitorial services, and business equipment repair services.
Contract construction services	Service establishments primarily engaged in construction, such as new development, additions, alterations, and repairs. Construction activities are generally administered or managed from a relatively fixed place of business, but actual construction work is performed at one or more different sites that may be dispersed geographically. Three broad types of construction activity are covered: (a) building construction by general contractors or by operative builders; (b) other construction by general contractors; and (c) construction by special trade contractors such as electrical, air conditioning and plumbing contractors, or others such as well drilling services. Establishments engaged in the installation of prefabricated buildings and equipment also are included. Outside storage or display is included as part of the use. An office not associated with a construction site or without secondary storage is considered under "Professional Offices."
Financial services	Service establishments primarily engaged in the field of finance, such as banks and trust companies, lending and thrift institutions, credit agencies, brokers and dealers in securities and commodity contracts, security and commodity exchanges, holding (but not predominantly operating) companies, vehicle finance (equity) leasing agencies, and other investment companies.
Health care services	Service establishments primarily engaged in furnishing medical, mental health, surgical, and other personal health services such as: medical, dental, and psychiatric offices; medical and dental laboratories; outpatient care facilities; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included. Nursing homes and similar long-term personal care facilities are classified in "Nursing and Personal Care," and mental health-related services, including various types of counseling practiced by licensed individuals other than medical doctors or psychiatrists or unlicensed individuals, are included under "Professional Offices."

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
Laundries and dry cleaning plant	Service establishments primarily engaged in high-volume laundry and garment services, such as power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; and carpet and upholstery cleaners. The use does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment (see "Personal Services").
Personal services	Establishments primarily engaged in providing non-medical services generally involving the care of persons, such as: beauty and barber shops; shoe repair shops; saunas and hot tubs; laundromats (self-service laundries); dry cleaning pick-up stores and small-scale dry cleaners without pick-up and delivery services; clothing rental; dating and escort services; funeral parlors, cemetery real estate sales and related facilities; offsite rental of sporting equipment; and wedding chapels. The use may also include the accessory retail sales of products related to the services provided.
Professional offices	A place where the following kinds of business are transacted or services rendered: engineering, architectural and surveying; real estate agencies; educational, scientific and research organizations; accounting, auditing, and bookkeeping services; writers and artists; advertising agencies; photography and commercial art studios; publishing with offsite printing facilities; employment, stenographic, secretarial, and word processing services; off premise concessions (OPC); reporting services; data processing and computer services; management, public relations, and consulting services; organizational offices; detective agencies; professional services; attorneys; and counseling services (other than licensed psychiatrists; see "Health Care Services"). Incidental offices are considered accessory uses to a primary use.
Repair services	Service establishments where repair of consumer products is the principal business activity, such as: electrical repair shops; television, radio, and other appliance repair; watch, clock, and jewelry repair; boat repair; small engine repair; and reupholstery and furniture repair. An outdoor storage yard associated with these uses is considered under "Secondary Storage." The use does not include businesses serving the repair needs of heavy equipment (see "Industrial Services").
Sales lots	Outdoor sales area for permanent display of motor vehicles, recreational vehicles, mobile homes, construction equipment, farm machinery, or other heavy equipment; outdoor equipment rental yards (not including recreational equipment rental); and large-scale, permanent outdoor sales activities such as livestock auctions and sales. Outside storage or display is included as part of the use.
Schools - business and vocational	Business and secretarial schools and vocational schools offering specialized trade and commercial courses. The use includes specialized non-degree granting schools including, but not limited to: music schools; dramatic schools; language schools; driver education schools; ballet and other dance studios; seminaries and other establishments exclusively engaged in training for religious ministries; and establishments furnishing educational courses by mail.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
Secondary storage	The outdoor storage of various materials or the public display of merchandise on the same site as a principal building or use that supports the activities or conduct of the principle use and does not increase the intensity of the use. This does not apply to primary uses that include outside storage and display as part of the use.
Light Industrial	
Batch plant	Manufacturing establishment for the production of paving materials or concrete. Outside storage or display is included as part of the use. The use does not include quarrying operations supplying material for the production of such materials.
Food and kindred products	Manufacturing establishments producing or processing foods and beverages for human consumption and certain related products for distribution within the region, such as meat and poultry processing, dairy products processing, beverages and liquors processing, and miscellaneous food preparation from raw products. Outside storage or display is included as part of the use.
Fuel and ice dealers	Retail trade establishments primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane, and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use. Outside storage or display is included as part of the use.
Industrial services	Service establishments providing other businesses with services, including maintenance, repair, service, testing, and rental. This includes establishments such as: welding repair, armature rewinding, and heavy equipment repair (except vehicle repair; see "Auto Repair and Service"); research and development laboratories, including testing facilities; soils and materials testing laboratories; equipment rental businesses that are entirely within buildings (for equipment rental yards, see "Sales Lots"), including leasing tools, machinery and other business items except vehicles; and other business services of a "heavy service" nature. Outside storage or display is included as part of the use.
Printing and publishing	Establishments engaged in printing onsite by letterpress, lithography, gravure, screen, offset or other common process including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade such as book binding, typesetting, engraving, photo engraving, and electro-typing. The use also includes establishments manufacturing business forms and binding devices.
Recycling and scrap	Establishments engaged in assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap. Outside storage or display is included as part of the use. The use does not include terminal waste disposal sites, which are prohibited, and temporary storage of toxic or radioactive waste materials.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
Small scale manufacturing	Establishments considered to be light manufacturing or cottage industry that produce jewelry, silverware and plated ware; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; caskets; and other miscellaneous manufacturing industries. The use also includes artisan and craftsman-type operations that are not home occupations and that are not secondary to on-site retail sales. The use also includes small-scale blacksmith and welding services and the manufacture of trusses. Outside storage or display is included as part of the use.
Wholesale/Storage	
Storage yards	Service establishments primarily engaged in the outdoor storage of motor vehicles, construction equipment, materials or supplies, fire wood lots, farm machinery, or industrial supplies on a parcel. Outside storage or display is included as part of the use.
Vehicle and freight terminals	Transportation establishments furnishing services incidental to transportation, such as: freight forwarding services; transportation arrangement services; packing, crating, inspection and weighing services; freight terminal facilities; joint terminal and service facilities; trucking facilities, including transfer and storage; and postal service bulk mailing distribution centers. Outside storage or display is included as part of the use.
Vehicle storage & parking	Service establishments primarily engaged in the business of storing operative cars, buses, or other motor vehicles. The use includes both day use and long-term public and commercial garages, parking lots, and structures. Outside storage or display is included as part of the use. The use does not include wrecking yards (see "Recycling and Scrap").
Warehousing	Establishments primarily engaged in the storage of furniture, household goods, or other commercial goods, such as warehouses and storage or mini-storage facilities offered for rent or lease to the general public. The use does not include warehouse facilities where the primary purpose of storage is for goods for wholesaling distribution. Outside storage or display is included as part of the use. The use does not include terminal facilities for handling freight (see "Vehicle and Freight Terminals").
Wholesale and distribution	Establishments engaged in the storage of merchandise for sale to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The use includes such establishments as: merchant wholesalers; agents, merchandise or commodity brokers, and commission merchants; and assemblers. Outside storage or display is included as part of the use.
PUBLIC SERVICE	
General	
Airfields, landing strips and heliports (new non-emergency sites prohibited)	Transportation facilities that are used for the landing or take-off of aircraft, including helicopters, such as airports, heliports, helipads, and seaplane bases. The use also includes any appurtenant areas used for airport buildings and

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
	accessory facilities, including terminals, aircraft sales and rentals, and fueling facilities. Outside storage or display is included as part of the use.
Cemetery	Internment establishment engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. This includes establishments such as: animal cemeteries; cemetery associations; and cemetery, mausoleum, and columbarium operations. The use does not include funeral parlors, cemetery real estate operations, and related facilities listed under "Personal Services."
Religious assembly	Religious organization assembly or institutional facility operated for worship or promotion of religious activities, including churches and incidental religious education. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals, and other potentially related operations (such as a recreational camp) are not considered a religious assembly and are classified according to their respective activities.
Collection stations	Establishments engaged in the temporary accumulation and storage of recyclable or discarded materials, including toxic and hazardous wastes, which are subsequently transported to recycling centers or solid waste disposal sites for further processing on a regular and consistent schedule. Outside storage or display is included as part of the use. The use does not include automobile wrecking yards or any recycling processing facilities, which are listed under “Recycling and Scrap” or regional solid waste transfer stations, which are listed under “Recycling and Scrap” or “Regional Public Health and Safety Facilities.”
Cultural facilities	Permanent public or quasi-public facilities generally of a noncommercial nature, such as art exhibitions, planetariums, botanical gardens, libraries, museums, archives, and arboretums.
Day care centers/pre-schools	Establishments used for the care of seven or more children residing elsewhere.
Government offices	Buildings containing offices for public agencies, including administrative offices, meeting rooms, and regional post offices. The use does not include offices that are incidental and accessory to another government use such as transit terminals, vehicle storage, campground, or storage yards.
Hospitals	Establishments primarily engaged in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. Such establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care.
Local assembly and entertainment	Facilities for public assembly and entertainment for the local community, not to exceed a capacity of 300 people, such as community centers, meeting halls, and multi-purpose centers.
Local post office	Establishments providing local neighborhoods with mail service and delivery, such as postal substations and neighborhood delivery centers.
Local public health and safety facilities	Facilities operated by public or quasi-public entities for the local protection of the public, such as: fire stations and other fire prevention facilities; police and sheriff substations; satellite highway maintenance and snow removal facilities; water tanks, pumps, wells and related facilities; monitoring facilities; sewage pumps and related facilities; and emergency services. Outside storage or display is included as part of the use.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
Membership organizations	Permanent meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, such as: business associations; professional membership organizations; labor unions and similar organizations; civic, social and fraternal organizations; political organizations; and other membership organizations. The use does not include country clubs in conjunction with golf courses (see "Golf Courses"); religious organizations ("see Churches"); and lodging (see "Multi-person Dwelling").
Power generating	Establishments engaged in the generation of electrical energy for sale to consumers, including biofuel facilities, hydro facilities, gas facilities, and diesel facilities. Outside storage or display is included as part of the use. The use does not include biofuel facilities accessory to a primary use. Transmission lines located off the site of the power plant are included under "Pipelines and Power Transmission." Electrical substations are included under "Public Utility Centers."
Public owned assembly and entertainment	Facilities owned and operated by a public or nonprofit entity for public assembly and group entertainment with a capacity of greater than 300 people, such as: public auditoriums; exhibition and convention halls; civic theaters, meeting halls and facilities for live theatrical presentations or concerts by bands, choirs, and orchestras; meeting halls for rent; community centers; and similar public assembly uses.
Public utility centers	Public and quasi-public facilities serving as junction points for transferring utility services from one transmission to another or to local distribution and service, such as: electrical substations and switching stations; major telephone switching centers; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; and community wastewater treatment plants and settling ponds. Outside storage or display is included as part of the use. The use does not include office or service centers (see "Professional Offices or Government Offices").
Regional public health and safety facilities	Regional facilities operated by public or quasi-public entities for protection of the public, such as: fire stations and other fire prevention facilities; water and sewage facilities; transportation maintenance/storage facilities; police and sheriff substations and headquarters, including secondary county short-term incarceration facilities; and solid waste transfer stations that TRPA finds to be regionally serving. "Secondary county short-term incarceration facility" means a county jail (not a state or federal prison facility) that is not the primary jail for the county.
Schools – college	Junior colleges, colleges, universities, and professional schools granting associate arts degrees, certificates, undergraduate and graduate degrees, and requiring for admission at least a high school diploma or equivalent general academic training.
Schools - kindergarten through secondary	Kindergarten, elementary, and secondary schools serving grades up to 12, including denominational and sectarian.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
Social service organizations	Public and quasi-public establishments providing social services and rehabilitation services, counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies, serving persons with social or personal problems requiring special services and the handicapped and the disadvantaged. The use includes organizations soliciting funds to be used directly for these and related services. The use also includes establishments engaged in community improvement and neighborhood development.
Threshold related research facilities	Public or non-profit research establishments primarily engaged in implementing social, political, and scientific research relating to the Lake Tahoe Environmental Thresholds or the Lake Tahoe ecosystem. The use includes laboratories, monitoring stations, scientific interpretive centers, research and training classrooms, and related support facilities. Overnight multi-person facilities, outside storage, and caretaker facilities may be considered as accessory to this use. The use does not include facilities unrelated to threshold-related research, such as: general college administrative offices and classrooms (see "Schools-College"); and government administrative offices (see "Government Offices"); or non-threshold-related research (which may be conducted under the "Professional Office" use).
Linear Public Facilities	
Pipelines and power transmission	Transportation facilities primarily engaged in the pipeline transportation of refined products of petroleum, such as: gasoline and fuel oils; natural gas; mixed, manufactured, or liquefied petroleum gas; or the pipeline transmission of other commodities. The use includes facilities for the transmission of electrical energy for sale, including transmission and distribution facilities. Outside storage or display is included as part of the use. The use does not include offices or service centers (see "Professional Offices"); equipment and material storage yards (see "Storage Yards"); distribution substations (see "Public Utility Centers");and power plants (see "Power Generating Plants").
Transit stations and terminals	Passenger stations for vehicular and mass transit systems; also, terminal facilities providing maintenance and service for the vehicles operated in the transit system. The use includes, but is not limited to, buses, taxis, railway, and ferries. Outside storage or display is included as part of the use.
Transmission and receiving facilities	Communication facilities for public or quasi-public, commercial, and private electronic, optic, radio, microwave, electromagnetic, and photo-electrical transmission and distribution, such as: repeater and receiving facilities, feeder lines, and earth stations for satellite communications for radio, television, telegraph, telephone, data network, and other microwave applications. The use includes local distribution facilities such as lines, poles, cabinets, and conduits. Outside storage or display is included as part of the use. The use does not include uses described under "Broadcasting Studios."
Transportation routes	Public right-of-ways that are improved to permit vehicular, pedestrian, and bicycle travel.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
RECREATION	
Beach recreation	Recreational use of a beach, supported by developed facilities such as sanitation facilities, parking, and picnic sites, and nearshore facilities such as multiple-use piers and buoys. Nearshore and foreshore facilities are included in Chapter 81: *Permissible Uses and Structures in the Shorezone and Lakezone*.
Boat launching facilities	Recreational establishments that provide boat launching, parking, and short-term trailer storage for the general public. The storage, mooring, and maintenance of boats are included under "Marinas." Raft launching is included under "Day Use Areas." Outside storage or display is included as part of the use.
Cross country ski courses	Land or premises used as a commercial operation for nordic skiing. Outside storage or display is included as part of the use.
Day use areas	Land or premises, other than "Participant Sports Facilities," designated by the owner to be used by individuals or the general public, for a fee or otherwise, for outdoor recreation purposes on a daily basis such as regional and local parks, picnic sites, vista points, snow play areas, rafting facilities, and playgrounds.
Developed campgrounds	Land or premises designed to be used, let, or rented for temporary occupancy by campers traveling by motorized vehicle, and that contain such facilities as campsites with parking area, barbecue grills, tables, restrooms, and at least some utilities.
Downhill ski facilities	Uses and facilities pertaining to ski areas, including but not limited to: runs, trails, lift-lines cables, chairs, cars, warming huts, care taking quarters, parking, vehicles, day lodges, shops for sale and rental of ski equipment, ski pro shop, first aid stations, ski school facilities and assembly areas, day nurseries, maintenance facilities, lounges, eating and drinking establishments, and other ski oriented shops. Outside storage or display is included as part of the use. Uses and facilities serving non-skiing activities or operating year-round such as tennis courts, swimming pools, hot tubs, restaurants, bars, and retail sales constructed on lands which serve or are utilized in the operation of a ski area shall be considered under the appropriate use classification in this Code.
Golf courses	An area of land laid out for the game of golf, including driving ranges and putting greens. A golf course may include accessory uses such as an eating and drinking place, clubhouse, and general merchandise store. Outside storage or display is included as part of the use.
Group facilities	Establishments that provide overnight accommodations and outdoor recreation to organized groups such as recreational camps, group or organized camps, and religious camps.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
Marinas	Establishments primarily providing water-oriented services, such as: yachting and rowing clubs; boat rentals; storage and launching facilities; sport fishing activities, excursion boat and sightseeing facilities; and other marina-related activities, including but not limited to fuel sales and boat and engine repair. Marinas contain water-oriented facilities and structures, which are regulated and defined in Chapter 81. Outside storage or display is included as part of the use. The use does not include condominiums, hotels, restaurants, and other such uses with accessory water-oriented, multiple-use facilities.
Off-road vehicle courses	Areas authorized by the Agency for the use of off-road vehicles including, but not limited to, dirt bike, enduro, hill climbing, or other off-road motorcycle courses. The use also includes areas authorized by the Agency for competitive events utilizing four-wheel-drive vehicles. The use does not include the use of vehicles associated with timber harvest activities on approved skid trails or maintenance vehicles.
Outdoor recreation concessions	Facilities that are dependent on the use of outdoor recreation areas, such as onsite food and beverage sales, onsite recreational equipment rentals, parasailing, rafting, and onsite recreation instruction. The use also includes outfitter or guide service establishments whose base facilities are located on or near a recreation area, such as horse packing outfitters or snowmobiling outfitters. Outside storage or display is included as part of the use.
Participant sports facilities	Facilities for various outdoor sports and recreation including, but not limited to, tennis courts, swim and tennis clubs, ice skating rinks, and athletic fields (non-professional). Outside storage or display is included as part of the use.
Recreation centers	Indoor recreation establishments operated by a public or quasi-public agency providing indoor sports and community services, such as swimming pools, ice skating rinks, multi-purpose courts, weight rooms, and meeting and crafts rooms.
Recreational vehicle parks	Transient lodging establishments engaged in renting, leasing, or otherwise providing overnight sites for trailers, campers, and recreation vehicles with individual utility hookups. The use also includes accessory facilities such as public restrooms, swimming pools, and manager's quarters.
Riding and hiking trails	Planned paths for pedestrian and equestrian traffic, including trail heads.
Rural sports	Establishments that provide for special outdoor recreation group activities, such as: outdoor archery, pistol, rifle, and skeet clubs and facilities; hunting and fishing clubs; and equestrian facilities, stables, and exhibition facilities. The use does not include indoor shooting facilities (see "Amusements and Recreational Services").
Snowmobile courses	Mapped areas, pathways, and trails utilized in, and approved for, commercial snowmobile operations.
Sport assembly	Commercial facilities for spectator-oriented, specialized, sports assembly that do not exceed a 5,000-person seating capacity, such as stadiums, arenas, and field houses.
Undeveloped campgrounds	Land permanently established to be used for temporary occupancy by campers traveling by foot or horse, which may contain tent sites, fire rings, and sanitary

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
	facilities, but which does not contain utilities.
Visitor information centers	Nonprofit establishments providing visitor information and orientation.
RESOURCE MANAGEMENT	
Management	
Reforestation	Reestablishment of trees on forest land to perpetuate tree cover, such as ground preparation prior to natural seed fall, artificial seeding or planting, fertilizing, and protecting young plants until established. Both mechanical and chemical techniques may be used. In heavily used recreation areas, special tending techniques may be necessary.
Regeneration harvest	Removal of all trees in one or more cuts from an area for the purpose of creating a new, even-aged stand, especially one dominated by species intolerant of shade. Openings created by regeneration harvests will be reforested by natural seeding, artificial seeding, or through planting.
Sanitation salvage cut	Removal of dead, dying, deteriorating, or highly susceptible trees where insects, disease, animals, fire, wind, or other natural disaster has caused damage. The purpose is to prevent further loss and by allowing salvage of wood before it deteriorates.
Selection cut	A method for maintaining or producing an uneven aged stand, preferably of mixed species. In the Lake Tahoe Basin, the method may be applied to convert even-aged stands to an uneven aged condition, to maintain scenic quality, to prepare an area for use as a developed recreation site, or to maintain tree cover within a developed recreation site. The use includes annual or periodic removal of individual or small groups of trees in order to realize the yield and establish a new crop.
Special cut	The cutting of trees for purposes other than timber production, including reasons such as: 1. Maintenance of a healthy forest so that losses due to insect, disease, or fire will not result in harmful effects to watershed or visual quality on land of Land Capability Districts 1a, 1c, 2, and 1b (stream environment zone), where conventional logging techniques may cause unacceptable water quality impacts or permanent soil damage; 2. Maintenance of a healthy forest, removal of hazardous trees, and enhancement of foreground views on land developed for recreational, administrative or private purposes, or land intensively used for dispersed recreation; and 3. Provision of ski trails, conversion of meadow encroachments, provision of vista openings, increase in water yield, or increase in range and wildlife forage. Harvesting may require aerial techniques, and cutting without removal for consumption may be necessary. Cut trees may be utilized on site for fuel wood, wildlife habitat, traffic barriers, or for other purposes.
Thinning	Reducing the number of trees in a stand to achieve the desired density for healthy, vigorous, fast-growing trees. See also “Selection Cut.”
Timber stand improvement	Mechanical or chemical investment-type treatments intended to increase the future value of a timber stand by improving the composition, constitution,

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
	condition, and/or growth rate of a timber stand, including, but not limited to thinning, pruning, fertilization, and weeding.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
Tree farms	An area where trees or other vegetation on the TRPA-approved species list are grown for commercial harvest. The use includes establishments where Christmas trees are cultivated or where other native trees and plants are grown for harvest at a later date.
Wildlife and Fishes	
Early successional vegetation management	Habitat management that results in an area being converted to and/or being maintained in an early successional stage, such as a meadow.
Nonstructural fish habitat management	Habitat management that maintains or improves fish habitat of any species through non-structural means for the primary purpose of perpetuating the cold water fisheries resource through management of their habitat. Includes stream barrier removal, human access control, protection and enhancement of riparian vegetation, and beaver control.
Nonstructural wildlife habitat management	Habitat management that maintains or improves wildlife habitat of any species through nonstructural means for the primary purpose of perpetuating viable populations of wildlife species native to the area through management of their habitat. Includes activities such as prescribed burning, snag protection, seeding and planting, maintenance of canopy closure, control of livestock, and access control.
Structural fish habitat management	Habitat management that includes improvements, such as channel stabilization, fish ladders, the construction and operation of dams, and removal of barriers to fish movement, to benefit specific fish species by replacing or repairing habitat features that have been diminished or altered.
Structural wildlife habitat management	Habitat management that includes improvements, such as installation of nest structures, creation of snags from green trees, water impoundments, guzzlers, shelters, and fencing, to benefit specific wildlife species by replacing or repairing habitat features that have been diminished or altered.
Range	
Farm/Ranch accessory structures	An uninhabited structure or building designed and built to provide cover for cattle, horses, and other related ranch animals, or for storage of farm or ranch implements, supplies, and products. Outside storage or display is included as part of the use. The use does not include any residential use and is not open to the public.
Grazing	Utilizing natural forage as subsistence for livestock.
Range improvement	Structural and nonstructural improvements and their maintenance designed to increase the forage, make forage areas accessible, provide water, and control livestock movement. The use includes prescribed burning, irrigation, fertilization, water developments, fencing, noxious plant control, type conversion, and seeding.
Range pasture management	Activities required to manage the use of pastures for grazing. The primary purpose is to utilize a fenced closure or other type of confined area, and the available forage therein, for livestock, such as pack and saddle horses, mules, and cattle.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
Open Space	
Allowed in all areas of the region	Land with no land coverage and maintained in a natural condition or landscaped condition consistent with best management practices, such as deed-restricted properties and designated open space areas.
Vegetation Protection	
Fire detection and suppression	Facilities for the detection and suppression of wildfire to protect life, property, public safety, and resource values. The use includes the operation of lookout towers, aircraft, or other surveillance techniques.
Fuels treatment management	Activities required to treat fuels in order to reduce potential for damaging wildfires and secondarily to enhance visual quality and forest health, such as: tree cutting, treating slash by lopping and scattering, piling and burning, chipping, hauling slash to another area for utilization, burning or burial, and broadcast burning. The use also includes pruning limbs, removing ladder fuels such as brush and small diameter trees, thinning for adequate crown spacing, removing ground and surface fuels, etc. Any treatment that disrupts the vertical and horizontal continuity of fuels could be included. "Fuels Treatment" is equivalent to the following terms: "Fuels Treatment Management," "Fuels Management," "Fire Hazard Reduction," "Fuel Hazard Reduction," and "Hazardous Fuels Reduction."
Insect and disease suppression	Activities, including use of biological or chemical means, required to suppress wildland infestations of insects or disease, where silvicultural and other management practices have been insufficient to prevent loss of resources.
Prescribed fire/ burning management	Planned burning under controlled conditions to dispose of slash or fuels, control unwanted vegetation, stimulate the growth of vegetation, control insects and pathogens, and maintain natural ecological succession in order to achieve vegetation and wildlife habitat management goals.
Sensitive plant management	Activities or improvements intended to protect, enhance, perpetuate, or increase the habitat of plant species listed by the state, federal government, or the TRPA as threatened, endangered, rare, or sensitive, such as: protective fencing and cages, livestock control, public education, direct control of people access, rerouting of trails, and other protective measures deemed appropriate to secure the survival of the species.
Uncommon plant community management	Activities or improvements designed to protect, enhance, or perpetuate and ensure the normal ecological processes of a plant community that is of local, regional, state, or national interest.
Watershed Improvements	
Erosion control	Structural or nonstructural techniques applied to a particular site or region to prevent or minimize over land loss of soil or nutrients.
Runoff control	Structural or nonstructural practices designed to provide reasonable assurance that the runoff water quality standards to the surface or ground waters will be achieved.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	**DEFINITION**
Stream environment zone restoration	The reestablishment of the natural functions of areas that, prior to modification, were directly influenced by the presence of surface water or near surface groundwater and that have been identified by TRPA as a stream environment zone. Reestablishment includes activities such as the removal of fill material or other encroachments, recontouring, revegetation, or restoration of physical, chemical, and biological attributes. The natural functions of an SEZ include the reestablishment of natural floodplains, the provision of wildlife habitat, protection of the soil resource, and filtration of nutrients and sediments from tributary or storm runoff.

21.5. EXISTING USES

The following standards apply to existing uses:

21.5.1. Right to Continue Existing Uses

Uses legally commenced prior to the effective date of the Regional Plan, July 1, 1987, are recognized as existing uses and may be continued, except as otherwise set forth in subparagraphs 21.5.1.A and 21.5.1.B. Continuation of an existing use includes a change in ownership, tenancy, or management, where the nature and character of the existing use remain substantially unchanged. Short-term or seasonal uses existing pursuant to legally issued TRPA permits may continue only for the duration of the permits authorizing them. Neither this section nor this chapter shall be construed as a limitation upon TRPA's authority to regulate all uses, present or future, by permit, prohibition, or otherwise.

A. Nonconforming Uses

If an existing nonconforming use is discontinued for a period of one year or more, any subsequent use shall comply with the use regulations set forth in the plan area statement. In the event a use is discontinued because a structure destroyed by fire or other calamity is being reconstructed, the period of time between the calamity and completion of reconstruction shall not be considered a discontinuance of use.

B. Uses Subject to a Specific Program Requiring Discontinuance or Modification of the Uses

Uses subject to a specific program requiring discontinuance or modification of the use shall be discontinued or modified in accordance with the requirements of such program.

21.5.2. Changes, Expansions, or Intensifications of Existing Uses

Expansions and intensifications of existing uses or changes in uses, to the extent permitted by this chapter, shall be subject to the requirements for a permit set forth in Chapter 2: *Applicability of the Code of Ordinances*. Modifications, expansions, and other changes to structures shall be governed by other provisions of this Code and also are subject to the requirements of Chapter 2.

A. Allowed Uses

Uses identified as allowed uses may be changed, expanded, or intensified in conformance with this Code. Any change, expansion, or intensification resulting in a special use shall be subject to the special use requirements.

B. Special Uses

Uses identified as special uses and for which the required findings pursuant to subsection 21.2.2 have been made by TRPA may be changed, expanded, or intensified subject to subsection 21.2.2. Special uses for which the required findings have not been made may not be changed, expanded, or intensified except in accordance with subparagraph 21.5.2.C.

C. Nonconforming Uses

Uses identified as nonconforming shall not be expanded intensified beyond the use existing on the effective date of the Regional Plan. A nonconforming use may not be changed unless the new use conforms to the use regulations set forth in the Code. Expansions of structures containing a nonconforming use shall not be permitted. Modifications may be permitted only when TRPA finds that the modifications do not increase the extent of nonconformity. Such approval shall occur through direct TRPA review, through the conformance review process for Area Plans, or through Memoranda of Understanding with public agencies.

CHAPTER 22: TEMPORARY USES, STRUCTURES, AND ACTIVITIES

22.1. PURPOSE

This chapter sets forth the regulations governing temporary uses, structures, and activities, and the procedures for the review of such projects.

22.2. APPLICABILITY

This chapter applies to all temporary uses, structures, and activities, which are collectively referred to as "temporary projects."

22.3. GENERAL STANDARDS

Temporary projects shall not result in impacts that continue beyond or occur after the period of approval. Approval of temporary projects shall be conditioned upon the posting of an appropriate security to ensure removal of temporary structures and implementation of mitigation measures and other conditions of approval. Temporary projects shall be exempt from the provisions of Chapter 50: *Allocation of Development*, scenic shoreland mitigation requirements of Chapter 36: *Design Standards* for temporary buoy placement needed to temporarily replace boat slips in an existing marina during construction or dredging, and the mitigation fee requirements of Chapters 37, 61, 66 and 83. Prior to approval of a temporary project, site inspection shall be conducted to determine if the project area is capable of withstanding the impacts of the project and can be feasibly restored to its original condition or better. Temporary projects shall comply with applicable provisions of the Code unless specifically exempted.

22.4. TEMPORARY USES

TRPA may approve a temporary use for a period not to exceed six months and may approve one six-month extension. A temporary use shall be reviewed in accordance with the applicable plan area statement. A use not listed in a plan area statement shall be reviewed as a special use in accordance with subsection 21.2.2.

22.5. TEMPORARY STRUCTURES

Except as set forth in subsections 22.5.2and 22.5.3, TRPA may approve a temporary structure for a period not to exceed six months and may approve one six-month extension.

22.5.1. Review Standards

Temporary structures are exempt from the requirement in Chapter 60*: Water Quality* to install permanent BMPs. A temporary structure associated with a temporary activity shall comply with the standards set forth in Section 22.7, below. In approving a temporary structure, TRPA shall determine the expiration date based upon the anticipated length of the associated use or activity.

22.5.2. Temporary Classrooms

Temporary classrooms for public schools may be approved for a period not to exceed three years. Temporary classrooms approved for a period in excess of one year shall comply with the permanent BMP requirement of Chapter 60: *Water Quality*.

22.5.3. Temporary Structures Associated with Construction

Temporary structures associated with the construction of a TRPA-approved project may be approved for a period consistent with the construction schedule of the project.

22.6. TEMPORARY ACTIVITIES WITHIN COMMUNITY PLANS OR SPECIAL EVENT AREAS

A temporary activity in a community plan area or TRPA-approved special event area shall comply with the standards in this section.

22.6.1. Community Plan Area

An adopted community plan may set plan standards for temporary activities that are equal or superior to the standards in Section 22.7. Upon adoption of the community plan, the community plan standards for temporary activities, if any, shall supersede the standards in this chapter.

22.6.2. Interim Community Plan Standards

Until adoption of a community plan with temporary activity standards, or if the adopted community plan does not include such standards, the provisions of Section 22.7 shall apply to temporary activities in community plan areas.

22.6.3. Special Event Areas

TRPA may approve special event areas as designated sites for temporary activities. A special event area shall be reviewed as a special use in accordance with subsection 21.2.2.

A. Temporary activities may occur in the special event area without further TRPA review consistent with the project approval for the special event area.

B. A community plan shall consider designation of a special event area within the community plan boundaries. A special event area project may be approved by TRPA in conjunction with adoption of a community plan.

22.7. STANDARDS FOR TEMPORARY ACTIVITIES

Except as otherwise provided in Section 22.6, temporary activities shall comply with the standards in this section.

22.7.1. Land Coverage

A temporary activity may create temporary land coverage and disturbance subject to following conditions:

A. The temporary coverage or disturbance shall be the minimum necessary for the activity;

B. The activity shall not include grading or vegetation removal that requires a TRPA permit;

C. No coverage or disturbance, except as exempted from TRPA review in Chapter 2: *Applicability of the Code of Ordinances*, shall be permitted in land capability districts 1a, 1b(SEZ), 1c, 2, 3, or the backshore unless the land to be covered or disturbed is presently disturbed and there is no feasible alternative that reduces the impacts of continued disturbance; and

D. Temporary coverage shall be removed, disturbed areas associated with the activity shall be revegetated, and other required mitigation measures shall be implemented upon completion of the activity.

22.7.2. Parking

If there is good cause to question the sufficiency of parking for the temporary activity, the applicant may be required to submit a parking analysis and plan pursuant to Chapter 34: *Driveway and Parking Standards*. A parking plan shall include an identification of available parking, a proposed parking plan and identification of impacts that may result from the plan and mitigation measures necessary to offset such impacts, and a program to ensure implementation of the plan and mitigation measures. Parking for temporary activities may be approved for unpaved, offsite or onstreet areas, subject to the conditions of subsection 22.7.1, where applicable.

22.7.3. BMPs

Temporary activities shall comply with the requirement for installation of temporary BMPs in Chapter 60: *Water Quality*. If the temporary activity causes or perpetuates land disturbance, the applicant may be required to implement permanent BMPs on all or a portion of the project area.

22.7.4. Outdoor Advertising

Temporary activities shall comply with the standards for temporary signs set forth in Chapter 38: *Signs*, as applicable.

22.7.5. Noise

Temporary activities are exempt from the noise limitations set forth in Chapter 68: *Noise Limitations*. Notwithstanding the foregoing, prior to approving a temporary activity that may exceed such limitations, TRPA shall provide notice and an opportunity to be heard. TRPA may approve such temporary activities provided it finds that:

A. The activity is not injurious or disturbing to the health, safety and general welfare of persons or property in the neighborhood, and the general welfare of the region, and the applicant will take reasonable steps to protect against such injury; and

B. The activity is in a plan area designated commercial, public service, or tourist; is limited to no more than ten hours duration, and is between the hours of 8:00 am to 10:00 pm; or the activity is a race or exhibition, is limited to no more than six hours in duration, and is conducted during daylight hours.

22.7.6. Traffic Mitigation

For a temporary activity that includes the closure of a traffic lane or intersection of a state or federal highway for more than one hour, or the closure of U.S. 50 at any point between the South Y and Kingsbury Grade for any period of time, the applicant shall submit a traffic analysis pursuant to subparagraph 65.2.4.B. Other temporary activities are exempt from the requirements of Section 65.2.

22.7.7. Existing Temporary Activities

An existing temporary activity may be continued in accordance with the terms of the TRPA permit until expiration of the permit.

22.8. SEASONAL PROJECTS DISTINGUISHED

Except as set forth above, uses and structures that exist annually for more than 14 consecutive days shall not be considered temporary projects.

22.9. EXISTING SEASONAL AND SHORT-TERM PROJECTS

Existing short-term or seasonal uses and structures shall be permitted to continue for the duration of the applicable permit.

CHAPTER 23: RESERVED

[RESERVED]

TRPA

Code of Ordinances

Adopted by Governing Board
December 12, 2012
Effective February 9, 2013

Site Development

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CHAPTER 30: LAND COVERAGE

30.1. PURPOSE

This chapter sets forth regulations for the permissible amount of land coverage in the region. It implements provisions of the Goals and Policies concerning the land capability system, land capability districts, prohibition of additional land coverage in certain land capability districts, and transfer and mitigation of land coverage.

30.2. APPLICABILITY

30.2.1. General

All land coverage shall be regulated pursuant to the provisions of this chapter, except as provided in subsection 30.2.2.

30.2.2. Individual Parcel Evaluation System

For proposed single-family dwellings on vacant parcels, and parcels originally developed under IPES, Chapter 53: *Individual Parcel Evaluation System*, also contains standards that affect the determination of allowable land coverage.

30.3. LAND CAPABILITY SYSTEM

The land coverage limitations set forth in this chapter are based on the land capability system established in *Land Capability Classifications of the Lake Tahoe Basin*, Bailey, R. G., 1974 ("Bailey report").

30.3.1. Implementation of Land Capability System

The land capability system shall be implemented through land capability districts depicted on land capability overlay maps referred to in subsection 30.3.2. The accuracy of the land capability districts is subject to field verification pursuant to subsection 30.3.3. A land capability challenge pursuant to subsection 30.3.4 may be initiated to reclassify lands inaccurately mapped. The land capability overlay maps may also be amended by an amendment of the Regional Plan pursuant to subsection 30.3.5 or by demonstration pursuant to subsection 30.3.6 that the land has been man-modified.

30.3.2. Establishment of Land Capability Districts

The land capability districts and the geomorphic groups established by the Bailey report are made part of this ordinance. For purposes of this land capability system, stream environment zones, as defined in Chapter 90: *Definitions*, are treated as Land Capability District 1b. The boundaries of each land capability district are established on the TRPA Land Capability Overlays, (January, 1987), as amended. Subject to the provisions of subsections 30.3.3, 30.3.4, 30.3.5, and 30.3.6, all land shall be classified as to land capability in accordance with the land capability districts depicted on the overlays.

30.3.3. Land Capability Verification

Field verifications of land capability shall be conducted and regulated as follows:

A. Classifications Subject to Field Verification

Land capability classifications are subject to field verification by TRPA, or a TRPA-Certified Contractor.

B. Procedure for Site Visit

At the request or with the permission of the owner, TRPA shall inspect the pertinent parcel.

C. Report

Upon completion of the inspection, TRPA shall prepare a report that identifies the observed slopes of the parcel, the field-located boundary of any stream environment zone, and any other information pertinent to the proper land capability classification of the parcel.

D. Results of Field Verification

As a result of the report prescribed by subparagraph 30.3.3.C, TRPA may take one or more of the following actions:

1. Verify that the parcel is accurately classified pursuant to subsection 30.3.2;

2. Make a minor boundary line adjustment of land capability districts within the parcel;

3. Determine the boundary of a stream environment zone within the parcel, whether previously mapped or not;

4. Reclassify all or part of the parcel to a different land capability district, if the reclassification can be based solely upon percentage of slope;

5. Determine that the land capability district cannot be verified, in which event a land capability challenge shall be completed pursuant to subsection 30.3.4 prior to the approval of any project on the parcel.

E. Supersession of Actions Under Subparagraph 30.3.3.D

Any of the actions authorized by subparagraph 30.3.3.D may be superseded by an action pursuant to subsections 30.3.4, 30.3.5, or 30.3.6. Any action by TRPA pursuant to subparagraph 30.3.3.D shall not commit or be construed as committing TRPA to approve any project on the pertinent parcel.

F. Procedure After Verification

A verification completed pursuant to subparagraph 30.3.3.D shall supersede the TRPA land capability overlays with respect to the pertinent parcel, except as determined by a land capability challenge or man-modified determination. Once TRPA has completed its action under subparagraph 30.3.3.D, it shall:

1. Give written notification to the owner of the parcel of the action taken;

2. Include the information set forth in the report prepared pursuant to subparagraph 30.3.3.C and the action pursuant to subparagraph 30.3.3.D in

TRPA's data base for purposes of Chapter 6: *Tracking, Accounting, and Banking*; and

3. Affix a symbol to the land capability overlays denoting the action pursuant to subparagraph 30.3.3.D as applicable to the pertinent parcel.

G. Special Procedure for TRPA-Designated Land Banks

TRPA-designated land banks may perform field verifications on parcels owned by the land bank. Field verifications shall be performed by qualified personnel pursuant to the requirements of this subsection. A report pursuant to subparagraph C above shall be submitted to TRPA with a recommendation for action pursuant to subparagraph D. TRPA shall take the proper action and complete the verification process as set forth in subparagraph F.

30.3.4. Land Capability Challenge

In the event TRPA or the owner of a parcel believes such parcel is not properly classified pursuant to subsection 30.3.2, the agency or owner may initiate a land capability challenge pursuant to this subsection. The person or entity initiating the challenge shall bear the cost of the challenge.

A. Team of Experts

A team of experts retained by TRPA shall evaluate the land capability challenge. Depending on the nature of the challenge, the team may include, but need not be limited to, a geomorphologist, soil scientist, geologist and hydrologist, selected by TRPA. Such persons shall be recognized as possessing special qualifications to evaluate soils, land forms, hydrology, and other characteristics of land in the Tahoe region. TRPA shall consider data provided by experts retained by the owner, and TRPA's team of experts shall comment on the accuracy of the owner's data. No expert retained by the owner shall be a member of TRPA's team.

B. Land Capability Report

TRPA shall prepare a land capability report analyzing the land capability challenge. The report shall include:

1. A description of the parcel;

2. Identification of the soil series, geomorphic unit, slopes, and any SEZ found on the parcel;

3. A soil profile description of the site, based on one or more test pits, auger holes, or cut banks;

4. A contour map prepared by a registered surveyor or engineer on sites with complex topography, if necessary to determine land capability; and

5. A recommendation and map of the proper land capabilities for the parcel.

C. Review and Approval of Report

The TRPA-designated Hearings Officer shall review the land capability report. If the report recommends no change in land capability, the Hearings Officer may deny the

land capability challenge, subject to an appeal to the Governing Board. If the report recommends a change in land capability, the change shall be approved or denied by the Hearings Officer. The challenge may be approved if the Hearings Officer finds that the pertinent land, due to natural characteristics specifically identified, properly belongs in a land capability district(s) other than that in which it is presently classified.

D. Procedure for Notification of Appeal

An appeal to the Governing Board of the Hearings Officer's denial of a land capability challenge shall notice to affected property owners in accordance with TRPA's Rules of Procedure.

E. Procedure After Action on Land Capability Challenge

Once TRPA has completed its action on the land capability challenge, the agency shall follow the procedure set forth in subparagraph 30.3.3.F as though it applied to a land capability challenge pursuant to subsection 30.3.4.

F. Special Procedure for TRPA-Designated Land Banks

TRPA-designated land banks may initiate a land capability challenge on any parcel owned by the land bank. A team of experts pursuant to subparagraph A above, accepted by TRPA and the land bank, may be retained by the land bank. The team shall prepare a report pursuant to subparagraph B above. The TRPA Hearings Officer shall review the land capability report and approve or deny the proposed change in land capability. Upon completion of its action, TRPA shall follow the procedure set forth in subparagraph E.

30.3.5. Amendment of Land Capability Overlays by Amendment of the Regional Plan

The TRPA Land Capability Overlays may be amended through an amendment of the Regional Plan in the manner set forth in this subsection. The amendment may be initiated by TRPA.

A. Minimum Area of Land

An amendment of the Regional Plan pursuant to this subsection shall be limited to an area of land five or more acres in size.

B. Team of Experts

An amendment of the Regional Plan pursuant to this subsection shall be evaluated by the team of experts referred to in subparagraph 30.3.4.A under the conditions set forth in that subparagraph.

C. Land Capability Report

The reviewing expert(s) shall prepare a land capability report analyzing the proposed plan amendment. The report shall contain information concerning the environmental and use capacity of the pertinent land, as well as detailed information concerning topography, soils capabilities and limitations, surface and ground water conditions, geomorphology, vegetation characteristics, and related environmental factors pertinent to the land.

D. Amendment

An amendment of the Regional Plan pursuant to this subsection shall be processed, both procedurally and substantively, in the manner of amendment to the Regional Plan generally. The amendment may be approved if TRPA finds that the pertinent land, due to natural characteristics specifically identified, properly belongs in a land capability district other than that in which it is presently classified.

E. Other Matters Considered Plan Amendments

The following actions shall be considered amendments to the Regional Plan pursuant to this subsection, and applications for such actions shall be processed accordingly:

1. Line Adjustments

Line adjustments of land capability district boundaries, other than minor adjustments pursuant to subsections 30.3.3 or 30.3.4; and

2. Creation of New Land Capability Districts or Geomorphic Units

Creation of a new land capability district with five contiguous acres or more in area, or creation of a new geomorphic unit with one square mile or more in area, unless smaller, more precise mapping units are adopted by TRPA, in which event the smaller units may be used.

F. Procedure After Amendment

Once TRPA has completed its action on an amendment to the Regional Plan pursuant to this subsection, the agency shall follow the procedure set forth in subparagraph 30.3.3.F as though it applied to an amendment to the Regional Plan pursuant to this subsection.

30.3.6. Amendment of Land Capability Overlays for Man-Modified Areas

The TRPA Land Capability Overlays may be amended for man-modified areas through an amendment of the Regional Plan in the manner set forth in this subsection. The amendment may be initiated by TRPA or the owner of the pertinent land, provided there is sufficient information demonstrating a reasonable possibility the requirements of this subsection can be met.

A. Team of Experts

An amendment of the Regional Plan pursuant to this subsection shall be evaluated by the team of experts referred to in subparagraph 30.3.4.A under the conditions set forth in that subparagraph.

B. Man-Modified Report

The team of expert(s) shall prepare a report analyzing the proposed plan amendment. The report shall contain information showing that the land in question was modified by man's placement of fill, dredging, or grading in so substantial a fashion as to generally exhibit the characteristics of a land capability district other than the one depicted for said land on the TRPA Land Capability Overlays. In

addition to the above information, the report shall contain the following concerning the pertinent land:

1. A statement of geomorphic characteristics;

2. An analysis of surface and subsurface hydrology;

3. A statement of physical and chemical soil characteristics;

4. An analysis of erosion hazard;

5. An analysis of vegetation;

6. A statement identifying the land capability characteristics resulting from the modification and an opinion by the team identifying the land capability district generally exhibiting those characteristics; and

7. Additional information reasonably required by TRPA to properly assess the merits of the application.

C. Action on Amendment

An amendment of the Regional Plan pursuant to this subsection shall be processed, both procedurally and substantively, in the manner of amendments to the Regional Plan generally. The amendment may be approved if TRPA finds that:

1. The land was modified prior to February 10, 1972;

2. Further development will not exacerbate the problems resulting from the modification of the land and will not adversely impact sensitive lands adjacent to or nearby the man-modified area;

3. The land no longer exhibit the characteristics of land bearing the same, original land capability classification;

4. Restoration of the land is infeasible because of factors such as the cost of restoration, a more positive cost-benefit ratio would be achieved by offsite restoration, onsite restoration would cause environmental harm, restoration onsite would interfere with an existing legal use, or the land is not identified for restoration by any TRPA program;

5. Further development can be mitigated onsite and/or offsite; and

6. Mitigation to offset the losses caused by modification of the land and pertinent land capability district, shall be as follows:

a. Onsite and/or offsite mitigation;

b. Pursuant to a maintenance program, including schedule of maintenance, proposed by the owner and approved by TRPA; and

c. Collection of a security, if deemed necessary by TRPA, to guarantee mitigation.

D. Effect of Approval

If the amendment is approved, the land coverage limitations of the land capability district, whose characteristics are exhibited by the pertinent land, shall apply to the land.

E. Conditions Upon Amendment

Approval of an amendment of the Regional Plan pursuant to this subsection may be granted subject to reasonable conditions in addition to those otherwise referred to in this subsection.

F. Procedure After Amendment

Once TRPA has completed its action on an amendment to the Regional Plan pursuant to this subsection, the agency shall follow the procedure set forth in subparagraph 30.3.3.F as though it applied to an amendment to the Regional Plan pursuant to this subsection including, but not limited to, the report prepared for and action on the amendment.

30.4. LAND COVERAGE LIMITATIONS

No person shall create land coverage in excess of the limitations set forth in this chapter. The means to determine base land coverage, the manner to transfer land coverage, and prohibitions of certain land coverage are set forth in this section.

30.4.1. Base Allowable Land Coverage

A. Base Allowable Land Coverage Coefficients

The base allowable land coverage shall be determined by using the coefficients set forth in *Land Capability Classifications of the Lake Tahoe Basin*, Bailey, R. G. 1974. These coefficients are:

TABLE 30.4.1-1: BASE ALLOWABLE LAND COVERAGE COEFFICIENTS

Lands Located in Land Capability District*	Base Allowable Land Coverage
1a, 1b, 1c	1%
2	1%
3	5%
4	20%
5	25%
6, 7	30%

* Lands located in Geomorphic Group I are classified Land Capability District 1 and are permitted one percent coverage.

B. General Rule and Exceptions

The coefficients shall be applied to the project area in accordance with subparagraph C, except as provided below.

1. Parcels in TRPA-Approved Subdivisions in Conformance with the Bailey Coefficients

In TRPA-approved subdivisions where TRPA applied the coefficients on a subdivision-wide basis and allowable coverage was assigned to individual parcels, the assigned coverage shall be the base allowable land coverage for those parcels. The list of TRPA-approved subdivisions in conformance with Bailey coefficients is provided in Attachment D to the Goals and Policies.

2. Parcels in Existing Planned Unit Developments (PUDs) Not in Conformance with the Bailey Coefficients

To determine the base allowable land coverage for parcels within an existing PUD, the coefficients shall be applied to the entire PUD. This total allowable coverage, minus the existing common area facilities coverage, shall be divided among the individual parcels in proportion to their respective sizes, whether developed or not. Public rights-of-way shall not be included in the calculation. Accordingly, the method of calculation is as follows: first, the area of public rights of-way is not to be counted; second, base allowable land coverage for the remaining area in the PUD is calculated; third, the amount of existing coverage in common areas is subtracted; fourth, the remaining coverage is divided among the individual parcels, in proportion to size. In no case shall parcels of individual ownership be assigned an allowable base coverage of less than zero.

Example of Calculation – PUD

Project is a five-acre PUD (not including public rights-of-way) with ten individual 50’ x 50’ parcels located in Land Capability District 4. Existing common area improvements such as parking, tennis court, and recreation center equal 30,000 square feet of land coverage

Step 1: Zero land in public rights-of-way, so nothing subtracted from 5 acres (217,800 sf).

Step 2: PUD size (217,800 sf) x coverage coefficient (20%) = base allowable land coverage (43,560 sf).

Step 3: Base allowable land coverage (43,560 sf) - existing improvements (30,000 sf) = remaining base allowable land coverage (13,560 sf).

Step 4: Remaining base allowable land coverage (13,560 sf) ÷ number of parcels (10) = base allowable land coverage per parcel (1,350 sf).

3. Relationship to IPES

Except as set forth in 1 and 2 above, the Individual Parcel Evaluation System ("IPES") ratings shall be used to determine allowable coverage for single family houses subject to IPES pursuant to Chapter 53: *Individual Parcel Evaluation System*.

C. Method of Calculating Base Allowable Land Coverage

Base allowable land coverage shall be determined by application of the base land coverage percentages set forth in subparagraph A above to the project area. Determination of the project area and the method of applying the percentage coverage figures to the project area shall be as set forth below.

1. Calculation of Base Allowable Land Coverage Under IPES

Calculation of permissible land coverage for parcels subject to IPES shall be in accordance with Chapter 53.

2. Determination of the Project Area

The project area shall be calculated as follows:

a. **Boundaries or Area of Land Involved**

(i) Single Parcel up to 20 Acres

For a project on a single parcel of up to 20 acres, the project area shall be the area of the parcel.

(ii) Single Parcel in Excess of 20 Acres, or No Parcel

For a project on a single parcel in excess of 20 acres, or on an area of land not consisting of a parcel, TRPA shall determine the project area based upon the following factors, among others, appropriate for this purpose: the area impacted by or the sphere of influence of the project; the area to be actually used for the project; whether the project is located in one or more hydrologically related areas; and the extent of land coverage and land disturbance for the project.

(iii) Two or More Contiguous Parcels

For a project on or comprising two or more contiguous parcels, the project area shall be the total combined square footage of the parcels, provided the parcels are permanently consolidated. If the parcels are not permanently consolidated, the owner shall record against the parcels a deed restriction or other covenant running with the land permanently assuring that the land coverage calculations for the parcels shall always be made as if the parcels had been legally consolidated.

(iv) Proposed Accessory Use

Where the proposed activity or project for which land coverage is to be calculated is an accessory use to an existing primary use located on one or more adjacent parcels, the project area for the accessory use shall be the total combined square footage of all of said parcels owned or controlled by the same person, provided the parcels are permanently consolidated through a recorded deed restriction or other covenant running with the land permanently assuring that the coverage calculations for the parcels shall always be made as if the parcels had been legally consolidated. If the parcels are not

permanently consolidated, the owner shall do so by means of one of the above methods.

(v) Noncontiguous Parcels

For a project on noncontiguous parcels pursuant to Chapter 13: *Redevelopment Plans*, or Chapter 15: *Environmental Improvement Program*, the project area of two or more noncontiguous parcels shall consist of the total combined square footage of the parcels, provided the owner(s) of the parcels record against the parcels a deed restriction or other covenant running with the land permanently assuring that the coverage and density calculations for the parcels shall always be determined as if the parcels had been legally consolidated.

b. **Land Not Included in the Project Area**

(i) The project area shall not include the following:

(1) Lands lakeward of the high-water lines of bodies of water, such as lakes and ponds;

(2) Lands underlying covered surfaces associated with existing linear public facilities;

(3) Highways, streets, and roads referred to in subparagraph 30.4.2.A.3; and

(4) Easements or rights-of-way allowing potential land coverage for linear public facilities, highways, streets, and roads.

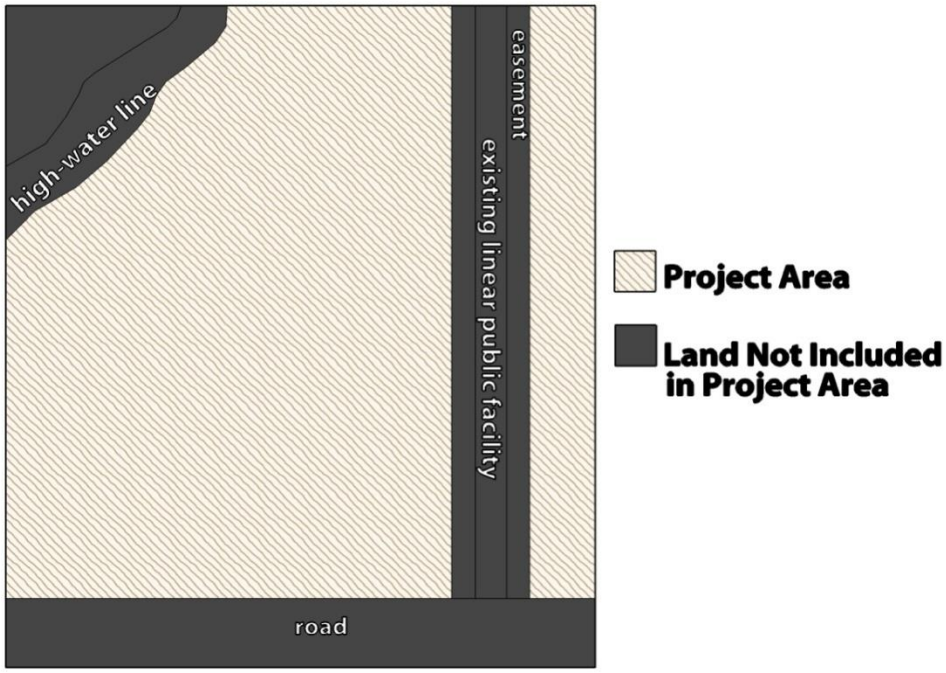


Figure 31.4.1-A: Land Not Included in Project Area

(ii) Land coverage associated with existing linear public facilities, highways, streets, and roads shall not be considered in the calculation of land coverage, except as pertinent to the review by TRPA of the facilities, highway, streets, or roads, or as required pursuant to subparagraph 30.4.1.C.3.e.

c. **Separate Calculation for the Area Within Each Land Capability District**
With the exception of land coverage for IPES pursuant to Chapter 53, base allowable land coverage shall be calculated by reference to the square footage area of each, separate land capability district located within the project area, applying the applicable land coverage percentage set forth in subparagraph 30.4.1.A to the square footage within each respective land capability district.

3. Application of Percentage Coverage Figures to the Project Area
The percentage coverage figures shall be applied to the project area as follows:

a. **Amount of Base Allowable Land Coverage**
The maximum amount of base land coverage on the parcel or project area shall be equal to the cumulative allowed base coverage of all land capability district(s), determined by applying the land coverage percentage for each district set forth in subsection 30.4.1 to the parcel or project area, as determined by subparagraph 2 above. The placement of this base land coverage is subject to the restrictions in subparagraph b below.

b. **Parcel or Project Area of One-Third Acre or Less**
For a parcel or project area of one-third acre or less, the following rules apply:

(i) All base allowable land coverage attributable to land in Land Capability Districts 1 through 3 may be aggregated and placed on any location within Land Capability Districts 4 through 7, inclusive, but not within Land Capability Districts 1 through 3; and

(ii) All base allowable land coverage attributable to land in Land Capability Districts 4 through 7 may be aggregated and placed anywhere within Land Capability Districts 4 through 7; however, such base coverage shall not be placed in Land Capability Districts 1 through 3.

(iii) Any base allowable land coverage from Land Capability Districts 1 through 3 placed in Land Capability Districts 4 through 7 shall not reduce the maximum base coverage allowed in Land Capability Districts 4 through 7.

(iv) Base coverage shall only be used in Land Capability Districts 1 through 3 if the use meets an exception in subsection 30.5.1 or 30.5.2, or any other code section that provides a specific exception.

c. **Parcel or Project Area Greater than One-Third Acre**
For a parcel or project area greater than one-third of an acre, the landowner may choose one of the two below options apply to base coverage.

(i) Option 1

(1) All base allowable land coverage attributable to land within Land Capability Districts 4 through 7, inclusive, shall only be placed within each corresponding Land Capability District 4 through 7 area up to the maximum amount of land coverage determined by applying the land coverage percentages of each respective land capability district; and

(2) All base allowable land coverage attributable to land within Land Capability Districts 1 through 3 may be aggregated and placed within any Land Capability District 4 through 7 location.

(3) No base allowable land coverage shall be placed on any land in Land Capability District 1 through 3, inclusive, except as provided in subsections 30.4.1, 30.5.1, 30.5.2, or any other Code section that provides a specific exception.

Example: Option 1 (Base Allowable Land Coverage – Greater Than 1/3 Acre)

For a project area that is 45,000 square feet in size, with 10,000 square feet in Land Capability District 2, 5,000 square feet in Land Capability District 4, and 30,000 square feet in Land Capability District 6, the maximum base allowable land coverage would be 10,100 square feet, calculated as follows:

Land area of Land Capability District (LCD) ×	Base Coverage =	Maximum Base Allowable Land Coverage
10,000 sq. ft. (LCD 2)	1%	= 100 sq. ft.
5,000 sq. ft. (LCD 4)	20%	= 1,000 sq. ft.
30,000 sq. ft. (LCD 6)	30%	= 9,000 sq. ft.
		TOTAL: 10,100 sq. ft.

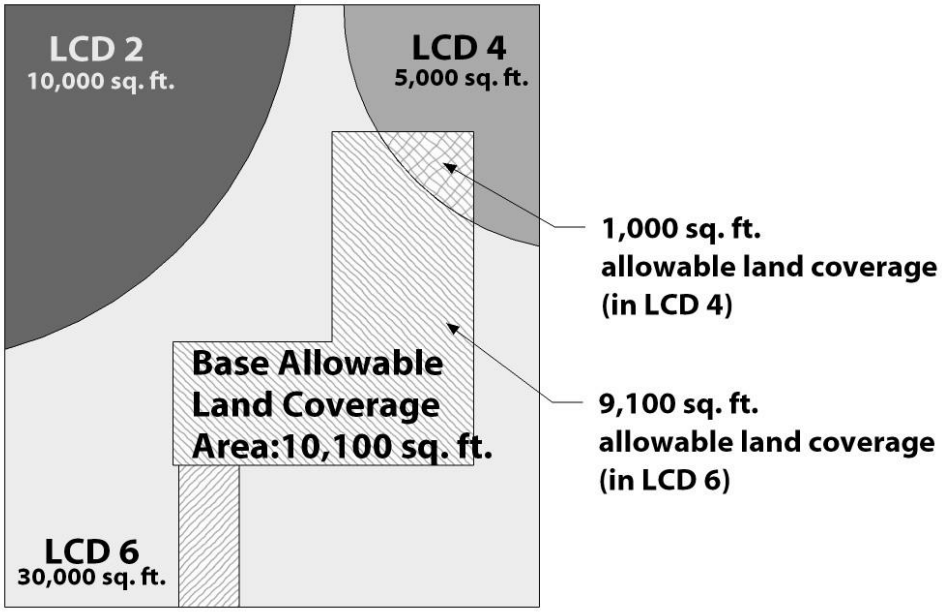


Figure 30.4.1-B: Option 1: Base Allowable Land Coverage in Multiple Land Capability Districts (LCDs)

(ii) Option 2

The percentage coverage figure corresponding to the lowest district number of Land Capability Districts 4 through 7 may be applied to the total area encompassed by Land Capability Districts 4 through 7, to which amount may be added the aggregate of base coverages attributable to land within Land Capability Districts 1 through 3. No base allowable land coverage may be placed within Land Capability Districts 1 through 3, except as provided in subsection 30.4.1.

Example: Option 2 (Base Allowable Land Coverage – Greater Than 1/3 Acre)

Using the same example project in Option 1 above, Option 2 would be calculated as follows:

Given that:

- The parcel contains Land Capability Districts 2, 4, and 6;
- Land Capability District 4 is the lowest capability district within the 4 through 7 range; and
- The total area encompassed by Land Capability Districts 4 through 7 is 35,000 sq. ft. (5,000 + 30,000); and
- 20% is the percentage coverage figure for Land Capability District 4;

Then: The base allowable land coverage area for Land Capability District 4 is 35,000 x .20 = 7,000 sq. ft.

Finally: Add the aggregate base land coverage of all land in Land Capability Districts 1 through 3 (100 sq. ft.) to the Land Capability District 4 base land coverage (7,000 sq. ft.), which results in a final base allowable land coverage of 7,100 sq. ft., which may be placed in any location within the Land Capability Districts 4 and 6.

d. **Transferred Coverage**
In the event additional land coverage is permitted by transfer pursuant to subsection 30.4.2, the amount of total allowable land coverage shall be calculated by applying the percentage coverage figures set forth in subsection 30.4.2 to the project area determined pursuant to subparagraph 30.4.1.C.2.

e. **Land Coverage in Right-Of-Way**
Existing or proposed land coverage in a public street or highway right-of-way shall be attributable to the owner of the right-of-way. Transfer of such coverage shall be pursuant to the requirements of subsection 30.4.3. The owner of the right-of way may arrange the transfer of land coverage with the person, if any, benefiting from the proposed land coverage in the right-of-way.

30.4.2. Transferred Land Coverage Requirements

In addition to the base land coverage prescribed by subsection 30.4.1, land coverage may be transferred to a parcel pursuant to subsection 30.4.3. Parcels and uses eligible for transfer of land coverage are identified in this subsection. For purposes of this subsection, the "maximum land coverage" equals the base land coverage plus the transferred land coverage. Land coverage shall not exceed base land coverage for parcels and uses that are not identified in this subsection. The aggregate of base land coverage and transferred land coverage shall not exceed the limits set forth in this subsection.

A. General Standards Applicable in All Locations

1. Residential Facilities (One to Four Units)
The maximum land coverage allowed on a parcel for residential facilities of four units or less shall be the land coverage allowed pursuant to the coefficients in Table 30.4.1-1, or as follows, whichever is greater:

a. **Maximum Parcel Coverages**

TABLE 30.4.2-1: MAXIMUM PARCEL COVERAGE

Project Area (Sq. Ft.)	Maximum Land Coverage
0 - 4,000	Base Land Coverage Only
4,001 - 9,000	1,800 sq. ft.
9,001 - 14,000	20% of Project Area
14,001 - 16,000	2,900 sq. ft.
16,001 - 20,000	3,000 sq. ft.
20,001 - 25,000	3,100 sq. ft.
25,001 - 30,000	3,200 sq. ft.
30,001 - 40,000	3,300 sq. ft.
40,001 - 50,000	3,400 sq. ft.
50,001 - 70,000	3,500 sq. ft.

TABLE 30.4.2-1: MAXIMUM PARCEL COVERAGE	
Project Area (Sq. Ft.)	**Maximum Land Coverage**
70,001 - 90,000	3,600 sq. ft.
90,001 - 120,000	3,700 sq. ft.
120,001 - 150,000	3,800 sq. ft.
150,001 - 200,000	3,900 sq. ft.
200,001 - 400,000	4,000 sq. ft.

b. **Planned Unit Developments**
For parcels in planned unit developments, the maximum coverage allowed shall be 100 percent of the proposed building envelope or 2,500 square feet, whichever is less. Parcels in PUDs with five or more units per parcel are considered multi-residential and regulated pursuant to subparagraph 30.4.2.B.3.

c. **Special Transfer Programs**
Parcels in subdivisions with TRPA-approved transfer programs may be permitted the coverage specified by that approval. The only subdivision with such a program, as of the effective date of the Regional Plan, is Cave Rock Estates, Unit No. 3. The Cave Rock Estates, Unit No. 3 transfer program is set forth in the TRPA March 23, 1978, approval of that subdivision.

d. **Driveways**
The maximum limits in Table 30.4.2-1 may be increased by a transfer of land coverage for a driveway built in accordance with the standards in Chapter 34: *Driveway and Parking Standards*, which is to be created in connection with the construction of a single-family house on an existing parcel, provided TRPA finds that:

(i) The construction will not result in a residential structure with land coverage greater than that permitted in Table 30.4.2-1 minus 400 square feet; and

(ii) The single-family house, as a direct result of the increased land coverage, will be located on the parcel in such a manner that it shall cause the least harm to the natural environment through minimization of land alterations, grading, removal of vegetation, hydrological impacts, and preservation of trees and other flora.

2. Linear Public Facilities and Public Health and Safety Facilities
The maximum land coverage for linear public facilities and public health and safety facilities is limited to the minimum amount needed to achieve their public purpose, except as provided for non-motorized public trails in subsection 30.4.6.D.3. Such transfer may be permitted, provided TRPA makes the following findings:

a. The project complies with required findings for additional public service facilities if required pursuant to Section 50.8;

b. There is no feasible alternative that would reduce land coverage;

c. The project, because of its unusual configuration or service requirement, requires special consideration; and

d. The facility primarily serves the needs of persons other than those who are or will be residents of the lands in question, or the owners of the land in question.

3. Highways, Streets, and Roads

Transfer of land coverage for highways, streets, and roads may be permitted, provided TRPA, in addition to the findings in subparagraph 2 above, makes the following additional findings:

a. The highway, street, or road is required to provide access to property other than that owned by the applicant; and

b. The highway, street, or road will be constructed or maintained by a public agency, or is required to be so constructed or maintained by the terms and in accordance with the boundaries of a lawfully created easement recorded prior to February 10, 1972, or is required or approved by TRPA for a project approved after the effective date of the Regional Plan.

4. Facilities for Public Safety and Access of the Disabled

Facilities legally existing on the effective date of the Regional Plan: Transfers of land coverage may be permitted for the addition of facilities for access of disabled persons for compliance with the American Disabilities Act (ADA) and other public safety requirements that do not qualify for a coverage exemption under subparagraph 30.4.6.C. The maximum land coverage shall be the minimum amount necessary to meet the public safety and access requirements.

5. Water Quality Control Facilities

Transfers of land coverage for water quality control facilities, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities, may be permitted the minimum amount of land coverage needed to achieve their purpose provided there is not a reasonable alternative, including relocation, that avoids or reduces the land coverage.

B. Location-Specific Standards

1. Facilities Within Centers

Unless otherwise provided in subparagraph A, the maximum land coverage (base plus transferred coverage) allowed on a parcel within a Center of a Conforming Area Plan shall be:

a. Within 300 feet of the High Water Line of Lake Tahoe (excluding those areas landward of State Highways in the Tahoe City and Kings Beach Town Centers), maximum land coverage shall be 50 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive.

b. Further than 300 feet from the High Water Line of Lake Tahoe and those areas landward of State Highways in the Tahoe City and Kings Beach Town Centers, maximum land coverage shall be 70 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive.

2. Commercial Facilities Within Community Plans

Unless otherwise provided in subparagraph A, the maximum land coverage (base land coverage plus transferred coverage) allowed on a parcel for commercial and mixed-use facilities located within community plans approved pursuant to Chapter 12, but not within a Center of a Conforming Area Plan is as follows:

a. For parcels upon which there is no development legally existing as of July 1, 1987, and for areas at least 300 feet from the high Water Line of Lake Tahoe (excluding those areas landward of State highways in the Tahoe City and Kings Beach Town Centers), maximum land coverage shall be 70 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive; and

b. For parcels upon which there legally exists development as of July 1, 1987, maximum land coverage shall be 50 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive.

3. Tourist Accommodation Facilities, Multi-Residential Facilities (Five or More Units), Public Service Facilities, and Recreation Facilities Within Community Plans

The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for tourist accommodation facilities, multi-residential facilities of five units or more, public service facilities, and recreation facilities shall be limited to 50 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive, provided the parcel is located within a community plan approved pursuant to Chapter 12. Subdivisions into parcels of four or fewer residential units are not eligible for the maximum land coverage permitted under this subparagraph unless a deed restriction requiring maintenance of the units as affordable or moderate income housing, as defined by TRPA, is approved by TRPA and recorded against the property.

4. Public Service Facilities Outside Community Plans and Centers

The maximum land coverage for other public service facilities located outside of an approved community plan, or Centers within a Conforming

Area Plan pursuant to Chapter 13, is 50 percent of the project area. Transfer of land coverage for public service facilities located outside a community plan is limited to projects for which TRPA has made the following findings:

a. The project complies with required findings for additional public service facilities if required pursuant to Section 50.8;

b. There is no feasible alternative that would reduce land coverage; and

c. There is a demonstrated need and requirement to locate the facility outside a community plan.

C. Transfer of Nonconforming Land Coverage

Notwithstanding subparagraphs A and B above, when existing development is relocated to a Center and the sending site is restored and retired, the nonconforming land coverage (as measured in square feet) may be maintained with the relocation provided both of the following conditions are satisfied:

1. The receiving site shall be developed in accordance with all applicable TRPA ordinances. If necessary to comply with applicable ordinances, land coverage shall be reduced; and

2. The receiving site shall be either the same size or larger than the prior site, or, if the new project area is smaller than the prior site, the amount of nonconforming coverage to be transferred shall be reduced on a proportionate basis and the balance of nonconforming coverage may be banked or transferred elsewhere.

30.4.3. Method of Transferring Land Coverage

Land coverage may be transferred to eligible parcels for eligible uses, in accordance with the percentage limitations set forth in subsection 30.4.2 and the requirements of this subsection. A transfer of land coverage shall be from one parcel or project area to another and shall only be transferred in conjunction with a project approved by TRPA. Land coverage banks may be designated by TRPA pursuant to Section 6.9, to provide land coverage for transfer purposes.

A. Land Coverage Transfer Ratios

Land coverage transferred from one parcel ("sending parcel") to another parcel ("receiving parcel") shall be in accordance with the following ratios:

1. General

Except for transfers relating to uses within approved community plans or Centers, the transfer of one square foot of land coverage to a receiving parcel shall require the retirement of one square foot of land coverage on the sending parcel (1:1 transfer ratio). Higher transfer ratios may be required pursuant to subparagraph A.2 below.

2. Uses Within Approved Community Plans or Centers

Receiving parcels within an approved community plan or Center eligible for the maximum 70 percent land coverage prescribed by subparagraph 30.4.2.A.2, shall be eligible to receive transferred land coverage at the following ratios:

a. **Transfers from Sensitive Lands**

From sensitive lands, land coverage shall be transferred at a ratio of 1:1, until the total land coverage reaches the maximum allowed.

b. **Transfers from Non-Sensitive Lands**

From non-sensitive lands, land coverage shall be transferred at a ratio of 1:1 up to 50 percent, and shall be transferred at the ratio set forth in Table 30.4.4-1 for projects with coverage in excess of 50 percent until the total land coverage reaches the maximum allowed except as provided in subparagraph c. below:

TABLE 30.4.4-1: TRANSFER RATIOS

Maximum Percent of Final Coverage	Transfer Ratio
>50 – 51	1.05:1
> 51 – 52	1.1:1
> 52 – 53	1.15:1
> 53 – 54	1.2:1
> 54 – 55	1.25:1
> 55 – 56	1.3:1
> 56 – 57	1.35:1
> 57 – 58	1.4:1
> 58 – 59	1.45:1
> 59 – 60	1.5:1
> 60 – 61	1.55:1
> 61 – 62	1.6:1
> 62 – 63	1.65:1
> 63 – 64	1.7:1
> 64 – 65	1.75:1
> 65 – 66	1.8:1
> 66 – 67	1.9:1
> 67 – 68	1.95:1
> 68 – 70	2:1

Example of Land Coverage Transfer from Non-Sensitive Sending Parcel

Receiving Parcel:
Five-acre parcel = 217,800 sq. ft.
Allowable base coverage (30%) = 0.3 x 217,800 = 65,340 sq. ft.
Proposed project coverage (60%) = 0.6 x 217,800 = 130,680 sq. ft.

Total Land Coverage Needed for Transfer from Non-Sensitive Sending Parcel:

Step 1: For first 0% - 30% of coverage:
(No transfer necessary) Then: 0 to 30% = **0 sq. ft.**

Step 2: For >30% to 50% (i.e., 20%) of coverage:
[Required ratio is 1:1] Then: 20% x 217,800 sq. ft. = 43,560 sq. ft.
So: 43,560 sq. ft. x 1 = **43,560 sq. ft.**

Step 3: For >50% to 60% (i.e., 10%) of coverage:
[Required ratio is 1.5:1] Then: 10% x 217,800 sq. ft. = 21,780 sq. ft.
So: 21,780 sq. ft. x 1.5 = **32,670 sq. ft.**

c. **Transfer for Multi-Residential Facilities of Five Units or More, Public Service Facilities, and Recreation Facilities**
Land coverage shall be transferred at a ratio of 1:1, until the total land coverage reaches the maximum allowed.

B. Types of Land Coverage Eligible for Transfer
The following types or classes of legally established land coverage are eligible for transfer to receiving parcels in accordance with the provisions of this chapter:

1. Hard Land Coverage
Hard land coverage may be transferred in all cases.

2. Soft Land Coverage
Soft land coverage may be transferred in all cases; however, transfers to commercial, mixed-use, or tourist accommodation uses or facilities shall not be permitted, except for the following:

a. Soft coverage may be transferred to commercial parcels within both the South Y Industrial Tract Community Plan and the Upper Truckee River Hydrologic Transfer Area for service, light industrial, and wholesale/storage uses in accordance with subsection 30.4.3 and provided that the findings in subparagraph 30.4.3.F below are made. See, however, subsection 30.4.3.B.6 below for legally existing soft coverage transfer allowances between hydrologically related areas.

b. Soft coverage may be transferred from Land Capability Class 1b (Stream Environment Zones) to Centers for all use types.

3. Base Land Coverage

Unused allowable base land coverage (i.e., potential coverage) referred to in subsection 30.4.1 may be transferred in all cases, except for transfers relating to commercial, mixed-use, or tourist accommodation uses or facilities. Land coverage transferred as mitigation for excess coverage associated with commercial, mixed-use, and tourist accommodation projects shall be existing hard coverage except as provided in subparagraph 2 above.

4. Land Coverage for Single-Family House

Land coverage transferred for a single-family house, including, but not limited to, a house to be constructed pursuant to IPES, shall be from a sending parcel as environmentally sensitive as or more environmentally sensitive than the receiving parcel. If both sending and receiving parcels have not received IPES rating scores, relative environmental sensitivity shall be determined by comparing the land capability classification of each parcel. If both parcels have IPES rating scores, sensitivity shall be determined by comparing the scores of each. If one parcel has an IPES rating score and the other does not, TRPA shall determine sensitivity.

5. Land Coverage for Water Quality Control Facilities

Land coverage transferred for water quality control facilities pursuant to subparagraph 30.4.2.A.5 shall be in accordance with 1 through 3 above, or shall be mitigated through restoration in accordance with subsection 30.5.3, in the amount of 1.5 times the area of land covered or disturbed for the project beyond that permitted by the coefficients in Table 30.4.1-1.

6. Land Coverage Transfers Across Hydrologically Related Areas

Hard and soft land coverage may be transferred across hydrologically related areas pursuant to the following requirements:

a. The sending site is sensitive land defined as lands with IPES scores at or below 725; or for lands without IPES scores, those lands identified as Land Capability Districts 1 through 3. The hard and soft land coverage must be transferred from sensitive land.
b. The receiving site is non-sensitive land defined as lands with IPES scores above 725; or for lands without IPES scores, those lands identified as Land Capability Districts 4 through 7. The area receiving transferred coverage must be non-sensitive land.
c. The receiving site is further than 300 feet from the High Water Line of Lake Tahoe, or on the landward side of Highway 28 or 89 in the Tahoe City or Kings Beach Town Centers.

C. Sending Parcels Classified as Sensitive Lands

If land coverage is transferred from a sending parcel, or a portion thereof, that is defined as a sensitive land, the coverage transferred shall be permanently retired as set forth in subparagraph 30.4.3.G below and may not be returned to the sending parcel.

D. Sending Parcels Classified as Non-Sensitive Lands

If land coverage is transferred from a sending parcel, or a portion thereof, that is defined as a non-sensitive land, the land coverage transferred shall be retired as set forth in subparagraph 30.4.3.G below, but the land coverage may be returned to the sending parcel subject to the limitations of subsections 30.4.1 and 30.4.2.

E. Hydrologically Related Area Transfer Limitation

For all land coverage transfers, the receiving parcel and the sending parcel shall be in the same hydrologically related area except as allowed in subsection 30.4.3.B.6 above. The hydrologically related area boundaries are depicted in the TRPA Plan Area Layers and are incorporated herein. Transfer across said boundaries is prohibited except as allowed in subsection 30.4.3.B.6 above. See, however, subparagraph 30.5.3.B for requirements regarding off-site restoration credits that may be used in different hydrologically related areas.

F. Inadequate Supply of Land Coverage

If TRPA, after conducting a review of the cost of land coverage available at the land bank, finds there is an inadequate supply of hard land coverage for commercial or tourist accommodation uses at a reasonable cost within a given hydrologically related area, TRPA may authorize an increase in the supply of land coverage for transfer in the order of priority set forth below. In determining "reasonable cost," TRPA shall consider: whether there is no market for the coverage due to its cost, limited supply or simple absence of transactions; and other pertinent factors. Prior to authorizing an increase in supply of land coverage, TRPA also shall consider the effect of the increase on the inventory in the land bank and the value of investments made by the bank in hard or soft land coverage. If TRPA authorizes an increase in the supply of land coverage, it shall do so in the following order of priority:

1. Existing soft coverage as described in the definition of "land coverage."

2. Unused base coverage, referred to in the Goals and Policies as "potential coverage."

3. Through redefinition of the boundaries of the hydrologically related area to increase the supply of coverage.

G. Restoration and Retirement of Land Coverage

Land coverage shall be restored and retired pursuant to Section 51.6 and the following:

1. Transfers

TRPA shall ensure that land coverage transferred pursuant to subsection 30.4.3 shall be retired permanently pursuant to the following requirements:

a. In the event land coverage is removed from the sending parcel, the applicant or a public agency shall restore the sending parcel to a natural or near natural state;

b. Provisions for future maintenance and protection of the parcel from further soil disturbance shall be made, whether or not the parcel is undisturbed or subject to restoration; and

c. For parcels in private ownership, deed restrictions, or other covenants running with the land, permanently assuring the accomplishment of the requirements of subparagraphs a and b above shall be recorded by the owner. For parcels in public ownership, TRPA shall obtain binding assurance from the public agency that the requirements of subparagraphs a and b above are permanently met.

2. Removal of Land Coverage for Credit

In the event land coverage is removed on one parcel, but is not proposed for immediate transfer to another parcel, the applicant shall comply with subparagraphs 30.4.3.G.1.a and b, to assure credit for the removed coverage in accordance with Chapter 6.

H. Land Bank

Land coverage transfers and land coverage retirement programs may use a land bank pursuant to Chapter 6: *Tracking, Accounting, and Banking*.

30.4.4. Relocation of TRPA-Verified Existing Land Coverage

TRPA-verified existing land coverage may be relocated on the same parcel or project area if TRPA finds that:

A. The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the following factors:

1. Whether the area of relocation already has been disturbed;

2. The slope of and natural vegetation on the area of relocation;

3. The fragility of the soil on the area of relocation;

4. Whether the area of relocation appropriately fits the scheme of use of the property;

5. The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore;

6. The project otherwise complies with the land coverage mitigation program set forth in Section 30.6.

B. The area from which the land coverage was removed for relocation is restored in accordance with subsection 30.5.3.

C. The relocation shall not be to Land Capability Districts 1a, 1b, 1c, 2, or 3, from any higher numbered land capability district.

D. If the relocation is from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone. "Net environmental benefit to a stream environment zone" is defined as an improvement in the functioning of the stream environment zone and includes, but is not limited to:

1. Relocation of coverage from a less disturbed area to a more disturbed area or to an area further away from the stream channel or water body, as applicable;

2. Retirement of land coverage in the affected stream environment zone in the amount of 1.5:1 of the amount of land coverage being relocated within a stream environment zone; or

3. For projects involving the relocation of more than 1,000 square feet of land coverage within a stream environment zone, a finding, based on a report prepared by a qualified professional, that the relocation will improve the functioning of the stream environment zone and will not negatively affect the quality of existing habitats, considering factors such as, but not limited to, soil function, hydrologic function, vegetation, and wildlife habitat.

30.4.5. Conversion of Turf Grass Coverage to Synthetic Turf Coverage for Public Athletic Fields

Turf grass public athletic fields may be converted to synthetic turf fields as provided below.

A. Eligibility

TRPA shall find that the turf grass field meets all of the following criteria:

1. The turf grass field shall be composed of non-native turf grasses and receive regular fertilization and periodic irrigation.

2. At least 50 percent of the condition of the turf grass field shall be substantially compacted by repeated pedestrian traffic so as to reduce saturated hydraulic conductivity by 50 percent or more when compared to natural conditions for the same soil type.

B. Construction Standards

The synthetic turf field shall be constructed and maintained to meet all of the following standards:

1. The synthetic turf design shall include a subsurface drainage system that discharges to a water quality treatment area. The subsurface drainage system shall comply with groundwater interception regulations pursuant to

subsection 33.3.6 and shall not adversely affect water levels within a stream environment zone;

2. The synthetic turf shall be limited to team playing fields and player staging areas only;

3. Synthetic turf components and fields shall not contain or utilize materials for construction or maintenance that could leach into the ground water, present a health hazard to people, or adversely affect flora or fauna; and

4. The synthetic turf shall not receive runoff or overflow from adjacent lands, except under extraordinary circumstances, such as 20 year or greater storm events.

C. In-Lieu of Excess Coverage Mitigation and Water Quality Mitigation

In order to approve synthetic turf for public athletic turf fields, the coverage shall be mitigated either by:

1. Restoration of an equal area of highly compacted turf grass to native vegetation so as to achieve a saturated hydraulic conductivity of greater than 50 percent of natural conditions for the same soil type; or

2. Payment of a fee equal to five percent of the structural cost of the synthetic turf construction as specified in subparagraph 30.6.1.C.3. Except for the synthetic turf carpet, all other construction costs, including materials and labor, shall be included in the structural cost.

D. Synthetic Turf Coverage Transfer or Conversion Limitations

Synthetic turf coverage is intended only for public athletic fields and shall not be transferred to a different parcel and cannot be converted to hard coverage.

30.4.6. Exemptions and Partial Exemptions from Calculation of Land Coverage

A. Exemption for Non-Permanent Structures

Land coverage underlying non-permanent structures are exempt from the calculation of land coverage. For purposes of this provision only, non-permanent structures are those with no permanent foundation, do not exceed 120 square feet in aggregate size, are located on non-sensitive lands, do not exceed two percent of the total amount of non-sensitive land on a parcel, and do not require a permit from TRPA. In addition, the following limitations apply:

1. This exemption shall apply only to parcels with installed and maintained BMPs meeting TRPA requirements and the exempted non-permanent coverage shall also have BMPs installed and maintained to meet TRPA requirements; and

2. This exemption shall not apply to structures or facilities used for access, parking, or storage of motorized vehicles.

B. Overhang Allowance

For every three feet an overhang structure, such as a deck or roof eave, is elevated above the ground surface, one foot of the perimeter horizontal dimension of the structure shall be excluded from land coverage calculations. The remainder of the overhang shall be counted.

C. Americans with Disability Act (ADA) Compliance

Land coverage underlying building access ramps and other facilities that are required to be installed by the ADA are exempt from the calculation of land coverage, subject to the following limitations:

1. This exemption shall apply only to ADA facilities that are constructed on or after January 1, 2013 to serve buildings that were constructed before January 1, 2013; and

2. The ADA facilities shall be constructed with the minimum amount of new coverage necessary to provide required access to buildings;

3. Where new coverage is required, pervious decking or other pervious surfaces shall be used wherever possible;

4. Facilities shall be constructed on non-sensitive land wherever possible;

5. This exemption shall not apply to land coverage associated with vehicle use, such as parking spaces;

6. This exemption shall not apply to single-family swellings or multiple-family dwellings with three or fewer units; and

7. Parcels shall have a BMP Certificate to qualify for this exemption.

D. Partial Exemptions from Calculation of Land Coverage

1. Pervious Coverage

For pervious coverage on non-sensitive lands, 25 percent of the size of the improvement shall not count towards the calculation of land coverage, subject to the following design and maintenance requirements:

a. The coverage shall comply with all applicable BMPs, including those relating to installation and maintenance.

b. Pervious asphalt is not eligible for credit under this provision.

c. This exemption shall apply only to parcels with installed and maintained BMPs meeting TRPA requirements.

d. This exemption shall apply only to locations with low sediment loads (e.g., locations that do not receive road abrasives, locations that are not tributary to runoff that may contain road abrasives, locations that are not tributary to runoff associated with erodible surfaces) unless a redundant infiltration BMP is in place.

2. Pervious Decks

a. Partial exemption from the calculation of land coverage is available for new residential pervious decks on non-sensitive lands provided the decks meet all applicable requirements of this Code, including installation of BMPs.

b. The following exemptions are available:

(i) Applicable to the first 500 square feet of decking: 100 percent exemption

(ii) Applicable to decking above the first 500 square feet:

(1) 1 – 125 square feet decking: 80 percent exemption

(2) 126 – 250 square feet decking: 60 percent exemption

(3) 251 – 375 square feet decking: 40 percent exemption

(4) 376 – 500 square feet decking: 20 percent exemption

Example of Calculation for Pervious Deck Land Coverage Exemption (Sec. 30.4.6.D.2.b)

Step 1: First 500 sq. ft. of pervious decking is exempt = **500 sq. ft. exempt maximum**

Step 2: Next 125 sq. ft. of pervious decking is 80% exempt = **100 sq. ft. exempt maximum**

Step 3: Next 125 sq. ft. of pervious decking is 60% exempt = **75 sq. ft. exempt maximum**

Step 4: Next 125 sq. ft. of pervious decking is 40% exempt = **50 sq. ft. exempt maximum**

Step 5: Next 125 sq. ft. of pervious decking is 20% exempt = **25 sq. ft. exempt maximum**

Step 6: All pervious decking over 1,000 is not exempt

Example 1: 800 sq. ft. pervious deck = 695 sq. ft exemption (500 + 100 +75 + 20 (50 x .4)

Example 2: 1,400 sq. ft. pervious deck = 750 sq. ft exemption (500 + 100 + 75 + 50 + 25)

c. Existing decks that were legally established as of January 1, 2013, count as coverage and shall only qualify for this partial exemption if consistent with all approval criteria.

d. This exemption shall apply only to residential parcels with installed and maintained BMPs meeting TRPA requirements.

e. A deck shall be considered pervious if it has gaps that allow water to pass freely and in a distributed fashion to deck armoring underneath the deck meeting BMP requirements in the BMP Handbook**.**

f. This exemption shall not exempt more than five percent of the total amount of non-sensitive land on a parcel or project area, or 750 square feet per parcel, whichever is less, provided that the pervious deck meets BMP requirements and is located on non-sensitive land.

g. If decking qualifies for a partial exemption, applicants may determine which portion of the deck is exempt and which portion is not.

3. Non-Motorized Public Trails

Non-motorized public trails are exempt from the calculation of land coverage, subject to the following siting and design requirements and limitations.

a. **Accessibility**

The trail shall be open to the public in perpetuity at no cost, through dedication of a public easement or other means acceptable to TRPA.

b. **Trail Route Design**

(i) Trail routes shall be designed to minimize disturbance of sensitive lands and removal of large trees and riparian vegetation. Particular areas to minimize disturbance of in the routing of trails are (in order of preference):

(1) Federal jurisdictional wetlands as mapped by the Army Corps of Engineers;

(2) Other areas in Land Capability District 1b (Stream Environment Zones);

(3) Other areas in Land Capability Districts 1 and 2;

(4) Areas in Land Capability District 3; and

(5) Areas requiring the removal of trees that are larger than 14 inches DBH.

(ii) In designing trail routes, the protection of sensitive areas, trees, and vegetation shall be balanced with consideration of the following:

(1) Trail routes shall generally be consistent with trail networks identified in Map 5 of the Regional Plan, "Bicycle and Pedestrian Facilities," or adopted federal, state, tribal, or local government plans;

(2) Detours in trail design to protect sensitive resources should avoid significant additions to trail length; and

(3) Routes shall be designed to promote safety for trail users (e.g., by minimizing road/driveway crossings and providing buffers between trail users and roadways).

c. **Trail Design**

In addition to the requirements of the Army Corps of Engineers and other public agencies, trail designs shall comply with the following:

(i) Trail design shall comply with the AASHTO Guide for the Development of Bicycle Facilities or other industry standard design criteria for the appropriate trail type, as determined by TRPA.

(ii) Except for unpaved single-track trails, bridges, boardwalks, and/or other elevated over-stream crossings shall be provided.

(iii) Except for unpaved single-track trails, all trails through SEZ areas shall allow periodic surface flows to pass under the trail and to maintain the natural function of the SEZ lands.

(iv) The trail shall be designed in accordance with the BMP handbook.

(v) The trail shall be designed to minimize disruptions to or crossings of sensitive wildlife habitat.

d. **Limit on Exemption**
The maximum amount of allowable exempted coverage under this exemption shall be limited to the trail networks identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan (TMPO 2010 as amended) and other necessary trail connections to the trails identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan.

e. **Existing Trails Do Not Qualify**
Trails constructed prior to January 1, 2013 do not qualify for this coverage exemption.

E. Limit on Aggregate of Coverage Exemptions and Credits on Parcels or Project Areas

The total amount of coverage exemptions and credits on parcels or project areas applies only to non-permanent structures, pervious decks, and pervious coverage and shall not exceed in aggregate ten percent of the total amount of non-sensitive land on a parcel.

F. Restriction on Parcels with Illegal or Excess Coverage

Prior to approval of any coverage credit or exemption for pervious coverage, pervious decks or non-permanent structures, TRPA shall verify that existing coverage on the parcel was legally established or will be removed in conjunction with permitted improvements; and any legally existing excess coverage has been fully mitigated in accordance subsection 30.6.1.

30.5. PROHIBITION OF ADDITIONAL LAND COVERAGE IN LAND CAPABILITY DISTRICTS 1a, 1c, 2, 3, AND 1b (STREAM ENVIRONMENT ZONES)

No additional land coverage or other permanent land disturbance shall be permitted in Land Capability Districts 1a, 1c, 2, 3, and Land Capability District 1b (Stream Environment Zone), except as follows:

30.5.1. Exceptions to Prohibition in Land Capability Districts 1a, 1c, 2, and 3

The following exceptions apply to the prohibition of land coverage and disturbance in Land Capability Districts 1a, 1c, 2, and 3:

A. Individual Parcel Evaluation System (IPES)

Land coverage and disturbance for single-family houses may be permitted in Land Capability Districts 1a, 1c, 2 and 3 when reviewed and approved pursuant to IPES in accordance with Chapter 53: *Individual Parcel Evaluation System*.

B. Public Outdoor Recreation Facilities

Land coverage and disturbance for public outdoor recreation facilities, including public recreation projects on public lands, private recreation projects through use of public lands, and private recreational projects on private lands that are depicted or provided for on a public agency's recreational plan, may be permitted in Land Capability Districts 1a, 1c, 2, or 3 if TRPA finds that:

1. The project is a necessary part of a public agency's long-range plans for public outdoor recreation;

2. The project is consistent with the Recreation Element of the Regional Plan;

3. The project by its very nature must be sited in Land Capability Districts 1a, 1c, 2, or 3, such as a ski run or hiking trail;

4. There is no feasible alternative that avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2, or 3; and

5. The impacts of the coverage and disturbance are fully mitigated through means including, but not limited to, the following:

a. Application of best management practices; and

b. Restoration, in accordance with subsection 30.5.3, of land in Land Capability Districts 1a, 1c, 2, 3, and 1b (Stream Environment Zone) in the amount of 1.5 times the area of land in such districts covered or disturbed for the project beyond that permitted by the coefficients in Table 30.4.1-1.

C. Public Service Facilities

Land coverage and disturbance for public service facilities may be permitted in Land Capability Districts 1a, 1c, 2, and 3 if TRPA finds that:

1. The project is necessary for public health, safety, or environmental protection;

2. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2, or 3; and

3. The impacts of the coverage and disturbance are fully mitigated in the manner prescribed by subparagraph 30.5.1.B.5.

D. Water Quality Control Facilities

Land coverage and disturbance may be permitted in Land Capability Districts 1a, 1c, 2, and 3 for erosion control projects, habitat restoration projects, wetland

rehabilitation projects, stream environment zone restoration projects, and similar projects, programs, and facilities if TRPA finds that:

1. The project, program, or facility is necessary for environmental protection;

2. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2, or 3; and

3. Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to subparagraph 30.4.3.B.5 are met.

E. Tyrolian Village

Land coverage and disturbance for single-family houses may be permitted in Land Capability Districts 1a, 1c, 2, and 3, when reviewed and approved in accordance with this Code, on parcels in Tyrolian Village, Units #1 through 5, inclusive, for which complete applications were filed and accepted by TRPA pursuant to the "Agreement Between the Tyrolian Village, Inc. and the Tahoe Regional Planning Agency Regarding Erosion Control Improvements and Reclassification of Upper Tyrolian Village," dated May 26, 1983.

30.5.2. Exceptions to Prohibition in Land Capability District 1b (Stream Environment Zone)

The following exceptions shall apply to the prohibition of land coverage and disturbance in Land Capability District 1b (Stream Environment Zone):

A. Stream Crossings

Land coverage and disturbance for projects to provide access across stream environment zones to otherwise buildable sites, if such projects otherwise comply with applicable development standards in Chapter 32: *Basic Services*, may be permitted in Land Capability District 1b (Stream Environment Zone) if TRPA finds that:

1. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in the stream environment zone, or that encroachment shall be necessary to reach the building site recommended by IPES; and

2. The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in subparagraph 30.5.1.B.5, with the exception that the restoration requirement in such subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

B. Public Outdoor Recreation

Land coverage and disturbance for public outdoor recreation facilities may be permitted in Land Capability District 1b (Stream Environment Zone) if TRPA finds that:

1. The project is a necessary part of a public agency's long-range plans for public outdoor recreation;

2. The project is consistent with the Recreation Element of the Regional Plan;

3. The project by its very nature must be sited in a stream environment zone, such as bridges, stream crossings, ski run crossings, fishing trails, and boat launching facilities;

4. There is no feasible alternative that would avoid or reduce the extent of encroachment in the stream environment zone; and

5. The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in subparagraph 30.5.1.B.5, with the exception that the restoration requirement in such subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

C. Public Service

Land coverage and disturbance for public service facilities may be permitted in Land Capability District 1b (Stream Environment Zone) if TRPA finds that:

1. The project is necessary for public health, safety, or environmental protection;

2. There is no reasonable alternative, including a bridge span or relocation, that avoids or reduces the extent of encroachment in the stream environment zone; and

3. The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in subparagraph 30.5.1.B.5, with the exception that the restoration requirement in such subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

D. Water Quality Control Facilities

Land coverage and disturbance may be permitted in Land Capability District 1b (Stream Environment Zone) for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects, and similar projects, programs, and facilities if TRPA finds that:

1. The project, program, or facility is necessary for environmental protection;

2. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in the stream environment zone; and

3. Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to subparagraph 30.4.3.B.5 are met.

E. Vegetation

Indigenous vegetation shall not be removed or damaged in Land Capability District 1b (Stream Environment Zone) unless otherwise authorized under TRPA permit

pursuant to subsections 30.5.2, 30.4.4, 61.1.6, 61.3.3, Sections 85.7, 61.2, 64.3, or Chapter 64: *Livestock Grazing*. Species used for revegetation or landscaping shall be species appropriate for the stream environment zone type (e.g., meadow, marsh).

30.5.3. Restoration Credit Requirements

The following requirements apply to restoration:

A. The restoration requirements of subparagraphs 30.4.3.B.5 and 30.5.1.B.5, may be accomplished onsite and/or offsite by the applicant or another agency approved by TRPA. Such restoration requirements shall be in lieu of any land coverage transfer requirement or water quality mitigation fee pursuant to Chapter 60: *Water Quality*.

B. Only land that has been disturbed or consists of hard or soft land coverage shall be eligible for restoration credit. Restoration shall result in the area functioning in a natural state and shall include provisions for permanent protection from further disturbance. Lands disturbed by the project and then restored shall not be eligible for credit. Provisions for permanent protection from further disturbance shall include, but are not limited to, recordation by the owner of deed restrictions or other covenants running with the land on a form approved by TRPA, against parcels in private ownership, permanently assuring that the restoration requirements of subparagraphs 30.4.3.B.5 or 30.5.1.B.5 are satisfied, as applicable. On public lands, TRPA shall obtain appropriate assurance from the public agency that the requirements of subparagraph 30.4.3.B.5 or 30.5.1.B.5, as applicable, are met.

30.6. EXCESS LAND COVERAGE MITIGATION PROGRAM

This section applies to projects where the amount of TRPA-verified land coverage existing in the project area prior to the project exceeds the base land coverage prescribed by subsection 30.4.1. Land coverage in excess of the base allowable land coverage shall be mitigated by the transfer of land coverage pursuant to subsection 30.4.3 or the land coverage mitigation program set forth in this section.

30.6.1. Implementation of Program

Except as otherwise provided by subsection 30.6.2, all projects on parcels or other project areas with unmitigated excess land coverage are subject to the land coverage mitigation program set forth in this section. Projects subject to the program shall reduce land coverage by the amounts specified in subparagraphs 30.6.1.A and B.

A. Excess Coverage Calculation

Excess land coverage equals the amount of TRPA-verified existing land coverage, less the total of the following: the maximum allowable amount of base coverage, the amount of coverage approved by transfer, and the amount of coverage previously mitigated under this section.

Summary of Excess Land Coverage Calculation

Excess Land Coverage (sq. ft.) = Existing land coverage (sq. ft.) – [Maximum base allowable land coverage (sq. ft.) + Approved transferred land coverage (sq. ft.) + Previously mitigated land coverage (sq. ft.)]

B. Excess Land Coverage Mitigation Program Options

In the event land coverage reduction is required, the applicant may choose any of the following options, or combinations thereof, to comply with the requirements of this section.

1. Reduce Land Coverage Onsite

Coverage may be reduced onsite as part of the project approval. Land subject to reductions shall be restored pursuant to subsection 30.5.3.

2. Reduce Land Coverage Offsite

Coverage may be reduced offsite as part of the project approval. Coverage may be reduced in a different hydrologically related area provided the restoration occurs on more sensitive land than the project area. Land subject to reductions shall be restored pursuant to subsection 30.5.3.

3. Land Coverage Mitigation Fee

A land coverage mitigation fee may be paid to TRPA in lieu of reducing land coverage pursuant to subparagraphs 1 or 2 above. The fee may be used outside of the hydrological related area from which it is collected to achieve more strategic environmental benefits. The fee shall be forwarded by TRPA to a land bank to provide land coverage reduction. The nonrefundable fee shall be calculated pursuant to subparagraph 30.6.1.C.

4. Parcel Consolidation or Parcel Line Adjustment

The amount of excess land coverage may be reduced by parcel consolidation or parcel line adjustment with a contiguous parcel as part of the project approval.

5. Projects Within Community Plans

Projects that are located within an adopted community plan may rely on the community plan to mitigate excess land coverage provided TRPA makes findings a and b, below. In lieu of findings a and b being made, TRPA may determine that a project complies with the requirements of this subparagraph by making finding c, below:

a. The project is located within an area for which a community plan, as originally adopted or subsequently amended, includes a program to mitigate the excess land coverage within the area. Such a program shall ensure that coverage mitigation, when measured for individual parcels affected by the program, meets the standards set forth in subparagraphs 30.6.1.A through C. The options available for mitigating

excess land coverage under any such program shall be any combination of those options set forth in subparagraphs 1, 2, 3, or 4 above.

b. There is an irrevocable commitment for the funding necessary to implement the program for mitigating excess land coverage. For purposes of this subparagraph, "irrevocable commitment" shall mean the following:

(i) The public entity funding the measure or, when necessary, the electorate has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and that only ministerial acts necessary to the issuance of any such bonded indebtedness and the receipt of funds therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure;

(ii) The application for state and federal grant monies has received approval, and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for the excess land coverage mitigation program in accordance with the approved community plan;

(iii) Where the funding of the program is the responsibility of a person or persons, TRPA shall ensure that the public entity has received sufficient funds or an acceptable security to fully fund the program;

(iv) The public entity funding the program has received a funded commitment from another public entity as described in a or b above; or

(v) Any combination of (i) through (iv) above.

c. As a condition of approval, the permittee for the project shall post a security with TRPA, in accordance with Section 5.9, in an amount equal to the excess coverage mitigation fee otherwise required under Section 30.6. If a program to mitigate excess land coverage within the community plan has not been adopted by TRPA and an irrevocable commitment made by the time of final inspection of the project by TRPA, or three years after commencement of construction, whichever is sooner, the security shall be forfeited to TRPA. Securities forfeited to TRPA under this subparagraph shall be forwarded to a land bank to provide land coverage reduction.

C. Determination of Excess Land Coverage Mitigation

The required excess land coverage reduction mitigation shall be calculated as follows:

1. Coverage Reduction Mitigation

For purposes of calculating the square footage reduction of excess coverage to be credited the parcel pursuant to Chapter 6: *Tracking, Accounting, and Banking;* the land coverage reduction square footage shall be calculated by determining the reduction percentage from Table 30.6.1-2 below, based on the amount of TRPA-verified existing excess land coverage on the parcel or project area. The reduction percentage from Table 30.6.1-2 shall be multiplied by the estimated coverage mitigation construction cost of the project and then divided by the mitigation factor of eight.

Land Coverage Reduction (Sq. Ft.) = Fee Percentage x Land Coverage Mitigation Construction Cost ($) / Mitigation Factor of 8.

2. Excess Land Coverage Mitigation Fee

The excess coverage mitigation fee shall be calculated by determining the amount of required land coverage reduction (sq. ft.), in accordance with subparagraph 1 above. The land coverage reduction square footage shall then be multiplied by the appropriate Mitigation Fee Coverage Cost Factor to determine the Excess Land Coverage Mitigation Fee. The Mitigation Fee Land Coverage Cost Factor(s) shall be established by TRPA staff using an Annual Percentage Growth Rate (APGR) calculation (or best available alternate methodology) based on the best available residential sales information for the Tahoe Region. The APGR shall be calculated regularly, at least every 4 years. The fee shall be updated 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.

3. Land Coverage Mitigation Construction Cost

"Land coverage mitigation construction cost" is defined as a cost estimate prepared by a registered engineer, licensed architect, or other qualified professional acceptable to TRPA, of the cost to construct the structural elements of a structure. This includes, without limitation: pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete. Land coverage mitigation construction cost shall not include non-structural elements such as painting, shingles and other non-bearing roofing materials, siding (except siding necessary to brace or

provide shear strength), doors overlays upon existing paved surfaces, HVAC systems, sewer systems, water systems, electrical systems, furniture, and similar decorations and fixtures.

TABLE 30.6.1-2: EXCESS COVERAGE REDUCTION SQ. FT. FACTOR

Square Feet of Excess Coverage	Reduction % Factor
>400 or less	0.06
>400 – 600	0. 12
>600 - 1,000	0. 25
>1,000 - 1,500	0. 50
>1,500 - 2,000	0. 75
>2,000 - 2,800	1.00
>2,800 - 3,800	1.25
>3,800 - 5,000	1.50
>5,000 - 6,400	1.75
>6,400 - 8,000	2.00
>8,000 - 11,000	2.25
>11,000 - 15,000	2.50
>15,000 - 18,000	2.75
>18,000 - 21,780	3.00
>21,780 - 43,560	3.25
>43,560 - 65,340	3.50
>65,340 - 87,120	3.75
>87,120 - 108,900	4.00
>108,900 - 130,680	4.25
>130,680 - 152,460	4.50
>152,460 - 174,240	4.75
>174,240	5.00

30.6.2. Exemptions From the Excess Land Coverage Mitigation Program

A. Parcels With Mitigated Land Coverage

Parcels or project areas that contain land coverage in excess of base land coverage prescribed by subsection 30.4.1, provided such excess coverage has been fully mitigated pursuant to subsection 30.6.1, shall not be subject to the land coverage mitigation program.

B. Repair and Reconstruction of Buildings Damaged or Destroyed by Fire or Other Calamity

Repair and reconstruction of buildings damaged or destroyed by fire or other calamity pursuant to Chapter 2: *Applicability of the Code of Ordinances* shall not be subject to the excess land coverage mitigation program.

C. Work Not Requiring a Permit

An activity not requiring a permit pursuant to Chapter 2 shall not be subject to the excess land coverage mitigation program.

D. TRPA Requirements

Projects and modifications, or portions thereof, required by TRPA and that are directly related to attainment of the environmental thresholds, such as best management practices and stream environment zone restoration, shall not be subject to the excess land coverage mitigation program. The following categories of projects, if not carried out in conjunction with another type of project, may be exempt from the excess land coverage mitigation program:

1. Installation of erosion control facilities;

2. Restoration of disturbed areas;

3. SEZ restoration;

4. Underground storage tank removal, replacement, or maintenance;

5. Hazardous waste spill control or prevention facilities; and

6. Sewage pump-out facilities for RVs or boats.

E. Repair of Linear Public Facilities

Repair of linear public facilities is not subject to the excess land coverage mitigation program.

F. Minor Utility Projects

Activities that involve the replacement, repair, undergrounding, or interconnection of existing utilities or that extend local distribution, and that are located within a right-of-way where the applicant is not the primary right-of-way user, are considered minor utility projects and shall not be subject to the excess land coverage mitigation program. The construction of roads is not a minor utility project. The primary right-of-way user shall be the owner or controlling party of the right-of-way.

G. Synthetic Turf Coverage

Public athletic fields converted from turf grass to synthetic turf pursuant to subsection 30.4.5 shall not be subjected to the excess land coverage mitigation program. This exemption shall not apply to synthetic turf that is lawfully approved for hard coverage.

30.6.3. Onsite Removal and Retirement of Excess Coverage in Centers

A. Before utilizing this subsection, excess coverage shall be mitigated pursuant to Section 30.6.

B. Onsite removal and retirement of remaining excess coverage in Centers may earn multi-residential bonus units, tourist accommodation bonus units, and/or commercial floor area, pursuant to the conversion ratios in the following table:

TABLE 30.6.3-1: CONVERSION RATIOS FOR EXCHANGE OF COVERAGE FOR RESIDENTIAL BONUS UNITS, CFA, AND TAUS

Land Capability District 1b (SEZ)	Coverage Reduced (sq. ft.)	Bonus Units Earned[1]
1b (SEZ)	700	1
1a, 1c, 2, or 3	1400	1
4, 5, 6, or 7	2100	1

[1] One unit is equivalent to one residential bonus unit, one TAU, or 1,000 square feet of CFA. Rounding shall not be used to round up to whole numbers of bonus units.

Example: Site has 1,000 sq. ft. of excess land coverage in an SEZ.

Step 1: Applicant must mitigate excess coverage according to Section 30.6.

Thus, if 200 sq. ft. of coverage is mitigated under Section 30.6, then the applicant would have 800 sq. ft. (1,000 sq. ft. – 200 sq. ft. = 800 sq. ft.) of remaining excess coverage to apply under Step 2.

Step 2: Apply options of Table 30.6.3-1 to determine the number of bonus units earned.

Thus, if an additional 700 sq. ft. of coverage is reduced, then the applicant would earn one bonus unit because the reduced coverage is in an SEZ. This would leave 100 sq. ft. (800 sq. ft. – 700 sq. ft. = 100 sq. ft.) of excess coverage on the site.

Land Coverage Reduction (Sq. Ft.) = Fee Percentage x Land Coverage Mitigation Construction Cost ($) / Mitigation Factor of 8

CHAPTER 31: DENSITY

31.1. PURPOSE

The purpose of this chapter is to establish maximum densities, set forth methods for calculating maximum densities, and distinguish development rights from density.

31.2. APPLICABILITY

The provisions of this chapter are applicable to all projects and activities, including residential, tourist accommodations, developed campgrounds, recreational vehicle parks, and group recreation facilities uses.

31.3. MAXIMUM DENSITY

31.3.1. Maximum Density by Use Type

Increases in density up to the maximum allowed shall be subject to the following provisions:

A. Residential Uses

On parcels where residential uses are permissible, each parcel shall be entitled to one residential unit. Higher densities, up to the limits in Table 31.3.2-1 or as established in the applicable plan area statement or adopted plan, whichever is most restrictive, may be developed by transfer of development rights, transfer of existing development, transfer of allocations, or multi-residential incentives in accordance with Chapters 51: *Transfer of Development*, and 52: *Bonus Unit Incentive Program*.

B. Tourist Accommodation Uses

On parcels where tourist accommodation uses are permissible, density up to the limits in the Table 31.3.2-1 or as established in the applicable plan area statement or adopted plan, whichever is most restrictive, may be developed by transfer of existing development in accordance with Chapter 51 or by obtaining tourist accommodation bonus units in accordance with Chapter 52.

C. Recreation Uses

On parcels where developed campgrounds, recreational vehicle parks, or group facilities are permissible, density up to the limits in Table 31.3.2-1 or as established in the applicable plan area statement or adopted plan, whichever is most restrictive, may be developed through utilization of recreational development allocations in accordance with Chapter 50: *Allocation of Development*, or by transfer of existing development in accordance with Chapter 51. For other types of recreational uses, maximum densities or intensities shall be determined by the standards in the Site Development division (Chapters 30 through 39) and other applicable provisions of this Code.

D. Density of Commercial, Public Service, and Resource Management Uses

On parcels where commercial, public service, or resource management uses are permissible, the density or intensity shall be determined by the site development standards in the Site Development division (Chapters 30 through 39) and other applicable provisions of this Code.

31.3.2. Table of Maximum Densities

Except where a TRPA plan area statement or adopted plan sets a more restrictive standard, no person shall create a density that exceeds the limits set forth in Table 31.3.2-1, except as provided in Section 31.4, *Increases to Maximum Density*.

TABLE 31.3.2-1: MAXIMUM DENSITIES

Use	Maximum Density
Residential Uses	
Single-family dwelling (parcels less than one acre)	1 unit per parcel
Single-family dwelling (parcels greater than or equal to one acre)	2 units per parcel, provided one unit is an authorized secondary residence
Summer home	1 unit per parcel or lease site
Multiple-family dwelling	15 units per acre
Mobile-home dwelling	8 units per acre
Multi-person dwelling, nursing and personal care, and residential care	25 persons per acre
Tourist Accommodation Uses	
Bed and breakfast	10 units per acre
All other - If less than10 percent of the units have kitchens - If greater than or equal to10 percent of the units have kitchens	 40 units per acre 15 units per acre
Recreational Uses	
Developed campgrounds	8 sites per acre
Recreation vehicle parks	10 sites per acre
Group facilities	25 persons per acre

31.3.3. Conversion Factors

For residential uses set forth in Table 31.3.2-1, including multi-person dwellings, nursing and personal care, and residential care, 2.5 persons shall be equivalent to one residential unit. For recreational uses, four persons (PAOT) shall be equivalent to one recreation site.

31.4. INCREASES TO MAXIMUM DENSITY

31.4.1. Affordable Housing

A. Affordable Housing

Affordable housing projects meeting TRPA requirements may be permitted to increase the maximum density established in Section 31.3 by up to 25 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; and

2. The additional density is consistent with the surrounding area.

B. Affordable Housing within Kings Beach Commercial Community Plan

Affordable housing projects meeting TRPA requirements and located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the maximum density established in Section 31.3 by 100 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing;

2. The additional density is consistent with the surrounding area; and

3. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.

31.4.2. Timeshare Uses (Residential Design)

A timeshare use (residential design) in an adopted community plan area may increase the permitted density by a factor of two, or a timeshare use (residential design) in an adopted TRPA Redevelopment Plan Area may increase the permitted density by a factor of 2.5, provided TRPA makes the following findings:

A. The special use findings in subsection 21.2.2 are satisfied;

B. The project provides transit service for its patrons directly or by contract with a transit provider;

C. The project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and

D. If the project area contains excess land coverage, the land coverage will be reduced to no more than 75 percent of the project area.

31.4.3. Density in Special Height Districts

The maximum densities established in Section 31.3 may be exceeded for projects located in designated Special Height Districts as defined in subsection 37.5.4. The amount of deviation from the density standards shall be established by a density analysis report approved by

TRPA; however, the deviation shall not exceed the maximum densities established in Section 31.3 by a factor of three. To approve any project relying on the increase in density specified in the density analysis report, TRPA shall make the findings pursuant to subparagraphs 31.4.2.A through D.

31.5. CALCULATION OF MAXIMUM DENSITY

The maximum density that may be permitted within a project area shall be calculated as set forth in this section.

31.5.1. Single Uses

For a single use, the maximum density established in Section 31.3 shall be applied to the project area.

31.5.2. Mixed Uses

For two or more uses, the maximum densities shall be established through the following process: (1) determine the category or categories of mixed use on the parcel or project area, pursuant to subsection A below; and (2) determine the rules applicable to that category of mixed use pursuant to subsection B below.

A. Categories of Mixed Use

The category of the mixed use shall be determined from the following table. Select the first proposed use from the left-hand column and the second proposed use from the top-level row. Any other combination of uses not shown in the table, including three or more uses in any project area, is assigned to Category F.

TABLE: 31.5.2-1: CATEGORIES OF MIXED USE

	Single-Family Dwelling Summer Home	Multi-family Dwelling Mobile Home Dwelling Multi-person Dwelling Nursing and Personal Care Residential Care Bed and Breakfast	Other Tourist Accommodation (less than 10% kitchens) Other Tourist Accommodation (greater than or equal to 10% kitchens)	Developed Campgrounds Recreation Vehicle Parks Group Facilities	Commercial use Public Service Use Other Recreational Use Resource Management
Single-Family Dwelling Summer Home		A	A	A	D
Multi-Family Dwelling Mobile Home Dwelling Multi-Person Dwelling Nursing and Personal Care Residential Care Bed and Breakfast	A	B	B	B	E F E F
Other Tourist Accommodation (less than 10% kitchens) Other Tourist Accommodation (greater than or equal to 10% kitchens)	A	B	C	B	E
Developed Campgrounds Recreation Vehicle Parks Group Facilities	A	B	B	B	F

TABLE: 31.5.2-1: CATEGORIES OF MIXED USE

	Single-Family Dwelling Summer Home	Multi-family Dwelling	Mobile Home Dwelling	Multi-person Dwelling Nursing and Personal Care Residential Care	Bed and Breakfast	Other Tourist Accommodation (less than 10% kitchens) Other Tourist Accommodation (greater than or equal to 10% kitchens)	Developed Campgrounds Recreation Vehicle Parks Group Facilities	Commercial use Public Service Use Other Recreational Use Resource Management
Commercial Use Public Service Use Other Recreational Use Resource Management	D	E	F	E	F	E	F	G

B. Maximum Density for Mixed-Use Categories

Depending upon the category of the mixed uses, as determined from Table 31.5.2-1, maximum density shall be calculated as follows:

1. Category A

In Category A, a single-family dwelling or summer home shall be treated as equivalent to another residential unit, tourist unit, or campsite. Maximum densities for all other residential units, tourist accommodation units, or campsites shall be in accordance with Table 31.3.2-1. Conversion factors set forth in subsection 31.3.3 shall be applied as appropriate.

2. Category B

In Category B, the maximum density shall be calculated as a proportional share of the maximum densities for the combined uses, rounded to the next lowest whole number.

CATEGORY B: EXAMPLE DENSITY CALCULATIONS

Example 1
A proposed project that contains an equal number of multi-family dwellings and other tourist accommodation units without kitchens.

$$\text{Maximum Density} = \frac{\text{Density of Multi-Family Dwelling (15) + Density of Other Tourist w/o Kitchens (40)}}{2} = \text{27.5 units/acre (= } \mathbf{27} \text{ units/acre)}$$

On a hypothetical two-acre project, a maximum 55 units would be allowed.

Example 2
A proposed project will contain 2/3 multi-family dwellings and 1/3 other tourist units without kitchens.

$$\text{Maximum Density} = \frac{\text{(2) x Density of Multi-Family Dwelling (15) + } \mathbf{(1)} \text{ x Density of Other Tourist w/o Kitchens } \mathbf{(40)}}{3} = \text{23.5 units/acre (= } \mathbf{23} \text{ units/acre)}$$

On a hypothetical two-acre project, a maximum of 47 units would be allowed.

3. Category C

In Category C, if ten percent or more of the other tourist units have kitchens, the maximum density is 15 units per acre. If less than ten percent of the other tourist units have kitchens, then the maximum density is 40 units per acre.

4. Category D

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

5. Category E

In Category E, the maximum density for a multi-family dwelling, multi-person dwelling, or other tourist accommodation use shall be the maximum density for the given residential or tourist accommodation use, as determined by Table 31.3.2-1, multiplied by the ratio of the floor area of that use to the total floor area in the project area (see Examples 1 and 2), subject to the exceptions below.

a. If another use with which the residential or tourist accommodation use is to be combined does not lend itself to a calculation of floor area, such

as a park or golf course, then the maximum residential or tourist accommodation density shall be calculated as for Category F, below.

b. If multi-person dwellings are proposed in the primary campus area of an accredited college located in the Lake Tahoe Basin, then the maximum density for the project area shall be that prescribed by the applicable plan area statement or community plan.

CATEGORY E: EXAMPLE DENSITY CALCULATIONS

Example 1:Vertical Mixed-Use— Density Calculation for Multi-Family Dwelling
For a proposed building that contains a commercial establishment on the ground floor and multi-family dwellings on the second floor, and where each floor has a floor area of 10,000 square feet, the maximum residential density is 7.5 units per acre, calculated as follows:

$$\frac{\text{Floor Area of Multi-Family Dwelling (2000)}}{\text{Total Project Floor Area (4000)}} \times \text{Density of Multi-Family Dwelling (15)} = 7.5 \text{ units/acre}$$

On a hypothetical two-acre parcel, a maximum of 15 dwelling units would be allowed.

Example 2:Vertical Mixed-Use in Two-Story Structure — Density Calculation for Multi-Person Dwelling
For a proposed project that contains a public service use of 3000 square feet on ground floor and a multi-person dwelling of 750 square feet on the second floor, the maximum residential density is 5 persons per acre, calculated as follows:

$$\frac{\text{Floor Area of Multi-Person Dwelling (750)}}{\text{Total Project Floor Area (3750)}} \times \text{Density of Multi-Person Dwelling (25)} = 5 \text{ persons/acre}$$

On a hypothetical two-acre project area, a maximum of 10 persons would be allowed.

Example 3: Horizontal Mixed-Use in Detached Single-Story Structures — Density Calculation for Multi-Family Dwelling
For a proposed project that contains multi-family dwellings and a commercial use in separate structures, the maximum residential density is determined by applying the maximum density in the table in Section 31.3 to the portion of the project area to be devoted to the multi-family use. Thus, if a landowner proposes to use 10,000 square feet of a 50,000-square foot lot for multi-family dwellings, and the remaining 40,000 square feet is proposed for commercial uses, the maximum multi-family dwelling density is 3 units per acre, calculated as follows:

$$\frac{\text{Land Area of Multi-Family Dwelling (10,000)}}{\text{Total Project Floor Area (50,000)}} \times \text{Density of Multi-Family Dwelling (15)} = 3 \text{ units/acre}$$

On the hypothetical 50,000-square foot lot, a maximum of 3 multi-family dwellings would be allowed.

On a hypothetical 45,000-square foot lot, a maximum of 1 multi-family dwelling would be allowed.

NOTE: Final density is same for horizontal and vertical mixed-use projects of same size.

6. Category F

a. **Applicability**

Category F applies in the following cases:

(i) When a mobile-home dwelling, bed and breakfast, developed campground, recreational vehicle park, and/or group facilities use is combined with a commercial use, public service use, other recreational use, or resource management use;

(ii) When more than two uses are combined;

(iii) When there is a combination of uses not listed in the Table 31.3.2-1; and/or

(iv) When another use with which a residential or tourist accommodation use is to be combined, such as a park or golf course, does not lend itself to a calculation of floor area the maximum residential or tourist density shall be calculated per this subsection.

b. **Density Calculation**

(i) Uses Subject to Density Calculation

The project proponent shall designate, as part of the project application, the portion of the project area to be devoted to a residential, tourist accommodation, or developed recreational use. The maximum density established in Section 31.3 shall be applied to that portion of the project area.

(ii) Uses Not Subject to Density Calculation

The maximum densities for uses that are not subject to the density calculations of Category F, such as commercial, public service, other recreational, and resource management uses, shall be determined by other sections of the Code that address land coverage, building height, parking, and other development standards.

7. Category G

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

CATEGORY F: EXAMPLE DENSITY CALCULATIONS

Example 1: One Use Requires Density Calculation

For a proposed project on a two-acre lot in which one-half acre of the lot area is dedicated to a bed and breakfast use, one acre is dedicated to commercial uses, and one-half acre is dedicated to public service uses, the maximum number of bed and breakfast units is five, calculated as follows:

Density of Bed & Breakfast **(10/acre)** **X** Land Area of Bed and Breakfast **(0.5 acre)** **=** **5 units**

Example 2: More Than One Use Requires Density Calculation

For a proposed project on a five-acre lot in which one-half acre of the lot area is dedicated to a bed and breakfast use, one acre to other tourist accommodation (greater than 10% with kitchens) uses, 1.2 acres to multi-family dwellings, and 2.3 acres to commercial uses, the maximum number of bed and breakfast, tourist, and multi-family units is calculated as follows:

Maximum Density of Use ×	Area Dedicated to Use =	Maximum Number of Units
Bed and Breakfast (10 units/acre)	0.5 acre	5 units
Other Tourist (> 10% kitchen) (15 units/acre)	1 acre	15 units
Multi-family dwelling (15 units/acre)	1.2 acre	18 units

31.5.3. Redevelopment

Special provisions for density calculations for redevelopment areas were set forth in Chapter 13: Redevelopment Plans (prior to December 12, 2012 amendments). Prior to adoption of a Conforming Area Plan for the South Lake Tahoe Redevelopment Area, applicable provisions of Chapter 13 (Redevelopment Plans) that were in effect prior to December 12, 2012, shall remain in effect.

31.5.4. Subdivisions

Nothing in this chapter shall be construed to permit the subdivision of land.

31.6. EXISTING DENSITY

The requirements in this section apply to density that was legally commenced and in existence as of the effective date of the Regional Plan, July 1, 1987.

31.6.1. Conforming Density

Existing density that complies with the limits prescribed in this chapter shall be conforming, and may be increased, so long as the limits in this chapter are not exceeded.

31.6.2. Nonconforming Density

Existing density that does not comply with the limits prescribed in this chapter shall be nonconforming and shall not be increased.

CHAPTER 32: BASIC SERVICES

32.1. PURPOSE

The Goals and Policies set forth requirements for projects to be served by paved roads and water, electrical, and wastewater treatment services. This chapter establishes standards to implement those requirements.

32.2. APPLICABILITY

All projects proposing a new structure or reconstruction or expansion of an existing structure designed or intended for human occupancy shall meet the standards set forth in this chapter.

32.3. PAVED ROADS

All projects described in Section 32.2 and that require vehicular access shall be served by a paved roadway. To be considered "served," a right-of- way or easement shall abut the driveway serving the parcel and shall contain a paved roadway of adequate size and construction to accommodate the vehicular traffic resulting from the project.

32.3.1. Waiver

TRPA may permit a waiver of this requirement if the agency finds that one of the following criteria is met:

A. The project is subject to a variance for historically significant structures and districts pursuant to Chapter 67: *Historic Resource Protection*;

B. The roadway is not designated to be paved by the surface water management plan (Volume I of the 208 Water Quality Plan as amended);

C. The project is the expansion of a single-family dwelling;

D. The permittee posts a security with TRPA in an amount equal to 110 percent of the permittee's fair share of the estimated cost of paving the road serving the parcel. TRPA shall apply the procedures established in law by the local jurisdiction to determine a fair share, or in the absence of such procedures, shall adopt a procedure for determining a fair share. This waiver shall not apply to the construction or reconstruction of a commercial, tourist accommodation, or multi-family residential project; or

E. A program has been established that provides assurance the road will be paved within five years.

32.4. WATER SERVICE

All projects described in Section 32.2 shall have adequate water rights and water supply systems.

32.4.1. Water Rights

Additional development requiring water shall not be approved unless:

A. There is an adequate water supply within an existing water right recognized under the laws of the state in which the use is to occur; or

B. Adequate water rights recognized under the laws of the state in which the use is to occur are furnished with the development.

32.4.2. Water Supply

Additional development requiring water shall not be approved unless there are distribution and storage or pumping systems to deliver an adequate quantity and quality of water to the development for domestic consumption and fire protection. A service connection to a water system or an approved well system shall be sufficient for domestic consumption.

A. Fire Flow Requirements

Fire flow standards shall be determined by the applicable local fire district and in compliance with the adopted fire code standards. If no such standards exist, the standards in Table 32.4.2-1 shall apply:

TABLE 32.4.2-1: MINIMUM FIRE FLOW REQUIREMENTS

Land Use	Fire Flow (gallons per minute at 20 psi residual pressure)	Duration
I. Conservation and Recreation Plan Areas (minimum)	250 gpm	2 Hours
II. Residential Plan Areas (single-family only)	500 - 750 gpm	2 Hours
III. Residential Plan Areas (multi-residential)	750 - 1000 gpm	2 Hours
IV. Tourist Plan Areas	1000 - 1500 gpm	2 Hours
V. Commercial/Public Service Plan Areas	1500 - 2500 gpm	2 Hours
A) Hotel - Casino Areas	3500 - 6000 gpm	3 to 6 Hours
B) Institutional (Hospitals, Schools)	2000 - 3000 gpm	3 Hours

B. Waiver

If the above minimum fire flow requirements cannot be met, TRPA may waive the requirements in Table 32.4.2-1, if an alternative fire protection design that adequately complies with the intent of the adopted fire code has been approved by the applicable fire agency.

32.5. WASTE WATER TREATMENT SERVICE

Except as provided in Chapter 60: *Water Quality*, all projects described in Section 32.2 that generate wastewater shall be served by facilities for the treatment and export of

wastewater from the Lake Tahoe Basin. To be considered "served," a service connection shall be required to transport wastewater from the parcel to a treatment plant.

32.6. ELECTRICAL SERVICE

All projects described in Section 32.2 shall be served by facilities to provide adequate electrical supply. Such facilities shall include lines to supply electrical power to the parcel and only require a service connection to institute service.

CHAPTER 33: GRADING AND CONSTRUCTION

33.1. PURPOSE

This chapter:

33.1.1. Protects the environment against significant adverse effects from excavation, filling, and clearing, due to such conditions as exposed soils, unstable earthworks, or groundwater interference;

33.1.2. Provides for special investigations, reports, and plans that are determined to be necessary by TRPA to protect the environment against significant adverse effects from grading projects;

33.1.3. Sets forth the requirements for grading and construction schedules when grading or construction is to occur pursuant to a TRPA permit; and

33.1.4. Sets forth requirements for the protection of vegetation during construction.

33.2. APPLICABILITY

33.2.1. General

This chapter applies to grading, excavation, filling, clearing of vegetation, or disturbance of the soil, and protection of vegetation during construction. Except as exempted in Chapter 2: *Applicability of the Code of Ordinances*, all such activities require the review and approval of TRPA. Applicants for projects may be required to submit the investigations, reports, or plans specified in this chapter as part of an application or as a condition of project approval.

33.2.2. Exceptions

This chapter does not apply to falling, limbing, or removal of vegetation related to resource management activities, which are addressed in the Resource Management and Protection division of this Code. Except for subsections 33.3.2: *Discharge Prohibitions,* and *33.3.7*: *Discovery of Historic Resources*, this chapter also does not apply to activities exempt from TRPA review pursuant to Chapter 2.

33.3. GRADING STANDARDS

33.3.1. Seasonal Limitations

The following seasonal limitations shall apply:

A. Grading Season

Excavation, filling, and clearing of vegetation or other disturbance of the soil shall not occur between October 15 and May 1 of each year, unless approval has been granted by TRPA pursuant to subparagraph B below. Prior to October 15, all construction sites shall be winterized pursuant to subparagraph D below.

B. Grading Season Exceptions

TRPA may approve grading after October 15 if TRPA finds either that an emergency exists and the grading is necessary for the protection of public health or safety, or that the grading is for erosion control purposes or protection of water quality.

C. Prohibition of Grading During Periods of Precipitation

Except as provided in subparagraph B above, grading is prohibited at any time of the year during periods of precipitation and for the resulting period of time when the site is covered with snow or is in a saturated, muddy, or unstable condition.

D. Winterization

All construction sites shall be winterized by October 15 to reduce the water quality impacts associated with winter weather as follows:

1. For sites that will be inactive between October 15 and May 1:

a. Temporary erosion controls shall be installed;

b. Temporary vegetation protection fencing shall be installed;

c. Disturbed areas shall be stabilized;

d. Onsite construction slash and debris shall be cleaned up and removed;

e. Where feasible mechanical stabilization and drainage improvements shall be installed; and

f. Spoil piles shall be removed from the site.

2. For sites that will be active between October 15 and May 1, in addition to the above requirements:

a. Permanent mechanical erosion control devices shall be installed, including paving of driveway and parking areas; and

b. Parking and operation of vehicles and equipment shall be restricted to paved areas unless approved by TRPA or the appropriate jurisdiction and subsequently restored pursuant to permit conditions.

33.3.2. Discharge Prohibitions

The following discharges are prohibited:

A. Direct Discharge

Direct discharges to the waters of the region of solid or liquid waste materials, including soil, silt, clay, sand, or other organic or earthen materials, are prohibited unless approved by TRPA.

B. Indirect Discharge

Indirect discharges to the waters of the region of solid or liquid waste materials, including soil, silt, clay, sand, or other organic or earthen materials, are prohibited unless controlled by discharge devices approved by TRPA.

C. Discharge Control Devices

Approved erosion and siltation control devices and measures shall be required for all grading. Approved control devices and measures include, but are not limited to, temporary and permanent erosion and sedimentation control devices and facilities and measures pursuant to the Handbook of Best Management Practices.

33.3.3. Dust Control

Dust control measures shall be required for any grading activity creating substantial quantities of dust. Dust control measures shall be approved by TRPA.

33.3.4. Disposal of Materials

The methods of disposal of solid or liquid materials, including soil, silt, clay, sand, or other organic or earthen materials, shall be reviewed and approved by TRPA. These methods shall include, but are not limited to:

A. Temporary stockpiling all or some of the top soil on the site for use on areas to be revegetated;

B. Disposal of the material at a location approved by TRPA; or

C. Export of the materials outside the region.

33.3.5. Cuts and Fills

The following standards shall apply to cutting and filling of earthen material:

A. Cuts

Standards for cuts are:

1. The maximum cut slope shall be determined on the basis of the risk of soil instability or soil erodibility. Additional information, which may include a subsurface soil and geological report pursuant to Section 33.4, or other available information may be required.

2. If the material of the slope is of such composition and character as to be unstable under anticipated conditions, TRPA shall require such measures as are necessary to ensure the stability of the slope. Such measures may include, but are not limited to, reduction of the slope angle and mechanical stabilization of the slope.

3. TRPA may impose setbacks as set forth in the TRPA Design Review Guidelines.

4. Where mechanical stabilization or containment of the slope by other than the use of natural material is employed, conditions of approval may require screening by vegetation.

B. Fills

Standards for fills shall be the following:

1. The maximum fill slope shall be determined on the basis of the risk of instability or soil erodibility. Additional information, which may include a subsurface soil and geological report pursuant to Section 33.4, or other available information may be required.

2. No organic material, such as vegetation or rubbish, or any other material not capable of proper compaction or stability, or that has the potential for environmental impact, shall be permitted in fills.

3. Borrowing for fill is prohibited unless approved by TRPA. Borrowing of material from rockfalls and slides may be allowed pursuant to memorandums of understanding between TRPA and road maintenance organizations. Approved borrow sites shall be subject to subparagraph 33.3.5.A above.

4. TRPA may impose setbacks as set forth in the Design Review Guidelines.

33.3.6. Excavation Limitations

The following limitations to excavation shall apply:

A. Groundwater Interception

Groundwater interception or interference is prohibited except as set forth below:

1. Excavation is prohibited that interferes with or intercepts the seasonal high water table by:

a. Altering the direction of groundwater flow;

b. Altering the rate of flow of ground water;

c. Intercepting ground water;

d. Adding or withdrawing ground water; or

e. Raising or lowering the water table.

2. TRPA may approve exceptions to the prohibition of groundwater interception or interference if TRPA finds that:

a. Excavation is required by the International Building Code (IBC) or local building code for minimum depth below natural ground for above ground structures;

b. Retaining walls are necessary to stabilize an existing unstable cut or fill slope;

c. Drainage structures are necessary to protect the structural integrity of an existing structure;

d. It is necessary for the public safety and health;

e. It is a necessary measure for the protection or improvement of water quality;

f. It is for a water well;

g. There are no feasible alternatives for locating mechanical equipment, and measures are included in the project to prevent groundwater from leaving the project area as surface flow, and any groundwater that is interfered with is rerouted in the ground water flow to avoid adverse impacts to riparian vegetation;

h. It is necessary to provide two off-street parking spaces, there is no less environmentally harmful alternative, and measures are taken to prevent groundwater from leaving the project area as surface flow;

i. It is necessary to provide below grade parking for projects that qualify for additional height under subsection 37.5.4 or 37.5.9 to achieve environmental goals, including scenic improvements, land coverage reduction, and area-wide drainage systems. Measures shall also be included in the project to prevent ground water from leaving the project area as surface flow and that any groundwater, that is interfered with is rerouted into the groundwater flow to avoid adverse impacts to hydrologic conditions, SEZ vegetation, and mature trees; or

j. It is necessary for a marina expansion approved pursuant to Chapter 14: *Specific and Master Plans*, and the environmental documentation demonstrates that there will be no adverse effect on water quality.

B. Excavations

Excavations in excess of five feet in depth or where there exists a reasonable possibility of interference or interception of a water table shall be prohibited unless TRPA finds that:

1. A soils/hydrologic report prepared by a qualified professional, which proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation;

2. The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to subsection 33.6.5: *Tree Removal*, including root systems and hydrologic conditions of the soil. To ensure the protection of vegetation necessary for screening, a special vegetation protection report shall be prepared by a qualified professional identifying measures necessary to ensure damage will not occur as a result of the excavation; and

3. Excavated material is disposed of pursuant to subsection 33.3.4: *Disposal of Materials*, and the project area's natural topography is maintained pursuant to subparagraph 36.5.1.A. If groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, then the excavation can be made as an exception pursuant to

subparagraph 33.3.6.A.2, provided measures are included in the project to maintain groundwater flows to avoid adverse impacts to SEZ vegetation and to prevent any groundwater or subsurface water flow from leaving the project area as surface flow.

C. Minimum Excavation

The area and extent of all excavation shall be minimized to avoid unnecessary soil disturbance.

33.3.7. Discovery of Historic Resources

Whenever historical, pre-historical, or paleontological materials appearing to be 50 years or older are discovered during grading activity and have not been accounted for previously pursuant to Section 67.3, grading shall cease and TRPA shall be notified immediately. TRPA shall suspend grading and consult with the appropriate local, state, or federal entities and determine whether the site should be nominated as a historic resource. The property owner shall provide protection for the discovered material during this period. If a nomination is made, the site shall be subject to the provisions of Chapter 67: *Historic Resource Protection*.

33.4. SPECIAL INFORMATION REPORTS AND PLANS

33.4.1. Subsurface Investigations and Reports

When TRPA determines that stability on or in the vicinity of the project area may be lessened by the proposed grading, or that grading will be performed at any of the locations listed below, TRPA may require a subsurface investigation and preparation of a subsurface soil and geographical report by a qualified professional. The report shall provide information sufficient to determine the effect of grading on stability, groundwater, and, if present, antiquities.

A. List of Locations

Grading at any of the following locations may be grounds for requiring subsurface investigations and reports:

1. Fault zones;

2. Contact zones between two or more geologic formations;

3. Zones of trapped water or high water tables;

4. Areas where bodies of intrusive materials, such as rocks or boulders, are prevalent;

5. Historic landslide areas or where the topography indicates prehistoric landslides;

6. Adversely-sloped bedding planes, short-range folding areas, overturned folds, fractures, and other geologic formations of similar importance;

7. Proposed or existing fill slopes above a cut slope;

8. Proposed or existing cuts exceeding 20 feet in height, unless in competent rock;

9. Proposed or existing fills exceeding 20 feet in height;

10. Areas where groundwater from either the grading or adjoining parcels is likely to reduce substantially the subsurface stability;

11. Areas showing characteristics of seeped soils or areas of water influence; or

12. Areas in the vicinity of historic resources (see Chapter 67, as identified by TRPA's Historic Resource map, or in other locations where antiquities could be located).

33.4.2. Additional Investigations and Reports

At the request of TRPA, the applicant shall provide, at his or her own expense, additional engineering, geologic, and ownership reports, plans, surveys, or other materials necessary to determine and evaluate project area conditions and the effect of the grading on adjoining properties, public rights-of-way, and the public welfare.

33.4.3. Slope Stabilization Plan

At the request of TRPA, the applicant shall submit a slope stabilization plan prepared by a qualified professional. The plan shall include a complete description of the erosion control and slope stabilization measures to be installed in connection with the project.

33.5. GRADING AND CONSTRUCTION SCHEDULES

33.5.1. Grading and Construction Schedules

For projects presenting special problems with regard to project completion, site development, or water quality management, such as crossings of stream environment zones, major earthworks, or major clearing projects, TRPA may require, as a condition of approval, submittal and approval of project schedules prior to site disturbance. Changes to the schedules shall be provided to TRPA prior to commencing the activity on the schedule. As appropriate, the grading and construction schedule shall identify dates for the following:

A. When installation of temporary erosion control, and vegetation protection and construction site boundary fencing will occur;

B. When construction will start;

C. When all disturbed areas will be stabilized;

D. When initial grading will be completed;

E. When all construction slash and debris will be removed;

F. When driveways, parking areas and other surfaces will be paved;

G. When installation of permanent mechanical erosion control devices will occur;

H. When installation of permanent drainage improvements will occur;

I. When vegetation will be planted;

J. When construction will be completed;

K. When the site will be winterized; and

L. Other information deemed necessary by TRPA to assure compliance with the purpose of this section.

Inspections shall determine if conditions of approval and other requirements of TRPA are being met. Other provisions with respect to construction timing are in Chapter 2: *Applicability of the Code of Ordinances*.

33.6. VEGETATION PROTECTION DURING CONSTRUCTION

The following vegetation protection provisions shall apply to construction:

33.6.1. Vegetation

Vegetation shall not be disturbed, injured, or removed except in accordance with the Code or conditions of project approval. All trees, major roots, and other vegetation, not specifically designated and approved for removal in connection with a project shall be protected according to methods approved by TRPA. All vegetation outside the construction site boundary, as well as other vegetation designated on the approved plans, shall be protected by installing temporary fencing pursuant to subsections 33.6.9 and 33.6.10.

33.6.2. Equipment

Use of equipment of a size and type that under prevailing site conditions will do the least amount of damage to the environment may be specified as a condition of approval. Construction equipment and materials shall be restricted to the construction site boundary.

33.6.3. Debris

Slash, trees cut for the project, uprooted stumps, or other vegetative debris shall not remain on the project area after October 15 of each year, or final inspection, whichever comes first, except trees bucked into firewood in TRPA-designated areas. Any remaining stump shall be cut within six inches of the ground on the uphill side of the tree.

33.6.4. Tree Treatment Plan

A plan to treat trees on the project area, in accordance with Section 61.1: *Tree Removal*, may be required as a condition of approval. At a minimum, the plan shall include the following:

A. Provisions for identification and treatment of diseased or insect infested trees;

B. Provisions for identification and removal of hazardous trees; and

C. Provisions for optimum stocking levels of trees including the protection and establishment of younger-aged trees.

33.6.5. Tree Removal

Trees may be removed from within six feet of a foundation, or when other approved construction activities involving soil compaction, excavation, or paving encroach into more

than 25 percent of a tree's dripline. Falling, uprooting, or removal of trees and other materials shall be accomplished to avoid damage to remaining trees, vegetation, and soil.

33.6.6. Tree Roots

Tree roots four inches in diameter and larger encountered during excavation of utility trenches shall not be severed, if avoidable. All tree roots four inches in diameter or larger severed during excavation shall be cut flush with the surface of the excavation.

33.6.7. Prohibition

Trees shall not be used for the purpose of sign posts, telephone wires or temporary power, bracing for forms, or other similar types of uses.

33.6.8. Revegetation Plan

Areas outside the construction site boundary that sustain vegetation damage during construction shall be revegetated according to a revegetation plan in accordance with Section 61.4.

33.6.9. Standards for Soil and Vegetation Protection

A. The location and type of protective fencing shall be shown on approved plans.

B. No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas without prior approval from TRPA.

C. Protective fencing for soil and vegetation shall be constructed with metal posts and industry-standard mesh fencing that is least four feet tall, unless an alternative protection method is approved by TRPA.

D. All protective fencing shall be adequately maintained and provide a functional barrier during construction.

33.6.10. Standards for Retained Tree Protection

All trees designated to be retained during construction shall be protected as follows:

A. Fencing shall be placed no closer than the dripline of the tree(s) unless an alternative placement is approved prior by TRPA.

B. The location and type of the protective fencing shall be shown on approved plans.

C. No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas without prior approval from TRPA.

D. Protective fencing for trees shall be constructed with metal posts and industry-standard mesh fencing that is at least four feet tall, unless an alternative method is approved by TRPA.

E. All protective fencing shall be adequately maintained and provide a functional barrier during construction.

F. An alternative method of tree protection may be required if conditions warrant due to location of tree or the importance of the tree for visual screening. A tree treatment plan may be required per subsection 33.6.4.

CHAPTER 34: DRIVEWAY AND PARKING STANDARDS

34.1. PURPOSE

This chapter sets forth minimum standards for driveways and parking facilities to minimize interference with traffic flow on the streets and highway system of the Tahoe region.

34.2. APPLICABILITY

This chapter is applicable to all development that requires or uses vehicular access or parking, except as noted below.

34.2.1. Douglas County Substitutions

The *Douglas County Community Plans, Design Standards and Guidelines,* August 1993, shall apply within the Round Hill, Kingsbury, and Stateline Community Plans.

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 of South Lake Tahoe Standards and Guidelines for Design, Signage, Parking, Driveway, and Loading Spaces,* June 1994, shall apply to the entire City of South Lake Tahoe, except for the Tourist Core Area Plan and Tahoe Valley Area Plan, where the Development and Design Standards (Appendix C) of the Area Plans shall apply.

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.

34.3. DRIVEWAYS

To ensure organized and well-designed ingress and egress of vehicles from driveways, TRPA shall review the design of driveways according to the standards and procedures in this section.

34.3.1. Compliance Program

The standards set forth in subsections 34.3.2 through 34.3.5, inclusive, shall be conditions of approval for projects with driveways, and for projects for which TRPA finds that the driveways are not in compliance with the standards set forth in subsections 34.3.2 through 34.3.5, inclusive, and are causing significant adverse impacts on traffic, transportation, air quality, water quality, or safety. If TRPA finds that driveways associated with existing development are causing such impacts, TRPA may implement corrective measures pursuant to Section 5.12 Remedial Action Plans.

34.3.2. General Standards

Driveways shall comply with the following standards:

A. New Driveways

New driveways shall be designed and located so as to cause the least adverse impacts on traffic, transportation, air quality, water quality, and safety.

B. Shared Driveways

In the application of subsections 34.3.3 through 34.3.5, inclusive, TRPA shall encourage shared driveways if TRPA finds that the effect is equal or superior to the effect of separate driveways.

C. Role of Community Plans

Approved community plans may replace the standards in subsections 34.3.3 through 34.3.5, inclusive, with alternative specific provisions, provided such provisions are more appropriate to the situation and provide equal or superior measures to satisfy the environmental thresholds. See also subparagraph 12.6.3.C.

D. Standards of Caltrans and Nevada Department of Transportation

On state and federal highways, the ingress/egress standards of the California or Nevada Department of Transportation shall apply, as appropriate, in addition to the standards in subsections 34.3.3 through 34.3.5, inclusive. Where the state standards conflict with subsections 34.3.3 through 34.3.5, inclusive, the state standards shall control.

E. Slope of Driveways

Slopes of driveways shall not exceed the standards of the county or city in whose jurisdiction the driveway is located. Driveways shall not exceed ten percent slope, unless TRPA finds that construction of a driveway with a ten percent or less slope would require excessive excavation and that the runoff from a steeper driveway shall be infiltrated as required in Section 60.4. In no case shall the driveway exceed 15 percent slope.

F. Best Management Practices

Driveways shall be managed in accordance with Section 60.4.

34.3.3. Numbers of Driveways

Additional or transferred development that does not require a traffic analysis pursuant to subsection 65.2.4 shall be served by a single driveway with no more than two points of ingress/egress from the public right-of-way or other access road. Additional or transferred development that requires a traffic analysis pursuant to subsection 65.2.4 shall conform to the ingress/egress provisions necessary to mitigate all traffic and air quality impacts under subsection 65.2.4.

34.3.4. Width of Driveways

Driveway widths shall conform to the following standards:

A. Other Residential Uses

Two-way driveways serving residential uses other than single-family homes shall have a minimum width of 20 feet and a maximum width of 24 feet. One-way driveways serving other residential uses shall have a minimum width of ten feet and maximum width of 12 feet.

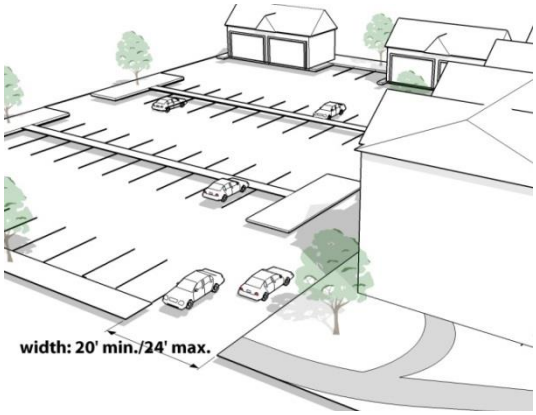


Figure 34.3.4-A: Example Width of Driveway For Other Residential Uses

B. Commercial, Tourist Accommodation, Recreation, and Public Service Uses

Two-way driveways serving commercial, tourist accommodation, recreation, and public service uses shall have a minimum width of 20 feet and a maximum width of 30 feet. One-way driveways serving such uses shall have a minimum width of ten feet and a maximum width of 15 feet. For two-way driveways with median dividers serving such development, each direction shall have a minimum width of ten feet and a maximum width of 17 feet.

34.3.5. Service Drives

Uses other than single-family homes that do not require the preparation of a traffic analysis pursuant to subsection 65.2.4 may be permitted an additional service driveway for maintenance and garbage removal. The service driveway shall be at least ten feet wide and no more than 12 feet wide. Uses that require the preparation of a traffic analysis pursuant to subsection 65.2.4 may be permitted an additional service driveway or driveways for maintenance and garbage removal provided the traffic and air quality impacts of such driveways shall be mitigated under subsection 65.2.4.

34.4. PARKING

[Reserved]

CHAPTER 35: NATURAL HAZARD STANDARDS

35.1. PURPOSE

This chapter sets forth regulations pertaining to recognition of natural hazards, prevention of damage to property, and protection of public health relating to such natural hazards. It implements provisions of the Goals and Policies and the Water Quality Management Plan for the Lake Tahoe Region pertaining to avalanche and mass instability, floodplains, and wildfire.

35.2. APPLICABILITY

35.2.1. General

This chapter is applicable to:

A. Construction, reconstruction, or replacement of structures in identified avalanche or mass instability hazard areas;

B. Additional development in 100-year floodplains;

C. Maintenance of public utilities, transportation facilities, and other necessary public uses in 100-year floodplains; and

D. With respect to the fire prevention techniques and measures set forth in Section 35.5, all lands within the Tahoe region.

35.2.2. Exception

The regulations regarding development within the 100-year floodplain shall not apply to the shorezone of Lake Tahoe, except where TRPA determines it is within the 100-year floodplain of a tributary stream. Development within the shorezone is regulated by the shorezone provisions of this Code.

35.3. AVALANCHE AND MASS INSTABILITY

[Reserved]

35.4. FLOODPLAINS

To help prevent property damage and protect public health and safety, TRPA shall review additional development in 100-year floodplains and regulate public utilities, transportation facilities, and other necessary public uses located in floodplains, according to the standards and procedures in this section.

35.4.1. 100-Year Floodplain Defined

The 100-year floodplain is defined in Ch. 90: *Definitions.* It shall be delineated as follows:

A. The limits of 100-year floodplain where established for creeks by the U.S. Army Corps of Engineers; and/or

B. The limits of the 100-year floodplain as established on a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM); or

C. In areas where the U.S. Army Corps of Engineers or Federal Emergency Management Agency has not prepared 100-year floodplain maps and where TRPA has reason to believe that a flood hazard may exist, the limits of the 100-year floodplain shall be determined by application of standard hydrologic data and methods (e.g., rational method, unit hydrograph, watershed cross-sections) applied by a competent professional and approved by TRPA.

35.4.2. Prohibition of Additional Development, Grading, and Filling of Lands Within the 100-Year Floodplain

Additional development, grading, and filling of lands within the 100-year floodplain are prohibited, except as follows:

A. Public Outdoor Recreation Facilities

TRPA may permit additional public outdoor recreation facilities within the 100-year floodplain if TRPA finds that:

1. The project is a necessary part of a public agency's long-range plans for public outdoor recreation;

2. The project is consistent with the Recreation Element of the Regional Plan;

3. The project by its very nature must be sited in a floodplain and is in accordance with the Guidelines Regarding Public Outdoor Recreation Facilities and Activities Which Create Additional Land Coverage or Permanent Disturbance and Which By Their Very Nature Need Not Be Sited in Sensitive Lands (1a, 1b, 1c, 2, 3 or SEZs), Water Quality Management Plan for the Lake Tahoe Region, Volume I, Table 16, dated November 1988;

4. There is no feasible alternative that would reduce the extent of encroachment in a floodplain; and

5. The impacts on the floodplain are minimized.

B. Public Service Facilities

TRPA may permit additional public service facilities within the 100-year floodplain if TRPA finds that:

1. The project is necessary for public health, safety, or environmental protection;

2. There is no reasonable alternative, including spans, that avoids or reduces the extent of encroachment in a floodplain; and

3. The impacts on the floodplain are minimized.

C. Floodplain Crossings

TRPA may permit projects to effect access across a 100-year floodplain to otherwise buildable sites if such projects comply with applicable development standards in Chapter 32: *Basic Services*, and if TRPA finds that:

1. There is no reasonable alternative that avoids or reduces the extent of encroachment in the floodplain; and

2. The impacts on the floodplain are minimized.

D. Water Quality Control Facilities

TRPA may permit erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects, and similar projects, programs, and facilities within a 100-year floodplain if TRPA finds that:

1. The project, program, or facility is necessary for environmental protection;

2. There is no reasonable alternative that reduces the extent of encroachment in the floodplain; and

3. Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to 30.4.3.B.5 are met.

35.4.3. Construction and Maintenance of Public Utilities Transportation Facilities, and Other Necessary Public Uses Located in the 100-Year Floodplain

[Reserved]

35.5. WILDFIRE

[Reserved]

CHAPTER 36: DESIGN STANDARDS

36.1. PURPOSE

The purpose of this chapter is to ensure that projects are designed and constructed consistent with the Community Design Subelement of the Land Use Element and related elements of the Goals and Policies.

36.2. APPLICABILITY

36.2.1. General

All projects shall comply with the standards set forth in this chapter, except as noted below. In addition, exempt activities, as identified in Chapter 2: *Applicability of the Code of Ordinances*, shall comply with Sections 36.6 (*Building Design Standards*), 36.9 (*Water Conservation Standards*), and 36.10 (*Standards for Combustion Appliances*).

36.2.2. Substitute Standards

TRPA may adopt equal or superior substitute design standards pursuant to a community plan, redevelopment plan, specific plan, or master plan. Substitute design standards shall not apply to the review procedures and standards for projects in the shoreland. Appropriate provisions of TRPA's Design Review Guidelines and Scenic Quality Improvement Program may be considered as conditions of project approval. Substitute standards adopted by TRPA are listed below.

A. Douglas County Substitutions

The *Douglas County Community Plans, Design Standards and Guidelines*, August 1993, shall apply within the Round Hill Community Plan. The Douglas County South Shore Design Standards and Guidelines (August 2013) shall apply within the South Shore Area Plan.

B. Placer County Substitutions

The Placer County Tahoe Basin Area Plan, Implementing Regulations, Area-Wide Standards and Guidelines (January 2017), and as amended, shall apply to the entire portion of Placer County within the Tahoe Region.

C. City of South Lake Tahoe Substitutions

The *City of South Lake Tahoe Standards and Guidelines for Design, Signage, Parking, Driveway, and Loading Spaces,* June 1994, shall apply to the entire City of South Lake Tahoe, except for the Tourist Core Area Plan and Tahoe Valley Area Plan, where the Development and Design Standards (Appendix C) of the Area Plans shall apply.

D. Washoe County Substitutions

The *Signage, Parking, and Design Standards and Guidelines for the Community Plans of Washoe County,* November 1996, shall apply to the North Stateline, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch Community Plans.

36.3. DESIGN REVIEW GUIDELINES

Design and site planning methods and techniques shall be set forth in the *Design Review Guidelines*, except that design review guidelines for the Meyers Community Plan are set forth in the adopted community plan.

36.4. SCENIC QUALITY IMPROVEMENT PROGRAM

Additional design guidelines applicable to specific areas shall be set forth in a document called the Scenic Quality Improvement Program. Provisions of that program shall be required by TRPA, as appropriate, as conditions of project approval.

36.5. SITE DESIGN STANDARDS

36.5.1. General Standards

A. Existing natural features outside of the building site shall be retained and incorporated into the site design to the greatest extent feasible. Projects shall be designed to avoid disturbance to rock outcrops and stream environment zones and to minimize vegetation removal and maintain the natural slope of the project site and be consistent with Section 36.12.

B. Projects shall be designed to use existing disturbed areas rather than undisturbed areas for the siting of all improvements except when:

1. The disturbed area is precluded from development by setbacks or other such limitations;

2. The disturbed lands are classified as sensitive lands and alternative sites classified as nonsensitive lands exist on the parcel;

3. The use of the disturbed lands would require more total disturbance than use of undisturbed lands;

4. Avoidance of other development impacts are of more importance than the preservation of undisturbed areas; and/or

5. The degree of existing disturbance is minor and the area shall be restored as part of the project.

36.5.2. Standards for Commercial, Tourist Accommodation, Public Service, and Multi-Residential Projects

In addition to the other standards in this section, the standards for commercial, tourist accommodation, public service, and multi-residential projects shall be:

A. Onsite parking areas shall be provided with landscaped perimeters. Onsite parking areas greater than one-quarter acre in size shall be

Figure 36.5.2-A: Example of Landscaped Perimeters

provided with landscaped islands designed in accordance with TRPA's Design Review Guidelines;

B. A pedestrian circulation system shall be incorporated into the site plan to assure that pedestrians can move safely and easily both on the site and between properties and activities within the neighborhood year round;

Figure 36.5.2-B: Example of Refuse Area Screening

C. Adequate access shall be provided for emergency vehicles and for those persons attempting to render emergency services;

D. Screening of service yards, maintenance yards, warehousing, outdoor storage and trash and refuse collection areas shall be accomplished by the use of walls, fencing, landscape plantings, or some combination thereof. Screening shall be effective in both winter and summer; and

E. Service yards, maintenance yards, warehousing, and outdoor storage areas shall be located in areas that are not highly visible from major transportation corridors, scenic turnouts, public recreation areas, or the waters of lakes in the region.

36.5.3. Standards for Snow Storage

The standards for snow storage shall be:

A. Parking areas shall be sloped at least two percent to prevent ponding and icing; and

B. Commercial, tourist accommodation, public service, recreation and multi-residential projects shall provide, within the project area, snow storage areas of a size adequate to store snow removed from parking, driveway and pedestrian access areas or have arrangements by means of recorded easements or equivalent arrangements to remove and store accumulated snow offsite.

36.5.4. Setback Standards

The setback standards shall be:

A. For parcels abutting roadways rated in TRPA's Scenic Resources Inventory, the minimum building setback from the right-of-way of such roadways shall be 20 feet.

1. Decks (except decks for off street parking), stairs, canopies, building, or roof overhangs shall not intrude into the 20-foot setback established in this subparagraph.

2. TRPA may approve building setbacks less than 20 feet if the reduced setback is approved by the appropriate local jurisdiction and TRPA finds that the project shall not cause a decrease in the numerical ratings assigned to the roadway unit, including the scenic quality rating of the individual resources within each unit, as recorded in the 1982 Scenic Resources Inventory and

shown in Tables 13-3 and 13-8 of the *Study Report for the Establishment of Environmental Threshold Carrying Capacities*, October 1982. The criteria for rating scenic quality as identified in the study report cited herein shall be used to determine if a project will cause a decrease in the numerical rating.

B. Buildings, other structures, and land coverage shall be set back from SEZs in accordance with Chapter 53: *Individual Parcel Evaluation System*.

C. Other setback requirements are set forth in Section 33.3: *Grading Standards*.

36.5.5. Bicycle and Pedestrian Facility Maintenance Plan

Entities responsible for the construction and maintenance of bike and pedestrian facilities proposed as part of a project shall provide a maintenance plan, including a funding strategy for the life of the bike and pedestrian facility, that shall be approved by TRPA prior to permit issuance or funding disbursement for any proposed public bicycle and pedestrian facility.

36.6. BUILDING DESIGN STANDARDS

36.6.1. General Standards

A. Screening Elements

The architectural design of a project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, electrical transformer pads and vaults, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings, or the ground.

B. Roof Finishes and Colors

Roofs, including mechanical equipment and skylights, shall be constructed of non-glare finishes and earthtone colors that minimize reflectivity. For this subparagraph, non-glare earthtone colors are defined as Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines, that have a value and chroma of 0-4 or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G. Vegetated roof materials complying with applicable fire defensible space requirements meet the intent of this subparagraph and are encouraged.

C. Alternative Energy Production

Solar panels or other alternative energy equipment may be exempted from the requirements of 36.6.1.A and B if a project level assessment demonstrates that scenic threshold standards will not be adversely impacted.

D. Color of Structures

1. For all structures visible from the Scenic Threshold Travel Routes and from Public Recreation Area and Bicycle Trails identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation, subdued colors of earthtone ranges shall be used for the primary color of structures.

2. Colors shall be within a range of natural colors that blend, rather than contrast, with the existing backdrop vegetation and soils color.

3. For this subparagraph, earthtone colors shall be medium to dark and shall meet the Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G.

4. TRPA may grant exceptions to this provision pursuant to Section 67.7, for scenic roadway corridors designated as urban, for unique situations such as site characteristics, or as set forth in subparagraph 83.11.1. Structures in the shoreland that were constructed prior to January 1, 1950, may maintain their historic colors when doing exempt maintenance and repair.

36.6.2. Building Heights

See Chapter 37: *Height*, for building height standards.

36.7. LANDSCAPING STANDARDS

36.7.1. Plant Species Permitted

Plant species on the TRPA Recommended Native and Adapted Plant List shall be used for lawns and landscaping.

36.7.2. Minimum Plant Sizes and Spacing

For projects other than single-family home projects, the following sizes and spacing shall be required for woody plant materials at time of planting in compliance with state and local defensible space requirements:

A. Trees shall be a minimum six feet tall or one-inch caliper size or diameter at breast height;

B. Shrubs shall be a minimum three-gallon pot size, such that upright shrubs shall have a minimum height of 18 inches and minimum spread of 18 inches, and spreading shrubs shall have a minimum spread of 18 to 24 inches; and

C. Groundcovers shall be a minimum four-inch pot size or one gallon container and shall be a maximum 24 inches on center spacing.

36.7.3. Accent Vegetation

Plant species not found on the TRPA Recommended Native and Adapted Plant List may be used for landscaping as accent plantings. Such plants shall be limited to borders, entryways, flower-beds, and other similar locations to provide accents to the overall native or adapted landscape design. Species identified as invasive plant species in the TRPA BMP Handbook shall never be used.

36.8. EXTERIOR LIGHTING STANDARDS

36.8.1. General Standards

A. Exterior lights shall not blink, flash, or change intensity. String lights, building or roofline tube lighting, reflective, or luminescent wall surfaces are prohibited.

B. Exterior lighting shall not be attached to trees except for the Christmas season.

C. Parking lot, walkway, and building lights shall be directed downward.

D. Fixture mounting height shall be appropriate to the purpose. The height shall not exceed the limitations set forth in Chapter 37.

E. Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited.

F. The commercial operation of searchlights for advertising or any other purpose is prohibited.

G. Seasonal lighting displays and lighting for special events that conflict with other provisions of this section may be permitted on a temporary basis pursuant to Chapter 22: *Temporary Uses, Structures, and Activities*.

36.9. WATER CONSERVATION STANDARDS

The following appliances and fixtures shall be installed in new facilities or when replaced in existing facilities: low-flow flush toilets; low-flow showerheads (3 gpm rated maximum flow); faucet aerators; and water-efficient appliance (e.g., washing machines and dishwashers).

36.10. STANDARDS FOR COMBUSTION APPLIANCES

All natural gas, oil, or propane-fired water heaters and space heaters, and all wood heaters, installed within the region in new facilities, or when replaced in existing facilities, shall meet the standards set forth in Section 65.1: *Air Quality Control*.

36.11. OUTDOOR ADVERTISING

The standards for outdoor advertising are set forth in Chapter 38: *Signs*.

36.12. SOIL AND VEGETATION PROTECTION DURING CONSTRUCTION

To reduce soil disturbance and damage to vegetation, the area of disturbance during the construction of a structure shall be limited to the area between the footprint of the building and the public road. For the remainder of the site the disturbance area shall not exceed 12 feet from the footprint of the structure, parking area, or cut/fill slope. These limits shall be shown on the submitted plan. For structures not adjacent to a public road access,

reasonable construction and staging area shall be identified. These limits shall be fenced according to Section 33.6. Exceptions require prior TRPA approval and may include:

A. When it is demonstrated that equipment will need to access an area;

B. When other site characteristics require a larger area, such as rock outcrops and topography;

C. When a landscaping or utility plan clearly demonstrates the need for soil disturbance beyond the 12-foot boundary; or

D. Storage of construction materials in areas of existing disturbed lands.

CHAPTER 37: HEIGHT

37.1. PURPOSE

This chapter establishes height standards to ensure visually compatible development as required under Goal 2, Policy 1.B, of the Community Design Subelement, Land Use Element, of the Goals and Policies. "Visual compatibility" is determined by compliance with the requirements of this chapter.

37.2. APPLICABILITY

Except for structures located lakeward of high water, which are regulated under the Shorezone division of this Code (Chapters 80 through 86), and signs, which are regulated under Chapter 38: *Signs*, all buildings and other structures shall comply with the height standards set forth in this chapter.

37.3. DEFINITIONS

For purposes of this chapter, the following terms are defined:

37.3.1. Height

The height of a building is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and the elevation of the coping of the highest flat roof, the highest point of a mansard roof or the ridge of the highest hip, gable, gambrel, shed or other pitched roof, whichever is highest (see Figure 37.3.1-A below). The maximum height of a structure other than a building is the difference between the point of lowest natural ground elevation along the exterior foundation of the structure and the elevation of the highest point of the structure. Maximum height for buildings in Special Projects within adopted Ski Area Master Plans shall be measured as provided in subsection 37.5.9.

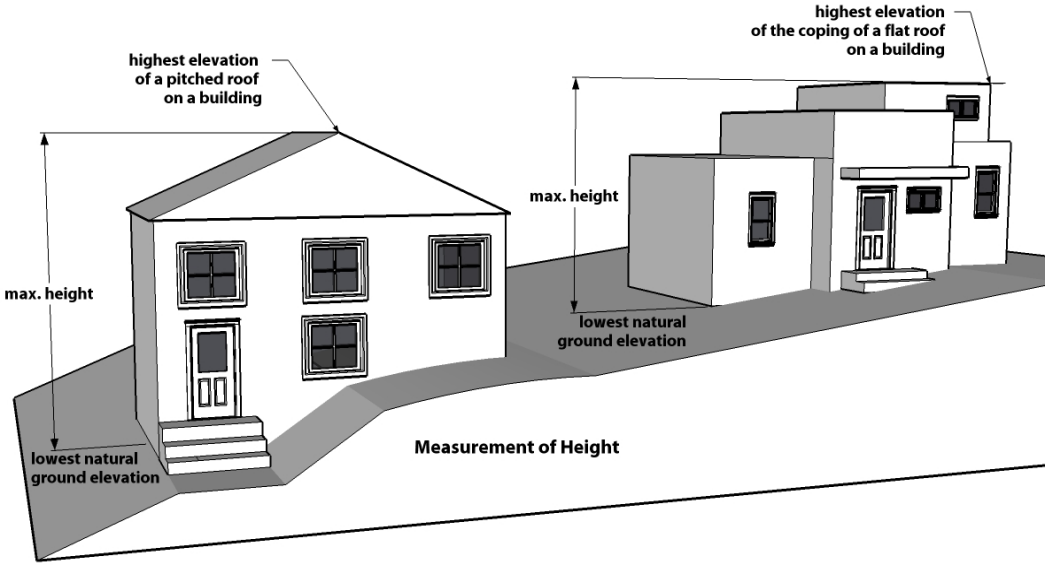


Figure 37.3.1-A: Measurement of Height

37.3.2. Natural Ground Elevation

The natural ground elevation is the elevation of the existing ground surface prior to any disturbance of the site resulting from construction of the proposed improvements.

37.3.3. Percent Cross Slope Retained Across Building Site

The percent cross slope shall be the gradient, in percent, of the terrain measured perpendicular to the contours through the middle of the building site (see Figure 37.3.3-A). The building site shall include all that area counted as land coverage associated with each detached building. The cross slope shall be considered retained across the building site only if TRPA finds that the building complies with the limitations on excavation set forth in subsection 33.3.6. Percentages of cross slope shall be rounded to the nearest even percentage.

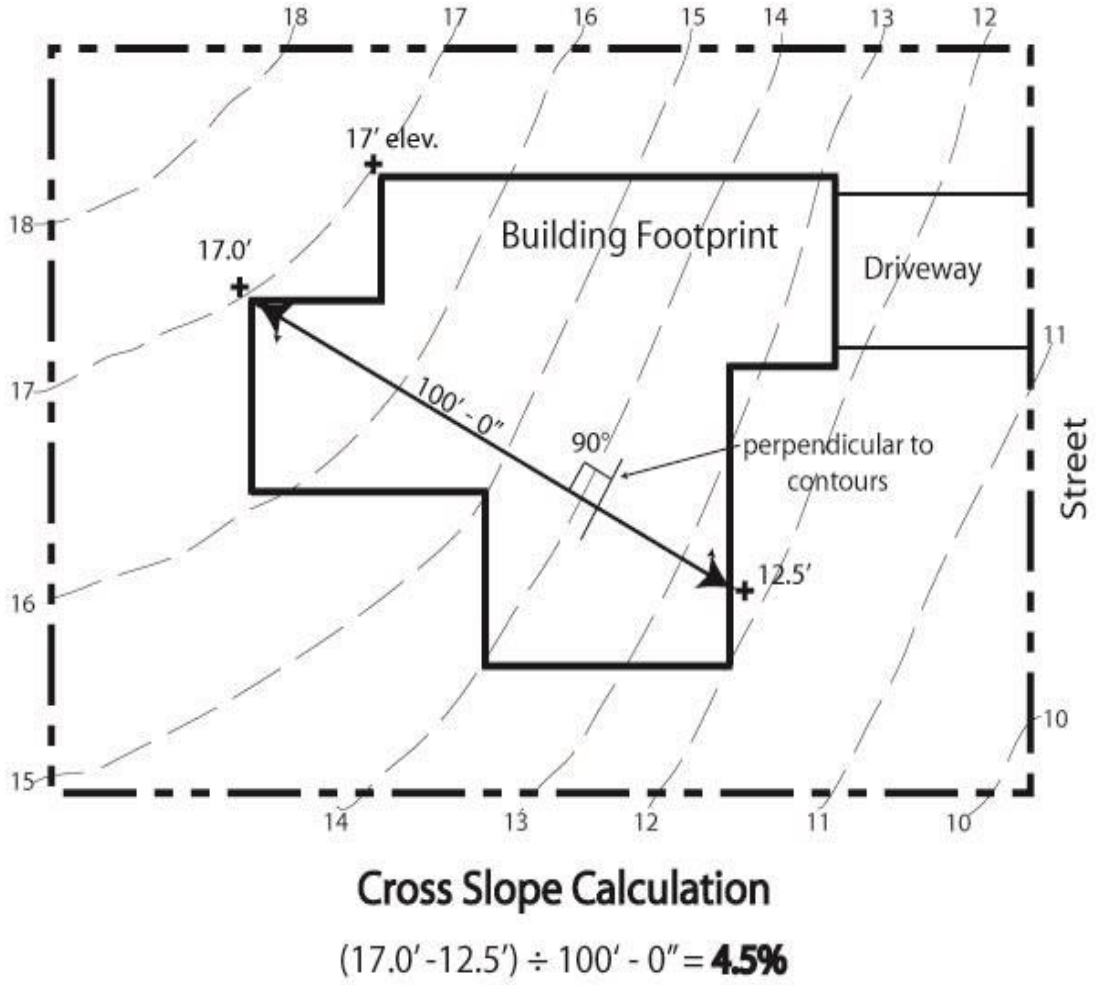


Figure 37.3.3-A: Measurement of Height

37.4. HEIGHT STANDARDS FOR BUILDINGS

37.4.1. Maximum Heights for Buildings

Outside of Centers and except as provided in Section 37.5, the maximum heights for buildings are set forth in the following table.

TABLE 37.4.1-1: MAXIMUM HEIGHTS FOR BUILDINGS

Percent Slope Retained Across Building Site	Roof Pitch										
	0:12	1:12	2:12	3:12	4:12	5:12	6:12	7:12	8:12	9:12	≥10:12
0	24'-0"	25'-2"	26'-5"	27'-7"	28'-9"	30'-0"	31'-2"	32'-5"	33'-7"	34'-9"	36'-0"
2	24'-6"	25'-8"	26'-11"	28'-1"	29'-3"	30'-6"	31'-8"	32'-11"	34'-1"	35'-3"	36'-6"
4	25'-0"	26'-2"	27'-5"	28'-7"	29'-9"	31'-0"	32'-2"	33'-5"	34'-7"	35'-9"	37'-0"
6	25'-6"	26'-8"	27'-11"	29'-1"	30'-3"	31'-6"	32'-8"	33'-11"	35'-1"	36'-3"	37'-6"
8	26'-0"	27'-2"	28'-5"	29'-7"	30'-9"	32'-0"	33'-2"	34'-5"	35'-7"	36'-9"	38'-0"
10	26'-6"	27'-8"	28'-11"	30'-1"	31'-3"	32'-6"	33'-8"	34'-11"	36'-1"	37'-3"	38'-6"
12	27'-0"	28'-2"	29'-5"	30'-7"	31'-9"	33'-0"	34'-2"	35'-5"	36'-7"	37-9"	39'-0"
14	27'-6"	28'-8"	29'-11"	31'-1"	32'-3"	33'-6"	34'-8"	35'-11"	37'-1"	38'-3"	39'-6"
16	28'-0"	29'-2"	30'-5"	31'-7"	32'-9"	34'-0"	35'-2"	36'-5"	37'-7"	38'-9"	40'-0"
18	28'-6"	29'-8"	30'-11"	32'-1"	33'-3"	34'-6"	35'-8"	36'-11"	38'-1"	39'-3"	40'-6"
20	29'-0"	30'-2"	31'-5"	32'-7"	33'-9"	35'-0"	36'-2"	37'-5"	38'-7"	39'-9"	41'-0"
22	29'-6"	30'-8"	31'-11"	33'-1"	34'-3"	35'-6"	36'-8"	37'-11"	39'-1"	40'-3"	41'-6"
≥24	30'-0"	31'-2"	32'-5"	33'-7"	34'-9"	36'-0"	37'-2"	38'-5"	39'-7"	40'-9"	42'-0"

Note: Cells shaded in grey are considered "additional height" and subject to additional approval criteria in Sec. 37.4 through 37.7.

Example: Calculation of Height from Table 37.4.1-1

A house with:

Percent slope retained across building site (subsection 37.3.3) = **16%**, and
Proposed roof pitch = **10:12**,

Can have a maximum height = **40'**

37.4.2. Maximum Height for Buildings on Slopes

For a building located on a sloping site with a percent cross slope retained across the building site of 10% or greater, the provisions of subsection 37.4.1 may be modified as follows:

A. For purposes of measuring height, the building may be divided into up to three distinct, attached segments (e.g., steps or terraces);

B. Each segment of the building shall comply with the base maximum height permitted by Table 37.4.1-1, except that the ground floor segment (the building segment closest to the street providing primary access to the building) shall not exceed 28 feet in height, including any additional height approved under Section 37.5; and

C. The total maximum height of the building as measured from the lowest point of the structure to the highest point on the structure shall not exceed 150% of the average maximum height of each of the building segments.

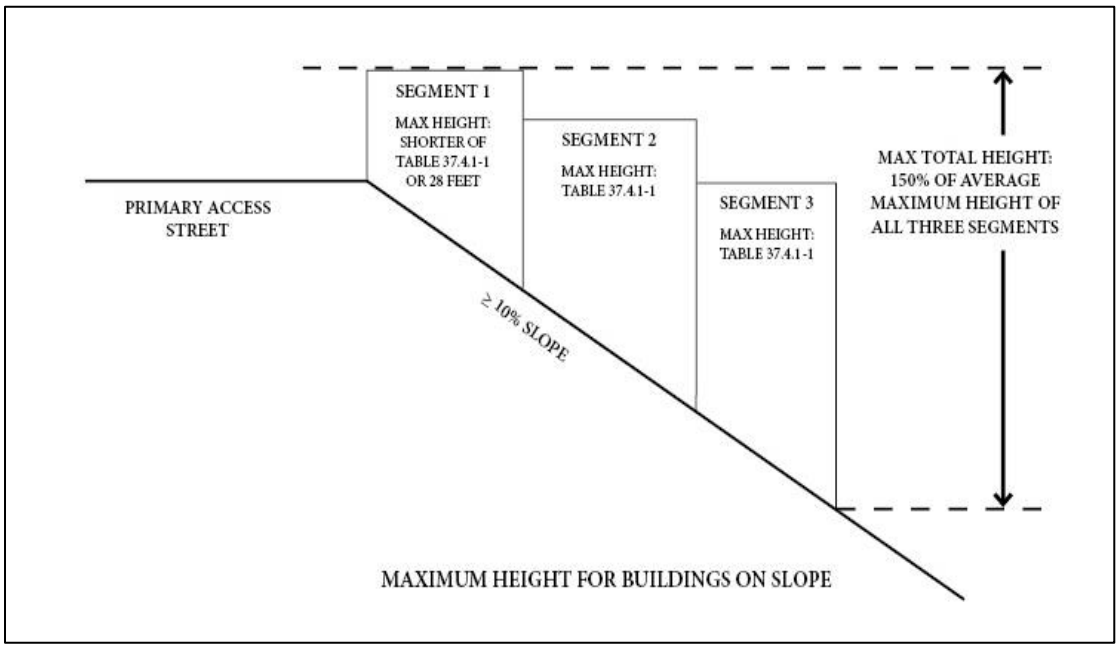


Figure 37.4.2-A: Maximum Height for Buildings on Slope

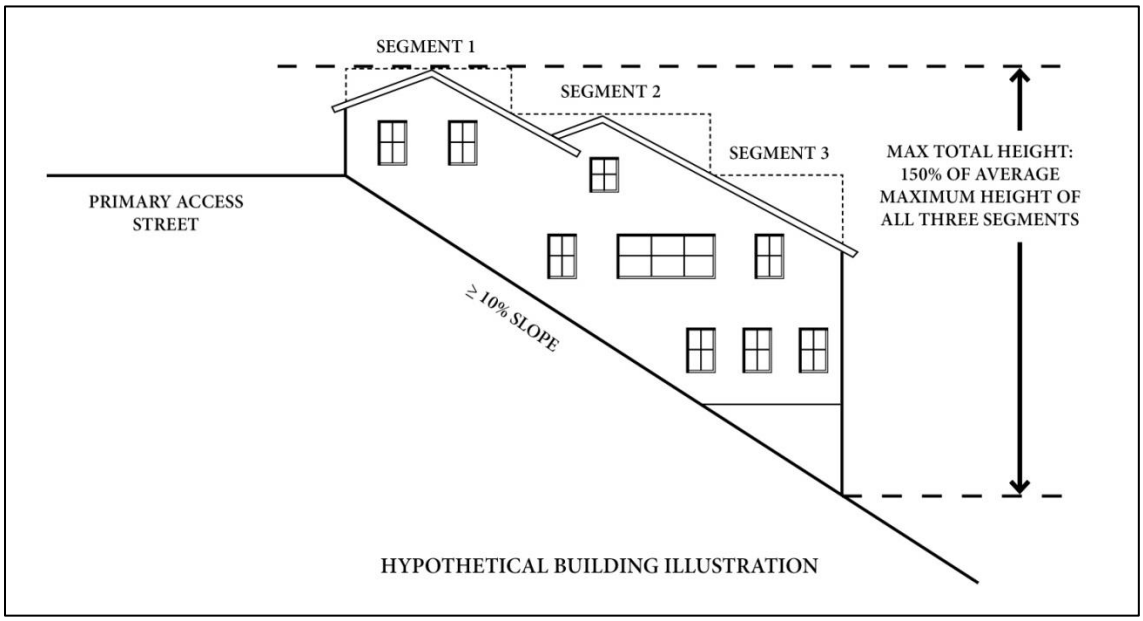


Figure 37.4.2-B: Hypothetical Building Illustration

37.4.3. Exceptions

Notwithstanding the maximum height limits in subsection 37.4.1, the following projections and appurtenances may extend above the height limits of Table 37.4.1-1, subject to the standards provided.

A. Chimneys and Other Rooftop Appurtenances

Chimneys, flues, vents, antennas, and similar appurtenances may be erected to a height ten percent greater than the otherwise permissible maximum height of a building, or a height of six feet, whichever is less.

B. Flagpoles

One flagpole per building may be permitted as an appurtenant structure, not to exceed 15 percent of the otherwise permissible maximum building height, or 30 feet, whichever is less, provided that:

1. The flagpole shall be of a dark color and shall not have a shiny reflective finish.

2. The flagpole shall be used for non-commercial displays only; and

3. For purposes of this subsection, structures housing gaming referenced in Article VI(e) of the Compact shall be deemed to comply with site development provisions related to height.

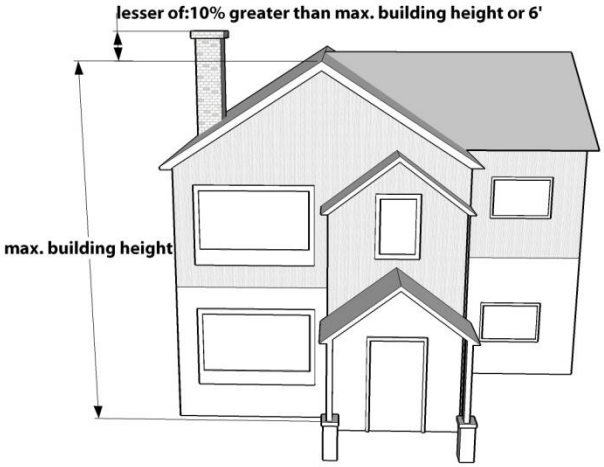


Figure 37.4.2-A: Example Chimney Exception Measurement

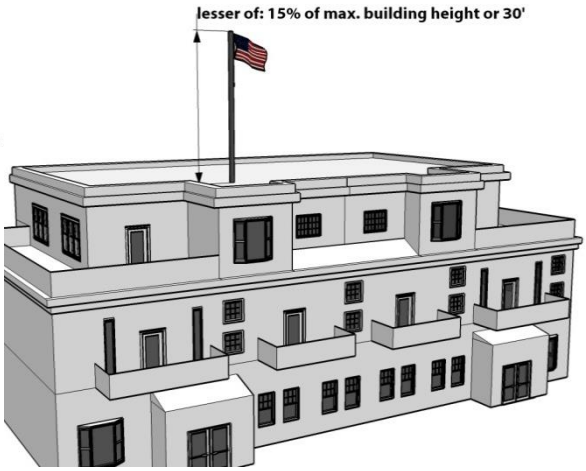


Figure 37.4.2-B: Example Flagpole Exception Measurement

37.5. ADDITIONAL HEIGHT FOR CERTAIN BUILDINGS

TRPA may approve building heights greater than those set forth in Section 37.4 in accordance with the following provisions and provided that TRPA makes the applicable findings in Section 37.7.

37.5.1. Approval of Building Heights Greater Than 26 Feet

Building heights greater than 26 feet may be approved if the project is in compliance with the standards in Section 66.1: *Scenic Quality Standards*, and TRPA makes the findings specified below. If, in any case, the TRPA is unable to make the required findings, maximum building height shall be limited to that height for which the required findings can be made.

A. Additional Height for Roof Pitch of Up to 5:12

Building height greater than 26 feet, up to the maximums set forth in Table 37.4.4-1 for a roof pitch of up to 5:12, may be approved if TRPA makes finding 1 as set forth in Section 37.7.

B. Additional Height for Roof Pitch Greater Than 5:12

Building height greater than 26 feet, up to the maximums set forth in Table 37.4.4-1 for a roof pitch of greater than 5:12, may be approved for residential buildings if TRPA makes findings 1, 2, and 8 as set forth in Section 37.7, and for other buildings if TRPA makes findings 1, 2, 3, and 8 as set forth in Section 37.7.

37.5.2. Additional Building Height for Public Service, Tourist Accommodation, and Certain Recreation Buildings

TRPA may approve building heights greater than those set forth in Section 37.4 for buildings whose primary use is public service, tourist accommodation, or certain recreation uses as follows:

A. Additional Building Height With Required Findings

The maximum heights specified in Table 37.4.1-1 may be increased by up to four feet, but not to exceed a maximum height of 38 feet, provided TRPA makes the following findings in Section 37.7:

1. For tourist accommodation buildings: findings 1, 2, and 3;

2. For public service buildings: findings 1, 2, 3, and 4; and

3. For certain recreation uses, including downhill ski facilities, cross country skiing facilities, or recreation uses whose primary recreation use is participant sports facilities, recreation centers, or sport assembly: findings 1, 2, 3, 4, and 7.

B. Additional Building Height for Reduced Land Coverage

The maximum building heights specified in Table 37.4.1-1 may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 30: *Land Coverage*. The maximum building heights may be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable land coverage, or existing land coverage, whichever is greater, up to a limit of four additional feet, but not to exceed a maximum height of 42 feet, if TRPA makes findings1, 2, 3, and 5 in Section 37.7.

C. Additional Building Height for Public Service and Certain Recreation Buildings That Are Not Visible From Lake Tahoe and That Are Not Located Within or Are Not Visible From Designated Scenic Highway Corridors

The maximum building heights specified in Table 37.4.1-1 may be increased by up to eight feet, but not to exceed a maximum of 42 feet, if the building will not be visible from Lake Tahoe and the building is not located within a TRPA-designated scenic highway corridor pursuant to Section 66.2: *Establishment of Scenic Highway Corridors*, provided TRPA makes findings 1, 3, 4, 7, and 8 in Section 37.7. An additional two feet, not to exceed a maximum of 42 feet, may be earned if the building meets the criteria and findings set forth above and is not visible from a TRPA-designated scenic highway corridor pursuant to Section 66.2.

D. Additional Building Height for Certain Recreation Buildings Within Adopted Ski Area Master Plans

The maximum building heights specified in Table 37.4.1-1 may be increased if the buildings are identified in an adopted ski area master plan, are not visible from Lake Tahoe, are not located within or visible from designated scenic highway corridors and designated bikeways and recreation sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings 1, 3, 4, 7, and 8 in Section 37.7. Additional height shall be calculated as follows:

1. The maximum height in Table 37.4.1-1 may be increased by up to 14 feet, but not to exceed a total building height of 56 feet, provided that the project proponent demonstrates that expected snow depths in the area of the building site make the additional height necessary for the function of the building. The amount of additional height shall not exceed the ten-year

average snow depth as reported by the National Resource Conservation Service (NRCS) for that area or as reported by the applicant using a similar method as the NRCS; and

2. An additional ten feet, not to exceed a total building height of 56 feet, may be earned if the project proponent demonstrates additional height is needed to maintain roof pitch in excess of 4:12.

E. Additional Building Height for Public Service Buildings

The maximum building heights specified in Table 37.4.1-1 may be increased if the buildings are classified as "Schools" or "Regional Public Health and Safety Facilities – Solid Waste Transfer Stations" that TRPA finds to be regionally serving, pursuant to Chapter 21: *Permissible Uses*, and the buildings are not visible from Lake Tahoe and are not located within or are not visible from designated scenic highway corridors and designated Class I or II bikeways and recreations sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings 1, 3, 4, 7, 8, and 10 in Section 37.7. Additional height shall be calculated as follows:

1. The maximum height in Table 37.4.1-1 may be increased by up to 14 feet, but not to exceed a total building height of 56 feet, provided that the project proponent demonstrates that the additional height is necessary for the proper function of the building; and

2. Additional height beyond that set forth in 1 above may be earned up to a maximum total building height of 56 feet, provided that the new structure incorporates community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with the Design Review Guidelines.

F. Additional Building Height for Essential Public Safety Buildings

The maximum building heights specified in Table 37.4.1-1 may be increased by up to 14 feet if the building meets the definition of "Public Safety Facility, Essential" in Ch. 90: *Definitions*, is not covered by subparagraph 37.5.2.E above, and provided TRPA makes findings 3, 4, and 7 in Section 37.7.

37.5.3. Additional Building Height for Tourist Accommodation Buildings Within Community Plan Areas

In addition to the provisions set forth in subsection 37.5.2, TRPA may approve building heights greater than those set forth in Section 37.4 for buildings whose primary use is tourist accommodation and that are located within an approved community plan as set forth in Chapter 12: *Community Plans*. The maximum heights specified in Table 37.4.1-1 may be increased up to a maximum height of 48 feet in accordance with the following provisions, if TRPA makes findings 1, 2, 3, and 6 in Section 37.7.

A. Additional Building Height for View Corridor

For each 100-foot wide view corridor, or increment thereof in excess of 100 feet, provided, TRPA may approve up to nine additional feet in building height, up to a total of 12 feet in height greater than the maximum set forth in Table 37.4.1-1.

B. Additional Building Height for Increased Setback

For each 100 feet, or increment thereof in excess of 100 feet, of permanent setback from the high water line of Lake Tahoe provided as part of a project in addition to the otherwise required setback, TRPA may approve up to nine additional feet in building height, up to a total of 12 feet in height greater than the maximum set forth in Table 37.4.1-1.

C. Additional Building Height for Public Access

For each 50 foot wide by 200 foot long area, or increment thereof in excess of 50 feet by 200 feet, of public access provided along the shoreline of Lake Tahoe as part of a tourist accommodation project, TRPA may approve up to nine additional feet in building height, up to a total of 12 feet in height greater than the maximum set forth in Table 37.4.1-1.

37.5.4. Additional Building Height for Special Height Districts

TRPA may designate special height districts as specified below. These special height districts shall be limited to areas that are within both a TRPA-adopted redevelopment plan and a TRPA-adopted community plan. The boundaries of the special height districts and special standards for the district shall be included in the applicable redevelopment plan.

A. Specification of Special Height Districts

Special height districts may be specified in adopted redevelopment plans if TRPA makes finding 11 of Section 37.7.

B. Findings for Establishing Maximum Allowable Building Heights Within Special Height Districts

1. In order to establish maximum allowable building heights within special height districts, TRPA shall make finding 12 of Section 37.7.

2. Prior to approving additional building height for a project within a special height district TRPA shall make findings 1, 3, 5, 6, and 9 of Section 37.7.

C. Limitations on Building Height Within the South Lake Tahoe Redevelopment Demonstration Plan Special Height District

In addition to the standards and limitations established in subparagraphs A and B above, the following additional limitations shall apply to the Special Height District as set forth in Section 1.11 of the South Lake Tahoe Redevelopment Plan Area Development Standards:

1. Projects approved as part of the South Tahoe Redevelopment Demonstration Project No. 1 shall be subject to Chapter 13: *Redevelopment Plans* (prior to December 12, 2012, amendments) and shall not be eligible for additional building height under the provisions of this subsection. Applicable provisions of Chapter 13 (Redevelopment Plans) that were in effect prior to December 12, 2012, shall remain in effect for the South Tahoe Redevelopment Demonstration Project No. 1 until superseded by the adoption of a Conforming Area Plan;

2. Maximum building heights for buildings that are eligible to gain the additional height are established in Figure 1.1 of the South Lake Tahoe Redevelopment Demonstration Plan Redevelopment Plan Area Development Standards. Additional height for buildings located adjacent to U.S. 50 shall not be used for a total linear distance of more than 500 feet from the adjacent side of the street; and

3. The additional building height shall be limited to buildings in which the primary use is tourist accommodation, transit stations and terminals, or vehicle storage and parking. These buildings may also contain primary commercial uses provided that commercial uses other than vehicle parking and storage will not occupy more than 50 percent of the building's commercial floor area. Vehicle storage and parking structures that use additional building height and that are located on the Lake Tahoe side of U.S. 50 shall be set back a minimum of 100 feet from the edge of the U.S. 50 right of way and shall not provide vehicle access directly off of U.S. 50.

D. Qualification for Additional Building Height

Eligible buildings in special height districts may earn additional height greater than that permitted in Table 37.4.1-1 pursuant to the criteria listed below. The additional heights permissible below are additive within the limitations of this subsection. Additional building height that is earned under this subsection may be applied to eligible uses throughout the project area. The additional height may be permissible if TRPA makes findings 1, 3, 5, 6, and 9 of Section 37.7.

1. Additional Building Height with Required Findings

The maximum building heights specified in Table 37.4.1-1 may be increased by up to four feet, but not to exceed a maximum height of 38 feet, if TRPA makes the additional finding 7 in Section 37.7.

2. Additional Building Height for Reduced Land Coverage

The maximum building heights specified in Table 37.4.1-1 may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 30. The maximum heights shall be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable coverage, or existing land cover age, whichever is greater, up to eight additional feet, but not to exceed a maximum height of 46 feet.

3. Additional Building Height for View Enhancement

According to a method specified by TRPA to evaluate view enhancements, the maximum heights specified in Table 37.3.1-1 may be increased three additional feet for each view enhancement provided, up to a maximum increase of nine additional feet, provided TRPA makes finding 13 of Section 37.7.

4. Additional Building Height for Increased Setback

The maximum building heights specified in Table 37.4.1-1 may be increased a maximum of ten additional feet when an area of open setback (minimum 50-foot depth, 200-foot length) is provided for the portion of the building receiving the additional height, in excess of the legally required setback from the edge of the right-of-way of a major arterial.

5. Additional Building Height for Landscaped Public Pedestrian Area

The maximum heights specified in Table 37.4.1-1 may be increased for provision of landscaped public pedestrian areas, including all required amenities established in the applicable community plan, as follows:

a. **Special Height District on Mountain Side of U.S. 50**

An additional increase in maximum heights specified in Table 37.4.1-1, not to exceed a maximum of 15 additional feet, may be permitted as follows:

(i) A maximum of ten additional feet for provision of a landscaped public pedestrian area (minimum 30-foot width, 1,800-foot length) along or through the special height district located on the mountain side of U.S. 50; and

(ii) A maximum of five additional feet may be permitted at the rate of one foot of additional height for each additional unit of landscaped public pedestrian area provided (unit minimum 30-foot width, 180-foot length).

b. **Special Height District on Lake Tahoe Side of U.S. 50**

An additional increase in maximum heights specified in Table 37.4.1-1, not to exceed a maximum of 15 additional feet, may be permitted as follows:

(i) A maximum of ten additional feet for provision of a landscaped public pedestrian area (minimum 10-foot width, 1,200-foot length) along U.S. 50 in or adjacent to the special height district located on the Lake Tahoe side of U.S. 50; and

(ii) A maximum of five additional feet may be permitted at the rate of one foot of additional height for each additional unit of landscaped public pedestrian area provided (unit minimum 10-foot width, 120-foot length).

c. **Public Plaza or Outdoor Space**

An additional increase in maximum heights specified in Table 37.4.1-1, not to exceed a maximum of five additional feet, for each 10,000 square feet of public plaza or outdoor space provided in the project area within which the additional building height is used may be permitted.

6. Additional Building Height for Public Access to Lake Tahoe

Additional building height for public access to Lake Tahoe may be permitted as follows:

a. The maximum building heights specified in Table 37.4.1-1, may be increased a maximum of ten additional feet for each one acre of public beach provided as follows.

(i) The beach shall contain at least 200 feet of continuous lake frontage on Lake Tahoe and shall be located within one half mile from the height district.

(ii) The beach shall be open to the public and contain restrooms, picnic tables, and other amenities. TRPA shall ensure, through deed restrictions, conveyance to a public agency, or other appropriate means, that the beach remains open to the public.

b. The maximum building heights specified in Table 37.4.1-1 may be increased a maximum of four additional feet for providing a lake access trail described in a community plan.

7. Additional Building Height for Tree Preservation

The maximum building heights specified in Table 37.4.1-1 may be increased a maximum of ten additional feet for the preservation and protection of 30 existing trees or 90 percent of the existing trees, whichever is greater, within the project area. To qualify, the trees to be preserved shall be 12 inches diameter at breast height (dbh) or greater, and shall be found by TRPA to provide screening benefits to the building or buildings using the additional height.

E. Security for Improvements

Projects that utilize any of the additional building height provisions provided in Section 37.5 shall ensure the public benefit(s) for which the additional height was earned is implemented consistent with the provisions below.

1. Project Approval

TRPA shall require, as a condition of approval of any project that relies on the use of an additional building height provision provided in Section 37.5, that all necessary permits for development of the associated public benefit shall be issued prior to commencement of construction of the project utilizing the additional height.

2. Project Funding

Prior to the commencement of construction of any project that relies on the use of an additional building height provision provided in Section 37.5, the project applicant shall demonstrate, and TRPA shall find, for each project that irrevocable commitments to fund the public benefit for which the additional height was earned have been obtained or secured.

3. Project Completion

For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit for which the additional height was earned.

37.5.5. Additional Building Height for Affordable Housing Projects

The maximum height specified in Table 37.4.1-1 may be increased for affordable housing projects located in special areas designated for affordable housing within the Kings Beach Commercial Community Plan. The maximum height in Table 37.4.1-1 may be increased by up to 15 feet, but not to exceed a total building height of 48 feet, provided that the project incorporates community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines, and TRPA makes finding 14 of Section 37.7.

37.5.6. Building Height for Redevelopment Projects Within the City of South Lake Tahoe

Additional building height for redevelopment projects within the City of South Lake Tahoe was set forth in Chapter 13: *Redevelopment Plans* (prior to December 12, 2012, amendments). Prior to adoption of a Conforming Area Plan for the South Lake Tahoe Redevelopment Area, applicable provisions of Chapter 13 (Redevelopment Plans) that were in effect prior to December 12, 2012, shall remain in effect.

37.5.7. Additional Height for Special Projects within the North Stateline Community Plan

A. General Requirements

1. TRPA may designate additional height for special projects that are located within the TRPA approved North Stateline Community Plan, and are designated through Resolution 2008-11 to be Special Projects pursuant to subparagraph 50.6.4.D as specified below.

2. The maximum height shall be75 feet or three-fourths of the maximum height of the tallest trees within the project area, whichever is lower. TRPA shall determine the height of the tallest trees within the project area based on a tree survey provided by the applicant.

3. The area proposed for additional height shall be located on the mountain side of State Route 28 within the North Stateline Community Plan boundary. Additional height available under this Code subsection shall not be available on lake side of SR 28.

4. Additional height may be specified within the North Stateline Community Plan subject to finding 15 in subsection 37.7.15.

A. Security for Improvements

The project shall ensure the public benefit(s) set forth in subparagraphs 37.7.15.F, G, and H are implemented consistent with the following provisions:

1. Project Approval

TRPA shall require, as a condition of approval, of any project that relies on the use of an additional height provision provided in this subsection 37.5.7 that all necessary permits for development of the public benefits set forth in subparagraphs 37.7.15.F, G, and H be issued prior to commencement of construction of the project utilizing the additional height.

2. Project Funding

Prior to the commencement of construction of any project that relies on the use of an additional height provision provided in this subsection 37.5.7, the project applicant shall demonstrate, and TRPA shall find, for each project, that irrevocable commitments to fund the public benefit set forth in subparagraphs 37.7.15.F, G, and H have been obtained or secured.

3. Project Completion

For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit set forth in subparagraphs 37.7.15.F, G, and H.

37.5.8. Additional Height for Tourist Accommodation Buildings Containing 50 or More Units within Special Area 1 of the South Shore Area Plan

In addition to the provisions set forth in subsection 37.5.2, TRPA may approve building heights greater than those set forth in Section 37.4 for buildings whose primary use is tourist accommodation, that contain 50 or more units, and that are located within Special Area #1 as shown on the Record of Survey Map for Park Cattle Company recorded in the official Records of Douglas County (Document No. 34529). The maximum heights specified in Table 37.4.1-1 may be increased up to a maximum height of 60 feet in accordance with the following provisions, if TRPA makes the findings 1, 2, 3, and 5 in Section 37.7.

A. General Requirements

1. The maximum height is 60 feet or three-fourths of the maximum height of the tallest trees within the immediate proximity of the proposed project, whichever is lower. Determination of the tallest tree within the project area shall be based on a tree survey provided by the applicant.

2. The area proposed for additional height shall not be located within the shoreland as defined by Chapter 90.

3. The project shall not cause a decrease in numerical ratings assigned to scenic travel routes or identified scenic resources pursuant to Section 66.1.

4. Additional height may be permitted for architectural roof features that incorporate community design features such as gable roofs, hip roofs, pitched roofs, articulated roof planes and dormers as follows:

a. A maximum of four additional feet may be permitted to extend and articulate roofs; and

b. A maximum of ten additional feet may be permitted to incorporate 6:12 or greater pitched roof if the roof does not exceed 15 percent of the total roof area when viewed in plan view; and

c. A maximum of 20 feet may be permitted, but not to exceed a total building height of 60 feet, to incorporate 6:12 or greater pitched roof if the roof does not exceed 5 percent of the total roof area when viewed in plan view.

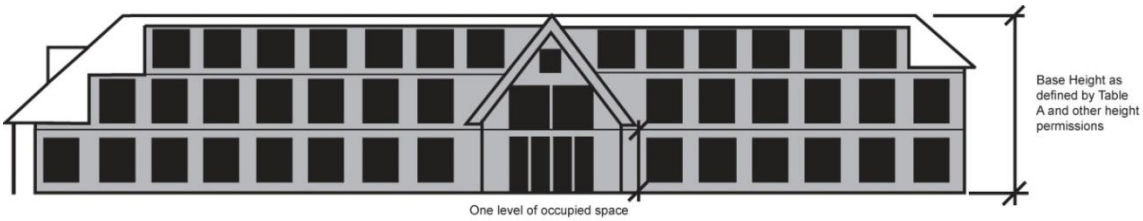


Figure 37.5.8-A: Existing Building Form Conforming to Base Height Limit

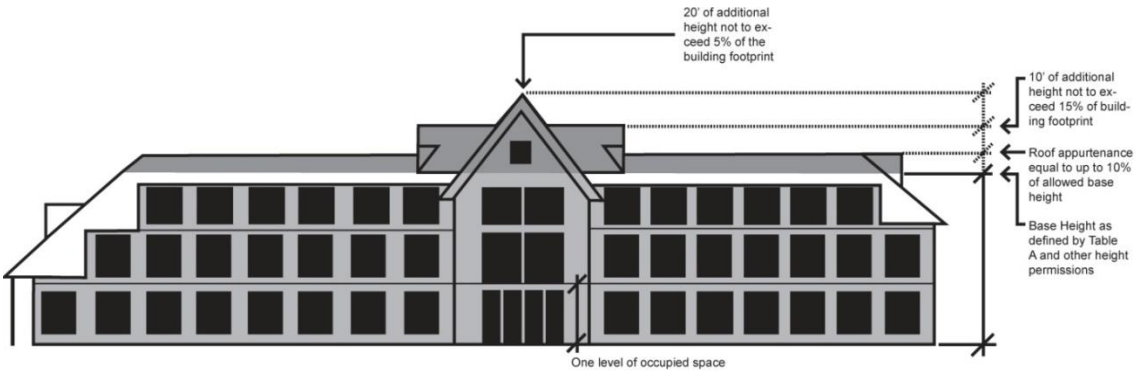


Figure 37.5.8-B: Application of the Additional Height for Design Improvement Limit

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

A. General

TRPA may designate additional height for special projects that are located within a TRPA approved Ski Area Master Plan, and are designated through Resolution 2008-11 to be Special Projects pursuant to TRPA Code subparagraph 50.6.4.D as specified below.

B. Maximum Height

The maximum height is 77 feet or three-fourths of the maximum height of the tallest trees within the project area, whichever is lower. TRPA shall determine the height of the tallest trees within the project area based on a tree survey provided by the applicant.

C. Findings for Additional Height

Additional height may be specified within a Ski Area Master Plan subject to the following requirements:

1. Any existing buildings within the project area that have non-conforming height prior to the adoption of this ordinance shall be demolished; except when found to be historically significant and then the provisions of Chapter 67 shall prevail.

2. Existing verified land coverage otherwise permissible within the Ski Area Master Plan pursuant to the Regional Plan shall be reduced by a minimum of 10 percent and permanently retired per TRPA guidelines.

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

a. Satisfy the factors outlined in subparagraphs 11.8.4.C.1.a to e in subparagraph 11.8.4.C; and

b. Include and integrate major transit facilities, sidewalks, bike lanes and associated facilities; and

c. Provide circulation connections and linkages between private open spaces, public spaces and recreational opportunities (for example, streetscapes, alleys, easements, parks) and commercial, residential, tourist uses both on and off-site; and

d. Provide alternative parking strategies (which may include shared parking, parking structures, underground parking); and

e. Be a mixed use development; and

f. Orient building facades to the street; and

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 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.

4. The maximum permissible height for structures located at the top of the mid-mountain gondola is 58 feet.

5. The project shall result in an increase in the scenic threshold travel route rating for Roadway Unit 11, Homewood.

6. The project shall retain and treat up to the 50-year one-hour storm utilizing on-site and offsite systems incorporating best available technologies.

7. The project shall implement TRPA designated EIP Projects within the vicinity of the Ski Area Master Plan. The designated EIP projects shall include project number 86 (EIP Project Code 9710-Scenic Road Unit #11 Homewood Improvement), project number 259 (EIP Project Code 9120-Homewood Ski Area BMP), project number 632 (EIP Project Code 9480-Ski Homewood Ski Area Master Plan), project number 725 (EIP Project Code 9140-Homewood Residential), and project number 775 (EIP Project Code 9250-SR Highway 89-Homewood Area Pedestrian Facilities).

8. The project shall implement a program that provides for a range of alternative means of transportation to include, but not be limited to, a dial-a-ride service, a shuttle service, a bicycle bank, and water taxi.

9. Prior to approving additional height, TRPA shall make Findings 1, 3, 6, 8 and 9 of Section 37.7. Note that Finding 6 is proposed for amendment to include a "Ski Area Master Plan."

D. Security for Improvements

The project shall ensure the public benefit(s) set forth in subparagraphs 37.5.9.C.6, 7 and 8 are implemented consistent with the following provisions:

1. Project Approval

TRPA shall require, as a condition of approval, of any project which relies on the use of an additional height provision provided in subsection 37.5.9 that all necessary permits for development of the public benefits set forth in subparagraphs 37.5.9.C.6, 7 and 8 be issued prior to commencement of construction of the project utilizing the additional height.

2. Project Funding

Prior to the commencement of construction of any project which relies on the use of an additional height provision provided in subsection 37.5.9, the project applicant shall demonstrate, and TRPA shall find, for each project,

that irrevocable commitments to fund the public benefit set forth in subparagraphs 37.5.9.C.6, 7 and 8 have been obtained or secured.

3. Project Completion

For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit set forth in subparagraphs 37.5.9.C.6, 7 and 8.

37.6. HEIGHT STANDARDS FOR STRUCTURES OTHER THAN BUILDINGS

37.6.1. Maximum Structure Height

Except as provided for in subsection 37.6.2, no structure, other than a building, shall have a maximum height greater than 26 feet.

37.6.2. Additional Height for Certain Structures

The maximum height specified in subsection 37.6.1 may be increased for communication towers, antennas, utility poles, special features of public safety facilities, ski lift towers, wind turbines/renewable power facilities, and other similar projects, excluding buildings and signs, up to the minimum height necessary to feasibly implement such projects. Additional height may be approved under the provisions of this subsection if TRPA makes findings 4 and 7 as set forth in Section 37.7.

37.7. FINDINGS FOR ADDITIONAL BUILDING HEIGHT

The findings required in this chapter are as follows:

37.7.1. Finding 1

When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

37.7.2. Finding 2

When outside a community plan, the additional height is consistent with the surrounding uses.

37.7.3. Finding 3

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

37.7.4. Finding 4

The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

37.7.5. Finding 5

The portion of the building that is permitted additional building height is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background.

A. The horizontal distance from which the building is viewed;

B. The extent of screening; and

C. Proposed exterior colors and building materials.

37.7.6. Finding 6

The building that is permitted additional building height is located within an approved community plan or Ski Area Master Plan that identifies the project area as being suitable for the additional height being proposed.

37.7.7. Finding 7

The additional building height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

37.7.8. Finding 8

The maximum building height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

37.7.9. Finding 9

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

37.7.10. Finding 10

The building is no more than two stories above grade (excluding basement) in height.

37.7.11. Finding 11 (Specification of Special Height Districts in Adopted Redevelopment Plans)

Special height districts may be specified in adopted redevelopment plans if TRPA makes the following findings:

A. The area is within 2,300 feet of the center point of three or more buildings exceeding the height of 150 feet;

B. The special height district provides a transition of height from the high-rise area to the surrounding area of lower permissible heights;

C. The projects within the special height district utilize transit/pedestrian-oriented development principles including, but not limited to, major transit facilities, sidewalks, limited parking, mixed uses, high densities, use of alleys, and pedestrian oriented commercial opportunities; and

D. The special height district is consistent with Policy 1.B, Goal 2, Community Design Subelement, Land Use Element, of the TRPA Goals and Policies Plan and the TRPA Scenic Quality Improvement Program.

37.7.12. Finding 12 (Establishing Maximum Allowable Building Heights Within Special Height Districts)

In order to establish maximum allowable building heights within special height districts, TRPA shall make the following finding:

A. The maximum building height within a special height district is limited to 73 feet, or three-fourths of the maximum height of the tallest trees within the special height district, whichever is lower. TRPA shall determine the height of the tallest trees within a special height district.

37.7.13. Finding 13 (Additional Height for View Enhancement)

A. The view enhancement is provided in the same threshold roadway travel route as the project in which the building using the additional height is located;

B. For views of the natural landscape and views of major visual features, no building or structure greater than five feet in height is closer than 100 feet from the viewpoint to the resource;

C. For view enhancements of views of Lake Tahoe, no building or structure exists between the viewpoint and Lake Tahoe;

D. For the purposes of creating a view enhancement, TRPA shall find, in addition to the findings in subparagraphs A, B, and C above, that the created view is available for a continuous distance of at least 200 feet as seen from the threshold roadway travel route; and

E. For the purposes of enhancing an existing view, TRPA shall find in addition to the findings in subparagraphs A, B, and C above, that the enhanced view is provided in

the same general location as the existing view, is of the same resource as the existing view, and adds at least 30 percent to the existing view.

37.7.14. Finding 14 (Additional Building Height for Affordable Housing Projects)

A. The project shall meet findings 1, 3, 6, 8, and 9 in Section 37.7;

B. The additional height is required because of the increase in density permitted by subsection 31.4.1;

C. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area; and

D. The project meets the security requirements of subparagraph 37.5.4.E.

37.7.15. Finding 15 (Additional Height for Special Projects within North Stateline Community Plan)

Additional height may be specified within the North Stateline Community Plan subject to the following requirements:

A. Any existing buildings within the project area that have non-conforming height prior to the adoption of this ordinance shall be demolished, except when found to be historically significant and then the provisions of Chapter 67 shall prevail.

B. Land coverage otherwise permissible within the project area pursuant to the Regional Plan shall be reduced by a minimum of ten percent.

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

1. Satisfy the factors outlined in subparagraph 11.8.4.C.1;

2. Include and integrate major transit facilities, sidewalks, bike lanes and associated facilities;

3. Provide circulation connections and linkages between private open spaces, public spaces and recreational opportunities (for example, streetscapes, alleys, easements, parks) and commercial, residential, tourist uses both on and off-site;

4. Provide alternative parking strategies (which may include shared parking, parking structures, or underground parking);

5. Be a mixed use development;

6. Orient building facades to the street; and

7. Implement landscaping and hardscaping that enhance the scenic quality of the area and whenever possible, improve the scenic ratings per the adopted Scenic Quality Implementation Program and Technical Appendices (SQIP). This shall include improvements that:

a. Blend vegetation to accentuate and provide visual breaks in building façades and rooflines, for example, with the use of low lying shrubs and various sized trees;

b. Enhance and emphasize pedestrian circulation routes with special design features that physically separate pedestrians from the flow of traffic or bike lanes, or provide direction. Features may include, garden beds, landscape planters, bollards, benches, sculpture/artistic elements, and/or other street furniture; and

c. Provide appropriate screening for any street level parking areas by balancing the need to screen vehicles from view and provide a safe pedestrian environment.

D. New structures along State Route 28 shall be set back from the travel route edge of pavement a minimum of 40 feet and stair-stepped upslope, providing a transition of height across the site (See Figure 37.7.15-A). Additional height for new structures satisfying these requirements may be permitted as follows:

1. The maximum permissible height for structures with a minimum set back of 40 feet from the State Route 28 edge of pavement shall be 58 feet.

2. The maximum permissible height for structures with a minimum set back of 60 feet from the State Route 28 edge of pavement shall be 67 feet.

3. The maximum permissible height for structures with a minimum set back of 180 feet from the State Route 28 edge of pavement shall be 75 feet.

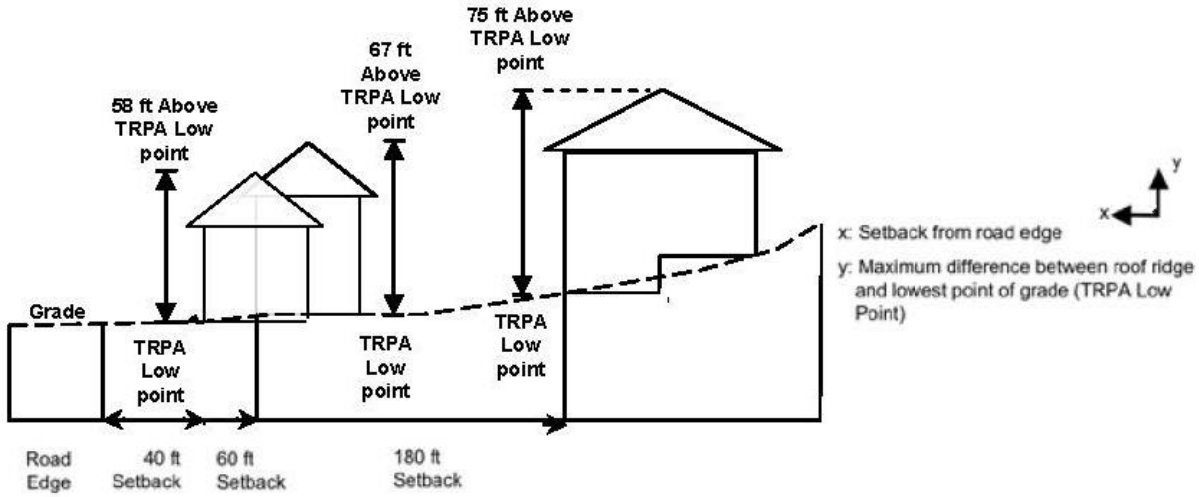


Figure 37.7.15-A: Setback Measurement on State Route 28

E. The project shall result in an increase in the scenic threshold travel route rating for Roadway Unit 20D, North Stateline Core.

F. The project shall retain and treat the 50-year one-hour storm utilizing on-site and offsite systems incorporating best available technologies.

G. The project shall implement TRPA designated EIP Projects within the NSCP.

H. The project shall achieve a reduction in vehicle miles traveled.

I. Prior to approving additional height, TRPA shall make Findings 1, 3, 6, 8, and 9 of Section 37.7.

37.7.16. Finding 16 (Three- or Four-Story Buildings in Town Centers and Three- to Six-Story Buildings in the Regional Center)

In order to mitigate for potentially significant scenic impacts resulting from three- or four-story buildings in the Town Centers and from three- to six-story buildings in the Regional Center, TRPA shall make the following findings:

A. The project shall meet findings 1, 3, 5, and 9 in Section 37.7.

37.7.17. Finding 17 (Redevelopment in High Density Tourist District within Existing Visual Prominence)

To mitigate for potentially significant scenic impacts resulting from buildings up to 197 feet in the High Density Tourist District, proposed development in the High Density Tourist District shall achieve the following performance standards:

A. The height and visual mass of any redeveloped existing high-rise structures projecting above the forest canopy shall not increase the visual prominence over baseline conditions as viewed and evaluated from key scenic viewpoints, including, but not limited to, views from the Van Sickle Bi-State Park, scenic roadway units, scenic shoreline units, and public recreation areas.

B. When considering visual prominence, the following factors will be considered: building mass, contrast, location, articulation, color, materials and architectural style; and the quality of landscape features and views that are blocked or revealed.

37.8. MODIFICATION OR RECONSTRUCTION OF EXISTING BUILDINGS AND STRUCTURES

When a building or structure is being reconstructed or, whenever feasible when being modified, the building or structure shall comply with the height standards set forth in this chapter. Provisions of Chapter 2: *Applicability of the Code of Ordinances*, regarding structures destroyed by calamity, set forth exceptions to this section.

37.9. ADDITIONS TO EXISTING BUILDINGS

When an addition is proposed to an existing building that results in height greater than that permitted by Table 37.4-1-1, the height of the addition may be calculated in accordance with subsections 37.9.1 and 37.9.2 below. The height provisions of Section 37.9 may be utilized only one time within a project area. A subsequent project in the same project area shall calculate height from the original low point. Projects using this section are not eligible to apply under the Exempt or Qualified Exempt provisions of Chapter 2 of the Code.

37.9.1. Additions At or Above Low Point

For additions at or above the low point of an existing building, the height of the addition may be calculated as if the addition is a separate structure if findings A through E of subsection 37.9.3 can be made. The height of the addition shall not exceed the maximum height permitted by Table 37.4.1-1.

37.9.2. Additions Below the Low Point

For additions below the low point of an existing building, the height of the addition may be calculated as if the addition is a separate structure if findings A through E of subsection 37.9.3 can be made. The maximum height shall not exceed the maximum height permitted by Table 37.4.1-1 less the difference between the existing and proposed low points of the structure.

37.9.3. Findings

The following findings are applicable to this Section 37.9:

A. Findings 1, 2, and 8 in Section 37.7;

B. The addition is not visible from a TRPA-designated scenic threshold travel route, the waters of Lake Tahoe, a public recreation area, or a bicycle trail contained in the 1993 Lake Tahoe Basin Scenic Resource Evaluation;

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

D. The existing building was legally existing prior to May 26, 1996; and

E. The addition is no more than one story.

CHAPTER 38: SIGNS

38.1. PURPOSE

The purpose of this chapter is to promote and protect the public health, welfare, and safety by implementing regional outdoor advertising regulations pursuant to Article VI of the Compact, to protect property values, create a more attractive economic and business climate, enhance the aesthetic appearance of the physical community, preserve scenic and natural beauty, and provide an enjoyable and pleasing community in accordance with the Community Design Subelement of the Land Use Element and related elements of the Goals and Policies. It is further intended to reduce signs or advertising distractions and obstructions that may contribute to traffic accidents.

38.2. APPLICABILITY

38.2.1. General Applicability

Unless exempted in Chapter 2: *Applicability of the Code of Ordinances*, or unless substitute standards have been approved by TRPA pursuant to subsection 38.2.3, the installation, modification, or replacement of a sign requires review and approval as a project in accordance with this chapter and other applicable provisions of the Code.

38.2.2. Conditions of Approval

In addition to the standards of this chapter, sign projects also may have imposed, as conditions of approval, applicable provisions of the Design Review Guidelines and the Scenic Quality Improvement Program.

38.2.3. Substitution of Standards

TRPA may adopt a substitute sign ordinance that supersedes the standards of this chapter for use in a local jurisdiction or in a community plan area. Substitute standards adopted by TRPA are listed in subparagraph D below.

A. Local Government Standards

Local governments may adopt sign standards that are equal or superior to the TRPA standards of this chapter. TRPA, upon finding the local standards are equal or superior to the TRPA sign standards as they may affect attainment and maintenance of TRPA's scenic resources thresholds, may approve the local government sign standards and shall exempt from TRPA review signs approved in accordance with such local standards.

B. Community Plan Standards

Community plans may establish equal or superior sign standards for use in a specific community plan area if finding 1 or 2, below, is made. If adopted by a local government, these standards may also be a basis for exemptions as set forth in subparagraph 38.2.3.A.

1. TRPA, upon finding the community plan standards are equal or superior to the TRPA sign standards as they may affect the attainment and maintenance of TRPA's scenic resource thresholds, may adopt the community plan sign standards for use during TRPA review of signs in the specific community plan area; or

2. TRPA, upon finding the community plan scenic quality improvement program, which may include substitute sign standards, is equal or superior to the TRPA scenic quality improvement program for the same plan area as they may affect the attainment and maintenance of TRPA's scenic resource thresholds, may adopt the community plan scenic quality improvement program for use during TRPA review of projects in the specific community plan area.

C. Finding Required for Substitute Standards

In making the finding that the substitute standards are equal or superior to TRPA standards, TRPA shall consider the following:

1. A scenic quality analysis using appropriate methods of visual simulation that indicates the substitute standards do not result in adverse impacts on applicable scenic resources and community design thresholds; and

2. The substitute ordinance, in combination with the applicable elements of TRPA's Scenic Quality Improvement Plan and adopted community plans, redevelopment plans, or other TRPA-approved master plans, results in a threshold travel route rating for applicable threshold travel routes of at least 16 for roadway travel routes, or a shoreline travel route rating of at least 8 and does not result in a decline of applicable roadway or shoreline scenic quality ratings.

D. TRPA-Approved Substitutions

1. Douglas County

The Douglas County Community Plans, Design Standards and Guidelines (August 1993) shall apply within the Round Hill Community Plan. The Tahoe Area Plan Regulations and South Shore Design Standards and Guidelines (September 2013) shall apply within the South Shore Area Plan, as well as Section L of Chapter 12: *Signs of the Douglas County Community Plans*, Design Standards and Guidelines (August 1993) until such time the South Shore Area Plan is amended to include equivalent standards.

2. Placer County

The Placer County Tahoe Basin Area Plan, Implementing Regulations, Area-Wide Standards and Guidelines, Section 3.1.1, Signs (January 2017), and as amended, shall apply to the entire portion of Placer County within the Tahoe Region.

3. City of South Lake Tahoe

The City of South Lake Tahoe Standards and Guidelines for Design, Signage, Parking, Driveway, and Loading Spaces (June 1994) shall apply to the entire

City of South Lake Tahoe, except for the Tourist Core Area Plan and Tahoe Valley Area Plan, where the Development and Design Standards (Appendix C) of the Area Plans shall apply.

4. Washoe County

The Signage, Parking, and Design Standards and Guidelines for the Community Plans of Washoe County (November 1996) shall apply to the North Stateline, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch Community Plans.

5. Recreation Sign Guidelines

The Lake Tahoe Recreation Sign Guidelines shall apply to the entire Lake Tahoe Region (as amended January 2001).

6. El Dorado County

The Meyers Community Plan substitute sign standards (November 1987) shall apply to the Meyers Community Plan in Eldorado County.

38.3. SIGN PACKAGE REVIEW

For any proposed new facility or development, expansion of an existing use, or change in use subject to this Code, or any sign project application subject to this chapter, the applicant shall indicate on the submitted plans or drawings all locations and areas in the project area currently occupied or intended to be occupied by permanent signage, together with the dimensions of each existing or proposed sign. Sign package review requirements shall not apply to applications for a sign face change only for existing sign structures previously approved by TRPA pursuant to this chapter.

38.4. GENERAL SIGN STANDARDS

The following standards shall apply to all signs, except where specifically provided otherwise:

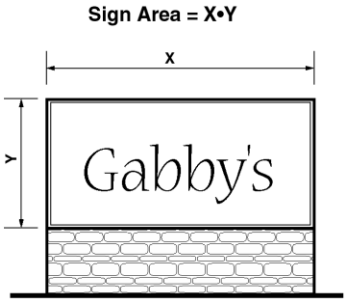
38.4.1. Measurement of Sign Area

Sign area is the sum of all display areas within any type of perimeter or border of a sign that may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram, rectangle, triangle, circle, or semicircle of the smallest size sufficient to cover the entire area of the sign and computing the area of the parallelogram, rectangle, or triangle. The structure supporting a sign is not included in determining the area of the sign with the following exceptions:

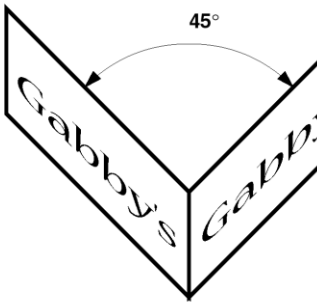
A. The area of signs installed in sign cans shall include the outside dimensions of the can itself;

B. Internally illuminated awnings containing signage shall include as sign area the 2-dimensional plane of any portion of the awning which is internally illuminated; and

C. Any two-sided sign where the sides are no more than 36 inches apart, or the interior angle between the two sides of faces is 45 degrees or less, and which are visually identical shall only count one of the two sides as sign area. See figures below.



Measuring Sign Area



Counting Sign Area

38.4.2. Opaque Background for Internally Illuminated Signs

The background of all internally illuminated signs shall either be of an opaque material that does not transmit light or shall be of a dark color. This standard shall not apply to signs constructed entirely of neon tubing. Dark colors that meet this standard are listed in Appendix E of the Design Review Guidelines Manual.

38.4.3. Off-Premise Signs

No sign shall be erected or maintained on a parcel or project area other than the parcel or project area on which the use or activity advertised by the sign is located.

Figure 38.4.4-A: Sign Illumination

38.4.4. Sign Illumination

No sign shall be illuminated by or contain blinking, flashing, intermittent, or moving light or lights, except to display time and temperature. See Figure 38.4.4-A.

38.4.5. Diffuse Lighting

All signs that are illuminated shall be illuminated using indirect or diffuse lighting. No sign shall contain copy that consists of illuminated bulbs or individual lights or light sources. This standard shall not apply to signs constructed entirely of neon tubing.

38.4.6. Roof Signs

No sign shall be mounted on the roof of a building or other structure, except for signs mounted on mansard roofs and that do not extend vertically above the top of the mansard.

38.4.7. Prohibited Devices

Strings of pennants, banners, ribbons, streamers, balloons, spinners, or other similar moving or fluttering devices, and searchlights are prohibited.

38.4.8. Signs Imitating Official Traffic Signs

No sign shall imitate the color and shape of, or directions given in, an official traffic sign or signal, or use such words as "stop," "caution," "yield," "danger," or "warning."

38.4.9. Signs Obscuring Vision

No sign shall be placed in such a manner that it unsafely obscures the vision of a motorist upon entering or leaving a street.

38.4.10. Signs on Natural Features and Other Structures

No sign shall be affixed to or painted on a tree, rock, or other natural feature; utility pole, street sign pole, traffic signal equipment or pole; garbage receptacle, bench, or other type of street furniture; or fence.

38.4.11. Rotating Signs

No sign shall rotate or have a rotating or moving part, or parts, except barber poles to the extent that may be required by state law, and clocks, and thermometers.

38.4.12. Signs Attached to Motor Vehicles

No sign shall be attached to or located on a stationary motor vehicle, equipment, trailer, or related device, when used in a manner to augment approved signage for a business as opposed to normal operation or parking of the vehicle, equipment, trailer, or related device. This subsection shall not apply to business, company, or government identification signs, or nonstationary motor vehicles.

38.4.13. Portable Signs

No sign shall be permitted that is not permanently affixed to the ground or a building.

38.4.14. State of Repair

All signs and components thereof, including supports, braces, and anchors, shall be kept in a state of good repair.

38.4.15. Removal of Sign Message

Any sign for which the sign message or face has been removed, leaving only the supporting frame, can, braces, anchors, or similar components, shall, within 30 days of the removal of the message or face, have the message or face replaced with a blank face or new message or face, consistent with the standards of this chapter, or shall have the remaining components of the sign removed. This subsection shall not be construed to alter the effect of Section 38.12 that prohibits the replacement of a nonconforming sign.

38.4.16. Noncommercial Copy

No provision of this Code shall be construed as regulating or restricting the use of noncommercial copy or message on any sign that is permitted under this chapter. "Noncommercial copy or message" for purposes of this provision means copy or other

message that does not advertise a business or similar economic means for the production of income.

38.4.17. Highway Signs

Highway signs, street signs, and other regulatory and directional signs that are located on public rights-of-way shall conform to the applicable sign standards set forth in the *Manual On Uniform Traffic Control Devices,* 1978, as amended, or other standards that may be contained in a memorandum of understanding between TRPA and a public agency with jurisdiction over the travel way.

38.4.18. Increases in Maximum Allowed Sign Area

Sign area for building and freestanding signs that are visible from highways with a posted speed limit of 45 miles per hour or greater may be allowed up to 20 percent additional sign area over the maximum allowable area for each sign as calculated based on the applicable provisions of this chapter.

38.4.19. Window Signs

Any window sign that exceeds five percent of the window area of any window shall be included in the maximum allowable square footage calculations for building signs. Permanent signs printed on windows shall be considered to be building signs and shall be included in the maximum allowable square footage calculations under this chapter. See Figure 38.4.19-A.

Figure 38.4.19-A: Window Sign Area

38.5. SIGNS IN CONSERVATION PLAN AREAS

The following standards shall apply to signs located in conservation plan areas:

38.5.1. Signs on National Forest Lands

Signs on National Forest lands, including sites permitted for private use, shall conform to standards enforced by the U.S. Forest Service as set forth in the *Forest Service Catalog of Posters and Signs,* EM-7100-15, 1992, as amended.

38.5.2. Signs on California or Nevada State Park Lands

Signs on California State Park lands shall conform to the standards enforced by the State of California as set forth in the *Department of Parks and Recreation Sign Handbook*, 1973, as amended. Signs on Nevada State Park lands shall conform to the standards enforced by the State of Nevada as set forth in the *State of California Department of Parks and Recreation Sign Handbook*, 1973, as amended.

38.5.3. Signs on Private Lands

Except as provided in subsection 38.5.1, signs on private lands shall conform to the standards set forth in subsection 38.7.3.

38.6. SIGNS IN RECREATION PLAN AREAS

The following standards shall apply to signs located in recreation plan areas.

38.6.1. Signs at Recreation Areas

Signs for recreation areas and facilities shall conform to the following standards:

A. Recreation Areas and Facilities Operated by the U.S. Forest Service, or California or Nevada State Parks

Signs at recreation areas and facilities that are operated by the U.S. Forest Service shall conform to the standards enforced by the U.S. Forest Service as set forth in the *Forest Service Catalog of Posters and Signs*, FSH 7109.11a, 1980, as amended. Signs at recreation areas and facilities that are operated by California State Parks shall conform to the standards enforced by the State of California as set forth in the *State of California Department of Parks and Recreation Sign Handbook*, 1973, as amended. Signs at recreation areas and facilities that are operated by Nevada State Parks shall conform to the standards enforced by the State of Nevada as set forth in the *State of California Department of Parks and Recreation Sign Handbook*, 1973, as amended.

B. Recreation Facilities Operated By Permittees on National Forest Lands, or California or Nevada State Park Lands

Signs at recreation facilities operated by permittees on National Forest lands, or within California or Nevada State Parks, shall conform to the following standards:

1. Recreation Area Identification Signs

One freestanding sign identifying the recreation area may be allowed for each recreation area. The sign shall conform to the freestanding sign setback, height, and area standards established in subparagraph 38.7.3.B with the exception that two freestanding signs may be allowed provided that:

Figure 38.6.1-A: Freestanding Sign

a. The combined sign area for the two freestanding signs shall not exceed the maximum area allowed for one freestanding sign;

b. If a permitted sign is already located on the site, the height of the second sign shall not be greater than the first sign; and

c. If a permitted sign is already located on the site, the setback of the second sign shall not be less than the first sign.

2. Recreation Facility Identification Signs

Either one freestanding or one building sign may be allowed for each recreational facility or other use at a recreation area.

a. **Freestanding Signs**

Freestanding signs shall have a maximum sign area of 20 square feet and a maximum height of five feet. Freestanding signs shall be located no further than 30 feet from any portion of the facility or other use.

b. **Building Signs**

(i) Allowable sign area for building signs shall be calculated based on the formula of one square foot of sign area for each one lineal foot of building frontage along the side where the sign is to be displayed up to a maximum of 20 square feet. The maximum height of building signs shall be 15 feet above grade.

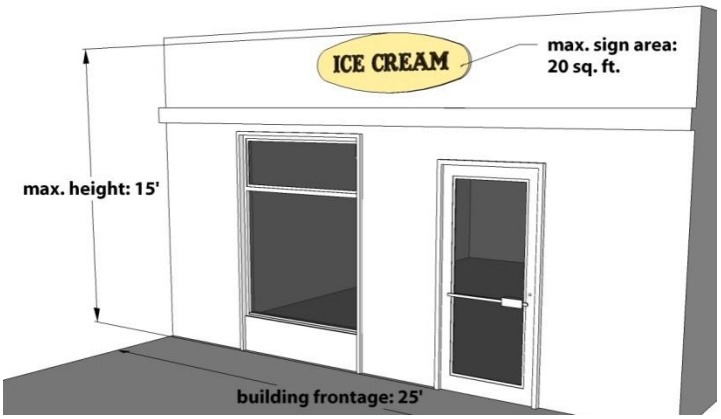


Figure 38.6.1-B: Building Signs for Uses in a Recreation Area

(ii) In instances where the facility has no building frontage, but does have a frontage without a public entrance on what is defined as a street, TRPA may allow building signage to be erected upon that alternate frontage. The sign area shall be calculated based upon that alternate frontage.

3. Directory Signs

Directory signs identifying facilities at recreation areas may be allowed. Such signs shall have a maximum aggregate sign area of ten square feet and a maximum height of six feet. An additional one foot of height may be allowed if the sign is incorporated into pedestrian seating or a landscape planter.

C. Signs at Other Publicly-Owned or Privately-Owned Recreation Areas

Signs at other publicly-owned or privately-owned recreation areas shall conform to the standards established in subparagraph 38.6.1.B.

38.6.2. Pedestrian-Oriented Signs

Each use may be allowed one pedestrian-oriented sign per public entrance, provided that the sign shall be displayed at or near the entrance, shall not be internally illuminated, shall have a maximum sign area of five square feet, and shall have a maximum height of ten feet above grade.

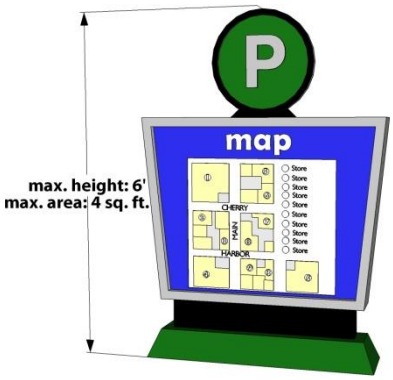


Figure 38.6.3-A: Directional Sign

38.6.3. Directional Signs

Directional signs that are no greater than four square feet in area, no greater than six feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed and shall not be included in the total allowable sign area for each use. Directional signs that do not meet these standards may be allowed provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable. See Figure 38.6.3-A.

38.6.4. Signs for Other Uses

Signs for uses other than recreation in recreation plan areas shall conform to the applicable standards established in the following subsections:

A. 38.6.2: Pedestrian-Oriented Signs;

B. 38.6.3: Directional Signs; and

C. 38.7.3: Signs for Non-Residential Uses.

38.7. SIGNS IN RESIDENTIAL PLAN AREAS

The following standards shall apply to signs located in residential plan areas.

38.7.1. Subdivision Entrance Signs

Residential subdivisions may be allowed one freestanding or wall-mounted sign per public street entrance. Each such sign shall be no greater than 40 square feet in area. Freestanding signs shall comply with the height and setback regulations established in subsection 38.7.3. The height of wall-mounted signs shall be no greater than ten feet above grade. Two freestanding or wall-mounted signs, or one of each, may be allowed per public street entrance, provided the combined area of both signs shall not be greater than 40 square feet. See Figure 38.7.1-A.

Figure 38.7.1-A: Subdivision Freestanding Entrance Sign

38.7.2. Signs for Multi-Residential Uses

Signs for multi-residential uses of five or more dwelling units shall conform to the standards established in subsection 38.7.1.

38.7.3. Signs for Non-Residential Uses

The following standards shall apply to signs for non-residential uses located in residential plan areas:

A. Building Signs

1. Each primary use may be allowed one square foot of sign area for each one lineal foot of building frontage up to a maximum of 30 square feet of sign area per building frontage. The maximum height of building signs shall be 15 feet above grade, with a maximum of four building signs permitted per primary use.

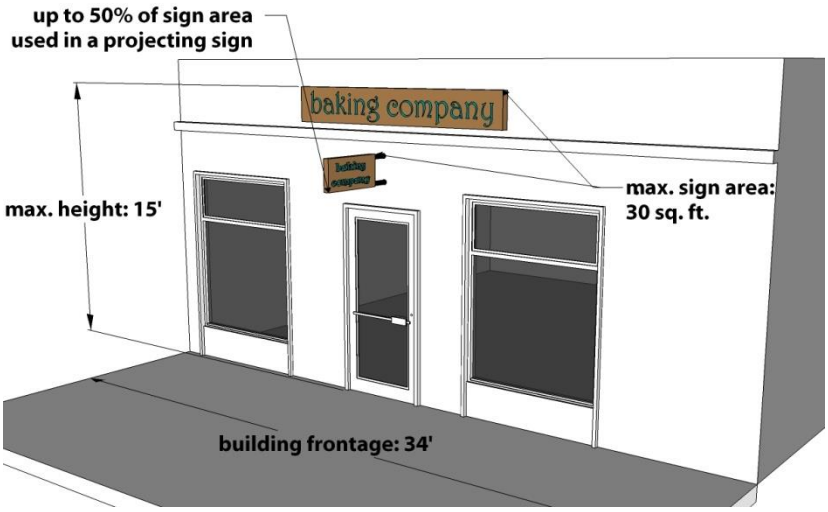


Figure 38.7.3-A: Building Signs for Non-Residential Uses

2. In instances where the primary use has no building frontage, but does have a frontage without a public entrance on what is defined as a street, TRPA may allow building signage to be erected upon that alternate frontage. The sign area shall be calculated based upon that alternate frontage.

3. Up to 50 percent of the maximum allowable sign area for building signs may be used in a projecting sign. See Figure 38.7.3-A.

B. Freestanding Signs

One freestanding sign per project area may be allowed if the eligibility standards listed in subparagraph 38.8.2.A are met. Two freestanding signs per project area may be allowed if the eligibility standards listed in subparagraph 38.8.2.B are met.

1. Freestanding Sign Area

The maximum allowable sign area for freestanding signs is established in Table 38.7.3-1.

TABLE 38.7.3-1: MAXIMUM ALLOWABLE SIGN AREA FOR FREESTANDING SIGNS FOR NON-RESIDENTIAL USES IN RESIDENTIALPLAN AREAS	
Distance of Sign from Property Line (ft.)	**Maximum Sign Area (sq. ft.)**
5	15
6	16
7	17
8	18
9	19
10	20
11	21
12	22
13	23
14	24
15	25
16	26
17	27
18	28
19	29
20 or greater	30

2. Freestanding Sign Height

The maximum allowable height of freestanding signs is established in Table 38.7.3-2.

TABLE 38.7.3-2: MAXIMUM ALLOWABLE HEIGHT FOR FREESTANDING SIGNS FOR NON-RESIDENTIAL USES IN RESIDENTIAL PLAN AREAS	
Distance of Sign from Property Line	**Maximum Sign Height (ft.)**
5’-0” - 10’-0”	6
10’-1” - 15’-0”	8
15’-1” or greater	10

3. Freestanding Sign Location

No portion of a freestanding sign shall be closer than five feet to any property line that is adjacent to a public right-of-way.

4. Additional Height for Freestanding Signs

Up to two feet of additional height for freestanding signs may be allowed when the freestanding sign is incorporated into a landscape planter, monument base, or pedestal. The additional height allowed shall be the height of the landscape planter, monument base, or pedestal, up to a maximum of two feet. Examples of a landscape planter, monument base, and pedestal are found in the TRPA Design Review Guidelines.

Figure 38.7.3-B: Additional Height for Freestanding Signs

C. Pedestrian-Oriented Signs

Each use may be allowed one pedestrian-oriented sign per public entrance, provided that the sign shall be displayed at or near the entrance, shall not be internally illuminated, shall have a maximum sign area of five square feet, and shall have a maximum height of ten feet above grade.

38.7.4. Directional Signs

Directional signs that are no greater than four square feet in area, no greater than six feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed, and shall not be included in the total allowable sign area for each use. Directional signs that do not meet these standards may be allowed provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable. See Figure 38.6.3-A.

38.8. SIGNS IN COMMERCIAL AND PUBLIC SERVICE PLAN AREAS

The following standards shall apply to signs located in commercial and public service plan areas.

38.8.1. Building Signs

A. Each primary use may be allowed one square foot of building sign area for each one lineal foot of building frontage, up to a maximum of 40 square feet of sign area per building frontage. Maximum height of building signs shall be 15 feet above grade, with a maximum of four building signs permitted per primary use. See Figure 38.8.1-A.

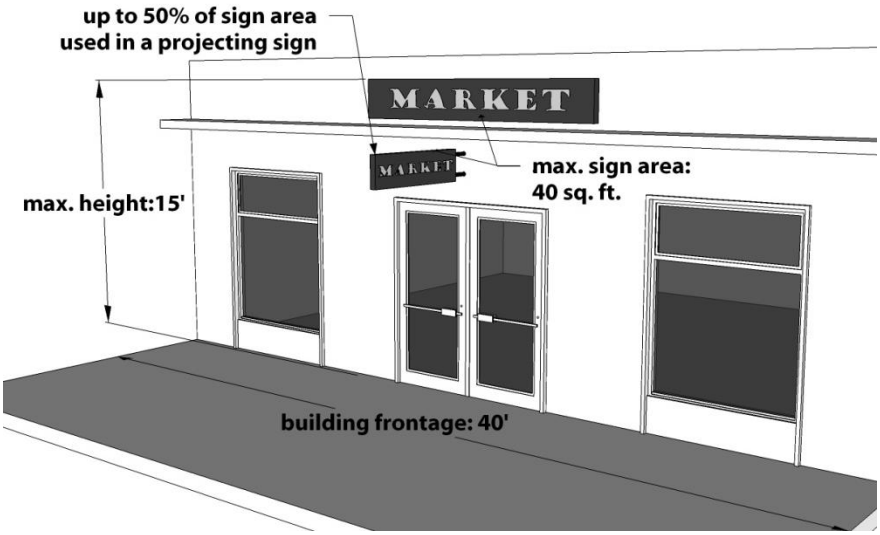


Figure 38.8.1-A: Building Signs for Commercial and Public Service Areas

B. In instances where the primary use has no building frontage, but does have a frontage without a public entrance on what is defined as a street, TRPA may allow building signage to be erected upon that alternate frontage. The sign area shall be calculated based upon that alternate frontage.

C. Up to 50 percent of the maximum allowable sign area for building signs may be used in a projecting sign. See Figure 38.8.1-A.

38.8.2. Freestanding Signs

A. Single Freestanding Sign

One freestanding sign per project area may be allowed if:

1. The street frontage of the project area is greater than 100 feet in length;

2. The sign identifies a building with multiple tenants or a project area with multiple buildings;

3. The use does not contain a structure in its normal operation on which to place a building sign;

4. The building is set back at least 50 feet from the edge of the right-of-way; or

5. The freestanding sign is set back beyond the building facade closest to the roadway.

B. Multiple Freestanding Signs Allowed

Two free-standing signs per project area may be allowed if:

1. The street frontage of the project area is greater than 300 feet in length;

2. The project area has more than one major entry point;

3. The freestanding signs face different streets or are at least 1,000 feet apart; and

4. The distance between the freestanding signs is at least 100 feet.

C. Freestanding Sign Area

The maximum allowable sign area of freestanding signs is established in Table 38.8.2-1.

TABLE 38.8.2-1: MAXIMUM ALLOWABLE SIGN AREA FOR FREESTANDING SIGNS IN COMMERCIAL/PUBLIC SERVICE AND TOURIST ACCOMODATION PLAN AREAS

Distance of Sign from Property Line (ft.)	Maximum Sign Area (sq.ft.)
5	25
6	26
7	27
8	28
9	29
10	30
11	31
12	32
13	33
14	34
15	35
16	36
17	37
18	38
19	39
20 or greater	40

D. Freestanding Sign Height

The maximum allowable height of freestanding signs is established in Table 38.8.2-2.

TABLE 38.8.2-2: MAXIMUM ALLOWABLE HEIGHT FOR FREESTANDING SIGNS IN COMMERCIAL/PUBLIC SERVICE AND TOURIST PLAN AREAS

Distance of Sign from Property Line	Maximum Sign Height(ft.)
5’-0” - 10’-0”	6
10’-1” - 15’-0”	10
15’-1” or greater	12

E. Freestanding Sign Location

No portion of a freestanding sign shall be closer than five feet to any property line that is adjacent to a public right-of-way.

F. Additional Height for Freestanding Signs

Up to two feet of additional height for freestanding signs may be approved when the freestanding sign is incorporated into a landscape planter, monument base, or pedestal. The additional height permitted shall be the height of the landscape planter, monument base, or pedestal, up to a maximum of two feet. Examples of a landscape planter, monument base, and pedestal are found in the Design Review Guidelines.

38.8.3. Pedestrian-Oriented Signs

Each use may be allowed one pedestrian-oriented sign per public entrance, provided that the sign shall be displayed at or near the entrance, shall not be internally illuminated, shall have a maximum sign area of five square feet, and shall have a maximum height of ten feet above grade.

38.8.4. Directional Signs

Directional signs that are no greater than four square feet in area, no greater than six feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed, and shall not be included in the total allowable sign area for each use. Directional signs that do not meet these standards may be allowed provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable. See Figure 38.6.3-A.

38.9. SIGNS IN TOURIST ACCOMMODATION PLAN AREAS

The following standards shall apply to signs located in tourist accommodation plan areas.

38.9.1. Building Signs

A. Each primary use may be allowed one square foot of sign area for each one lineal foot of building frontage, up to a maximum of 40 square feet of sign area per building frontage. The maximum height of building signs shall be 15 feet above grade, with a maximum of four building signs per primary use.

B. In instances where the primary use has no building frontage, but does have a frontage without a public entrance on what is defined as a street, TRPA may allow building signage to be erected upon that alternate frontage. The sign area shall be calculated based upon that alternate frontage.

C. Up to 50 percent of the maximum allowable sign area for building signs may be used in a projecting sign. See Figure 38.8.1-A.

38.9.2. Freestanding Signs

Freestanding signs shall conform to the standards set forth in subsection 38.8.2.

38.9.3. Pedestrian-Oriented Signs

Each use may be allowed one pedestrian-oriented sign per public entrance provided that the sign shall be displayed at or near the entrance, shall not be internally illuminated, shall have a maximum sign area of five square feet, and shall have a maximum height of ten feet above grade.

38.9.4. Directional Signs

Directional signs that are no greater than four square feet in area, no greater than six feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed, and shall not be included in the total allowable sign area for each use. Directional signs that do not meet these standards may be approved provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable. See Figure 38.6.3-A.

38.10. FUEL PRICE SIGNS

Fuel price signs shall conform to the following standards:

38.10.1. Motor Vehicles

A use that includes selling motor vehicle fuel to the public may be allowed one fuel price sign on each street frontage providing direct vehicular entrance to the use. Such signs may be incorporated into a freestanding sign; however, the fuel price sign shall not exceed ten feet in height and 15 square feet in area for each side. Fuel price signs shall have no more than two sides. Portable fuel price signs are prohibited. Sign area utilized for fuel price signs shall be included in the total freestanding sign area allowed for each use. See Figure 38.10.1-A.

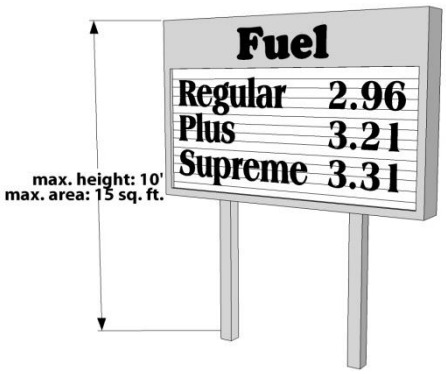


Figure 38.10.1-A: Example Fuel Price Sign

38.10.2. Marina Fuel Price Signs

A marina that sells motor fuel to the public may be allowed one fuel price sign. Each such sign may be incorporated into a freestanding sign; however, the fuel price sign shall not exceed eight feet in height and nine square feet in area for each side. Fuel price signs shall have no more than two sides. Portable fuel price signs are not allowed. Sign area utilized for fuel price signs shall be included in the total freestanding sign area allowed for each marina. Fuel price signs located on commercial marina piers shall not exceed 12 inches in height.

38.11. TEMPORARY SIGNS

Temporary signs shall conform to the following standards:

38.11.1. Temporary Signs for Temporary Activities

Temporary signs for temporary activities may be allowed, provided they conform to the general sign standards in Section 38.4 and to the following standards:

A. Area and Height Limit

Individual temporary signs or a series of temporary signs intended to be read or viewed as one sign that are part of a temporary activity shall not exceed 60 square feet in area or six feet in height. Temporary signs that are placed in a temporary activity sign location designated as part of the adopted community plan shall not exceed 240 square feet of sign area per temporary activity.

B. Time Limit Generally

Temporary signs that are part of a temporary activity may be installed up to 14 days prior to the activity and shall be removed at the end of the activity.

38.11.2. Temporary Signs for Temporary Uses

Temporary signs for temporary uses may be allowed as part of a temporary use approval. Standards for temporary signs associated with temporary uses shall be the applicable standards of the plan area in which the temporary use is located as set forth in Sections 38.5 through 38.10, inclusive. All temporary signs shall comply with the general sign standards in Section 38.4. Temporary signs that are approved as part of a temporary use shall be removed when the permit for the temporary use expires.

38.12. EXISTING SIGNS

An existing sign is a sign that is legally existing or approved on November 27, 1989.

38.12.1. Conforming Sign

A sign that is existing as of the effective date of this chapter and that complies with the standards set forth in this chapter is a conforming sign.

38.12.2. Nonconforming Sign

A sign that is existing as of the effective date of this chapter and that does not comply with the applicable standards set forth in this chapter is a nonconforming sign.

38.12.3. Conformance or Removal of Nonconforming Signs

Nonconforming signs shall be brought into conformance with the applicable standards, if conformance is possible, including substitute standards that may be in effect unless otherwise specified by the substitute sign standards, or shall be removed if any of the circumstances in subparagraph A below are met.

A. Circumstances Requiring Removal

Nonconforming signs shall be removed in the following circumstances:

1. Where the cost of bringing the sign into conformance is less than one hundred dollars or where the sign is valued at less than one hundred dollars, such sign shall be brought into conformance or removed within one year after the effective date of this subparagraph;

2. If a nonconforming sign is destroyed or damaged to an extent in excess of 50 percent of the sign value;

3. If the sign is relocated;

4. If the sign is altered structurally, or if the sign face is altered, except for changeable copy signs and maintenance;

5. If the business or use for which the nonconforming sign(s) was installed is expanded or modified, and if the value of the expansion or modification exceeds 50 percent of the value of the existing improvements. All improvements to a single business or use within any 12-month period shall be treated cumulatively in the administration of this subparagraph; or

6. By the expiration date for any permit for a use authorized by TRPA that requires Governing Board approval as set forth in Chapter 2: *Applicability of the Code of Ordinances*, results in an increase of more than 100 additional daily vehicle trips, or has improvements with a total construction cost of $50,000 or greater, whichever occurs first, unless a conformance schedule is specified by substitute sign standards;

B. Immediate Compliance Required

On the happening of any of the events described in subparagraph A above, the sign or signs shall be immediately brought into compliance with this chapter according to a newly approved permit, or shall be removed.

C. Nonconforming Signs Visible from Scenic Threshold Roadway or Shoreline Travel Route

Nonconforming signs that are visible in whole, or in part, from any scenic threshold roadway or shoreline travel route shall be made to conform to the standards set forth in this chapter or shall be removed unless otherwise specified by substitute sign standards.

D. Exceptions to Conformance Requirements

Exceptions to subparagraphs A through C above may be approved for existing signs provided the following findings can be made:

1. The exception is consistent with the purpose and intent of the sign ordinance;

2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that are not contemplated or provided for by this ordinance;

3. The approval of the exception shall not be materially detrimental to the public health, safety, and welfare;

4. Alternative signage concepts that comply with the provision to which the exception is requested have been evaluated, and undue hardship would result if the strict adherence to the provision is required;

5. A scenic quality analysis demonstrates that the exception, if approved, shall be consistent with the threshold attainment findings listed in the *Scenic Resources Management Package Final Environmental Impact Statement*, 1989;

6. The exception that is approved shall not increase the number, area, and height of the existing sign or signs for which the exception is requested; and

7. The exception is the minimum departure from the standards.

E. Determination of Sign Value

Sign value shall be determined based on an actual sales receipt for the sign, a cost estimate for the replacement cost provided by a qualified professional, or the

replacement cost as determined in the current edition of the *Signwriter's Guide to Easier Pricing*, whichever is greater.

38.12.4. Maintenance and Repair of Nonconforming Signs

Nothing in Section 38.12 shall be construed to relieve the owner or user of a nonconforming sign, or owner of the property on which such nonconforming sign is located, from maintaining the sign in a state of good repair; provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way that makes it more nonconforming.

CHAPTER 39: SUBDIVISION

39.1. PERMISSIBLE SUBDIVISIONS

39.1.1. Purpose

In accordance with Goal 2, Policy 7, of the Land Use Subelement, Land Use Element of the Goals and Policies, this chapter establishes limitations on new subdivisions.

39.1.2. Applicability

This chapter applies to new subdivisions and modifications to existing subdivisions or parcels.

39.1.3. Limitations on New Subdivisions

New subdivisions shall not create new development potential in the region. New subdivisions shall be reviewed in accordance with the applicable provisions of this Code. Only the following types of subdivisions may be approved, provided TRPA finds they do not increase new development potential:

A. Conveyance to Public Entity

Subdivisions of land for the purpose of conveying the newly created parcel to a government agency, or public entity as defined in this Code, provided the subdivision is in compliance with the following standards:

1. Acquisition Program Conveyances

The standards for conveyances to the United States, the California Tahoe Conservancy, or the Nevada Division of State Lands, pursuant to a program established by statute for the purposes of acquiring lands for open space, water quality, or recreational uses, provided that:

a. If the original parcel had an existing residential development right, the conveyance shall specify which parcel is assigned the residential development right. Likewise, the approval shall specify the coverage assigned to all parcels and shall specify that the maximum coverage on the existing and the newly created parcels shall not exceed the amount which would have been permitted prior to the subdivision; and

b. The TRPA subdivision approval shall only take effect upon the transfer of the subdivided parcel to the United States, the California Tahoe Conservancy, or the Nevada Division of State Lands.

2. General Conveyances

The standards for other conveyances shall be:

a. If the original parcel had an existing residential development right, a deed restriction, or other covenant running with the land shall be recorded establishing which parcel shall be assigned the residential development right;

b. The parcel conveyed to the government agency or public entity shall be permanently restricted by deed restriction or other covenant running with the land to the public service, public recreation, public resource management use, or open space; and

c. If the original parcel contains existing land coverage, deed restrictions, or other covenants running with the land, a deed restriction or other covenant running with the land shall be recorded against the original and newly created parcels ensuring that the allowable and maximum coverages on the parcels shall not exceed the amount that would have been permitted prior to the subdivision. In the case where existing land coverage exceeds the Bailey coefficients, the restriction shall ensure that future land coverage calculations shall be made as if the parcels had not been subdivided.

B. Cemetery Lots

Division of land for the purpose of creating cemetery lots.

C. Litigation

Division of land ordered by a federal or state court of competent jurisdiction as a result of bona fide, adversarial legal proceedings to which TRPA is a party or is otherwise legally bound. Any such division of land or approval of any other project or action resulting from such legal proceedings shall be pursuant to an evaluation of the effect of such division or approval upon the Regional Plan, the environmental thresholds, and other requirements of the Compact. Based on the above evaluation, TRPA shall make appropriate adjustments to the Regional Plan.

D. Modifications to Existing Parcels and Subdivisions

Modifications to existing subdivisions or parcels, including parcel consolidations, that do not have adverse impacts upon the health, safety, general welfare, or environment of the region. Modifications shall be reviewed in accordance with the applicable provisions of Section 39.2 of this Code. Modifications to an existing subdivision or parcel shall not create a greater number of parcels than currently exists.

E. Conversions of Pre-1987 Structures

Conversion of an existing structure, as defined in Chapter 90: *Definitions* and that was approved prior to the effective date of the 1987 Regional Plan (July 1, 1987), to a stock cooperative, community apartment, condominium, or any other form of divided interest that does not have an adverse impact upon the health, safety, general welfare, or environment of the region. Conversions of eligible existing structures shall be reviewed in accordance with the applicable provisions of Section 39.2.

F. Resubdivision

Resubdivision, adjustment, or consolidation, or parcels within an existing urban area as part of a TRPA-approved redevelopment plan. Such projects shall be reviewed in accordance with the applicable provisions of Section 39.2.

G. Subdivision of Post-1987 Projects

Subdivision through condominiums, community apartments, or stock cooperatives, within an existing urban area and in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of the Regional Plan and Code. In order to subdivide a project under this subsection, the project shall be new development approved pursuant to the 1987 Regional Plan, as amended, prior to the approval of the subdivision. The subdivision shall not result in a greater amount, a different location, or a greater rate of development than otherwise permitted by the Regional Plan and Code. Subdivisions under this subsection shall be reviewed and approved in accordance with the applicable provisions of Section 39.2.

39.2. SUBDIVISION STANDARDS

39.2.1. Purpose

The purpose of this section shall be to regulate the creation of new subdivisions to ensure attainment and maintenance of the environmental thresholds and the goals of the Regional Plan.

39.2.2. Applicability

This section shall apply to the review of permissible new subdivisions.

39.2.3. Subdivision of Existing Structures

Subdivision of eligible existing structures, as set forth in subparagraph 39.1.3.E, may be permitted subject to the following requirements:

A. Permissible Use

Subdivisions of existing structures that result in a change of use shall comply with the requirements of Chapter 21: *Permissible Uses*. Subdivision of a structure shall be deemed an intensification of use and shall not be permitted if the new use is prohibited in the applicable plan area statement.

1. Election of conversion of use pursuant to Section 50.10 shall be made in conjunction with or prior to an application to subdivide an existing structure. If the election is made after a TRPA approval for subdivision, then the election shall void the prior approval if the election modifies the major use classification of the subdivision.

B. Moderate-Income Housing

Existing residential units that are moderate-income housing, as defined by Chapter 90: *Definitions*, shall not be subdivided unless mitigation is provided on a unit for unit basis for the loss of moderate income housing. Mitigation shall be in the form of construction of an equal number of moderate income units, conversion of other structures to moderate-income housing, restriction of subdivided units to moderate income housing units, or a combination of the above.

1. To determine whether a unit is moderate-income housing, the applicant shall submit a rental/sale history for each unit for the previous five years. TRPA shall review the history and determine whether the unit has, on the whole, been available as moderate income housing. TRPA shall utilize the appropriate state and federal data on median income and rental rates and mortgages for moderate- to very low-income households in making the determination. If a rental or sale history is unavailable or incomplete, an appraisal of the structure prepared by a qualified appraiser shall be submitted by the applicant.

2. Restriction of subdivided units to moderate-income housing shall include recordation of deed restrictions or other covenants running with the land that limit the rental rates and sale price to those that are affordable to households or tenants that earn not more than 120 percent of the applicable county median.

C. Land Coverage

1. Prior to approving a subdivision of an existing structure, TRPA shall require submittal of a site plan showing all existing land coverage.

2. Conversions of existing structures shall be subject to the excess coverage mitigation requirements in Section 30.6 to the extent the subdivision includes or is approved in conjunction with building modifications.

D. Density

Subdivision of existing structures that exceed the density standards in Chapter 31: *Density*, or the applicable plan area statement by more than ten percent shall not be permitted.

1. Conversions of existing structures that exceed the density standards in Chapter 31 by no more than ten percent may be permitted provided TRPA finds that the resultant excess density is not inconsistent with the surrounding uses and the goals of the applicable plan area statement.

2. For purposes of this section, the density standard for single-family residential units shall be the multi-family density standard in the applicable plan area statement.

3. If multi-family is not a permitted use, then the density standard for single-family residential units in a subdivision or planned unit development shall be the density shown on the subdivision map provided the map depicts a specific density. If there is no subdivision map or the subdivision map does not depict a specific density then the density standard for single family residential units shall be four units per acre.

E. Parking

Subdivisions of existing structures shall comply with the parking standards set forth in Chapters 34: *Driveway and Parking Standards*, 36: *Design Standards,* and Ordinance 87-8, or the adopted community plan, as applicable.

F. BMPs

Existing structures approved for subdivision shall be retrofitted with BMPs. Where the subdivision includes or is done in conjunction with reconstruction or relocation of the existing structure, the project area shall be retrofitted no later than the completion of the reconstruction or relocation. Where the subdivision does not include reconstruction or relocation, the project area shall be retrofitted no later than one year after the recordation of the map or other similar legal instrument documenting the subdivision. Performance of BMP retrofitting shall be secured in accordance with Chapter 5: *Compliance*.

G. Basic Services

Subdivisions of existing structures shall comply with the standards in Chapter 32: *Basic Services*, except that TRPA shall not waive the paved road requirement in Section 32.3.

H. Signage

All signage associated with or located within the subdivision shall conform to the standards for new signs in Chapter 38: *Signs*.

I. Design Review Guidelines

Existing structures approved for subdivision shall be retrofitted to comply with the standards set forth in Section 65.1: *Air Quality Control*, for combustion appliances, including fireplaces. Subdivisions of existing structures shall conform to the following standards in Chapter 36: *Design Standards*:

1. Snow Storage (subsection 36.5.3);

2. Landscaping (Section 36.7); and

3. Lighting (Section 36.8).

J. Air Quality Mitigation Fees

If the subdivision of an existing structure effects a change in use (e.g., multi-family to single-family) that results in an increase in daily vehicle trips, then an air quality mitigation fee shall be assessed pursuant to subparagraph 65.2.4.D.

K. Common Areas

If subdivision of an existing structure creates common area, then TRPA shall require covenants, conditions, and restrictions (CC&Rs), as needed, to ensure compliance with the Code and conditions of approval.

L. Shorezone Structures

Subdivision of an existing structure in the shorezone shall not be permitted except in accordance with an adopted marina master plan pursuant to Chapter 14: *Specific and Master Plans*.

M. Substitution of Local Housing Plans

If a local jurisdiction adopts and implements a program that addresses the need for moderate-income housing within its jurisdiction, then TRPA may by ordinance

exempt projects within that jurisdiction from the provisions of subparagraph 39.2.3.B.

N. General Standards

Except as otherwise expressly set forth in this section, subdivisions of existing structures shall conform to the standards set forth in the TRPA Code. TRPA shall not approve the subdivision of an existing structure that was not constructed in accordance with the applicable local, regional, and state laws.

1. In conjunction with the subdivision of an existing structure, TRPA may also approve the reconstruction or relocation of the structure within the same project area as otherwise permitted in the Code.

2. This section shall not be construed to permit the transfer of an existing structure to create a lot and block subdivision, planned unit development, or similar division of land.

3. A final map or similar document for an approved subdivision shall contain a signature block for TRPA to document regional approval.

4. TRPA shall require compliance with applicable pre-existing permit conditions and subdivision approvals through the recordation of deed restrictions or other covenants running with the land, as deemed necessary.

39.2.4. Resubdivisions

[Reserved]

39.2.5. Subdivision of Post-1987 Projects

Subdivision of projects approved after July 1, 1987 pursuant to the 1987 Regional Plan, as it may be amended, may be permitted subject to the following requirements:

A. Existing Urban Areas

Subdivisions may only be permitted in urban areas existing on December 31, 1994, or as amended pursuant to subsection 11.8.4.

B. Permissible Use

Subdivisions that result in a change in use shall comply with the requirements of Chapter 21: *Permissible Uses*. Subdivision shall be deemed an intensification of use and when consistent with subsection 21.5.2 shall not be permitted if the new use is prohibited in the applicable plan area statement.

C. Multi-Residential Bonus Units and Allocations

Multi-residential projects that received development rights ("bonus units") under Section 52.3 after January 1, 1993, or residential allocations under subparagraph 50.5.1.D, or multi-residential allocations under subsection 50.5.3, shall be permitted to subdivide provided the resulting units are deed restricted in accordance with the Chapter 90: *Definitions,* for moderate-income or affordable housing.

D. Moderate-Income Housing

Subdivision of moderate-income housing projects may be permitted provided TRPA finds that the resultant use qualifies as moderate income housing and appropriate deed restrictions or other covenants running with the land are recorded to document the restriction of units to moderate income housing.

E. Land Coverage

Projects that include transferred land coverage approved pursuant to subparagraph 30.4.2 shall not be permitted to subdivide if the resulting use is not eligible for transferred land coverage in the amount approved.

F. Affordable Housing

Subdivisions of post-1987 residential projects in plan areas designated preferred affordable housing areas. Approval of subdivisions after December 31, 1995, of post-1987 residential projects that do not qualify as affordable housing shall be prohibited until TRPA finds the city or county, with zoning jurisdiction, has demonstrated its commitment to assume its "fair share" responsibility to provide lower and very low income housing within existing urban areas pursuant to Policy HS-1.2 of the TRPA Housing Subelement of the Regional Plan Goals and Policies.

G. Density

Subdivisions shall comply with the applicable density standard for the resulting use. For purposes of this chapter, the density standard for single-family residential units shall be the multi-family density standard in the applicable plan area statement. If multi-family is not a permitted use, then the density standard for single-family residential units shall be four units per acre.

H. Basic Services

Subdivisions shall comply with the standards in Chapter 32: *Basic Services*, except that TRPA shall not waive the paved road or fireflow requirements.

I. Parking

Subdivisions of post-1987 projects shall comply with the parking standards for the resultant use, as set forth in Chapters 34 and 36 and Ordinance 87-8, or the adopted community plan, as applicable.

J. Signage

Subdivisions of post-1987 projects shall comply with the signage standards for the resultant use as set forth in Chapter 38 or the adopted community plan, as applicable.

K. Air Quality Mitigation Fees

Subdivisions that result in a change of use that increases daily vehicle trips shall be assessed an air quality mitigation fee pursuant to subparagraph 65.2.4.D. Approval of a subdivision shall not be cause for a partial refund of mitigation fees assessed in connection with the underlying project approval.

L. Secondary Residences

Secondary residences approved on or after July 1, 1987, shall not be subdivided.

M. Covenants, Conditions, and Restrictions

TRPA may require covenants, conditions and restrictions (CC&Rs), or deed restrictions, as appropriate to ensure compliance with the Code and conditions of approval. The final subdivision map shall include a reference to any CC&Rs or deed restrictions, as appropriate.

N. Shorezone Structures

Subdivision of shorezone structures shall not be permitted except in accordance with an adopted master plan pursuant to Chapter 14: *Specific and Master Plans*.

O. General Standards

Except as otherwise expressly set forth in this section, subdivision of post-1987 projects shall conform to the standards set forth in the Code for the resulting use, including without limitation, signage, BMPs, design review, parking, and drive ways.

1. This section shall not be construed to permit the transfer or modification of an approved multi-residential project to a lot and block subdivision or similar division of land.

2. A final map, or similar document, for an approved subdivision shall contain a signature block for TRPA to document regional approval.

3. TRPA shall only approve subdivisions of post-1987 projects after approval of the underlying project. The subdivision approval shall expire if the underlying project approval expires or the project is not completed. TRPA shall require compliance with the project conditions of approval and the subdivision approval through recordation of deed restrictions, CC&Rs, or other covenants running with the land, as deemed necessary.

P. Modifications to Subdivisions

[Reserved]

TRPA

Code of Ordinances

Adopted by Governing Board
December 12, 2012
Effective February 9, 2013

Growth Management

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CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.1. PURPOSE

This chapter sets forth the requirements for regulating the rate and timing of growth within the region. In conjunction with other provisions of this Code and the Goals and Policies, this chapter is intended to award and distribute allocations for growth and development in an orderly fashion in order to meet and maintain the environmental thresholds. An allocation issued pursuant to this chapter does not give the recipient a right to develop a project.

50.2. APPLICABILITY

No person shall construct a project or commence a use or activity that requires an allocation unless:

A. An allocation is obtained in accordance with this chapter;

B. The parcel is eligible to use an allocation; and

C. The project is approved by TRPA.

50.3. DEVELOPMENT RIGHTS

Development rights, as defined in Chapter 90: *Definitions*, shall be assigned and utilized in accordance with the following provisions:

50.3.1. Assignment of Development Rights

Parcels legally existing on the effective date of the Regional Plan, July 1, 1987, shall be assigned a development right except as set forth below:

A. Parcels which are located in Land Capability Districts 4, 5, 6, or 7, are within a community plan area, or within Centers in a Conforming Area Plan, and are eligible for tourist accommodation or commercial uses, shall not have a development right. Parcels that are removed from community plan areas and included in Area Plans shall not receive a development right with the change.

B. Parcels that contained one or more of the primary uses listed in the Section 21.4 under Residential, Tourist Accommodation, Commercial, or Public Service, on the effective date of the Regional Plan, shall not have a development right, except as otherwise provided in subsection 50.3.4.

C. Parcels that contained one or more of the primary uses listed in Section 21.4 under Recreation, on the effective date of the Regional Plan, shall not have a development right, except that parcels with only dispersed outdoor recreation as a primary use shall have a development right.

D. Parcels that contain one or more of the following uses in Section 21.4 under Resource Management, on the effective date of the Regional Plan, shall not have a development right:

1. Tree farms;

2. Farm/ranch accessory structure;

3. Grazing;

4. Range pasture, management;

5. Range improvement; or

6. Open space.

E. Littoral parcels that contain one or more of the primary uses listed in Section 81.3, on the effective date of the Regional Plan, shall not have a development right, except that parcel with the primary use of dispersed water-oriented outdoor recreation, salvage operations, or safety and navigation facilities shall have a development right.

F. Parcels which are burdened by an easement or other restriction incompatible with a residential use;

G. Parcels which were created as a result of an eminent domain or similar government action or are otherwise remnants of a prior transaction, and which do not contain sufficient area to construct a single-family residence; and

H. Parcels which were created for the purpose of public service uses or easements, including, but not limited to, public utilities and public recreation.

50.3.2. Transfer of Development Rights

Transfer of development rights shall comply with the density limitations set forth in this chapter and the transfer provisions set forth in Chapter 51: *Transfer of Development*.

50.3.3. Construction of Residential Unit

A development right or multi-residential bonus unit shall be required for each additional residential unit approved in accordance with Chapter 50: *Allocation of Development*.

50.3.4. Parcels Containing a Residential Unit Destroyed by Calamity

A parcel containing a residential unit on the effective date of the Regional Plan, which unit is destroyed or damaged by fire or other similar calamity, shall have a development right.

50.4. ALLOCATION OF COMMODITIES AND DEVELOPMENT RIGHTS ACCOUNTING

50.4.1. Total Allocations of Commodities and Accounting of Development Rights

The maximum amount of residential allocations, commercial floor area, tourist bonus units, and residential bonus units that may be released before December 31, 2032, is outlined in the following table. The columns “Used 1987-2012” and “Remaining from 1987 Plan” are estimates and not regulatory.

TABLE 50.4.1-1: ALLOCATION AND DEVELOPMENT RIGHTS ACCOUNTING			
ALLOCATIONS/ DEVELOPMENT RIGHTS	**USED 1987-2012**	**REMAINING FROM 1987 PLAN[1]**	**2013 ADDITIONS**
Residential Allocations	**5,973**	**114**	**2600**
Residential Bonus Units	**526**	**874**	**600[2]**
Tourist Bonus Units	**58**	**342**	**0**
Commercial Floor Area (Total) (square feet)	**416,421**	**383,579**	**200,000[3]**
Placer County	*128,623*	*72,609*	
Washoe County	*87,906*	*2,000*	
Douglas County	*45,300*	*36,250*	
El Dorado County	*15,250*	*36,150*	
City of South Lake Tahoe	*77,042*	*52,986*	
TRPA Special Project and CEP Pool	*62,300*	*183,584*	

Note 1: 158,816 sq. ft. of Commercial Floor Area, 245 Residential Bonus Units and 90 Tourist Bonus Units have been reserved or allocated to projects (e.g., Community Enhancement Projects) that have not been permitted or permitted but not built are accounted for in the "Remaining from 1987 Plan" column. The 114 remaining residential allocations were distributed to local governments in 2012, but have not been built.
Note 2: 600 Residential Bonus Units shall be used only in Centers.
Note 3: 200,000 sf of CFA shall only be made available after the 383,579 sf of remaining CFA is exhausted.
Note 4: Table 50.4.1-1 represents accounting of commodities as of December 12, 2012. For the most current accounting of these commodities please contact TRPA.

50.4.2. 2013 Additional Allocations

TRPA shall release land use commodities in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.

50.4.3. LOS and VMT Monitoring

Two years after each release, TRPA shall monitor existing and near-term LOS to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor VMT and only release commodity allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period.

50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

TRPA shall allocate the development of additional residential units as follows:

50.5.1. Requirement of Residential Allocation

No person shall construct a residential project or commence a residential use that creates one or more additional residential units without first receiving an allocation approved by TRPA and awarded by the appropriate jurisdiction. This requirement does not apply to affordable housing units approved after January 1, 1986, but shall apply to conversions of

such affordable housing to nonaffordable status. In order to construct the project or commence the use for which the allocation or the exemption has been approved, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

A. Applicable Residential Uses

The following residential uses referred to in Chapter 21: *Permissible Uses*, contain residential units: secondary residences; employee housing; mobile home dwellings; multi-family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single-family dwellings; and summer homes.

B. Definition of "Additional Residential Unit"

"Residential unit" is defined in Chapter 90: *Definitions*. For purposes of this chapter, a residential unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1986. The conversion of an existing nonresidential use to a residential use constituting a residential unit is an additional residential unit requiring an allocation under this chapter.

The following are not "additional" residential units:

1. The reconstruction or replacement, on the same parcel, of a residential unit legally existing on or approved before January 1, 1986;

2. The reconstruction or replacement, on the same parcel, of a residential unit that was allocated and approved pursuant to this Code;

3. Legally established additions and accessory uses to an existing residential structure that do not create additional residential dwelling units;

4. The relocation of an existing residential unit legally established on January 1, 1986, other than a mobile home dwelling, through a transfer approved by TRPA;

5. The relocation of a legally established mobile home dwelling with existing water, sewer, and electrical services to a mobile home development or to a multi-family dwelling of five units or more, pursuant to a transfer approved by TRPA;

6. An existing, legally established mobile home pad with water, sewer, electrical services, and vehicular parking, whether or not a mobile home is located on the pad; or

7. One or more new residential units permitted by TRPA prior to February 24, 2010, provided that;

a. Application is made to TRPA prior to the expiration of the permit, as determined in subsection 2.2.4, to reissue a permit for a project for which an allocation(s) was assigned;

b. All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the

original permit are updated to meet the requirements of the Code and all other applicable TRPA ordinances, rules, or regulations at the time of permit reissuance; and

c. This subparagraph 7 has not previously been used in relation to the same project.

C. Maximum Number of Residential Units and Distribution of Allocations Among Jurisdictions

1. Annual Release

Up to 120 residential allocations shall be released to local governments in the following proportions:

TABLE 50.5.1-1: MAXIMUM YEARLY ALLOCATIONS

Jurisdiction	Current % of Allocations	Maximum Allocation
Douglas County	8	10
EL Dorado County	25	30
Placer County	31	37
City of South Lake Tahoe	28	33
Washoe County	8	10
Total	**100%**	**120**

2. Additional Bonus Multi-Residential Units

In addition to the annual maximum allocations in Table 50.5.1-1, a total of 1,400 additional multi-residential development rights shall be available as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of the Regional Plan. Multi-residential units shall be subject to the foregoing allocation limitations.

3. Reassignment of Allocations

Local jurisdictions may assign allocations to other local jurisdictions. All reassignments must be reported to TRPA before they become effective.

4. Water and Sewage Capacity Limitations

a. Allocations shall not be distributed to a local jurisdiction if TRPA determines, based on reliable facts, that the jurisdiction lacks sufficient water or sewer capacity to serve new residential development. If the jurisdiction demonstrates to TRPA's reasonable satisfaction that there is sufficient capacity, the TRPA shall distribute the affected allocations to the jurisdiction.

b. In the event a lack of water and sewage capacity results in an imbalance of allocations to a jurisdiction, a program to recognize the imbalance shall be developed if capacity becomes available.

D. Residential Allocation Incentive Pool

Beginning on January 1, 2015, 20 residential allocations shall be placed in the residential allocation incentive pool. Thereafter, for every four-year allocation release pursuant to subsection 50.4.2, 40 allocations shall be placed in the residential allocation incentive pool. At the beginning of each year, unused allocations from the previous year shall be assigned to the residential allocation incentive pool administered by TRPA. However, beginning January 1, 2009, local jurisdictions may elect to retain those allocations earned through the annual performance review process, and assigned pursuant to subparagraph **Error! R eference source not found.** below, and unused by December 31 of the year distributed.

1. TRPA may assign allocations from the residential allocation incentive pool to parcels throughout the region provided the recipient retires a sensitive parcel within the region.

2. TRPA may assign up to, but not exceeding, 200 allocations from the residential allocation incentive pool to parcels throughout the region provided the local jurisdiction maintains a Certified Local Government Moderate Income Housing Program as described in subsection 52.3.6.

3. TRPA may assign allocations from the residential allocation incentive pool for Residential Development Right Transfers to Centers as described in subparagraph 51.3.3.C when a transfer earns a bonus unit or portion thereof.

4. In addition to allocations earned through the annual Performance Review System, TRPA may assign allocations to local jurisdictions as follows:

a. One allocation for every 10,000 square feet of existing Land Capability Class 1b (SEZ) coverage removed and permanently retired in accordance TRPA Code Section 30.5.3.; and/or

b. One allocation for every two new attached residential units constructed within Centers provided the allocation is used within a Center; and/or

c. One allocation for each project constructed from the 5-year EIP project list tied to a measurable EIP Performance Measure and not already credited under the TMDL provision in subsection 50.5.2.E.1 below, and/or

d. One allocation for improving three of nine of the TLOS criteria from the previous year by five to ten percent as determined by the jurisdiction-specific TLOS Criteria Matrix in the TLOS Guidelines Handbook. To receive an allocation pursuant to this provision TLOS criteria must be submitted the prior year.

To maintain sufficient allocations for the programs described in subsection 50.5.2.B below, the number of allocations distributed to all local

jurisdictions pursuant to this provision in a calendar year shall not exceed 50 percent of the residential allocation incentive pool. Unless otherwise agreed upon by all participating local jurisdictions, in no case shall an individual jurisdiction be assigned more than 25 percent of the pool. If insufficient allocations exist in the residential allocation incentive pool to meet the demand earned by local jurisdictions, the allocations available and earned in in accordance with a.-d. above shall be distributed based on the percent distribution set forth in Table 50.5.1-1.

50.5.2. Distribution and Administration of Residential Allocations

Residential allocations shall be distributed and administered in accordance with the Goals and Policies, this Code, and the Rules of Procedure.

A. Reserved Allocations

Distribution of allocations shall be by a method or system that permits the participation of parcels with scores below the numerical level defining the top rank in the applicable jurisdiction.

1. TRPA shall reserve ten percent of each jurisdiction's annual allocations for distribution to parcels below the Individual Parcel Evaluation System (IPES) line. The reserved allocations shall be distributed by a method of random selection by TRPA. A county or city may elect to distribute the reserved allocations, or may be exempt from the set-aside requirement, provided TRPA finds the substitute system or the city/county distribution system, as applicable, provides an equal or superior opportunity for participation of parcels below the IPES line.

2. Allocations distributed by TRPA under this subsection may either be transferred or returned to TRPA for reissuance to the jurisdiction of origin. Unclaimed reserved allocations after June 1 of the year awarded shall be given to the appropriate jurisdiction for issuance.

3. Failure to submit a complete application for a transfer by June 1 of the year in which the allocation was distributed shall result in the forfeiture of the allocation to the jurisdiction of origin.

B. Distribution of the Residential Allocation Incentive Pool

TRPA shall distribute allocations from the allocation pool as follows:

1. Owners of eligible parcels may apply to TRPA on a first-come, first-served basis for available allocations in the allocation pool.

2. Owners of parcels located within jurisdictions that maintain a Certified Local Government Moderate Income Housing Program as described in subsection 52.3.6, may apply to TRPA on a first-come, first-served basis for any available allocations in the allocation pool. Allocations received under the

Certified Local Government Moderate Income Housing Program are not limited to areas designated for the Multi-residential Incentive Program.

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

C. Distribution Requirements

Distribution of allocations, within the limits set in subsection 50.5.1 and consistent with subparagraph 50.5.2.A, shall be determined by the counties and city. If any county or city chooses not to distribute allocations within its jurisdiction, then TRPA shall distribute the allocations pursuant to an allocation system adopted by TRPA.

1. Each county and the city shall notify TRPA, in writing, of its election to not distribute allocations for a given year or years. Notification shall be received by TRPA no later than December 31 of the preceding year. The Governing Board may waive this deadline for good cause.

2. TRPA shall deliver allocations to the counties and city no later than January 15 of the year for which the allocations are reserved, or within 15 days of the effective date of an ordinance providing for award and distribution of residential allocations for that year, whichever is later.

3. Delivery of allocations shall be accomplished by providing each county and city with the number of allocation certificates that corresponds to the original allocations available to the jurisdiction in that year. The counties and city shall determine the receiving parcels pursuant to their respective allocation systems and shall indicate the county assessor's parcel number (APN) of the receiving parcel on the allocation certificate. The counties and city shall provide TRPA with a list of assessor parcel numbers that received an allocation. The original allocation forms shall be delivered to the owner of record of the receiving parcel and shall, in addition to the list, constitute evidence of receipt of an allocation.

4. TRPA shall number each allocation as shown in the following table:

TABLE 50.5.2-1: NUMBERING OF ALLOCATIONS

Indicator	Name	Examples
First set of letters	County or city of origin	WA, DG, PL, EL, SLT
First set of numbers	Year of issuance	87,88,89,90,91
Second set of letters	Type of allocation	O = original R = reissued LS = litigation settlement AP = allocation pool
Second set of numbers	Sequence of allocation	Douglas County: 1 through 23

Example: PL – 87 – R – 56

5. The counties and city shall notify each owner of a parcel receiving an allocation.

6. In the event an allocation is returned or forfeited for any reason, the county or city shall notify TRPA by returning the original allocation certificate and requesting a reissued allocation for assignment to another parcel. If the original allocation certificate cannot be returned to TRPA, the county or city shall notify TRPA of the reason, and the allocation shall be cancelled by depositing a notice of cancellation in the U. S. Mail, first class, postage prepaid, addressed to the last known address of the owner of the receiving parcel.

D. Administration

An allocation shall entitle the owner of the receiving parcel to either apply for a TRPA permit to construct an additional residential unit or to transfer the allocation to another parcel pursuant to Chapter 51: *Transfer of Development*. Distribution of, and other transactions concerning allocations, shall be tracked, accounted for, and otherwise treated in accordance with Chapter 6: *Tracking, Accounting, and Banking*.

1. Upon receipt of the allocation certificate from the county, TRPA, or city, the owner of the parcel may file an application with TRPA to either construct a residential unit or transfer the allocation. Residential allocation application submission deadlines are set by local jurisdictions.

E. Performance Review System

1. Allocation Performance Table

Each jurisdiction shall receive a base allocation according to Table 50.5.2-2. The base allocation may be reduced incrementally according to subparagraphs 2 and 3 following the table.

a. Each jurisdiction's final allocation for the year shall be determined by TRPA by October 1.

b. Beginning in 2015, allocations shall be released in two year increments. The Performance Review Committee (PRC) shall review the performance of the local jurisdictions and TRPA every two years. The review committee shall consist of representatives of the participating counties, city, and TRPA. The committee shall review the performance criteria, and rate of allocation distribution, contained in subparagraphs 2 and 3 below. TRPA may establish guidelines to establish consistent evaluations and/or audits for subparagraphs 2 and 3 to assist the Performance Review Committee's review. No jurisdiction shall receive more allocations than the maximum or fewer allocations than the minimum allocations for that jurisdiction shown in Table 50.5.2-2. When the total number of allocations available for distribution is fewer than the number shown in the table, TRPA shall apply the performance system proportionality to the remaining allocations.

TABLE 50.5.2-2: ALLOCATION PERFORMANCE TABLE FOR 2015-2032

Jurisdiction	Minimum Allocation with Deductions	Deduction Increments	Base Allocation
Douglas County	2	2	10
El Dorado County	8	5.5	30
Placer County	11	6.5	37
City of South Lake Tahoe	10	5.75	33
Washoe County	3	1.75	10
Total	34		120

Note: One deduction increment equals the number of allocations shown for individual jurisdictions. If the final allocation results in a decimal ending in 0.5 or higher the allocation will be rounded up to the nearest whole number, if the decimal is below 0.5 the allocation will be rounded down to the nearest whole number.

2. Total Maximum Daily Load (TMDL) Implementation

By October 1 of each year, TRPA shall request annual conformance reports for the prior year from the Lahontan Regional Water Quality Control Board and Nevada Department of Environmental Protection. The base allocation for each jurisdiction may be awarded or reduced by the PRC as follows:

a. For 2015 a jurisdiction shall receive their base allocation for conformance with California National Point Discharge Elimination System (NPDES) permits and Nevada Interlocal Agreements; and

b. Beginning in 2016, a jurisdiction shall receive their base allocation for achieving above 90 percent or greater conformance with State approved annual Lake Clarity Credit targets; or

c. A jurisdiction shall be penalized one increment of deduction for less than 90 percent to 75 percent conformance with State approved annual Lake Clarity Credit targets; or

d. A jurisdiction shall be penalized two increments of deduction for less than 75 percent conformance with State approved annual Lake Clarity Credit targets.

3. Permit Monitoring and Compliance

By October 1 of each year, TRPA shall conduct a representative sample audit of not less than ten percent of the single-family residential permits issued in the prior year and compliance inspections performed the prior year by the counties, city, and TRPA. The base allocation may be awarded or reduced by the PRC according to the score as follows:

a. A jurisdiction shall receive its base allocation for an average score of 90 percent or greater for both the project review portion and the compliance portion of the audit; or

b. A jurisdiction shall be penalized one increment of deduction for average audit scores for both the project review portion and the compliance portion of the audit between 75 and 90 percent; or

c. A jurisdiction shall be penalized two increments of deduction for average audit scores for both the project review portion and the compliance portion of the audit below 75 percent.

4. Allocations not distributed under the Performance Review System shall be assigned to TRPA's residential allocation incentive pool.

F. Monitoring Requirement

TRPA hereby establishes a monitoring fee that shall be collected by the entity issuing the allocation from each allocation recipient. The fee shall be used to monitor water quality impacts and permit conformance in accordance with the Rules of Procedure.

50.5.3. Multi-Residential Allocations

A portion of the residential allocations set forth in subparagraph 50.5.1.C may be reserved for multi-residential use. These reserved allocations shall be used for the Multi-Residential Incentive Program established in Chapter 52: *Bonus Unit Incentive Program*, or in connection with transfer of development rights pursuant to Chapter 51: *Transfer of Development*.

A. Reservation Pool

On an annual basis, a pool of allocations representing the desired level of multi-residential development for a given jurisdiction may be established by TRPA after consultation with the jurisdiction. Allocations assigned to the pool shall be within the limitations of Table 50.5.1-1. Unused allocations may be carried over to the next year's pool.

B. Allocations for Multi-Residential Projects

Except for allocations obtained by transfer pursuant to Chapter 51, or obtained directly as provided in subsection 50.5.2, allocations for multi-residential projects shall be made upon project approval. Previously issued allocations or a letter from the appropriate county or city indicating allocations that are available from the reservation pool or have been reserved from a future year's allocation shall be required as part of the project application. TRPA may review multi-residential projects for which allocations are reserved from future years, except that project approval shall be limited to units for which allocations are available at the time of approval. Projects may receive bonus units prior to project approval pursuant to Chapter 52.

50.6. ALLOCATION OF ADDITIONAL COMMERCIAL FLOOR AREA

TRPA shall allocate the development of additional commercial floor area as follows:

50.6.1. Requirement of Allocation

No person shall construct a project or commence a use that creates additional commercial floor area without first receiving an allocation approved by TRPA. In order to construct the project or commence the use to which the allocation pertains, the recipient of the allocation shall comply with all other applicable provisions of this Code.

A. Applicable Commercial Uses

The commercial uses identified in Chapter 21: *Permissible Uses*, contain commercial floor area. The allocation of additional commercial floor area pursuant to this chapter also applies to commercial activities that are not primary commercial uses, except that accessory uses shall be deemed not to contain additional commercial floor area provided that TRPA makes the following findings:

1. The accessory use meets all criteria specified by Chapter 21 for an accessory use; and

2. The accessory use is designed to serve the noncommercial primary use, as determined by reference to the following criteria:

a. There is no separate entrance for the accessory use, except separate entrances may be established for the relocation of existing accessory commercial uses (uses legally established prior to January 1, 2013) to street level;

b. The accessory use is compatible with the size and patronage of the primary use;

c. The accessory use does not rely on separate parking;

d. The accessory use is not separately advertised, except one 20 square foot projecting or building sign may be constructed with the relocation of existing accessory commercial uses (uses legally established prior to January 1, 2013) to street level;

e. The use season of the accessory use corresponds to that of the primary use; and

f. In applicable instances, the accessory use is principally for service or repair rather than sales.

Examples
Examples of accessory uses of a commercial nature not subject to the allocation of additional commercial floor area include, but are not limited to: ski rental shops in ski areas; gift shops in airports; tackle shops used by patrons of marinas; newsstands in motels; pro shops at golf courses; and cafeterias in hospitals.

B. "Additional" Commercial Floor Area

Commercial floor area is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987.

1. Additional commercial floor area includes, but is not limited to, the following:

a. The construction of commercial floor area that did not exist before January 1, 1987;

b. Conversion of legally existing or approved floor area from noncommercial use to commercial use; and

c. The construction of, or conversion to, floor area that is primarily used for commercial enterprise regardless of whether it is classified as "public service" or is publicly owned, except when such floor area is for an accessory use excluded in subparagraphs 50.6.1.A.1 and 2 or such floor area is excluded by subparagraph 50.6.1.B.2.

2. Additional commercial floor area excludes the following:

a. Changes in commercial use that do not involve any increase in commercial floor area;

b. Additions to, or expansions of, legally existing commercial floor area of 500 square feet or five percent of the existing commercial floor area, whichever is less; provided:

(i) The existing structure and any subsequent additions or expansions physically exist and were completed at least one year prior to an application pursuant to this subparagraph;

(ii) The exempt addition or expansion is not applied for or built in conjunction with any other addition or expansion;

(iii) There is no change in use;

(iv) Any increase in traffic is insignificant as defined in Section 66.2: *Traffic and Air Quality Mitigation Program*;

(v) The exempt addition or expansion occurs within a single project area; and

(vi) The exempt addition or expansion does not occur within the same project area more frequently than once every ten years;

c. The relocation, replacement, or reconstruction on the same parcel of commercial floor area that either existed as of January 1, 1987, or that contains floor area allocated and approved pursuant to this Code;

d. The replacement, reconstruction, or relocation of commercial floor area legally existing as of January 1, 1987, pursuant to a TRPA-approved redevelopment plan;

e. The TRPA-approved transfer of legally existing commercial floor area;

f. The construction of floor area associated with a publicly owned assembly and entertainment facility with a fire-rated capacity of less than 1,100 people; and

g. New commercial floor area permitted by TRPA prior to February 24, 2010, provided that:

(i) Application is made to TRPA prior to the expiration of the permit, as determined in subsection 2.2.4, to reissue a permit for a project for which an allocation was assigned;

(ii) All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit are updated to meet the requirements of the Code and all other applicable TRPA ordinances, rules, or regulations at the time of permit re-issuance; and

(iii) This subparagraph g has not previously been used in relation to the same project.

C. Allocations to Sensitive Lands

Allocations of commercial floor area to projects located in land capability districts 1, 2, 3, or 1b (Stream Environment Zone) shall not be permitted unless:

1. The allocation is matched by a transfer from an equal or more sensitive land capability district at a ratio of one square foot of commercial floor area allocation to two square feet of transferred commercial floor area; or,

2. The parcel receiving the allocation is in an area covered by an adopted community plan where one or more SEZ restoration projects have been completed and the local jurisdiction has submitted an EIP project list pursuant to the residential allocation requirements in subparagraph 50.5.2.E.

50.6.2. Commercial Floor Area Allocated or Transferred to Project in Designated Preferred Industrial Area

Commercial square footage allocated or transferred to a project in a designated preferred industrial area may be doubled if the area has implemented area-wide BMPs, or the local government of jurisdiction has committed to implement area-wide BMPs on its five-year CIP list submitted to TRPA. Transfers of commercial floor area out of a preferred industrial area shall be reduced by 50 percent unless the floor area was acquired through a TRPA-approved transfer on a 1:1 ratio or through a community plan allocation system. Transfers and relocations of commercial floor within a preferred industrial area shall be at a 1:1 ratio.

50.6.3. Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1987 to 1996 and Beyond

A maximum of 400,000 square feet of additional commercial floor area may be permitted from January 1, 1987 to December 31, 1996, except as set forth in subparagraph (3)C below. The allocation and distribution of this floor area shall be as follows:

A. Within Community Plans

From January 1, 1987 to December 31, 1996, except as set forth in subparagraph (3)C below, the maximum amount of additional commercial floor area allocated to community plan areas is 376,340 square feet.

1. Administration

The 376,340 square feet of additional commercial floor area shall be allocated by TRPA, distributing 286,340 square feet initially to the local jurisdictions. The 286,340 square feet shall be assigned to community plans pursuant to subparagraph a, below. TRPA shall retain 54,000 square feet in reserve as bonus square footage to be assigned to community plans upon their adoption pursuant to subparagraph b, below. TRPA shall retain 36,000 square feet for approval of commercial projects prior to adoption of community plans. The foregoing allocations, including the division of the 286,340 square feet among local jurisdictions, are reflected in the following Table 50.6.3-1.

TABLE 50.6.3-1: COMMERCIAL FLOOR AREA ALLOCATIONS WITHIN COMMUNITY PLAN AREAS ("CP")

Jurisdiction	Initial Allocation to CPs (75%)	Bonus Adopted CPs (15%)	Before CP Adoption (10%)	Total
South Lake Tahoe/El Dorado County	79,100			
Placer County	112,500			
Washoe County	55,990			
Douglas County	38,750			
Total Square Feet	286,340	54,000	36,000	376,340

a. **Initial Allocation**

TRPA shall distribute the initial allocation of additional commercial floor area to a community plan by taking into consideration such factors as demonstrated need, the expected ability to achieve or maintain environmental thresholds, the reasonableness of projected time schedules, the degree of certainty for obtaining the needed funds for implementation, compatibility with other community plans, and other relevant factors. The amount initially allocated shall be from the 75 percent portion designated for local jurisdictions for planning purposes as shown in the above Table 50.6.3-1 in the first column. After TRPA has reviewed a sufficient number of proposed community plans to adequately assess the cumulative impacts of development and proposed mitigation, TRPA shall distribute any remaining or additional commercial floor area retained pursuant to subparagraph 1. This distribution shall reward those community plans which that best demonstrate the ability to achieve and maintain environmental

thresholds, and have a clearly demonstrated need for the additional allocation. TRPA shall retain a sufficient reserve to adequately address the needs of community plans not yet presented for review. It is TRPA's goal, acting in partnership with local interests, to achieve completion of community plans by December 31, 1989, in all areas where sufficient local interest and initiative exists to do such planning. Accordingly, TRPA expects to allocate the remaining unallocated floor area by that date, so long as the allocation is supported by local needs assessments.

2. Before Adoption of a Proposed Community Plan

a. Projects having an aggregate commercial floor area not exceeding the 36,000 square feet set forth in (a) of subparagraph A and located within the boundaries of proposed community plans, may be approved by TRPA. The 36,000 square feet allocation shall be apportioned to the local jurisdictions as provided in Table 50.6.3-2:

TABLE 50.6.3-2: COMMERCIAL FLOOR ALLOCATIONS BEFORE ADOPTION OF COMMUNITY PLAN

Jurisdiction	Floor Area
South Lake Tahoe/El Dorado County	10,008
Placer County	14,976
Washoe County	6,516
Douglas County	4,500

b. A local jurisdiction may transfer its above allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limits set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction. No single commercial project shall be allocated more than 4,500 square feet of the 36,000 square feet in a ten year period for use within the project area.

3. After Adoption of a Community Plan

Upon the adoption of a community plan, the rate of utilization of square footage of additional commercial floor area shall be in accordance with the provisions of the community plan. When all community plans within a jurisdiction are adopted, any remaining unallocated initial floor area assigned to the jurisdiction shall be assigned by TRPA to the adopted community plan areas within the jurisdiction.

B. Outside Community Plans

From January 1, 1987 to December 31, 1996, except as set forth in subparagraph 3 below, the maximum amount of additional commercial floor area allocated to areas outside community plan boundaries is 40,000 square feet.

1. Administration

a. A maximum of 40,000 square feet of additional commercial floor area shall be allocated and distributed by TRPA for commercial development outside community plan boundaries, proposed or adopted. The 23,660 square feet shall be apportioned to the local jurisdictions as provided in Table 50.6.3-3 follows:

TABLE 50.6.3-3: COMMERCIAL SQUARE FEET ALLOCATION OUTSIDE OF COMMUNITY PLAN AREAS

Local Jurisdiction	Sq. Ft.
South Lake Tahoe/El Dorado County	7,020
Placer County	16,640
Washoe County	0
Douglas County	0

b. A local jurisdiction may transfer its allocation of commercial floor area from Table 50.6.3-3 to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limitations set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction.

2. Limitations

No single commercial project shall be allocated more than 4,500 square feet of the 40,000 square feet in a ten year period for use within the project area.

C. Allocation Time Limit Extension

The allocation time limits specified in subparagraphs 1 and 2 above shall no longer be applicable.

50.6.4. Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1997 and Beyond

A maximum of 400,000 square feet of additional commercial floor area may be permitted in the region as of January 1, 1997. The allocation and distribution of this floor area shall be as follows:

A. Within Adopted Community Plans

A maximum of 150,000 square feet of commercial floor area may be permitted in areas covered by adopted community plans provided that all irrevocable

commitments, as defined in the applicable community plan as a requirement to release allocations, have been satisfied. The applicable local jurisdiction shall distribute the allocation subject to the adopted allocation system for that community plan. The distribution of this floor area shall be as follows:

1. TRPA shall apportion 10,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. Allocations not assigned by December 31, 1998, shall be reassigned to the Special Projects as set forth in subparagraph D below.

2. By January 1, 1999, TRPA shall apportion 50,000 square feet of commercial floor area allocation to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's accomplishment of environmental improvements set forth in the adopted community plans within that jurisdiction. The performance review committee (referred to in subparagraph 50.5.2.E) shall recommend the ranking to TRPA by October 31, 1998. The apportionment shall be according to Table 50.6.4-1.

3. TRPA shall apportion 50,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's performance on the approved Five-Year Water Quality and Air Quality EIP Lists within the jurisdiction between January 1, 2002 and December 1, 2005. The apportionment shall be according to Table 50.6.4-1:

TABLE 50.6.4-1: COMMERCIAL FLOOR AREA ALLOCATIONS BY RANKING

Ranking	Allocations
1.	20,000
2.	15,000
3.	8,000
4.	5,000
5.	2,000

B. Within Preliminary Community Plans

1. Projects having an aggregate commercial floor area not exceeding 36,000 square feet and located within the boundaries of preliminary community plans may be approved by TRPA. The 36,000 square feet allocation shall be apportioned to the local jurisdictions as follows:

TABLE 50.6.4-2: APPORTIONMENT OF 36,000 SQUARE FEET ALLOCATION

Local Jurisdiction	Sq. Ft.
South Lake Tahoe/El Dorado County	10,008
Placer County	14,976
Washoe County	6,516
Douglas County	4,500

2. A local jurisdiction may transfer its above allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limits set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction. No single commercial project shall be allocated more than 4,500 square feet of the 36,000 square feet in a ten year period for use within the project area.

C. Outside Community Plans

Allocations permitted in subparagraph A above may be distributed in areas not covered by adopted community plans, subject to the limitations in this subparagraph 50.6.4.C and provided the local jurisdiction has adopted a commercial allocation system that assists in implementing Environmental Improvement Program projects outside community plan areas.

D. Special Projects

A maximum of 187,770 square feet of commercial floor area remains for distribution to special projects after January 1, 2007. This total includes the 100,000 square feet of commercial floor area that had been held in reserve through 2006 and that may be permitted in adopted community plans or adopted TRPA master plans, in which all irrevocable commitments have been made. TRPA shall administer the special project allocations. The distribution of this floor area shall be as provided below.

1. Goals

The program goals are to promote major projects that result in the construction of threshold-related environmental improvements, to promote transfer of development that results in substantial environmental benefits, and to rehabilitate substandard development.

2. Eligibility

All projects in adopted community plans, adopted TRPA master plan areas, or in designated plan areas that are preparing a community plan or a TRPA master plan are eligible for special project allocations. No permits shall be issued for special projects until and unless TRPA has approved a community plan or TRPA master plan for the subject area.

3. Evaluation Criteria

Approval of special projects shall be evaluated and conditioned upon the implementation of environmental improvement projects or transfers of development out of sensitive lands. These projects shall:

a. Assist in the attainment of the environmental thresholds by constructing projects listed in the TRPA Environmental Improvement Program, that address a threshold standard found not to be in attainment per the 2001 Threshold Evaluation; and

b. Provide substantial environmental benefits or mitigation in excess of TRPA's project mitigation requirements.

4. Public Assistance

Public and private partnerships are encouraged. Public assistance through redevelopment agencies, conservancies, local governments, and other means may be considered in evaluating special projects.

5. Maximum Amount

The maximum allocation that may be approved for a special project area within a calendar year is 50,000 square feet of floor area.

6. Time Limit

Initial assignments of allocations shall expire in one year unless extended by TRPA upon a showing of adequate progress toward a project approval.

7. Applications

TRPA shall consider applications for available special project allocations annually. Applications shall include a project prospectus that includes site plans, elevations, and preliminary environmental documentation.

8. Notifications

TRPA shall give adequate public notice 90 days in advance of any action assigning special project allocations. Notifications shall include the general criteria by which the special project shall be evaluated.

9. Advisory Planning Commission (APC) Recommendation

The Advisory Planning Commission (APC) shall review the applications for special project allocations and make a recommendation to the Governing Board on the awards of commercial and tourist allocations. The performance review committee, referred to in subparagraph 50.5.2.E, shall assist the APC and staff in developing review criteria.

E. Commercial Floor Area for 2013

For 2013, CFA that is currently held by local governments shall remain with local governments and be distributed in accordance with current Code provisions. CFA that is currently held by TRPA shall be retained by TRPA for development transfer matches and other region-wide programs.

50.6.5. Administration of Allocations for Additional Commercial Floor Area

For purposes of subsection 50.6.4 and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional commercial floor area shall establish the year to which the allocation is attributed.

A. Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation shall be the date the project is approved by TRPA. The allocation shall be set forth in the approval for the project.

B. An allocation for additional commercial floor area shall not be transferred to or otherwise used for a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the square footage of commercial floor area represented by the allocation shall automatically return to the pool from which it originated.

C. TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocation of commercial floor area.

50.7. ALLOCATION OF ADDITIONAL TOURIST ACCOMMODATION UNITS

TRPA shall allocate the development of additional tourist accommodation units as follows:

50.7.1. Requirement of Allocation

No person shall construct a project or commence a use that creates additional tourist accommodation units without first receiving an allocation approved by TRPA. In order to construct the project or commence the use to which the allocation pertains, the recipient of the allocation shall comply with all other applicable provisions of this Code.

A. Applicable Tourist Accommodation Uses

The tourist accommodation uses set forth in Chapter 21, contain tourist accommodation units.

B. Definition of "Additional" Tourist Accommodation Units

A tourist accommodation unit shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, in accordance with this section. The conversion of an existing non-tourist accommodation use to a tourist accommodation use constituting a tourist accommodation unit an additional tourist accommodation unit requiring an allocation under this chapter. The following are not "additional" tourist accommodation units:

1. The reconstruction or replacement on the same parcel of a tourist accommodation unit legally existing or approved on January 1, 1987;

2. The reconstruction or replacement on the same parcel of a tourist accommodation unit that was legally allocated and approved pursuant to this Code;

3. Modifications to legally existing tourist accommodation structures and their accessory uses;

4. The relocation of a legally existing tourist accommodation unit through a transfer approved by TRPA pursuant to Chapter 51; or

5. The conversion of legally existing multi-family dwellings of six units or more, allocated and approved pursuant to this Code, to timesharing (residential design) units, provided the conversion is provided for in the relevant plan area statement or adopted community plan.

C. Maximum Number and Distribution of Allocations for Additional Tourist Accommodation Units

1. A maximum of 400 additional tourist accommodation units may be approved for construction.

a. Tourist accommodation bonus units shall be limited to special projects in accordance with subparagraph 50.6.4.D, and shall only be permitted when matched by transfers of existing units from sensitive lands that have been restored, or as incentives for the transfer of existing development to centers in accordance with subsection 51.5.3, or as incentives for the removal and retirement of excess coverage pursuant to subsection 30.6.3.

2. Distribution of units within the Area Plan, community plan or Ski Area Master Plan shall be pursuant to the provisions of the adopted community plan or Ski Area Master Plan and the following criteria:

a. The additional concentration of tourist accommodation units shall be consistent with the TRPA Regional Transportation Plan and would better promote transit and pedestrian forms of transportation;

b. The additional units shall be part of an overall program to rehabilitate and upgrade existing tourist accommodation units;

c. The existing infrastructure capacity, such as sewage disposal and highway capacities, shall be sufficient to accommodate the additional units; and

d. A demonstration of need for additional units shall be shown pursuant to Chapter 12: *Community Plans*.

50.7.2. Administration of Allocations for Additional Tourist Accommodation Units

For purposes of subparagraph 50.7.1.C and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional tourist accommodation units shall establish the year to which the allocation is attributed.

A. Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The allocation shall be set forth in the approval for the project.

B. An allocation for additional tourist accommodation units shall not be transferred to or otherwise used for a project other than that for which it pertains. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit and the tourist accommodation units represented by the allocation shall automatically return to the pool from which they originated.

C. TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocation of tourist accommodation units.

50.8. REGULATION OF ADDITIONAL PUBLIC SERVICE FACILITIES

TRPA shall regulate the rate and distribution of additional public service development as follows:

50.8.1. Required Findings for Approval of Additional Public Service Facilities

Approval of additional public service facilities shall only be permitted for projects for which the sponsoring entity demonstrates and TRPA finds that:

A. There is a need for the project;

B. The project complies with the Goals and Policies, applicable plan area statements, and Code;

C. The project is consistent with the TRPA Environmental Improvement Program;

D. The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: *Required Findings*, as they are applicable to the project's service capacity;

E. If the proposed project is to be located within the boundaries of a community plan area, then, to the extent possible consistent with public health and safety, the project is compatible with the applicable community plan; and

F. Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a construction schedule outweighs the need for the prior completion of the community plan process.

50.8.2. Definition of "Additional" Public Service Facilities

Public service facilities shall be considered "additional" if they are to be created pursuant to a TRPA approval issued on or after January 1, 1987. The conversion of an existing nonpublic service facility use to a use constituting a public service facility shall be an additional public service facility subject to this chapter. The following shall not be "additional" public service facilities:

A. The reconstruction or replacement on the same parcel of legally existing public service facilities;

B. Modifications to legally existing public service facilities and their accessory uses that do not create additional service capacity;

C. Public or quasi-public utility service connections;

D. Replacement or reinforcement of pipelines or transmission lines that result in no significant increase in service capacity; and

E. Telephone lines, local distribution facilities, and similar facilities.

50.8.3. Provisions Regarding Commercial Floor Area Allocation for Public Service Projects

If the owner of the project area is the operator of the public service use pursuant to Chapter 21: *Permissible Uses*, then the provisions of subsection 50.8.1 apply. If the owner of the project area leases his property to an operator of a public service use, the facilities shall be considered a commercial use and subject to the allocation limitations of Section 50.6 unless:

A. A deed restriction describing the use restrictions is recorded and TRPA and the local government of jurisdiction are included as parties to the deed restriction;

B. The lease contains adequate assurances that the public service use will remain for a minimum of seven years;

C. Local government has committed to enforcement of any change of use through permits and business licenses; and

D. All lien holders on the property have been notified of the deed restrictions.

50.8.4. Transfer or Relocation Onsite of Commercial Floor Area Related to a Public Service Use

Transfer or relocation of commercial floor area from an existing commercial use may be permitted when a public service use is approved that displaces commercial floor area. The transfer shall be approved only in conjunction with a project approval at the receiving site. The transfer shall be subject to the standards of Chapter 51, and the following standards:

A. The owner of sending project area shall comply with subparagraphs A through D of subsection 50.8.3 above;

B. The public service use displacing the commercial use is one of the following: Local Public Health and Safety Facilities, Regional Public Health and Safety Facilities, Collection Stations, Cultural Facilities, Day Care Centers/Pre-Schools, Government Offices, Local Post Offices, Social Service Organizations, or Transit Stations and Terminals;

C. The commercial floor area displaced is transferred to a site in a designated community plan area;

D. In order for a receiving project area to qualify for transferred commercial floor area, the receiving project area shall meet the criteria applicable to allocations under the applicable adopted community plan allocation system. If the community

plan area does not have an adopted allocation system, the applicable local jurisdiction shall be required to adopt a system pursuant to the requirements of subparagraph 50.6.4.C before the transfer may occur; and

E. TRPA determines that, when combined with all other public service-commercial transfers since January 1, 1998, the additional public service floor area associated with the transfer is within the 60,000 square feet of additional public service floor area estimated to be created by such transfers.

50.9. REGULATION OF ADDITIONAL RECREATION FACILITIES

TRPA shall regulate the rate and distribution of additional recreation facilities as follows:

50.9.1. Required Findings for Approval of Additional Recreation Facilities

Approval of additional recreation facilities shall only be permitted for projects for which the sponsoring entity demonstrates and TRPA finds that:

A. There is a need for the project;

B. The project complies with the Goals and Policies, the applicable plan area statements, and Code;

C. The project is consistent with the following TRPA maximum allowances for outdoor recreation:

1. 6,114 people at one time ("PAOT") in overnight facilities;

2. 6,761 PAOT in summer day-use facilities;

3. 12,400 PAOT in winter day-use facilities; and

4. Plus the allocations set forth in the plan area statements, or the pools of reserved PAOT capacity;

D. The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: *Required Findings*, as they are applicable to the project's recreational service capacity; and

E. If the project requires PAOT allocations, it is consistent with the TRPA Environmental Improvement Program.

50.9.2. Definition of "Additional Recreation"

Recreation shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, and would result in an increase in vehicle trips that requires a traffic analysis pursuant to subparagraph 65.2.4.B, or increased floor space of five percent, or 500 square feet, or would increase PAOT capacity(See subsection 11.6.11). The conversion of an existing non-recreational use to a use constituting a recreation facility shall be additional recreation subject to this chapter. The following shall not be "additional" recreation facilities:

A. The reconstruction or replacement on the same parcel of recreation facilities legally existing on or approved before January 1, 1987;

B. Modifications to legally existing recreation and their accessory uses that do not create additional service capacity;

C. Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 51; or

D. Dispersed recreation.

50.9.3. Allocation of Additional Recreation PAOTs

No person shall construct a project or commence a use that requires additional PAOTs without first receiving an allocation approved by TRPA. In order to construct the recreation project or commence the additional recreation use, the person proposing same shall comply with all other applicable provisions of this Code.

A. Applicable Recreation Uses

The following recreation uses are subject to PAOT allocation consistent with the PAOT standards in subparagraph 50.9.3.B.

1. Summer Day Use

The following uses and activities are subject to summer day use PAOT allocations:

a. Marinas, boat launching facilities, rural sports, golf courses, visitor information centers, and off-road vehicle courses;

b. Recreation centers, participant sport facilities, sport assembly, beach recreation, and day use areas operated by the states' Departments of Parks and Recreation or their permittees, or by federal agencies or their permittees; and

c. Tour boat operation and those portions of beach recreation, commercial boating, or water-oriented outdoor recreation concessions that provide additional outdoor recreation capacity.

2. Winter Day Use

Downhill ski facilities are subject to winter day use PAOT allocations.

3. Overnight Use

Developed campgrounds, group facilities, and recreational vehicle parks are subject to overnight use capacity PAOT allocation.

B. Definition of Additional PAOTs

A PAOT shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, and results in an increase in the design capacity of a facility or increases the overall primary recreational use in the area of a project subject to PAOT limitation (see subsection 11.6.11). The conversion of an existing recreation use that does not require PAOTs to a use that does require

PAOTs shall constitute additional PAOTs. The following shall not be "additional" PAOTs:

1. The reconstruction or replacement on the same parcel of recreation facilities legally existing on, or approved before, January 1, 1987;

2. Modifications to legally existing recreation and their accessory uses that do not create additional service capacity;

3. Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 51; and

4. Dispersed recreation.

C. Maximum Amount and Distribution of PAOT Allocations

A maximum amount of recreational PAOT capacity shall be targeted and permitted for development. TRPA shall keep a cumulative accounting of recreation allocation in PAOT as applicable.

1. General

PAOT capacity shall apply to the primary recreational use of a facility as follows:

a. PAOT allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The PAOT allocation shall be set forth in the approval for the project.

b. An allocation for additional PAOTs shall not be transferred to, or otherwise used for, a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the recreation capacity represented by the allocation shall automatically return to the pool from which it originated.

c. TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocations of PAOTs.

d. New developed cross country ski and snowmobile courses shall be encouraged where appropriate as seasonal adjuncts to existing or new summer day use or overnight facilities.

2. Summer Day Use

Summer day use capacity shall be allocated and distributed as follows:

a. There shall be a pool of 6,761 PAOT for summer day use facilities. A minimum of 2,000 of the summer day use PAOT pool shall be reserved for expansion of marinas and boat launching facilities.

b. PAOT allocation for expansion of marinas and boat launching facilities shall require approval of a master plan except as noted in Section 14.2.

c. PAOTs may be assigned to a plan area statement for future allocation.

3. Winter Day Use

Additional winter day use capacity shall be allocated and distributed as follows:

a. There shall be 12,400 winter day use PAOTs for downhill ski areas. All winter day use PAOTs shall be distributed in the plan area statements.

b. Expansion of use in downhill ski areas requires the adoption of a master plan pursuant to Chapter 14.

4. Overnight Use

Additional overnight use capacity shall be allocated and distributed as follows:

a. There shall be 6,114 PAOTs for overnight uses, of which 5,114 shall be distributed in the plan area statements. The remaining pool of 1,000 overnight PAOTs may be allocated to overnight uses meeting the criteria set forth in subsection 50.9.1 and subparagraph 50.9.3.C.4.b below, provided such uses are located in plan areas where there are no PAOTs specified in the plan area or the amounts specified are insufficient for the proposed use.

b. To be eligible for overnight PAOT allocation from the pool, the project area shall retain or be restored to a near natural state, include outdoor living amenities such as tables and fire pits, and offer access to outdoor recreational opportunities, such as hiking trails, public beaches, and fishing.

D. Other Recreational Facilities

Other permissible recreation facilities, including riding and hiking trails, undeveloped campgrounds, outdoor recreation concessions, and dispersed recreation support facilities, shall be subject to subsection 50.9.1, but shall not be subject to PAOT allocations.

50.10. ELECTION OF CONVERSION OF USE

50.10.1. General Conversion Standards

Existing residential units may be converted to tourist accommodation units or commercial floor area, and existing tourist accommodation units may be converted to residential units or commercial floor area if the conversion complies with subsections 50.10.3, 4, 5, 6 or 7 and with the following conversion standards:

A. The proposed conversion shall be evaluated for adverse impacts using the Initial Environmental Checklist (IEC) and the addenda developed by TRPA for conversions and shall not be permitted if adverse impacts cannot be mitigated;

B. Residential and tourist accommodation units shall be converted on a ratio of one unit for one unit;

C. Residential and tourist accommodation units shall be converted to commercial floor area at a ratio of one square foot of existing floor area to one square foot of commercial floor area, using the subsection 50.6.2 criteria for measurement of floor area; and

D. A maximum of 200 residential units and 200 tourist accommodation units may be converted within a calendar year for the region.

50.10.2. Conversions to Multi-family Units

A pilot program is created under this subsection that allows for the conversion of no more than 200 TAUs to ERUs for multi-unit projects, subject to the following conditions:

A. Each TAU can be used for a maximum of 1,250 sq. ft. of residential floor area;

B. The conversion must happen on the same parcel; and

C. TRPA shall monitor the impacts to thresholds of pilot program.

50.10.3. Transfer From Sensitive Lands

Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted when a residential or tourist unit is transferred from a parcel classified as land capability districts 1, 2, 3, or 1b (Stream Environment Zone), and the parcel is restored.

50.10.4. Removal of a Nonconforming Use

Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted in conjunction with a project approval if the conversion results in the elimination of the unit of nonconforming use. The structures containing the converted use shall meet TRPA standards for new construction.

50.10.5. Uses Modified to Meet Development Standards for New Projects

Conversion of an existing residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use, or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences, not to include single family residential, may be permitted onsite or for transfer in conjunction with a project approval if all structures and uses within the project area are modified to meet the TRPA standards applicable for a project proposed on an undeveloped project area.

50.10.6. Uses Linked to an EIP Project

Conversion of residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences, not to include single family, may be permitted onsite or for transfer if the converted use is included as part of a project that has linked status pursuant to Chapter 15: *Environmental Improvement Program*.

50.10.7. Uses to Provide Deed-Restricted Affordable Housing Projects

Conversion of existing tourist accommodation units of use to residential may be permitted onsite if the converted units will be used for deed-restricted affordable housing, the converted units are certified by the local jurisdiction that they meet their public health and safety standards for residences, and the project area meets TRPA standards applicable for modifications on a developed project area.

50.10.8. Commercial Floor Area/Tourist Bonus Unit Conversion Pilot Program

Notwithstanding any other contrary provisions of Chapters 50 and 51, this pilot program allows for the reservation, conversion, allocation, and transfer of Commercial Floor Area (CFA) and tourist bonus units.

A. Reservation of Bonus CFA or Tourist Bonus Units.

1. Potential applicants may submit letters of intent to apply for bonus CFA or tourist bonus unit reservations upon TRPA Governing Board approval of this pilot program until March 27, 2016. All reservation letters received during this period shall be reviewed and ranked according to the criteria below by the Governing Board. The applicants with the highest ranked letters of intent will be allowed to reserve bonus units to the extent bonus units are available from TRPA. TRPA shall rank the letters of intent on the following criteria:

   a. Amount of nutrient and fine sediment pollutant reduction and stream environment zone and other sensitive land restoration;

   b. Additional Threshold or community benefits; and

   c. Status of land acquisition and likely maintenance of restoration benefit.

   Successful potential applicants shall complete their reservation applications pursuant to Section 50.10.8.B below within 18 months of Governing Board action on their letter of intent.

2. If the letter of intent process does not exhaust the available supply of bonus CFA or tourist bonus units, additional reservation applications may be submitted after March 27, 2016 and considered by the Governing Board under the criteria of Section 50.10.A.1 (a)-(c).

3. Sending site project areas for reservation requests shall be limited to contiguous parcels and requests shall describe the number of CFA and/or tourist bonus units that could be feasibly earned as a result of

the sending site restoration according to Section 51.5: *Transfer of Existing Development*.

B. All applicants for CFA and tourist bonus units either reserved per A.1 or submitted per A.2, above, shall provide the following within 18 months from the date of reservation approval per A.1.

1. Submit a complete application for a TRPA permit for any demolition and restoration of the sending site project area; and

2. Include proof of ownership or control of the sending site project area, which, at a minimum, shall be an option to purchase the site.

C. Applicants shall restore and permanently restrict all or part of the sending site, as appropriate, pursuant to the provisions of Section 51.6: *Restriction of Parcels*, no later than 12 months after the approval of an application submitted per 50.10.8.B, above, or three years from the effective date of this ordinance, whichever comes later.

D. The Governing Board may grant one extension of up to 12-months to applicants diligently pursuing the approved restoration project.

E. CFA and tourist bonus units may be converted into either commodity at a ratio of one TAU to 450 square feet of CFA and vice-versa.

F. No more than 80,000 square feet of CFA from the TRPA-Special Project and CEP Pool and no more than 61 tourist bonus units remaining from the 1987 Regional Plan (provided for in Table 50.4.1-1: *Allocation and Development Rights Accounting* of this Code) may be used under this pilot program.

G. TRPA shall allocate the CFA or tourist bonus units when the sending site has been deed restricted, and when the applicable conditions of approval for the demolition and restoration plan have been satisfied or a security has been posted in an amount equaling 125% of the amount needed to ensure the unsatisfied conditions of approval for the restoration will be satisfied.

H. Bonus units can be earned and held by either a public or private party.

I. This pilot program shall remain in effect from March 27, 2016 through March 27, 2019. If CFA or tourist bonus units are reserved during the time that the pilot program is in effect, TRPA may issue CFA or tourist bonus units following the termination of the pilot program if all of the criteria in this section have been met.

50.11. OTHER PERMITS

A county or city building department shall not issue a permit for or relating to the construction, conversion, or use of units, floor area, service capacity, or other development subject to the requirements of this chapter unless the permit is issued in conjunction with a TRPA approval in accordance with this chapter. This requirement applies to, but is not limited to, a permit for a foundation, grading, clearing, or removal of vegetation.

CHAPTER 51: TRANSFER OF DEVELOPMENT

51.1. PURPOSE

This chapter sets forth the provisions for the transfer of residential development rights, residential allocations, and existing development from one parcel to another as provided in the Goals and Policies, Development and Implementation Priorities Subelement, Implementation Element, Goal #3, Policies 1-6. The transfer of land coverage is addressed in Chapter 30: *Land Coverage*.

51.2. APPLICABILITY

This chapter applies to the transfer of residential development rights, residential allocations, and existing development. All such transfers require TRPA approval. Transfer of a residential development right or residential allocation shall not constitute approval of the underlying associated project. Transfers of existing development shall occur only in conjunction with a project approval.

51.3. TRANSFER OF RESIDENTIAL DEVELOPMENT RIGHT

A residential development right, as defined in Chapters 90: *Definitions*, and 31: *Density*, may be transferred to another parcel pursuant to the following provisions:

51.3.1. Vacant Parcel

The parcel from which the development right is transferred shall have a residential development right.

51.3.2. Parcel Restriction

At the time of and as a condition of the transfer of residential development right, the parcel from which the development right is transferred shall be restricted pursuant to Section 51.6.

51.3.3. Receiving Area

The parcel receiving the development right shall be in an area where residential uses are permissible and shall meet the following criteria:

A. Parcels Eligible to Receive One or More Development Rights

Parcels located in a plan area or adopted community plan designated as a receiving area for multi-residential units shall be eligible to receive one or more development rights; or

B. Parcels Eligible to Receive One Development Right

The following parcels are eligible to receive one development right:

1. One development right may be transferred to a parcel for the purpose of constructing a secondary residence, provided the building site for the secondary residence is in Land Capability Districts 4, 5, 6, or 7; or

2. One development right may be transferred to a parcel that was not assigned a development right provided the parcel has a building site in Land Capability Districts 4, 5, 6, or 7, or, if applicable, is above the initial IPES line of 726.

C. Transfer of Development Rights to Centers; Bonus Unit Incentive

1. Receiving parcels in Centers are eligible to receive development rights based on the land capability district of the sending parcel and the distance of the sending parcel from Centers, and from primary transit routes.

2. Transfers of development that result in transfer ratios greater than 1:1 pursuant to this section shall be eligible to receive bonus units in the amount provided below and be allowed only if the applicant provides TRPA with binding assurance that the development rights of the sending parcels are permanently restricted as if they were sensitive lands pursuant to subsection 51.6.8.

3. Notwithstanding limitations in Chapters 50 and 52, bonus units received pursuant to this section shall not require an allocation to construct a residential unit.

4. TRPA may assign a residential allocation from TRPA's residential allocation incentive pool to match the transferred residential development right when a transfer earns a bonus unit or portion thereof.

5. Transfer ratios shall be determined by considering two factors and multiplying the two resulting ratios, pursuant to the table below.

TABLE 51.3.6-1: TRANSFER OF DEVELOPMENT RIGHTS TO CENTERS	
Step 1: Determine applicable transfer ratio based on sending parcel.	
Sending Parcel	**Transfer Ratio**
SEZ	1:1.5
Other Sensitive Lands	1:1.25
Non-Sensitive Lands	1:1
Step 2: For transfers of residential development rights, determine additional transfer ratio based on distance from centers and/or primary transit routes.	
Distance	**Additional Transfer Ratio**
Less than ¼ mile, or on the lake-ward side of primary transit routes	1:1
¼ mile to ½ mile	1:1:25
½ mile to 1 mile	1:1.5
1 mile to 1½ mile	1:1.75
Greater than 1½ mile	1:2
Step 3: Multiply the applicable ratios from Steps 1 and 2 to determine the	

TABLE 51.3.6-1: TRANSFER OF DEVELOPMENT RIGHTS TO CENTERS	
Step 1: Determine applicable transfer ratio based on sending parcel.	
Sending Parcel	**Transfer Ratio**
applicable transfer ratio.	

51.3.4. Density

The transfer shall comply with the density of use provisions for the receiving parcel.

51.3.5. Local Approval

For an inter-county transfer, the approval of affected local governments shall be obtained.

51.4. TRANSFER OF RESIDENTIAL ALLOCATIONS

If a parcel is assigned a residential allocation pursuant to Chapter 50: *Allocation of Development*, the allocation may be transferred to another parcel pursuant to the following provisions:

51.4.1. Parcel Classification

The allocation transfer shall be from a parcel determined to be in Land Capability Districts 1a, 1b, 1c, 2, 3, or 1b (stream environment zone); shorezone tolerance districts 1, 2, 3, or 4; below the initial IPES line of 726, if applicable; or unsuitable for development due to the inability of the property to meet TRPA or local government development standards.

51.4.2. Building Site

The receiving parcel shall have a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES, subject to the limitation in subsection 51.4.3 below.

51.4.3. IPES Limitation

A residential allocation shall not be transferred to a parcel that is below the initial IPES line of 726 unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than one-half the total inventory in that jurisdiction.

51.4.4. Permissible Use

The receiving parcel shall be in a plan area or adopted community plan where residential uses are a permissible use on the receiving parcel.

51.4.5. One Transfer

Subject to the limits in Chapter 50, an allocation may be transferred only one time and shall continue to count against the jurisdiction to which it was originally issued.

51.4.6. Local Approval

For an inter-county transfer, the approval of affected local governments shall be obtained.

51.4.7. Parcel Restriction

The sending parcel shall be restricted pursuant to Section 51.6 at the time the allocation is transferred.

51.5. TRANSFER OF EXISTING DEVELOPMENT

Certain elements of existing development may be transferred from one parcel or project area to another, provided that the receiving parcel is in a plan area or adopted community plan and designated as a receiving area for existing development. Existing residential development may be transferred to any plan area or adopted community plan where residential use is a permissible use. The transfer of existing development shall not be considered additional development and shall be exempt from the applicable allocation system.

51.5.1. Eligibility

The following elements of existing development shall be eligible for transfer:

A. Units of Use

Units of use may be transferred within the same major use classifications (for example, residential, tourist accommodation, commercial, and recreation). The amount of use transferred shall be measured in appropriate units of use (for example, residential units, tourist accommodation units, commercial floor area, and PAOTs).

B. Land Coverage

Existing land coverage may be transferred pursuant to Chapter 30.

51.5.2. Requirements

Transfers of existing development may be permitted subject to the requirements listed below.

A. The transfer shall be limited to the units of use existing on the parcel from which the development is to be removed.

B. The use transferred shall be a permissible use on the receiving parcel as set forth in the plan area statement or adopted community plan.

C. The receiving parcel shall comply with the site development provisions established by this Code and the plan area statement for the receiving parcel.

D. The findings required for a special use in Chapter 21: *Permissible Uses*, shall have been made if the use transferred is a special use in the receiving area.

E. The approval of affected local governments shall be obtained.

F. The parcel from which the existing development is transferred shall be restricted pursuant to Section 51.6, no later than the time of commencement of construction of the related project.

G. All facilities, including building and structures, shall be appropriate for removal considering conformance with TRPA plans and the Code, such as the provisions for historical structures and affordable housing.

H. The proposed transfer shall be evaluated for adverse impacts using the IEC and the addenda developed by TRPA for transfer and shall not be permitted if adverse impacts cannot be mitigated.

I. The receiving parcel shall have a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES unless:

1. There is a 25 percent or greater reduction in existing land coverage and restoration on the receiving parcel and there is no increase in vehicle trips, parking, cubic volume of the structures, or adverse impacts; or

2. The transfer of units from a commercial, tourist, or residential use to a site inside a designated community plan area is from sensitive lands to an equal or less sensitive land capability district, and a reduction of land coverage and restoration occurs at the receiving site or sending site equal to 300 square feet of land coverage per tourist unit transferred, 1,200 square feet of land coverage per residential unit transferred, or one square foot of land coverage per square foot of commercial floor area transferred; or

3. The transfer of commercial floor area from nonsensitive lands to a site inside a designated community plan area results in a reduction of land coverage and restoration on the receiving site or like sensitive lands in the watershed at a ratio of one square foot of transferred floor area to two square feet of land coverage reduced.

J. Existing residential development shall not be transferred to any parcel that is below the initial level defining the top rank under IPES (726) unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than one-half the total inventory in that jurisdiction.

K. Transfers of tourist accommodation units (TAUs) shall comply with the conditions below.

1. Transferred TAUs may be used to entitle, on a one-to-one basis, for the unit sizes described in subparagraph 2. below, provided the proposed project (receiving site) will be a professionally managed tourist accommodation facility containing three or more of the following on-site guest amenities or services:

a. Front desk/check-in/lobby

b. Business center

c. Spa services

d. Fitness facility

e. Restaurant

f. Bar

g. Conference space

h. Concierge's services

i. Pool or other resort recreation facilities

j. Valet/below structure parking

k. Housekeeping

l. Bell desk

2. Provided the conditions in subparagraph 1. above are met, 80 percent of the tourist accommodation units on the receiving site may be up to 1,200 square feet, with kitchens, and no more than 20 percent of the project's floor area may contain units not to exceed 1,800 square feet, with kitchens.

3. When transferred TAUs are utilized for smaller tourist accommodation facilities that are not operated as destination resorts, the facility shall be professionally managed, units shall not be rented for a period longer than 29 days, and TAUs may not exceed 850 square feet in size.

4. This transfer policy applies to hotels or timeshares and fractional units within a professionally managed tourist accommodation**.**

51.5.3. Transfer of Existing Development to Centers; Bonus Unit Incentive

Transfers of existing development to Centers shall receive the approval of affected local governments and shall comply with the following:

A. Receiving parcels in Centers are eligible to receive transfers of existing development based on the land capability district of the sending parcel and the distance of the sending parcel from the Center and from primary transit routes.

B. Transfers of existing development that result in transfer ratios greater than 1:1 pursuant to this section shall be eligible to receive bonus units in the amount provided below and be allowed only if the applicant provides TRPA with binding assurance that the sending parcel will be restored and permanently restricted to open space by deed restriction or other covenant running with the land, recorded by the owner. In cases where a portion of development has been transferred, only that portion of the parcel shall be restricted as open space.

C. Notwithstanding limitations in Chapters 50 and 52, bonus units received pursuant to this section shall not require an allocation to construct a residential unit.

D. Transfer ratios shall be determined by considering two factors and multiplying the two resulting ratios, pursuant to the table below.

TABLE 51.5.3-1: TRANSFER OF EXISTING DEVELOPMENT TO CENTERS[1]	
Step 1: Determine applicable transfer ratio based on sending parcel.	
Sending Parcel	**Transfer Ratio**
SEZ	1:3
Other Sensitive Lands	1:2
Non-Sensitive Lands	1:1
Step 2: For transfers of existing residential development, determine additional transfer ratio based on distance from centers and/or primary transit routes.	
Distance	**Additional Transfer Ratio**
Less than ¼ mile, or on the lake-ward side of primary transit routes	1:1
¼ mile to ½ mile	1:1:25
½ mile to 1 mile	1:1.5
1 mile to 1½ mile	1:1.75
Greater than 1½ mile	1:2
Step 3: Multiply the applicable ratios from Steps 1 and 2 to determine the applicable transfer ratio.	
[1] The provisions of Step 2 only apply to residential development, not commercial floor area or tourist accommodation units. The multiplier in Step 3 only applies to the number of units, not to building size or coverage.	

51.5.4. Limitations

The following limitations apply to transfers of existing development:

A. Units of use transferred shall have been legally established; and

B. Transfers of units of use shall not be permitted for development that has become derelict.

51.5.5. Verification of Existing Residential Units of Use for Transfer or Banking

Prior to transfer or banking, an existing residential unit of use shall be verified as legally established pursuant to the following criteria:

A. At a minimum, an existing residential unit of use shall contain cooking facilities, bathing and toilet facilities, and living and sleeping areas; and

B. Residential units of use to be transferred or banked shall have been legally established as verified by County Assessor, local jurisdiction, and utility records:

1. The existing residential unit shall have been assessed as such by the County Assessor's office as of October 15, 1986, except for residential units approved under Chapter 50: *Allocation of Development*.

2. Permits and planning department records shall confirm that the unit is a permitted use and structure.

3. To be verified as a legally established unit of use, all utility service connections (e.g., water, sewer, gas, and electrical service) shall have been legal as of October 15, 1986, except for residential units approved under Chapter 50.

51.6. RESTRICTION OF PARCELS

Restriction of parcels for the purposes set forth in this Code shall comply with the following requirements:

51.6.1. Land Coverage

Parcels from which land coverage has been transferred are subject to provisions of Chapter 30.

51.6.2. Residential Allocation Transfer

Parcels from which residential allocations have been transferred shall be permanently restricted from residential development.

A. For parcels in private ownership, deed restrictions or other covenants running with the land that permanently restrict the parcel from residential development shall be recorded by the owner.

B. For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the parcel has been permanently restricted from residential development.

51.6.3. Existing Development Transfer

For parcels from which units of existing development have been transferred, the structures or facilities accounting for that use shall be removed or modified, consistent with the transfer, and the land restored and maintained in as natural a state as is possible, so as to eliminate the units transferred.

51.6.4. Payment of Bonds and Freedom From Nuisance

The sending parcel shall be free of nuisance and hazard. All bonds, assessments, back taxes, fees, and liens affecting the parcel to be restricted pursuant to a transfer under this chapter shall be paid in full.

51.6.5. Transfer of All Existing Development From Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all units of existing development have been transferred shall be restored pursuant to subsection 51.6.3 and shall be permanently restricted to open space by a deed restriction or other covenant running with land, recorded by the owner.

51.6.6. Transfer of Some Existing Development From Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which less than all units of existing development have been transferred shall be permanently restricted from transferring development back to the parcel by deed restriction or other covenant running with the land, recorded by the owner.

51.6.7. Transfer of Existing Development From Non-Sensitive Lands

Owners of parcels located in Land Capability Districts 4, 5, 6, or 7 from which units of existing development have been transferred shall document the transfer and the parcels shall be restricted by deed restriction or other covenant running with the land, recorded by the owner. The restriction shall limit the units of use to any remaining, until or unless:

A. A transfer back to the parcel is approved by TRPA pursuant to this chapter; or

B. An allocation is obtained pursuant to Chapter 50.

51.6.8. Development Rights Transfers From Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all residential development rights have been transferred shall be permanently restricted from residential development.

A. For parcels in private ownership, or that have deed restrictions or other covenants running with the land, the permanent removal of development rights from the parcel shall be recorded by the owner.

B. For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the development rights have been permanently removed.

51.6.9. Development Rights Transfers From Non-Sensitive Lands

Parcels located in Land Capability Districts 4, 5, 6, or 7, or parcels at or above the initial IPES line (726), from which all residential development rights have been transferred, shall be restricted from constructing new residential units by deed restriction or other covenant running with the land, recorded by the owner, but shall be eligible to receive future transfers of coverage or units of use if otherwise permitted in A or B of subsection 51.6.7 above.

51.6.10. Consolidation

Where appropriate, TRPA may approve a consolidation of parcels in lieu of a deed restriction for a transfer of a residential development right or allocation, or in addition to a deed restriction, to accomplish the restriction of the parcel consistent with this chapter and other applicable Code provisions.

51.6.11. Relation to Chapter 6

TRPA shall record the appropriate changes created by transfers in its records pursuant to Chapter 6: *Tracking, Accounting, and Banking*.

51.6.12. Sequential Transfers

Residential development rights and allocations may be transferred independently provided that, when both the residential development right and an allocation have been transferred from a parcel, the parcel shall be permanently restricted to open space. Land coverage transfers may also occur independently subject to the provisions of Chapter 30.

CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM

52.1. PURPOSE

This chapter sets forth provisions for assigning multi-residential and tourist accommodation bonus units in accordance with the Goals and Policies, Land Use Element, Land Use Subelement, Goal 2, Policies 5A and 5B; and Implementation Element, Development and Implementation Subelement, Goal #2, Policies 2F and 3, and Goal 3, Policies 1 and 2.

52.2. APPLICABILITY

A. The assignment of multi-residential and tourist accommodation bonus units shall comply with the provisions set forth in this chapter. Such assignments shall occur only in conjunction with a project approved by TRPA.

B. In addition to the bonus units authorized by this chapter, bonus units also may result from the following additional Code provisions:

1. Section 30.6.3: *Onsite Removal and Retirement of Excess Coverage in Town Centers, Regional Centers, or the High-Density Tourist District*;

2. Section 51.3.3.C: *Transfer of Development Rights to Centers*; and

3. Section 51.5.3: *Transfer of Existing Development to Centers*.

52.3. MULTI-RESIDENTIAL INCENTIVE PROGRAM

52.3.1. Assignment of Bonus Units

Pursuant to Chapter 11: *Plan Area Statements and Plan Area Maps*, a maximum of 1,400 multi-residential bonus units may be approved by TRPA pursuant to this section. A maximum of 200 out of the 1,400 multi-residential bonus units may be made available to moderate-income housing projects. An additional 600 residential bonus units are available to be used in Centers only.

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 plan area statement, applicable community or redevelopment plan, or this Code;

B. Multi-residential uses shall be designated in the 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; and

C. Except for affordable housing units as defined in Chapter 90: *Definitions*, an allocation shall be required pursuant to Chapter 50: *Allocation of Development*, in order to use multi-residential bonus units.

52.3.3. Determination of the Number of Multi-Residential Bonus Units

A. Determination of Project Score

Applications for projects proposing to use multi-residential bonus units shall include a list and description of all mitigation measures identified in Table 52.3.3-1 that are proposed as part of the project. Based on a review of the mitigation measures proposed, TRPA shall determine a score for the project in accordance with Table 52.3.3-1. A maximum of one residential bonus unit may be approved for each ten points received by a project.

B. Mitigation Measures

Projects proposing the use of multi-residential bonus units shall receive a score only when one or more of the mitigation measures in Table 52.3.3-1 are proposed as part of the project. Any combination of the measures in the table may be proposed. Only those mitigation measures that would not otherwise be required by the Code shall be considered in determining the score received by a project. This subparagraph establishes the maximum number of points that may be awarded for each mitigation measure. If a proposed mitigation measure satisfies the requirements of two or more of the mitigation measures listed below, points shall be awarded based on the mitigation measure resulting in the highest score. The total point score shall be rounded down to a number that is a multiple of ten.

TABLE 52.3.3-1: SCORE FOR MITIGATION MEASURES FOR RESIDENTIAL BONUS UNITS

Mitigation Measure		Score
Participation in a transportation EIP project (see Chapter 15: *Environmental Improvement Program*)		(Project cost divided by $8,000) x 10 points
Participation in a water quality EIP project (see Chapter 15: *Environmental Improvement Program*)		(Project cost divided by $8,000) x 10 points
Provision of stream environment zone restoration pursuant to EIP Program (excluding restoration required as mitigation for new SEZ disturbance)		(Project cost divided by $8,000) x 20 points
Retirement of an undeveloped parcel located in Land Capability Districts 1a, 1b (SEZ), 1c, 2, or 3 (see Chapter 51: *Transfer of Development*)	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit
	Parcel in 1b (SEZ)	30 points per transferred unit
Transfer of existing residential unit and retirement of the parcel in accordance with Chapter 51	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit
	Parcel in 1b (SEZ)	40 points per transferred unit
New access to public recreation areas, lakes, streams, or vista points to which access was previously nonexistent		(Project cost divided by $8,000) x 10 points (maximum 50 points)
Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 30: *Land Coverage*		One point for each such reduction of 600 square feet onsite
Participation in projects identified in the TRPA-approved Scenic Quality Improvement Program and/or the EIP		(Project cost divided by $8,000) x 10 points

C. Adjustments to Score

1. Projects within a Community Plan

The score received pursuant to Table 52.3.3-1 by projects located within an approved community plan shall be multiplied by a factor of 1.5.

2. Projects Providing Affordable Employee Housing

The score received pursuant to Table 52.3.3-1 by projects designed to provide affordable employee housing shall be multiplied by a factor of 2.0.

3. Post-1987 Projects Proposing Subdivision of Units

In order to subdivide a post-1987 multi-residential project that does not meet the standards for low-cost housing as defined in Section 90.2, the score received pursuant to Table 52.3.3-1 shall be multiplied by a factor of 0.67.

D. Option to Reserve Residential Bonus Units

Approved residential bonus units may be reserved for projects based on the proposals submitted prior to project approval to enable applicants to accumulate allocations. Residential bonus units shall be assigned to a parcel and may be reserved as credits, unused, for no more than five years. TRPA may reissue those credits to the same parcel for an additional five years if TRPA finds that the residential bonus units are likely to be used during that period.

52.3.4. Affordable and Moderate-Income Housing

A. Housing development projects proposing to use multi-residential bonus units shall not be subject to Table 52.3.3-1 if the following criteria are met:

1. The housing provided meets the criteria for affordable or government-assisted housing set forth in Policies HS-1.1 and HS-2.1 of Goals 1 and 2 of the Housing Subelement. Residential bonus units for such projects shall be assigned on the basis of project need; and

2. The housing provided meets the definition of “moderate-income housing” as defined in Chapter 90, and the local jurisdiction where the project is located maintains a TRPA-certified local government moderate-income housing program as determined by subsection 52.3.6.

B. Bonus units for such projects are assigned on the basis of project need.

52.3.5. Residential Bonus Unit Substitution

Residential bonus units may be assigned for existing residential units of use in a project area or residential units of use that are the result of TAU conversion pursuant to subsection 50.10.7 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 housing definition and shall be so maintained; and

D. Any existing units of use not used in the project area are only transferable to multi-residential facilities.

52.3.6. TRPA-Certified Local Government Moderate-Income Housing Program

A. TRPA Certification

TRPA may certify by resolution a local government moderate-income housing program upon a finding that the program adequately addresses:

1. Housing needs and issues of the jurisdiction pursuant to state standards within an adopted Housing Element; and

2. Standards that guide the development of moderate-income housing using the principles of transit-oriented development, including:

a. Appropriate proximity to government services;

b. Appropriate proximity to commercial and employment centers;

c. Appropriate proximity to mass transit opportunities and other alternative modes of transportation; and

d. Appropriate residential and commercial densities to facilitate transit use.

B. Permanent Limitations on Approved Use, Rental Rates, and Income Limits

The moderate-income housing program shall, through deed restriction or other covenant running with the land, limit the project area to the approved use and restrict both rental rates and occupants' household income to moderate-income housing limits. Moderate-income housing shall not include units with a rental rate that exceeds 30 percent of the tenant's monthly gross income. Subdivision projects shall be reviewed by TRPA-Certified Local Jurisdiction Moderate-Income Housing Programs for purposes of determining appropriate income and sales price limitations for the sales rate of moderate-income housing. In the absence of a certified local program, project proponents shall use the 4.2 multiplier, to be multiplied by 120 percent of median family income to determine a maximum sales price for housing. Moderate-income units are subject to deed restriction for long-term occupancy for at least ten months in each calendar year. The multiplier is subject to periodic amendment, to adjust for changes to median family income resulting in a numerical increase in the multiplier. Units found not to be in compliance with use, rental and/or sales rates, household income levels, or occupancy requirements as specifically described in the deed restriction or other

covenant running with the land shall not be occupied until the non-complying element of the program is rectified.

C. Annual Reporting

Each local jurisdiction with a certified moderate-income housing program shall document, monitor, submit annual reports to TRPA, and enforce the provisions of the deed restrictions. It shall be the responsibility of the local jurisdiction to ensure full compliance with the provisions of the deed restriction.

52.4. DETERMINATION OF PROJECT COST

The value of work proposed to be done pursuant to subparagraphs 52.3.3.B shall be based on an engineer's estimate approved by TRPA as being reasonable for the work described.

CHAPTER 53: INDIVIDUAL PARCEL EVALUATION SYSTEM

53.1. PURPOSE

This chapter establishes the Individual Parcel Evaluation System (IPES) and its related procedures in accordance with Goal 1, Policy 1, of the Development and Implementation Priorities Subelement, Implementation Element, of the Goals and Policies. IPES provides a methodology for the evaluation of vacant single-family residential parcels, assigning each such parcel a numerical score, and ranking such parcels within each local jurisdiction from most suitable to least suitable for development in accordance with this chapter.

53.2. APPLICABILITY

53.2.1. IPES Review and Approval of Single-Family Dwellings Required

TRPA shall review and approve the construction of any single-family dwelling on a parcel that was vacant on or after July 1987 pursuant to this chapter.

53.2.2. IPES Manuals

The review and approval by TRPA of the construction of single-family dwellings shall be conducted in accordance with the IPES manuals, which are hereby adopted by reference.

53.3. PARCEL EVALUATION GENERALLY

53.3.1. Purpose of Parcel Evaluation

The purpose of this section is to identify parcels that are eligible for IPES evaluation and to describe the general procedures for conducting IPES evaluations.

53.3.2. Evaluation Teams

The members of each evaluation team shall be selected by TRPA and shall consist of professionals in the fields of soil science, hydrology, and engineering or planning. The evaluation team may be composed partly or entirely of TRPA staff.

53.3.3. Eligibility for IPES Evaluation

Parcels shall be determined to be eligible for evaluation, scoring, and ranking under IPES in accordance with the following provisions.

A. Vacant Parcels

Vacant parcels that allow a single-family dwelling as an allowed or special use in accordance with Chapter 21: *Permissible Uses*, shall be eligible, provided the parcel is otherwise eligible under subparagraph 53.3.3.C.

B. Parcels That Are Not Vacant

Parcels that are not vacant and do not contain a single-family dwelling shall be eligible as though they are vacant upon receipt by TRPA of a written request by the parcel owner that the parcel be evaluated and provided the parcel is otherwise eligible under subparagraph 53.3.3.C.

C. Special Situations

Parcels shall be ineligible in the following special situations, except as otherwise stated.

1. Parcels Owned by a Public or Quasi-Public Entity

Parcels owned by a public or quasi-public entity as defined in the definition of "Public Service" in Chapter 90: *Definitions*, including parcels owned by a local, state, or federal agency, or a public utility district, shall not be eligible, unless such public or quasi-public entity requests in writing to TRPA that the parcel be evaluated under IPES and the parcel is otherwise eligible under this section.

2. Dedicated Open Space

Parcels that are restricted to open space pursuant to a final subdivision map or other recorded document shall not be eligible.

3. No Physical Access

Except for parcels in planned unit developments, parcels for which there is no road providing physical access to the parcel shall not be eligible, unless TRPA receives a written request from the parcel owner that the parcel be evaluated, the parcel is otherwise eligible under this section, and the parcel owner asserts the existence of an access easement and demonstrates that:

a. The basic service requirements can be provided in accordance with Chapter 32: *Basic Services*; and

b. The corners of the parcel shall be staked and flagged, if requested by TRPA.

TRPA shall notify parcel owners of determinations made under this subparagraph.

4. Insufficient Area to Construct a Single-Family Dwelling

Parcels that may not have a sufficient area to allow construction of a single-family dwelling due to size, configuration, or an easement shall not be eligible, unless TRPA receives a written request from the parcel owner that the parcel be evaluated, the parcel is otherwise eligible under this section, and the corners of the parcel are staked and flagged, if requested by TRPA. TRPA shall notify parcel owners of determinations made under this subparagraph.

5. Local Zoning Restrictions

Parcels that TRPA determines are prohibited residential uses by local government zoning ordinances shall not be eligible, unless TRPA receives a written request from the parcel owner that the parcel be evaluated and the parcel is otherwise eligible under the provisions of this section. TRPA shall notify parcel owners of determinations made under this subparagraph. TRPA review pursuant to IPES shall not be considered a determination by TRPA that residential uses are permitted by the local government.

53.3.4. Notification of Property Owners

Owners of parcels evaluated under IPES shall be notified of IPES scores in accordance with the following provisions:

A. When eligible parcels evaluated have been assigned a score, the owner of each such parcel shall be notified by mail in accordance with TRPA's Rules of Procedures of the parcel's assigned score, the procedures for requesting a reevaluation in accordance with subsection 53.6.3, and an appeal in accordance with subsection 53.6.4, and other information determined by TRPA to be necessary.

B. Once TRPA has taken action on requests for reevaluation in accordance with subsection 53.6.3 and the formula for determining allowable base land coverage in accordance with Section 53.8, the owners of parcels evaluated under IPES shall be notified by mail in accordance with TRPA's Rules of Procedure of the parcel's total score, and the percentage of allowable base land coverage. This notification shall also identify the score received under each element of IPES and the procedure for filing an appeal.

C. TRPA shall notify each parcel owner of the score resulting from the procedure established in subparagraph 53.6.4.A once TRPA has completed its review of the appeal application. This notification shall include the parcel's total score, percentage of allowable base land coverage, the score received under each element of IPES, and the procedure for requesting that the appeal be heard by the Governing Board.

53.4. AREA TO BE EVALUATED UNDER IPES

The IPES score received by a parcel shall be based on evaluation of an area established in accordance with the following provisions.

53.4.1. Parcels of One-Third Acre or Less

Parcels of one-third acre or less in size shall be evaluated in accordance with the following procedures:

A. Area to be Evaluated

The evaluation team shall evaluate the entire parcel, except as provided for under subparagraph C, below. Soil samples shall be taken from locations that are representative of the site as a whole.

B. Slope Length and Gradient Readings

Slope length and gradient readings shall be taken in accordance with the following procedures:

1. Segment readings shall be taken perpendicular to the natural contours and through the middle of the most likely building site as determined by the evaluation team in accordance with subsection 53.4.3;

2. Enough segments shall be recorded for each parcel so that the sum of all segment lengths is at least 120 feet. In cases where segment lengths totaling 120 feet cannot be obtained within a parcel's boundaries, segment readings shall be taken on adjacent parcels; and

3. Segment readings shall begin 60 feet above the middle of the most likely building site or at the top of the cut slope or toe of the fill slope adjacent to the public right-of-way or other access road.

C. Parcels Containing a SEZ

Where a parcel contains a SEZ, the evaluation team shall evaluate only that portion of the parcel located outside the SEZ. The score received by parcels containing less than 5,000 square feet outside an SEZ shall be multiplied by a factor equal to the area outside the SEZ divided by 5,000 square feet. Parcels containing no area outside a SEZ or SEZ setback shall receive a total score of zero.

D. Parcels Less than 10,000 Square Feet or with Less than 10,000 Square Feet Outside a SEZ

The score received by parcels that are less than 10,000 square feet in size or with less than 10,000 square feet outside a SEZ shall be multiplied by a factor derived from the equation set forth in subsection 53.10.8.

1. The score received by parcels that contain less than 5,000 square feet outside a SEZ shall be multiplied by the factors established in subparagraphs C and D, above.

2. The procedure set forth in Section 53.9 shall be used by the field evaluation teams to establish the area of a parcel outside a SEZ.

53.4.2. Parcels Greater than One-Third Acre

Parcels that are greater than one-third acre in size shall be evaluated in accordance with the following procedures:

A. Area to be Evaluated

Owners of parcels greater than one-third acre in size shall identify the location of the 1/3 acre portion of the parcel which that includes their desired building site. Once the 1/3 acre portion has been identified, the evaluation team shall evaluate this portion of the parcel to determine the parcel's score. Slope length and gradient readings shall be taken in accordance with subparagraph 53.4.1.B and, if the 1/3 acre contains an SEZ, the procedures set forth in subparagraphs 53.4.1.C and D shall be followed. In the event the owner does not select the area to be evaluated, the evaluation team shall evaluate an area of one-third acre in size that shall include the most likely building site as determined by the evaluation team in accordance with subsection 53.4.3. In determining the location of the area to be evaluated, the team shall select the one-third acre that results in the highest score.

B. Slope Length and Gradient Readings

Slope length and gradient readings shall be taken in accordance with subparagraph 53.4.1.B.

C. Parcels Containing a SEZ

In the case where the best one-third acre contains a SEZ, the procedures set forth in subparagraphs 53.4.1.C and D shall be followed.

53.4.3. Most Likely Building Site

A. Considerations for Most Likely Building Site

In determining the location of the most likely building site, the evaluation team shall consider: local building setbacks and open space easements; the relationship between the building site and access from public right-of-way; and minimizing excavation and general site disturbance resulting from construction. Where the IPES field evaluation team has determined a most likely building site in order to undertake its evaluation, it shall make a permanent record of that determination.

B. Alternative Building Site

If at a later time a project proponent selects a site other than the most likely building site, then TRPA shall score the alternative building site selected and shall, upon a written election by the project proponent, adjust the IPES score accordingly. In order to be deemed an alternative building site, the selected site shall not overlap the most likely building site by more than 25 percent. The cost of scoring the alternative building site shall be paid by the project proponent.

53.5. RANKING OF PARCELS

Once all eligible parcels within a particular jurisdiction have received a numerical score, the parcels shall be ranked, by jurisdiction, from the most suitable (those parcels receiving the highest numerical score) to the least suitable (those parcels receiving the lowest numerical score).

53.5.1. Lowering Numerical Level Defining Top-Ranked Parcels

The numerical level defining the top ranked parcels in any jurisdiction shall be lowered, on an annual basis commencing on January 1, 1990, to include in the top rank a number of parcels equal to the number of parcels in that jurisdiction that used allocations during the previous year in accordance with Chapter 50: *Allocation of Development*.

A. Required Findings

The numerical level defining the top ranked parcels shall not be lowered unless TRPA makes the following findings with respect to the applicable local jurisdiction:

1. All parcels included in the top rank are otherwise eligible for development under the Lake Tahoe Water Quality Management Plan ("208 Plan" or "WQMP") and other legal limitations;

2. The monitoring program for that jurisdiction is in place pursuant to Chapter 16: *Regional Plan and Environmental Threshold Review* and the TRPA monitoring plan.

3. Demonstrable progress is being made on capital improvement programs for water quality within that jurisdiction;

4. The level of compliance with conditions of project approvals within any jurisdiction is satisfactory; and

5. For any jurisdiction, the number of parcels having scores below the level defining the top ranked parcels, divided by the number of parcels in that jurisdiction that were identified as sensitive by TRPA on January 1, 1986, does not exceed the following percentages;

a. El Dorado County - 20 percent

b. Placer County - 20 percent

c. Douglas County - 33 percent

d. Washoe County - 33 percent

53.5.2. Limitation On Issuance of Allocations To Parcels Below Level Defining Top Ranked Parcels

In jurisdictions that do not issue building allocations by random selection, the percentage of allocations issued to parcels that were below the line defining the top ranked parcels on January 1, 1989, shall be no greater than the percentage resulting from dividing the number of vacant parcels below the initial line that eventually become located above the line defining the top ranked parcels by the total number of vacant parcels in that jurisdiction.

53.5.3. Eligibility To Compete for Allocation

All parcels receiving a score under IPES shall be eligible to compete for residential allocations. Top ranked parcels that receive a residential allocation may pursue issuance of a TRPA permit to construct a new single family house. Parcels with score below the level defining the top ranked parcels may, if in receipt of a residential allocation, exercise any of the options listed below:

A. Transfer the allocation in accordance with Chapter 51: *Transfer of Development*;

B. Relinquish the allocation; or

C. Transfer other development rights in accordance with Chapter 51.

53.6. CHANGES IN IPES SCORE

IPES scores may be changed as follows:

53.6.1. Installation of Water Quality Improvement in Vicinity of Parcel

If water quality improvements of the type considered in subsection 53.7.7 are installed in an area subsequent to TRPA preparing the map in accordance with subparagraph 53.7.7.A,

TRPA shall amend the map by increasing the point value for such area according to the point values identified in Table 53.11.7-1 for the improvements installed. The scores received by parcels located in areas where point values are increased in accordance with this subsection shall be increased to reflect the new point value.

53.6.2. Changes In Condition of Watershed

If the TRPA finds that the estimated overall ability of a drainage basin to deliver nutrients and sediments to Lake Tahoe has changed, based on consideration of the three categories listed in subsection 53.7.5, the point value given that watershed shall be changed to reflect the new condition and the score received by parcels located in that watershed shall be changed accordingly. Such changes in the condition of a watershed may cause the score received by a parcel to increase or decrease.

53.6.3. Reevaluation Procedure

TRPA or the owner of a parcel receiving a score under IPES may request a reevaluation based on the existence of information that was not known to, or considered by, the evaluation team at the time the evaluation was performed, such as existing access easements and lot consolidations. Reevaluation shall not include determination, with respect to the IPES criteria being properly applied. That determination is included under an appeal. To be eligible for reevaluation, a complete application requesting reevaluation shall be filed with TRPA. This procedure shall not apply where a building site other than the most likely building site is selected by a project proponent pursuant to subparagraph 53.4.3.B.

53.6.4. Appeal Procedure

The owner of a parcel who has received notification of the parcel's score under IPES may file an appeal with TRPA by submitting a complete written appeal application no later than 180 days from the date notification, in accordance with subparagraph 53.3.4.B. Complete applications shall include, at a minimum, identification of the IPES criteria the parcel owner feels was improperly or incorrectly applied and any data, reports, or other information in support of the appeal.

A. Upon receipt of an appeal, the parcel shall be reevaluated by an evaluation team other than the one that performed the original evaluation. A second notification, pursuant to TRPA's Rules of Procedure and in accordance with subparagraph 53.3.4.C, shall be given to the parcel owner. The determinations of the second evaluation team shall be final, unless the owner of the parcel requests in writing to the Executive Director that the appeal be heard by the Governing Board. The written request must be received by TRPA within 15 working days from the date that the second notification was given pursuant to TRPA's Rules of Procedure.

B. Appeals to the Governing Board shall be processed in accordance with TRPA's Rules of Procedure. The Governing Board may change the score for a parcel only if it finds that the IPES criteria were not applied correctly and then the score shall be changed only to the degree resulting from proper application of the criteria.

53.6.5. Alternative Appeal Procedure

Those individuals that did not file an appeal pursuant to subsection 53.6.4 shall be allowed to file an appeal as set forth herein. The Agency shall publish and post notice of the filing period in the same manner required for ordinance amendments. Those parties wishing to appeal shall do so by submitting an application with the proper filing fee to the TRPA office on or before June 29, 1990, at 5:00 p.m. Said application and fee must be received by the Agency at that time. After receipt, the procedure set forth in subparagraphs 53.6.4.A and B shall be followed. In addition, notice of this procedure shall be mailed to those who have requested notice and to the individuals who in the first appeal had notices returned by the Post Office as being undeliverable.

53.6.6. Reversal of Denial of Entry

An owner of a parcel for which right of entry was denied, may request in writing, by certified or registered mail or by personal delivery, the scoring and ranking of the parcel. The owner shall bear the cost of the field team evaluation. Upon receipt of the score in accordance with subsection 53.3.4, the parcel owner may request reevaluation or an appeal in accordance with subsections 53.6.3 and 53.6.4.

53.7. EVALUATION CRITERIA

IPES shall evaluate and assign a numerical score in accordance with the following criteria:

53.7.1. Relative Erosion Hazard

The maximum score for relative erosion hazard shall be 450 points. The formulae set forth in subsection 53.10.1 shall be used to assign a Relative Erosion Hazard (REH) score to each parcel.

53.7.2. Runoff Potential

The maximum score for runoff potential shall be 200 points. Each parcel shall receive a score for runoff potential in accordance with Table 53.11.2-1. The Hydrologic Soil Group shall be determined for each soil series from Table 6 of the report entitled, "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service, and dated March 1974. The categories under Hydrologic Conditions in Table 53.11.2-1 shall be defined as follows:

A. Poor
Thin or sparse cover denoting less than 50 percent of the ground surface protected by litter or by plant cover.

B. Fair
Moderate or scattered cover denoting from 50 percent to 75 percent of the ground surface protected by litter or by plant cover.

C. Good
Heavy or dense cover denoting more than 75 percent of the ground surface protected by litter or by plant cover.

53.7.3. Degree of Difficulty to Access Building Site

The maximum score for degree of difficulty to access the building site shall be 170 points. Each parcel shall receive a score in accordance with the provisions of subparagraphs A, B, or C, and subparagraph D, below. Parcels that are not required to provide vehicular access to the building site, such as parcels in plan unit developments where common parking areas exist, shall receive the maximum score for this subsection.

A. Upsloping Parcels without Existing Access

1. General

Parcels without existing access that slope predominantly upward within the first 20 feet from the public right-of-way or other access road shall receive an initial score in accordance with Table 53.11.3-1. The height of the cut slope shall be measured at the center of the most likely point of access. The Degree of Difficulty for Excavation shall be determined for each soil series from Table 6 of the report entitled "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service and dated March, 1974. Where construction of access will intercept natural ground water or subsurface flow or result in disturbance in a SEZ, the parcel shall receive the appropriate score from the column in Table 53.11.3-1 headed "SEZ."

2. Adjustment for Gradient Above Cut Slope

The initial score received in accordance with the procedure set forth in subparagraph 1 above shall be multiplied by the factor from Table 53.11.3-2 according to the average gradient of the ground for a distance of 20 feet above the top of the cut slope at the access point.

B. Downsloping Parcels without Existing Access

1. General

Parcels without existing access that slope predominantly downward within the first 20 feet from the public right-of-way or other access road shall receive an initial score in accordance with Table 53.11.3-3. The height of the fill slope shall be measured at the center of the most likely point of access. Where construction of access will intercept natural ground water or subsurface flow, or result in disturbance in a SEZ, the parcel shall receive the appropriate score from the column in Table 53.11.3-3 headed “SEZ.”

2. Adjustment for Gradient Below Fill Slope

The initial score received in accordance with the procedure set forth in subparagraph 1 above shall be multiplied by the factor from Table 53.11.3-4 according to the average gradient of the ground for a distance of 20 feet below the toe of the fill slope at the access point.

C. Parcels with Existing Driveways

Parcels that contain existing driveways shall receive a score in accordance with Table 53.11.3-5. Where the existing driveway has intercepted natural ground water

or subsurface flow, or resulted in disturbance in a SEZ, the parcel shall receive the appropriate score from the column headed "SEZ" in Table 53.11.3-5.

1. Extent of Grading Required on Access

The categories under the column headed "Extent of Grading Required on Access" in Table 53.11.3-5 shall be defined as follows:

a. **No Appreciable Grading**

To achieve a maximum slope of ten percent on the driveway, the only grading required prior to paving is minor smoothing or leveling of the existing surface or the driveway is paved.

b. **Minor Grading**
To achieve a maximum slope of ten percent on the driveway, the extent of grading is equal to or less than a depth of three feet at any point.

c. **Major Grading**
To achieve a maximum slope of ten percent on the driveway, the extent of grading is greater than a depth of three feet at any point.

2. Excavation for Parking Area or Garage
The categories under the column headed "Excavation for Parking Area or Garage" in Table 53.11.3-5 shall be defined as follows:

a. **None**
The excavation required to construct a parking area or garage shall not exceed the amount necessary to construct a conventional foundation.

b. **Less Than Three Feet**
The excavation required to construct a parking area or garage exceeds the amount necessary to construct a conventional foundation, but shall not exceed a depth of three feet at any point.

c. **Greater Than Three Feet**
The excavation required to construct a parking area or garage exceeds a depth of three feet at any point.

D. Parcels Requiring Access Through a Stream Environment Zone
Parcels requiring construction of, or with existing access in, a stream environment zone, or parcels where access will intercept natural ground water or subsurface flow, shall receive a score under this subparagraph D in accordance with Table 53.11.3-6, in addition to the score received under subparagraph A, B, or C in this subsection.

1. Location of Disturbance
The categories under the column headed "Location of Disturbance" in Table 53.11.3-6 shall be defined as follows:

a. **No Disturbance in Stream Environment Zone or Interception of Ground Water**
Provision of access to the building site that will not result in any disturbance, including the removal of vegetation, in a stream environment zone or interception of ground water.

b. **Disturbance Only in Secondary Riparian Vegetation or Setback**
Provision of access to the building site that will result in disturbance only to secondary riparian vegetation, or within the setback to a stream environment zone, but will not result in disturbance to primary riparian vegetation, a stream channel, or interception of ground water.

c. **Disturbance in Primary Riparian Vegetation or Intercepts Ground Water, But Not in Stream Channel**
Provision of access to the building site that will result in disturbance to primary riparian vegetation or intercept of ground water but will not result in disturbance to a stream channel.

d. **Disturbance in Stream Channel**
Provision of access to the building site that will result in disturbance to a stream channel.

53.7.4. Stream Environment Zone

The maximum score for stream environment zone shall be 110 points. Each parcel shall receive a score in accordance with Table 53.11.4-1.

A. Type of Disturbance in Stream Environment Zone
Construction of vehicular access through a SEZ shall be accounted for under subparagraph D of subsection 53.7.3, and shall not be considered under this subsection. The categories under the column headed "Extent of Disturbance in SEZ" in Table 53.11.4-1 shall be defined as follows:

1. None
Trenching for utility connections that will not result in disturbance in a SEZ.

2. Utility Connections
Trenching for utility connections that will result in disturbance in a SEZ.

B. Location of Disturbance
The categories under the column headed "Location of Disturbance" in Table 53.11.4-1 shall be defined as follows:

1. Inside Secondary Riparian Vegetation or Setback
Trenching for utility connections that will result in disturbance to secondary riparian vegetation or within a setback, but not to primary riparian vegetation or a stream channel.

2. Inside Primary Riparian Vegetation But Not in Stream Channel
Trenching for utility connections that will result in disturbance to primary riparian vegetation but not to a stream channel.

3. In Stream Channel
Trenching for utility connections that will result in disturbance to a stream channel.

53.7.5. Condition of Watershed

The maximum score for condition of watershed shall be 70 points. Each parcel shall receive the score given in Table 53.11.5-1 to the watershed in which the parcel is located. This

element estimates the overall ability of a drainage basin to deliver nutrients and sediments to Lake Tahoe. Consideration was given to three broad categories:

A. Geomorphic, precipitation, and stream flow characteristics;

B. Nutrients and sediments in stream flow, expressed in production per unit area of drainage basin (e.g., pounds of nitrate nitrogen per square mile of drainage basin); and

C. Existing land coverage compared to allowable land coverage.

53.7.6. Ability to Revegetate

The maximum score for ability to revegetate shall be 50 points. Each parcel shall receive a score in accordance with the following provisions:

A. Vegetative Groups

Parcels shall receive a score from Table 53.11.6-1 based on the vegetative group identified in Table 6 of the report entitled, "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service, and dated March 1974 for the soil series in which the parcel is located. If “Vegetative Group J” is identified for a parcel, the IPES field evaluation team shall determine which of the other five groups listed in Table 53.11.6-1 best describes the vegetation on the parcel and points shall be assigned accordingly. The five vegetative groups (Groups A, B, E, F, and G) are described in subparagraph 53.10.6.A.

B. Climatic Conditions

Parcels shall receive a score for climatic conditions as follows:

1. Aspect and Gradient

Each parcel shall receive a score in accordance with Graph 53.11.6-1, based on the aspect and average gradient of the parcel.

2. Elevation

Each parcel shall receive a score in accordance with Table 53.11.6-2. The elevation of a parcel, for purposes of determining a score from Table 53.11.6-2, shall be the highest elevation within the area evaluated as determined pursuant to Section 53.4. Elevation readings shall be taken from TRPA's 2" = 1 miles base map.

53.7.7. Need for Water Quality Improvements in Vicinity of Parcel

The maximum score for need for water quality improvements in vicinity of parcel shall be 50 points.

A. Preparation of Map

TRPA shall prepare a map identifying areas within which the need for the water quality improvements listed in Table 53.11.7-1 is the same. The Lake Tahoe Water

Quality Management Plan ("208 Plan" or "WQMP") maps shall be used as a guideline for determining the level of improvements needed. Areas shall be assigned point values in accordance with Table 53.11.7-1. The points assigned shall be equal to the mathematical difference between 50 points and the total of the negative points received due to the combination of water quality improvements needed.

B. Assigning Scores to Parcels

Each parcel shall receive the score assigned to the area, established under subparagraph A above in which the parcel is located.

53.7.8. Proximity to Lake Tahoe

The maximum score for proximity to Lake Tahoe shall be 50 points.

A. Preparation of Map

TRPA shall prepare maps identifying the following areas and point values:

1. Area A (0 points)

From the highwater line (6229.1 feet Lake Tahoe Datum) of Lake Tahoe to elevation 6240 feet;

2. Area B (10 points)

From elevation 6240 feet to one mile from the high water line;

3. Area C (20 points)

From one mile to two miles from the high water line;

4. Area D (30 points)

From two miles to three miles from the high water line;

5. Area E (40 points)

From three miles to four miles from the high water line; and

6. Area F (50 points)

Beyond four miles from the high water line.

B. Assigning Scores to Parcels

Each parcel shall receive the score assigned to the area established under subparagraph A above in which the parcel is located.

53.7.9. Additional Mitigation

A parcel's score may be increased by an amount not to exceed that permitted under subparagraph B below upon approval by TRPA of a water quality improvement project submitted by the owner of the parcel. A project that qualifies a parcel for an increase in its point score shall be located on a parcel other than the parcel for which the score increase is proposed, and shall include improvements such as slope stabilization, energy dissipators, sediment ponds, and rock-lined channels. A parcel's score shall not be increased unless, as a

condition of approval, TRPA requires the water quality improvement project to be completed prior to construction commencing on the parcel receiving the increase in score.

A. Required Findings

Approvals for additional points shall not be granted under the provisions of this subsection until TRPA makes the following findings:

1. The water quality improvements proposed under the provisions of this subsection are consistent with TRPA's 208 Plan;

2. The increase in the IPES score for the applicant's parcel is in compliance with subparagraph B below; and

3. The proposed water quality improvements would not otherwise be required of the owner to comply with the standards set forth in Section 60.4: Best Management Practice Requirements.

B. Limitations on Amount of Increase in Score

A parcel's score shall not be increased in an amount greater than ten percent of the IPES score at which the line is located establishing the top-ranked parcels in the affected jurisdiction at the time the water quality improvement project is approved. TRPA shall adopt a list assigning point values to types of water quality improvements. Point values shall be based on projected reductions in nutrient or sediment loading resulting from construction of such improvements and shall be intended to result in benefits that fully offset the difference in impacts between developing the subject parcel and developing a parcel with a rating equivalent to the subject parcel's rating without applying the bonus points.

53.7.10. Man-Modified Areas

Where an area has been determined by TRPA to be man-modified in accordance with subsection 30.3.6, or prior to the effective date of the Regional Plan in accordance with Section 2.4 of this Code, the IPES field evaluation team shall use the information on which such a determination was made, where applicable, in its evaluation of parcels located in such areas.

53.8. ALLOWABLE BASE LAND COVERAGE

The allowable base land coverage for single-family residential parcels evaluated under IPES shall be a function of the parcel's combined score under the IPES criteria for relative erosion hazard and runoff potential as correlated with the coverage coefficients and land capability districts of the Bailey Report in Chapter 30: *Land Coverage*. The allowable base land coverage under IPES shall be established in accordance with the following procedures.

53.8.1. Procedure for Establishing Allowable Base Land Coverage

Once eligible parcels have received a score under IPES, and TRPA has taken action on requests for reevaluation pursuant to subsection 53.6.3, the percentage of allowable base land coverage shall be established by TRPA in accordance with the following procedures:

A. Identification of Bailey Capability Classifications

Based on the soil series and average slope determined by the IPES evaluation teams, all parcels receiving a score under IPES shall be identified as to which of the seven capability classes established in the Bailey Report each parcel would have been classified. Parcels determined by the IPES evaluation teams to be located in a soil series not identified in the report entitled "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service and dated March 1974, shall be excluded from this procedure.

B. Determination of Central Tendency Scores

The combined scores for relative erosion hazard and runoff potential representing the central tendency within each capability class shall be determined. The central tendency shall be described by determining the mode value, or by alternative statistical methods, including mean or median values, whichever is appropriate.

C. Plotting of Central Tendency Scores

The central tendency scores established in subparagraph B, above, shall be plotted, in graph form, against percentages of allowable base land coverage ranging from one percent to 30 percent. The central tendency score for Land Capability Districts 1a, 1c, and 2 shall be plotted at one percent; for Land Capability District 3 at five percent; for Land Capability District 4 at 20 percent; for Land Capability District 5 at 25 percent; and for Land Capability Districts 6 and 7 at 30 percent. If the central tendency scores of any of the capability classes set forth in subparagraph C, above, are determined to be statistically indistinguishable, such classes shall be combined for purposes of establishing a central tendency score. If capability classes are combined, the central tendency score shall be plotted at the percentage that is the average of the percentages established for those classes in subsection 30.4.1 of the TRPA Code.

D. Development of Formula by TRPA

TRPA shall develop a formula for a line passing through the points of central tendency plotted in accordance with subparagraph C, above. No parcel shall be allowed more than 30 percent, or less than one percent base land coverage.

E. Establishment of Allowable Base Land Coverage

Allowable base land coverage for parcels receiving a score under IPES shall be established in accordance with the formula developed in subparagraph D, above.

53.8.2. Application of Allowable Base Land Coverage Percentages

The percentages of allowable base land coverage established in accordance with this Section 53.8 shall be applied as follows to determine the total allowable base land coverage:

A. Parcels of One-Third Acre or Less in Size

The percentage of allowable base land coverage shall be applied to the entire parcel area, except in cases where the parcel contains areas classified as SEZ or backshore. In such cases, the percentage of allowable base land coverage shall be applied to only that area outside the SEZ and backshore. The allowable base land coverage of

one percent in the SEZ and backshore may be combined with the allowable base land coverage for the remainder of the parcel to establish a total allowable base land coverage for the parcel. A portion of the total allowable base land coverage for the parcel may be used to allow construction of access only through the SEZ, provided TRPA makes the findings required in subparagraph 30.5.2.A, and through the backshore, provided TRPA makes the findings required in Section 85.5.

B. Parcels Greater than One-Third Acre

The percentage of allowable base land coverage shall be applied to the one-third acre evaluated by the evaluation team. If the owner of the parcel is able to identify a larger and contiguous area that has the same characteristics as the one-third acre originally evaluated and TRPA concurs, the percentage of allowable base land coverage shall be applied to the larger area. Allowable base land coverage on parcels that contain a SEZ shall be calculated in accordance with subparagraph A above.

53.9. PROCEDURE FOR ESTABLISHING SEZ BOUNDARIES AND SETBACKS

The IPES field evaluation teams shall use the following procedures for purposes of determining the presence and boundaries of an SEZ and establishing SEZ setbacks.

53.9.1. SEZ Identification

A stream environment zone (SEZ) shall be determined to be present if any one of the following key indicators is present or, in absence of a key indicator, where any three secondary indicators coincide; or, if Lo, Co, or Gr soils are present, where two secondary indicators coincide. Plant communities shall be identified in accordance with the definitions and procedures contained in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning."

A. Key Indicators

Key indicators are:

1. Evidence of surface water flow, including perennial, ephemeral, and intermittent streams, but not including rills or man-made channels;

2. Primary riparian vegetation;

3. Near surface groundwater;

4. Lakes or ponds;

5. Beach (Be) soil; or

6. One of the following alluvial soils:

a. Elmira loamy coarse sand, wet variant (Ev); or

b. Marsh (Mh).

B. Secondary Indicators

Secondary indicators are:

1. Designated floodplain;

2. Groundwater between 20 - 40 inches;

3. Secondary riparian vegetation; or

4. One of the following alluvial soils:

a. Loamy alluvial land (Lo);

b. Celio gravelly loamy coarse sand (Co); or

c. Gravelly alluvial land (Gr).

53.9.2. SEZ Boundaries

The boundaries of an SEZ shall be the outermost limits of the key indicators; the outermost limits where three secondary indicators coincide; or, if Lo, Co, or Gr soils are present, the outermost limits where two secondary indicators coincide, whichever limits establish the widest SEZ at any particular point. The outermost boundaries of a stream shall be the bank full width of such stream at the level of frequent high flow, which is defined as the level of flood with a recurrence interval of approximately 1.5 years.

53.9.3. SEZ Setbacks

No buildings, other structures, or land coverage shall be permitted in SEZ setbacks, except in accordance with subsection 30.5.2 and the exception for the backshore set forth in subsection 85.5.4. The restoration requirements set forth in subparagraph 30.5.1.B.3 shall not apply within SEZ setbacks. The allowable base land coverage within SEZ setbacks shall be in accordance with subparagraph 30.4.1.A, and may be combined with the allowable base land coverage for the remainder of the parcel to establish a total allowable base land coverage. A portion of the total allowable base land coverage for the parcel may be used to allow construction in the SEZ setback only in accordance with subsection 30.5.2 and the exception for the backshore set forth in subsection 85.5.4 SEZ setbacks shall be established in accordance with the following criteria (see also subsection 53.10.9).

A. Confined Perennial Stream

When a confined perennial stream is present, the following setbacks shall be established based on the corresponding slope condition:

1. Good Slope Condition

When the slope condition is identified as good, the setback shall be 25 feet from the edge of the SEZ or 15 feet from the edge of a terrace, if present, whichever is less.

2. Average Slope Condition

When the slope condition is identified as average, the setback shall be 35 feet from the edge of the SEZ or 20 feet from the edge of a terrace, if present, whichever is less.

3. Poor Slope Condition

When the slope condition is identified as poor, the setback shall be 60 feet from the edge of the SEZ or 35 feet from the edge of a terrace, if present, whichever is less.

B. Unconfined Perennial Stream

When an unconfined perennial stream is present, the setback shall be 50 feet from the edge of the SEZ.

C. Confined Ephemeral or Intermittent Stream

When a confined ephemeral or intermittent stream is present the following setbacks shall be established based on the corresponding slope conditions:

1. Good Slope Condition

When the slope condition is identified as good, the setback shall be 15 feet from the edge of the SEZ or ten feet from the edge of a terrace, if present, whichever is less.

2. Average Slope Condition

When the slope condition is identified as average, the setback shall be 25 feet from the edge of the SEZ or 15 feet from the edge of a terrace, if present, whichever is less.

3. Poor Slope Condition

When the slope condition is identified as poor, the setback shall be 40 feet from the edge of the SEZ or 25 feet from the edge of a terrace, if present, whichever is less.

D. Unconfined Ephemeral Or Intermittent Stream

When an unconfined ephemeral or intermittent stream is present the setback shall be 25 feet from the edge of the SEZ.

E. Channel Absent

When there is an SEZ present but there is no associated channel identified, the setback shall be ten feet from the edge of the SEZ.

F. Lakes and Ponds

Where a lake or pond is present, the SEZ setback shall be ten feet from the high water line or ten feet from the edge of the SEZ, whichever is greater, except where a backshore is established in accordance with Section 80.4 in which case there shall be no SEZ setback established.

53.9.4. SEZ Documentation

Where the IPES field team identifies the existence of a SEZ on an individual parcel, it shall prepare a permanent written record or drawing applicable to that parcel showing the boundaries of the SEZ, the setback line from the SEZ, and setting forth the reasons for its determination. At the time a project is reviewed that involves a parcel evaluated under IPES

as having a SEZ, the SEZ boundaries and setback shall be verified or adjusted based upon additional information then available.

53.10. TECHNICAL STANDARDS AND METHODOLOGIES

53.10.1. Relative Erosion Hazard Formulae

$$(K)(R)(LS) = x$$

Where:

<u>*K* = Soil Erodibility Factor</u>: The soil erodibility factor *(K)* shall be as shown on the latest edition of the Single Phase Interpretation Sheets prepared by the Soil Conservation Service for the soil series identified in the Tahoe Basin.

<u>*R* = Climatic Conditions Factor</u>: The climatic condition factor *(R)* shall be taken from the R Factors Map for the Tahoe Basin, dated _____ and prepared by TRPA.

<u>*LS* = Slope Length and Gradient Factor</u>: The slope length and gradient factor *(LS)* shall be derived from the following formula:

$$LS = \frac{\sum_{j=1}^{n} (Sj)(\lambda j)^{1.5} - (Sj)(\lambda j - 1)^{1.5}}{1{,}022.47}$$

Where:

n = number of segments

Sj = value of s for segment, where; for slopes of 10% or steeper;

and for slopes of 9% or flatter;

$$s = 65.41\sin^2(\tan^{-1} s_1) + 4.56\sin(\tan^{-1} s_1) + 0.65$$

s_1 = slope in %/100

λj = distance in feet from top of slope to lower end of any segment j;

λj-1 = slope length in feet above segment j; and

$$REH = \frac{899.72 - \sqrt{809{,}496.1 - 4(x^2 - 1065.45x + 202{,}612)}}{2}$$

Where;

x = (K)(R)(LS)

REH = Relative Erosion Hazard score

53.10.2. Runoff Potential

TABLE 53.11.2-1: RUNOFF POTENTIAL				
Hydrologic Conditions	**Hydrologic Soil Group**			
	A	**B**	**C**	**D**
Poor	135 pts.	59 pts.	22 pts.	0 pts.
Fair	167 pts.	81 pts.	34 pts.	15 pts.
Good	200 pts.	98 pts.	44 pts.	22 pts.

53.10.3. Degree of Difficulty To Access Building Site

TABLE 53.11.3-1: UPSLOPING PARCELS WITHOUT EXISTING ACCESS				
Height of Cut Slope at Access	**Degree of Difficulty for Excavation**			**SEZ**
	Slight	**Moderate**	**Severe**	
≤1’	120	120	120	50
>1’ - 2’	110	107	104	
>2’ - 3’	100	94	88	25
>3’ - 4’	90	81	62	
>4’ - 5’	80	58	46	5
>5’ - 6’	60	45	30	
>6’ - 7’	50	32	14	
>7’ - 8’	40	19	0	
>8’ - 9’	30	6	0	0
>9’ - 10’	20	0	0	
>10’ - 11’	10	0	0	
>10’	0	0	0	

TABLE 53.11.3-2: FACTORS FOR GRADIENT OF GROUND ABOVE CUT SLOPE	
Gradient Above Cut Slope	**Factor**
≤ 4%	1.0
> 4% - 8%	0.9
> 8% - 12%	0.8
> 12% - 16%	0.7
> 16% - 20%	0.6
> 20% - 24%	0.5
> 24% - 30%	0.3
> 30%	0.1

TABLE 53.11.3-3: DOWNSLOPING PARCELS WITHOUT EXISTING ACCESS		
Height of Fill Slope at Access	**Points**	
	No SEZ	**SEZ**
≤3’	120	40
>3’ - 6’	110	30
>6’ - 10’	90	20
>10’ - 15’	70	10
>15’	50	0

TABLE 53.11.3-4: FACTORS FOR GRADIENT OF GROUND BELOW FILL SLOPES	
Gradient Below Fill Slope	**Factor**
10%	1.0
10% - 15%	0.9
15% - 20%	0.8
20% - 30%	0.7
30%	0.6

TABLE 53.11.3-5: PARCELS WITH EXISTING ACCESS				
Extent of Grading Required on Access	**Excavation for Parking Area or Garage**			**SEZ**
	None	**Less Than 3’**	**Greater Than 3’**	
No Appreciable Grading	120 pts.	110 pts.	80 pts. minus 5 pts. for each foot greater than 3 feet.	30 pts.
Minor Grading	80 pts.	70 pts.	40 pts. minus 5 pts. for each foot greater than 3 feet.	10 pts.
Major Grading	40 pts.	30 pts.	10 pts. minus 5 pts. for each foot greater than 3 feet.	0 pts.

TABLE 53.11.3-6: DISTURBANCE IN STREAM ENVIRONMENT ZONE (SEZ) FOR ACCESS	
Location of Disturbance	**Points**
No disturbance in stream environment zone or interception of ground water.	50
Disturbance only in secondary riparian vegetation or setback.	20
Disturbance in primary riparian vegetation or intercepts grounds water, but not in stream channel.	5
Disturbance in stream channel.	0

53.10.4. Extent of Disturbance in SEZ

TABLE 53.11.4-1: EXTENT OF DISTURBANCE IN SEZ			
	Location of Disturbance		
Type of Disturbance In SEZ	Inside Secondary Riparian Vegetation Or Setback	Inside Primary Riparian Vegetation But Not In Stream Channel	In Stream Channel
None	110 pts.	110 pts.	110 pts.
Utility Connection	40 pts.	10 pts.	0 pts.

53.10.5. Condition of Watershed

TABLE 53.11.5-1: CONDITION OF WATERSHED					
Watershed			**Watershed**		
No.	**Name**	**Points**	**No.**	**Name**	**Points**
1.	Tahoe State Park	54	36.	Zephyr Creek	33
2.	Burton Creek	70	37.	South Zephyr Creek	61
3.	Barton Creek	67	38.	McFaul Creek	30
4.	Lake Forest Creek	58	39.	Burke Creek	63
5.	Dollar Creek	67	40.	Edgewood Creek	49
6.	Cedar Flats	58	41.	Bijou Park	40
7.	Watson	53	42.	Bijou Creek	40
8.	Carnelian Bay Creek	61	43.	Trout Creek	36
9.	Carnelian Canyon	61	44.	Upper Truckee River	36
10.	Tahoe Vista	54	45.	Camp Richardson	54
11.	Griff Creek	44	46.	Taylor Creek	47
12.	Kings Beach	54	47.	Tallac Creek	22

TABLE 53.11.5-1: CONDITION OF WATERSHED

Watershed			Watershed		
No.	**Name**	**Points**	**No.**	**Name**	**Points**
13.	East Stateline Point	26	48.	Cascade Creek	30
14.	First Creek	22	49.	Eagle Creek	7
15.	Second Creek	0	50.	Bliss State Park	44
16.	Burnt Cedar Creek	54	51.	Rubicon Creek	33
17.	Wood Creek	18	52.	Paradise Flat	30
18.	Third Creek	30	53.	Lonely Gulch Creek	30
19.	Incline Creek	18	54.	Sierra Creek	26
20.	Mill Creek	26	55.	Meeks	25
21.	Tunnel Creek	33	56.	General Creek	39
22.	Unnamed	33	57.	McKinney Creek	18
23.	Sand Harbor	33	58.	Quail Lake Creek	44
24.	Marlette Creek	30	59.	Homewood Creek	0
25.	Secret Harbor Creek	33	60.	Madden Creek	14
26.	Bliss Creek	44	61.	Eagle Rock	47
27.	Deadman Point	44	62.	Blackwood Creek	7
28.	Slaughter House	44	63.	Ward Creek	21
29.	Glenbrook Creek	53	64.	Truckee River Creek	44
30.	North Logan House	58			
31.	Logan House Creek	67			
32.	Cave Rock	26			
33.	Lincoln Creek	33			
34.	Skyland	54			
35.	North Zephyr Creek	33			

53.10.6. Ability to Revegetate

TABLE 53.11.6-1: VEGETATIVE GROUPS

Vegetative Groups	Points
Group A	35
Group E	20
Group B	10
Group G	5

A. Description of Vegetative Groups

1. Group A: Choice of plants is not limited. Soils have no major limitation. Soils are more than 40 inches deep. Texture of the surface layer is stony sandy loam. Drainage is good, permeability is moderate in the subsoil, and

the available water capacity for the entire profile is generally more than 5 inches.

2. Group B: Choice of plants is limited by droughtiness and low fertility. Soils are mostly more than 40 inches deep over weathered rock, but some are only 20 inches deep. Texture of the surface layer ranges from loamy coarse sand to gravelly loam and in places is stony or very stony. Drainage is moderately good to somewhat excessive, permeability is very rapid to slow in the subsoil, and the available water capacity is mostly less than 5 inches.

3. Group C: Choice of plants is limited by wetness. Soils are more than 30 inches deep. Texture of the surface layer ranges from and through silt loam and in places is very gravelly. Natural drainage is poor to somewhat poor and the available water capacity for the entire profile is mostly more than 2 inches.

4. Group G: Choice of plants is limited by depth. Soils are as shallow as 20 inches over bedrock or a hardpan. Texture of the surface layer ranges from coarse sandy loam to very stony sandy loam. Drainage is moderately good to good. Permeability is moderate to slow, and the available water capacity for the entire profile is more than 3 inches.

5. Group J: Choice of plants depends on on-site investigation. The group includes all soils and land types in capability classes VII and VIII and steep and very steep soils. For soils listed in this group the evaluation team shall determine which of the other vegetative groups most closely describes the limitations.

GRAPH 53.11.6-1: ASPECT AND GRADIENT OF PARCEL

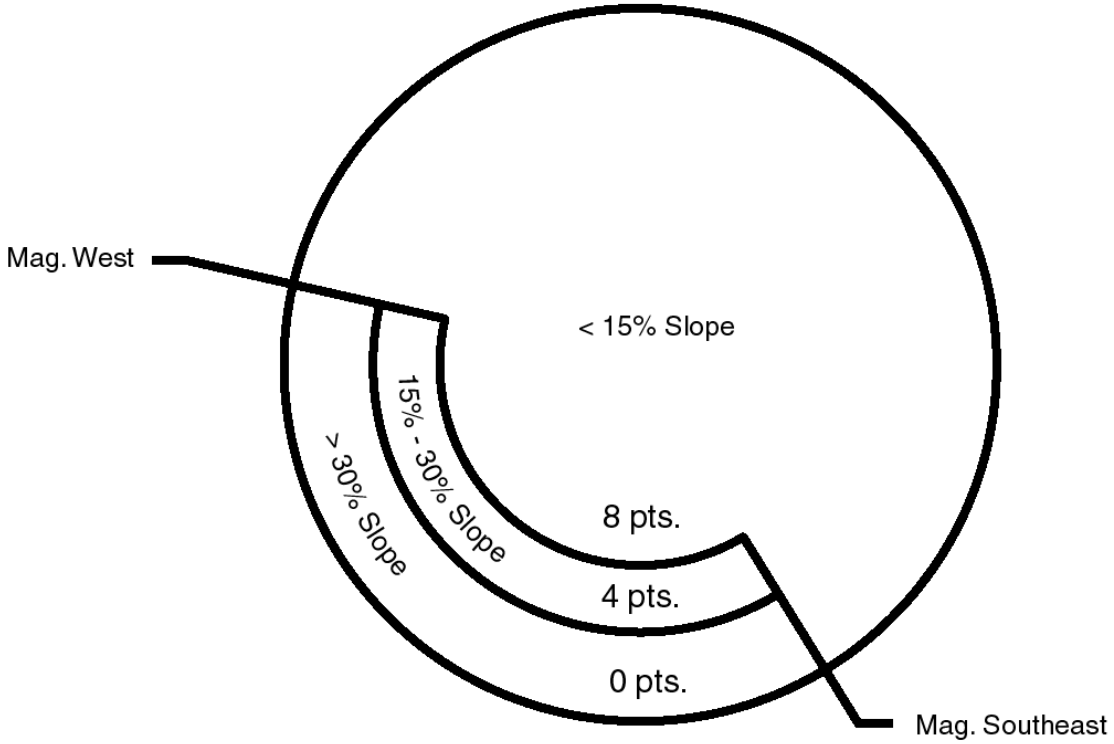


TABLE 53.11.6-2: ELEVATION OF PARCEL	
Elevation of Parcel	**Points**
Below 7,000 feet	7
7,000 feet or above	0

53.10.7. Need for Water Quality Improvements in Vicinity of Parcel

TABLE 53.11.7-1: NEEDED WATER QUALITY IMPROVEMENTS	
Needed Improvement	**Points**
None	50
Revegetation	-6
Rock-lined or Vegetated Ditches	-8
Curb Gutter or Paved Swales	-8
Storm Drain Pipes	-8
Retaining Walls	-4
Rock Slope Protection	-4
Paved Roads	-8

TABLE 53.11.7-1: NEEDED WATER QUALITY IMPROVEMENTS	
Needed Improvement	**Points**
Sediments Basin	-4

53.10.8. Area to be Evaluated

IPES Score Factor's Equation

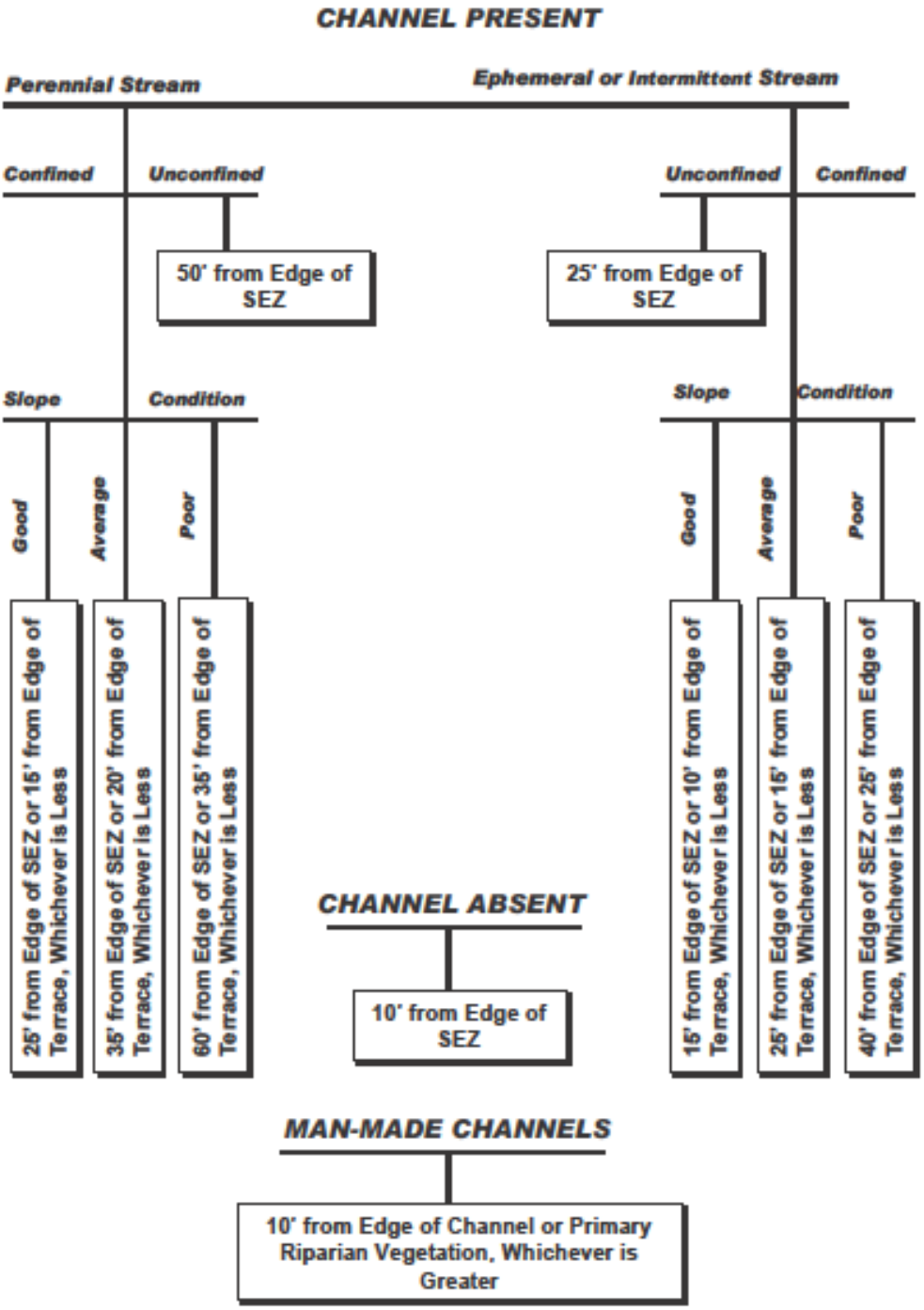
$$Y = \frac{\sqrt{100^2 - (100 - (.01)x)^2}}{100}$$

where:

Y = Factor

X = Area of parcel outside SEZ if less than 1/3 acre.

53.10.9. Setbacks from SEZs



53.10.10. List Assigning Point Values to Off-Site Water Quality Improvements in IPES Pursuant to Subsection 53.7.9

A. Options to Increase IPES Score

Pursuant to subsection 53.7.9 of the Code of Ordinances, TRPA may increase a parcel's IPES score upon TRPA approval of a water quality improvement project submitted by the parcel owner. To qualify for the additional points, a parcel owner has two options:

1. Pay a non-refundable and non-transferable per point fee to be deposited into the water quality mitigation fee fund in accordance with the Rules of Procedure, in which case TRPA will unconditionally award the points to the subject parcel; or

2. Implement a water quality improvement project consistent with TRPA's 208 plan and of equal or superior value to the fee calculated in 1, above. Per-unit costs in this appendix shall be calculated using Table 53.11.10-1 and shall be used to estimate the project's value. TRPA will conditionally award the additional points to the subject property until completion of the water quality improvement project, at which time the condition will be removed.

B. Requirements for Option 1

If option 1 is selected, the applicant is advised that the fee is non-refundable and non-transferable. The applicant shall be required to sign an acknowledgement accepting these restrictions prior to TRPA awarding points.

C. Requirements for Option 2

If option 2 is selected, the applicant shall:

1. Submit detailed plans of the proposed water quality improvement project for TRPA review and approval, including a cost breakdown of the project utilizing the per-unit costs contained herein;

2. Obtain all necessary authorizations for the required encroachment on the public right-of-way; and

3. Make appropriate arrangements for long-term maintenance of the project after its completion.

TABLE 53.11.10-1: PER UNIT COST		
Treatment	**Unit**	**Unit Cost**
Slope Stabilization		
Rock Retaining Wall (4')	L.F.	$60.00
Wooden Retaining Wall		
•2' High	L.F.	$30.00
• 3' High	L.F.	$40.00
• 4' High	L.F.	$50.00
• 5' High	L.F.	$60.00
Gabions (3' High)	L.F.	$60.00
Rock Rip-Rap	S.F.	$2.00
Grouted Rock Rip-Rap	S.F.	$4.00
Wattling	L.F.	$1.00
Slope Bottom Bench	L.F.	$8.00
Slope Serration	L.F.	$.02
Slope Stepping	L.F.	$.03
Runoff Conveyance, Infiltration, and Collection		
Street, Driveway, and Ditch Runoff Conveyance		
Concrete Curb and Gutter	L.F.	$20.00
A/C Curb and Gutter	L.F.	$15.00
A/C Rolled Curb	L.F.	$12.00
A/C Swale	L.F.	$12.00
Rocklined "V" Ditch		
• Type A (1' x 2')	L.F.	$10.00
• Type A (2' x 3')	L.F.	$15.00
• Type A (3' x 4')	L.F.	$30.00
• Type A (4' x 6')	L.F.	$60.00
Slotted Drain	L.F.	$35.00
Wide Valley Gutter	L.F.	$40.00
Collection		
Catch Basin	Each	$5,000
Detention Basin	Each	$10,000 - $60,000
Storm Drain (24")	L.F.	$40.00
Discharge Apron (5'x6'x1')	Each	$600.00
Check Dam	L.F.	$45.00
Grease and Oil Trap	Each	$2000

TABLE 53.11.10-1: PER UNIT COST		
Treatment	**Unit**	**Unit Cost**
Vegetative Matter		
Lawn Seeding (Hand)	S.F.	$.03
Erosion Control Grass Seeding (Hand)	S.F.	$.05
Erosion Control Grass Seeding and Mulch (Hand)	S.F.	$.10
Erosion Control Grass Seeding, Mulch and Fertilizer	S.F.	$.15
Hydroseeding	S.F.	$.02
Revegetated Channel	L.F.	$14.00
Erosion Control Tree and Shrub Planting		
Bare Root Native or Adaptive Trees and Shrubs	Each	$1.00
Containerized Native or Adaptive Tree and Shrubs		
• Tublings	Each	$2.00
• 1 Gallon	Each	$8.00
• 2 Gallon	Each	$10.00
• 5 Gallon	Each	$50.00
• 10 Gallon	Each	$70.00
• 15 Gallon	Each	$160.00
SEZ Restoration	Mile	$66,000 - $113,000

Note: L.F. = Linear Foot
S.F. = Square Foot

TRPA

Code of Ordinances

Adopted by Governing Board
December 12, 2012
Effective February 9, 2013

Resource Management and Protection

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CHAPTER 60: WATER QUALITY

60.1. WATER QUALITY CONTROL

60.1.1. Purpose

This section implements the Water Quality Subelement, Land Use Element, of the Goals and Policies. This section also implements, in part, TRPA's programs to attain and maintain federal, state, and local water quality standards under Article V(d) of the Compact.

60.1.2. Applicability

This section sets forth standards for the discharge of runoff water from parcels and regulates the discharge of domestic, municipal, or industrial wastewaters. These standards and prohibitions apply to discharges to both surface waters and ground waters.

60.1.3. Discharge Limits

Discharges shall not exceed the following standards:

A. Surface Runoff

Pollutant concentrations in surface runoff shall not exceed the readings in Table 60.1.3-1 at the 90th percentile.

TABLE 60.1.3-1: SURFACE RUNOFF

Constituent	Maximum Concentration
Dissolved Inorganic Nitrogen as N	0.5 mg/l
Dissolved Phosphorus as P	0.1 mg/l
Dissolved Iron as Fe	0.5 mg/l
Grease and Oil	2.0 mg/l
Suspended Sediment	250 mg/l

1. If the constituent levels of water entering a site from upstream areas are of a superior or equal quality to the above, those waters shall meet the quality level listed in Table 60.1.3-1 prior to discharge from the site.

2. If the constituent levels of waters entering a site do not meet the quality levels in Table 60.1.3-1, there shall be no increase in the concentrations of these constituents in water discharged from the site, based on a 24-hour average.

B. Discharges to Ground Waters

Waters infiltrated into soils shall not exceed the maximum constituent levels in Table 60.1.3-2.

TABLE 60.1.3-2: DISCHARGES TO GROUND WATERS	
Constituent	**Maximum Concentration**
Total Nitrogen as N	5 mg/l
Total Phosphate as P	1 mg/l
Iron as Fe	4 mg/l
Turbidity	200 NTU
Grease and Oil	40 mg/l

Where there is a direct hydrologic connection between ground and surface waters, discharges to groundwater shall meet the standards for surface runoff. A direct hydrologic connection shall be presumed to exist wherever, by virtue of proximity to a surface water body, nature of soils, or slope or gradient, the residence time of runoff water discharged into the ground is too short to remove pollutants from the runoff. Sediment traps, consistent with the *Handbook of Best Management Practices,* shall be used to protect infiltration devices from excessive levels of siltation.

C. Prohibition of Wastewater Discharge

The discharge of domestic, municipal, or industrial wastewater to Lake Tahoe, its tributaries, the ground waters of the Tahoe region, or the Truckee River within the Tahoe region, is prohibited, except for existing discharges under alternative plans for wastewater disposal authorized by state law and approved by the state agency of appropriate jurisdiction, and for catastrophic fire protection of the STPUD Luther Pass Pump Station as detailed in subparagraph 4 below. California and Nevada prohibit wastewater discharge through the enactment of the Porter-Cologne Act, and the Executive Order by the Governor of Nevada dated January 27, 1971.

1. Holding Tanks and Other No-Discharge Systems

To avoid a discharge of wastewater that is prohibited, holding tanks or other no-discharge systems may be approved in the following instances:

a. As a temporary measure associated with a temporary use, including but not limited to, sporting events, community events, and construction; or

b. As a permanent measure associated with remote public or private recreation sites, including but not limited to, trailheads, and undeveloped walk-in campgrounds, and summer home tracts where connection to a sewer system is not feasible or would create excessive adverse environmental impacts.

2. Accidental Releases of Sewage

To help prevent accidental releases of sewage, all sewage collection and treatment districts shall prepare and submit a report to TRPA within 120 days of a determination by the district that any unit treatment process, or major component of its collection system serving the Tahoe region, has reached 85 percent of its design capacity. Such report shall identify what

measures, if any, will be needed to accommodate projected population increases consistent with the Regional Plan, including capital improvements, operational changes, changes in discharge permits, and changes in financial programs.

3. Sewage Exfiltration

In conjunction with TRPA project approvals for all agencies that collect or transport sewage, TRPA shall require that such agencies have in place and vigorously implement plans for detecting and correcting sewage exfiltration problems in their collection and transport facilities.

4. Recycled Wastewater Use for Fire Protection

This exception allows for the use of recycled wastewater in emergency conditions to prevent severe harm to life, property, and the environment and to protect public facilities from destruction by wildfire in accordance with applicable state laws. Such emergency condition of catastrophic wildfire and authorization for recycled wastewater use shall be made and certified by the fire incident commander and reported to the TRPA Emergency Response Coordinator.

D. Prohibition of Toxic or Hazardous Waste Discharge

The discharge of toxic or hazardous waste to Lake Tahoe, other lakes in the region, their tributaries, the ground waters of the Tahoe region, the lands of the Tahoe region, or the Truckee River within the Tahoe region is prohibited.

E. Prohibition of Certain Watercraft

Commencing June 1, 1999, the launching, mooring, or operation of all two-stroke engine powered watercraft within the region is prohibited, except:

1. Any two-stroke engine powered watercraft whose fuel is directly injected into the cylinder shall be exempt from the prohibition;

2. Injected in to the crankcase prior to entering the cylinder and the fuel injection engine was purchased before January 27, 1999, shall be prohibited commencing October 1, 2001;

3. Any watercraft powered by a two-stroke engine whose engine is certified as meeting the U.S. EPA 2006 standard or the CARB 2001 standard shall be exempt from the prohibition;

4. Sailboats utilizing two-stroke engines as auxiliary power shall be prohibited commencing October 1, 2001;

5. Any watercraft powered by a two-stroke engine rated at ten horsepower or less shall be prohibited commencing October 1, 1999; or

6. Any watercraft powered by an engine that has been certified as meeting U.S. EPA's 2001-2005 emission standard shall be prohibited commencing October 1, 2001.

60.1.4. Snow Disposal

All persons conducting public, commercial, or private snow removal or disposal operations shall dispose of snow in accordance with site criteria and management standards in the *Handbook of Best Management Practices*, the Design Review Guidelines, and the criteria below.

A. Requirements for Individual Parcels

Removal of snow from individual parcels shall be limited to structures, paved areas, and unpaved areas necessary to safely park or provide safe pedestrian access. Snow shall not be plowed into or stored in a SEZ.

B. Requirements for Dirt Roads

Snow removal from dirt roads is subject to regulation pursuant to Section5.12 Remedial Action Plans. When TRPA approves snow removal from a dirt road, pursuant to project approval or in accord with provisions of Section5.12, the agency shall specify required winterization practices, BMPs, the specific means of snow removal, and a schedule for either paving the dirt road or ceasing snow removal.

60.1.5. Deicers and Abrasive Control

Salt and abrasives used to control ice on streets, highways, sidewalks, and parking areas shall be regulated in accordance with the standards provided below.

A. Storage Areas

Storage areas for deicing salt and abrasives shall be in conformance with the *Handbook of Best Management Practices*.

B. Reporting

The state highway departments and other large users of deicers and abrasives identified by TRPA shall maintain a tracking and reporting program to monitor the use of deicers and/or abrasives in their respective jurisdictions pursuant to State of California and Nevada requirements. TRPA shall incorporate this information into its annual monitoring report in accordance with Chapter 16: *Regional Plan and Environmental Threshold Review*.

C. Restrictions

The use of deicing salt and abrasives may be restricted where damage to vegetation in specific areas may be linked to their use or where their use would result in a violation of water quality standards. Mitigation for the use of road deicing salt or abrasives may be required and may include requirements to use alternative substances or change distribution patterns, frequency of application, and amount of application. Revegetation of parcels may be required where evidence indicates deicing salts or abrasives have caused vegetation mortality. Memorandums of understanding may be entered into with highway and street maintenance organizations to address use of salts or abrasives in relation to safety requirements.

60.1.6. Spill Control

All persons handling, transporting, using, or storing toxic or hazardous substances shall comply with the applicable requirements of state and federal law regarding spill prevention, reporting, recovery, and clean-up. Sewage collection, conveyance, and treatment districts shall have sewage spill contingency, prevention, and detection plans approved by the state agency of appropriate jurisdiction and submitted to TRPA for review and approval within three years of the effective date of the Regional Plan.

A. Cooperative Sewage Spill Plans

Sewage collection, conveyance, and treatment districts may join together to develop cooperative plans, provided that the plans clearly identify those agencies covered by the plan, are agreed to by each agency, and are consistent with applicable state and federal laws.

B. Sewage Spill Plan Criteria

Sewage spill contingency, prevention, and detection plans shall comply with the criteria set forth by the state agencies of appropriate jurisdiction and TRPA. Such plans shall include provisions for detecting and eliminating sewage exfiltration and stormwater infiltration from sewer lines and facilities.

60.1.7. Pesticide Use

The use of insecticides, fungicides, and herbicides shall be consistent with the *Handbook of Best Management Practices*.

A. Pesticide Use Discouraged

TRPA shall discourage pesticide use for pest management. Prior to applying any pesticide, potential users of pesticides shall consider integrated pest management practices, including alternatives to chemical applications, management of forest resources in a manner less conducive to pests, reduced reliance on potentially hazardous chemicals, and additional environmentally sound pest management tactics.

B. Criteria for Pesticide Use

The following criteria apply to pesticide use:

1. Only chemicals registered with the Environmental Protection Agency and the state agency of appropriate jurisdiction shall be used and only for their registered application;

2. Alternatives to chemical application shall be employed where practical; and

3. No detectable concentration of any pesticide shall be allowed to enter any stream environment zone, surface water, or ground water unless TRPA finds that application of the pesticide is necessary to attain or maintain the environmental threshold standards.

60.1.8. Fertilizer Management

A. Fertilizer Management Approaches Generally

Fertilizer management allowing for site-specific management approaches shall be consistent with the *Handbook of Best Management Practices*. The recommended approaches for landscaping are found in the *Home Landscaping Guide for Lake Tahoe and Vicinity* or its approved equivalent. Section 61.4 Revegetation, contains requirements for revegetation approaches. Fertilizers shall not be used, except as described below, in or near stream and drainage channels or in stream environment zones, including setbacks determined under Section 53.9: Procedure for Establishing SEZ Boundaries and Setbacks, and in shorezone areas except as otherwise provided in this subsection (see Chapter 90: *Definitions*, and Section 80.3: Definitions). Fertilizer use for maintenance of preexisting landscaping according to subparagraph 61.3.3.B.2 shall be minimized in stream environment zones and adjusted or prohibited if found through evaluation of continuing monitoring results to be in violation of applicable strictest water quality discharge and receiving water standards. These ordinances are applicable to both inorganic and organic fertilizer applications. Fertilizer management involves use and application approaches to achieve management standards and shall include the following considerations where appropriate:

1. The appropriate type of fertilizer to avoid release of excess nutrients;

2. Fertilizer management programs proposing the use of phosphorus shall demonstrate the need for the particular site conditions and vegetation to be maintained or established, and shall consider the use of slow release and phosphorus-free fertilizer;

3. The rate and means of application to avoid excessive application or application to non-target areas or native vegetation;

4. The timing and frequency of application to minimize the use of fertilizer, avoid early and late season fertilizer use when vegetation growth is not active;

5. Appropriate watering schedules and efficient irrigation systems to avoid excessive leaching and runoff of nutrients;

6. Preferred plant materials for the intended use and site conditions with an emphasis on native and adapted species to minimize the need of fertilizer;

7. Landscape design that minimizes the use and impacts of fertilizer application;

8. Critical areas such as backshore areas and SEZ setbacks in close proximity to Lake Tahoe and other bodies of water, or water quality treatment basins where the use of fertilizer shall be avoided;

9. Design and maintenance of drainage control systems including holding ponds where necessary;

10. Surface and groundwater monitoring programs to determine compliance with existing nitrogen and phosphorus discharge standards; any required monitoring will be at owners expense, where annual reporting is required in critical areas and as determined in program review or compliance determination;

11. Public outreach, either in the form of public and private programs, fliers for utility district and other organization distribution, and workshops, or affiliate membership outreach on fertilizer management shall be included in fertilizer management plans. Public outreach applies in particular to small residential users for agency outreach programs, owners associations, condominiums, property and landscape managers, and landscapers; and

12. For large users (defined under subparagraph 60.1.8.C below) and large turf projects, a soil testing program may be appropriate to assess the required concentrations of nitrogen and phosphorus in the soil for vegetation use, adjusting for Tahoe Basin growing conditions. This may mean no or low application rates of phosphorus-containing fertilizer will be required for some sites and uses.

B. Fertilizer Management Programs

Projects that include landscaping or revegetation shall include, as a condition of approval, a fertilizer management program that addresses each of the considerations set forth in subsection 60.1.8.A, as appropriate to the size of the project.

C. Existing Uses

1. At TRPA Request and Large Users

At the request of TRPA and for large users that require regular fertilizer maintenance, including but not limited to golf courses, parks, cemeteries, plant nurseries, recreational ball fields, and large residential yards with an acre or more of turf, certain uses shall be required to submit fertilizer management programs for review and approval by TRPA. Review criteria shall include the considerations listed in subsection 60.1.8. Failure to comply with the request or to provide a program satisfactory to TRPA may result in an enforcement action.

2. Monitoring Report

Following the first growing season after the approval of fertilizer management programs, large users of fertilizers such as plant nurseries and those managing more than one acre of turf, or as otherwise identified by TRPA under an existing large user survey, shall initiate a tracking program to monitor fertilizer use on lands under their control. Such users shall review fertilizer management programs with TRPA or Lahontan RWQCB staff and present annual reports for the prior season's use and monitoring if required to TRPA by June 1 (or as required by Lahontan) of each year. The report shall include information on the rate, amount, and location of use. This information shall be presented in a format developed by TRPA consistent

with the reporting requirements of other agencies to eliminate duplication and shall be verifiable. TRPA shall include this information in its annual monitoring report under Chapter 16, including such measures of progress as numbers of approved programs, annual fertilizer use reports received, and reported reductions in fertilizer use or monitored parameter improvement.

D. Requirements for Fertilizer Sales

Public outreach, including seller fertilizer recommendations consistent with subsection 60.1.8, provision of agency-developed fliers, and brochures of user information and recommended fertilizer rates from the *Home Landscaping Guide for Lake Tahoe and Vicinity* or its authorized equivalent, shall be required in conjunction with fertilizer sales in the Tahoe Basin. Outlying fertilizer retailers with potential purchases from the Tahoe Basin shall be requested to provide the same public outreach.

E. Snow Hardeners

The use of ammonium nitrate or other substances containing nitrogen or phosphorus to harden snow is prohibited.

60.2. WATER QUALITY MITIGATION

60.2.1. Purpose

The purpose of this section is to implement the Goals and Policies, Goal 4, Policy 1, Development and Implementation Priorities Subelement, Implementation Element, and specifically the requirement that new residential, commercial, and public projects completely offset their water quality impacts.

60.2.2. Applicability

A. General Applicability

This section is applicable to all projects and activities that result in the creation of additional impervious coverage, unless the project or activity is exempted pursuant to subparagraph B below.

B. Exemptions

The projects and activities provided below that create impervious coverage shall be exempt from water quality mitigation requirements:

1. Transfer

Impervious coverage permitted as a result of transfer of coverage.

2. EIP Projects

Erosion and runoff control and stream environment zone protection and restoration projects on the 5-Year Environmental Improvement Program list.

3. Limited Exception for Additional or Transferred Development Within Adopted Community Plans

Additional or transferred development located within an adopted community plan, the water quality impacts of which were evaluated in the EIS for the community plan and mitigated by the provisions of the community plan, shall be exempt from the requirement of subsection 60.2.3 provided TRPA finds that the implementation element of the community plan, as a whole, meets the standards of subsection 60.2.3.

60.2.3. Required Offsets

All projects and activities that result in the creation of additional impervious coverage shall completely offset the potential water quality impacts of the project through one, or a combination, of the methods listed below.

A. Mitigation Projects

Implementation of offsite water quality control projects or stream environment zone restoration projects as a condition of project approval, pursuant to TRPA guidance on identification, design, and effectiveness of offsite mitigation projects. Applicants who wish to exercise this option shall include plans for the offsite mitigation project with their application. TRPA shall approve the offsite mitigation plans in conjunction with the approval of the project. Before issuing an approval, TRPA shall find that the offsite mitigation proposal completely offsets the expected impacts of the project.

B. Water Quality Mitigation Fund

Contribution to a water quality mitigation fund established by TRPA for implementing offsetting programs.

60.2.4. Fee Required

A fee shall be assessed for each square foot of additional land coverage created. The amount of contribution shall be established in the Rules of Procedure.

60.2.5. Use and Distribution of Mitigation Funds

TRPA shall deposit water quality mitigation funds in a trust account. Interest accruing to the trust account shall remain in the account until used on water quality mitigation projects or water quality planning. TRPA shall keep track of the amount of funds collected for each local jurisdiction and shall disburse funds to the local jurisdictions, upon their request, for expenditure within the jurisdiction of origin, provided TRPA finds that the expenditure is consistent with TRPA's Water Quality Management Plan. Accrued interest may be used for water quality planning in the region. TRPA shall encourage the local jurisdictions to use funds as expeditiously as possible.

60.2.6. Stream Environment Zone Restoration Program

To provide financial resources for implementation of the stream environment zone restoration program, at least 25 percent of the water quality mitigation funds collected for each local jurisdiction shall be used for stream environment zone restoration projects

included in the TRPA's Water Quality Management Plan. This jurisdictional set-aside shall be individually evaluated and may be waived if TRPA determines that there are no more SEZ restoration projects identified in a given jurisdiction.

60.2.7. Water Quality Revolving Fund

TRPA shall establish a separate fund, to be known as the Water Quality Revolving Fund, for the purpose of depositing funds received through grants, fines, and voluntary contributions. TRPA may make grants from this fund to local governments and other public entities for abatement and control of water quality problems by the same procedures as set forth in subsection 60.2.5.

60.3. SOURCE WATER PROTECTION

60.3.1. Purpose

This section contains regulations pertaining to recognition of source water, prevention of contamination to source water, and protection of public health relating to drinking water. It strengthens provisions of the Goals and Policies that address groundwater protection, and implements elements of the TRPA Source Water Protection Program.

60.3.2. Applicability

This chapter applies to projects that are identified as a possible contaminating activity located in identified source water protection zones as depicted on TRPA Source Water Assessment maps, and retrofit of existing development with Best Management Practices that identified source water protection zones as depicted on TRPA Source Water Assessment maps, and retrofit of existing development with Best Management Practices.

60.3.3. Source Water Protection Standards

To protect public health and to insure the availability of safe drinking water, TRPA shall review proposed projects identified as possible contaminating activities to source water that are located within a source water protection zone depicted on TRPA Source Water Assessment maps according to the following standards and procedures:

A. Source Water Defined

Water drawn to supply drinking water from an aquifer by a well or from a surface water body by an intake, regardless of whether such water is treated before distribution.

B. Possible Contaminating Activity Defined

Activities equivalent to TRPA primary uses identified by either the California Department of Public Health or the Nevada Bureau of Water Quality Planning, regardless of where the project is located, as having the potential to discharge contaminants to surface or groundwaters. Such uses are listed in subsection 60.3.5.

C. Source Water Protection Zone Defined

A zone delineated around drinking water sources in the following manner as depicted on the TRPA Source Water Assessment maps. The TRPA Source Water

Assessment Map layers indicate the location of drinking water sources serving five or more user service connections in the Region, protection zones around each source, and uses with a higher propensity to contaminate source water.

1. Protection Zone

A protection zone consisting of a fixed 600 foot radius circle shall be identified around wells, lake intakes, and springs assessed by TRPA. Protection zones shall be delineated using the best available source water location data known to TRPA. Protection zones may be located using the centroid of the parcel in which the well, lake intake, or spring is found. Protection zone delineations may be modified by TRPA as follows: Upon receipt of source water assessment information collected by the California Department of Public Health, the Nevada Bureau of Water Quality Planning, or other public agencies responsible for conducting drinking source water assessments in accordance with state Source Water Assessment and Protection Programs and if recommended by the California Department of Public Health or the Nevada Bureau of Water Quality Planning; or upon receipt of source water assessment information provided by the property owner in which the well, spring, or lake intake is located and if the California Department of Public Health or the Nevada Bureau of Water Quality Planning concurs with the new delineation.

D. Review of Proposed Possible Contaminating Activities Located in Source Water Protection Zones

Proposed uses determined by TRPA to be projects that are identified as a Possible Contaminating Activity, with a project area located in a source water protection zone, shall not be approved unless TRPA finds that:

1. The project complies with the requirements to install BMPs as set forth in subsection 60.4.3;

2. TRPA has solicited comments from the operator/owner of the source water, and the department of environmental health with jurisdiction over the source water, and all such comments received were considered by TRPA prior to action being taken on the proposed project;

3. A spill control plan is submitted to TRPA for review and approval. The plan shall contain the following elements:

a. Disclosure element describing the types, quantities, and storage locations of contaminants commonly handled as part of the proposed project;

b. Contaminant handling and spill prevention element;

c. Spill reporting element, including a list of affected agencies to be contacted in the event of a spill;

d. Spill recovery element; and

e. Spill clean-up element.

4. Submittal of a spill control plan may be waived provided a state or local agency with jurisdiction over the subject source water provides a written statement to TRPA that a plan containing the above elements remains on file with that agency, or TRPA staff determines, at its discretion, that requiring a spill control plan would not result in significant additional protection of the source water.

E. Requirements of Existing Uses Located in Source Water Protection Zones

Existing uses that are identified as a possible contaminating activity located in a source water protection zone shall comply with subparagraph 60.3.3.D.3. Compliance with subparagraph 60.3.3.D.3 shall occur pursuant to the deadlines set forth in subparagraph 60.4.4.A.

60.3.4. Source Water Assessment

An inventory of wells, springs, and lake intakes that serve five or more user service connections shall be prepared for the Lake Tahoe Region. An inventory shall be prepared in consultation with local and state environmental health agencies. Sources omitted from the inventory due to a lack of information provided by local and state environmental health agencies shall be added as appropriate if additional source information is received by TRPA. Source water protection zones delineated on the source water assessment maps shall be modified pursuant to subparagraph 60.3.3.C.1.

60.3.5. Possible Contaminating Activities

A. Residential

1. Domestic animal raising

B. Commercial

1. Retail

a. Service stations

2. Services

a. Auto repair and service

b. Business support services

c. Laundries and dry cleaning plant

d. Repair services

3. Light Industrial

a. Batch plants

b. Fuel and ice dealers

c. Industrial services

d. Recycling and scrap

4. Wholesale/Storage

a. Storage yards

b. Vehicle storage and parking

c. Vehicle and freight terminals

C. Public Service

1. General

a. Airfields, landing strips, and heliports

b. Collection stations

c. Hospitals

d. Local public health and safety facilities

e. Regional public health and safety facilities

f. Power generating

g. Public utility centers

h. Schools

2. Linear Public Facilities

a. Transit stations and terminals

D. Recreation

1. Beach recreation

2. Boat launching facilities

3. Developed campgrounds

4. Golf courses

5. Marinas

6. Recreational vehicle parks

7. Rural sports

E. Resource Management

1. Timber Management

a. Timber stand improvement

2. Range

a. Grazing

b. Range pasture management

3. Watershed Improvements

a. Runoff control

F. Shorezone

1. Construction equipment storage

2. Seaplane operations

3. Tour Boat operations

4. Water-oriented outdoor recreation concessions

60.4. BEST MANAGEMENT PRACTICE REQUIREMENTS

60.4.1. Purpose

This section sets forth the requirements for installation of Best Management Practices (BMPs) for the protection or restoration of water quality and for attainment of minimum discharge standards.

60.4.2. Applicability

BMPs, as described in the *Best Management Practices Handbook* or equivalent practices approved by TRPA, shall be applied to all public and privately owned lands.

60.4.3. Project Compliance Program

TRPA shall enforce the project compliance programs as provided below.

A. Temporary BMPs

Temporary BMPs in accordance with the *Handbook of Best Management Practices*, and as required in Section 33.5, shall be implemented on construction sites and maintained throughout the construction period until winterization and permanent BMPs are in place.

B. Permanent BMPs

Application of required permanent BMPs within the parcel or entire project area boundaries, whichever is greater, shall be a condition of project approval. Standard requirements are set forth in subsections 60.4.5 and 60.4.6.

1. Conditions of project approval shall set forth a schedule for installation of permanent BMPs on the project area. In no case shall permanent BMP installation be scheduled later than the date set for the completion of the project (see Chapter 2: *Applicability of the Code of Ordinances*).

2. Retrofitting of the project area outside the construction site boundary with permanent BMPs shall also be made a condition of project approval. If the project area involves more than one parcel, the entire project area will be treated as one parcel for purposes of this section. TRPA shall keep track of the status of retrofitting of project parcels, and or project areas, as provided in Chapter 6: *Tracking, Accounting, and Banking*.

3. The below categories of projects, if not carried out in conjunction with another type of project, may be exempt from the requirements of subparagraph 60.4.3.B.2.

a. Installation of erosion control facilities;

b. Restoration of disturbed areas;

c. SEZ restoration;

d. Underground storage tank removal, replacement, or maintenance;

e. Hazardous waste spill control or prevention facilities;

f. Sewage pump-out facilities for RVs or boats; and

g. Minor utility projects pursuant to subparagraph 30.6.2.F.

60.4.4. BMP Retrofit Program

Persons owning property not subject to a retrofit requirement prior to January 1, 1993, under subsection 60.4.3, or a discharge permit under subparagraph 60.4.4.D, shall install and maintain BMPs on their property with existing uses in accordance with the provisions below.

A. Priority System

Properties with existing uses shall install BMPs in accordance with subsection 53.10.5, the watershed priority system:

1. Priority Group 1

Properties with existing uses in watersheds with a point score less than or equal to 30 shall install BMPs not later than October 15, 2000.

2. Priority Group 2

Properties with existing uses in watersheds with a point score of 30 to 46, inclusive, shall install BMPs not later than October 15, 2006.

3. Priority Group 3

Properties with existing uses in watersheds with a point score of 47 or greater shall install BMPs by October 15, 2006, or not later than October 15, 2008, pursuant to a fee schedule to be developed for BMP inspections, evaluations, and certifications.

B. Parcels and Unpaved Roadways without Appropriate BMPs

Parcels and unpaved roadways without appropriate BMPs in place pursuant to the dates described above are subject to enforcement under Article IX Compliance Procedures, Section 9.19, of the Rules of Procedure for violation of 60.4.

C. Disclosure Requirements

Owners of property for sale shall, prior to sale, disclose to a purchaser the property's BMP status on a TRPA approved form. The purchaser of the property shall provide the disclosure form to TRPA within 30 days of sale.

D. Discharge Permits

Not later than December 31, 1992, TRPA shall notify property owners with existing uses in the following categories 1 through 3 below of the requirements of this subsection. Not later than March 31, 1993, the persons so notified shall inform TRPA that: (1) they have an existing valid state or federal stormwater discharge permit, (2) they will apply for a state or federal stormwater discharge permit, or (3) they will submit to TRPA a remedial action plan pursuant to Section 5.12 of the Code of Ordinances. Not later than June 30, 1994, all persons so notified shall have either a valid state or federal stormwater discharge permit or an approved remedial action

plan pursuant to Section 5.12. Such permits and action plans shall be consistent with the provisions of the Water Quality Management Plan for the Tahoe Region.

1. Commercial Uses
Retail or entertainment facilities, greater than one acre, and storage yards.

2. Recreation Uses
Downhill ski areas, marinas, and golf courses.

3. Public Service Uses
Transportation routes, and corporation yards.

60.4.5. Priority for Installation of Retrofitting Measures

Schedules for BMP compliance shall include the measures proposed for each year and the estimated cost for those measures. The estimated cost shall be based on unit costs established by TRPA. Unless otherwise approved by TRPA, a schedule that phases BMP compliance shall implement the BMP measures in the following order:

A. Pave legally established roads, driveways, and parking areas;

B. Install drainage conveyances;

C. Install walkways and stabilize cut and fill slopes;

D. Vegetate denuded areas; and

E. Treat surface runoff from land coverage.

60.4.6. Standard BMP Requirements

Pursuant to subsection 60.4.3, standard conditions of approval for projects shall meet the requirements provided below.

A. Runoff Water
Runoff water from impervious surfaces shall meet the discharge standards of Section 60.1 and shall be controlled as provided below.

1. Infiltration Requirements
Except as provided in subsection 60.4.8, infiltration facilities to discharge runoff to groundwater shall be required. Infiltration facilities shall be designed to accommodate the volume from a 20-year, one-hour storm. An average intensity of one inch per hour shall be used for this calculation. Infiltration facilities shall be designed utilizing the methodology set forth in the BMP Handbook. The bottom of infiltration trenches or dry wells shall be a minimum of one foot above the seasonal high water table. If TRPA finds that the runoff from impervious surfaces from a 20-year, one-hour storm will infiltrate naturally on the parcel, TRPA may waive the requirement to install infiltration facilities.

2. Excess Runoff

Runoff in excess of that infiltrated pursuant to paragraph 1 above shall be controlled in accordance with the methods and design standards in the Handbook.

B. Cut and Fill Slopes

Cuts and fills with slopes greater than 2:1 shall be stabilized with methods consistent with the BMPs.

C. Denuded Areas

All denuded areas, including slopes less than 2:1, shall be vegetated with approved species listed in the Handbook.

D. Drainage Conveyances

Drainage conveyances through a parcel shall be designed for at least a 10-year, 24-hour storm. Storm drain culverts and drain channels shall be designed by a qualified professional. Drainage conveyances through a SEZ shall be designed for a minimum of a 50-year storm.

E. Roads, Driveways, and Parking Areas

All roads, driveways, and parking areas proposed for year-round use shall be paved in accordance with Chapter 34: *Driveway and Parking Standards*.

F. Protection of BMPs

After installation, all BMPs shall be provided with adequate protection to prevent damage from vehicles.

G. Consistency with Defensible Space Requirements

In addition to subsections A – F above, water quality BMPs shall be installed and maintained consistent with the defensible space requirements of the applicable fire agency.

60.4.7. Additional Requirements

In addition to the standard requirements of subsection 60.4.6, project conditions of approval shall list any other appropriate required BMPs to meet minimum discharge standards. Construction in stream environment zones or Land Capability Districts 1 through 3, inclusive, normally shall require special conditions of approval because of the sensitivity of those areas to disturbance.

60.4.8. Special Circumstances

A. Where special circumstances occur, alternative BMPs may be approved to meet water quality standards. Special circumstances may include, but not be limited to, streets, highways, bike trails, existence of high ground water table, unusual upstream or downstream flow conditions, and presence of unusual concentrations of pollutants.

B. Infiltrating runoff volumes generated by the 20 year, 1-hour storm may not be possible in some locations due to shallow depth to seasonal groundwater levels, unfavorable soil conditions, or other site constraints such as existing infrastructure or rock outcroppings. For new development or redevelopment projects, site constraints do not include the existing built environment. In the event that site conditions do not provide opportunities to infiltrate the runoff volume generated by a 20 year, 1-hour storm, project proponents must either (1) meet the numeric effluent limits in outlined in subsection 60.1.3 for the 20-year 1-hour storm, or (2) coordinate with the local municipality or state highway department to document that shared stormwater treatment facilities treating private property discharges and public right-of-way stormwater sufficiently contribute to meeting the jurisdiction's average annual fine sediment particle and nutrient load reduction requirements.

60.4.9. Maintenance of BMPs

BMPs shall be maintained to ensure their continued effectiveness.

CHAPTER 61: VEGETATION AND FOREST HEALTH

61.1. TREE REMOVAL

61.1.1. Purpose

The purpose of this section is to regulate the management of forest resources to achieve and maintain the environmental threshold standards for species and structural diversity, to promote the long-term health of natural resources, to restore and maintain suitable habitats for native wildlife species, and to reduce accumulations of hazardous fuels in order to decrease the likelihood of catastrophic wildfire events.

61.1.2. Applicability

TRPA requires the protection and maintenance of all native vegetation types. TRPA may require the preparation and implementation of a remedial vegetation management plan for any parcel where the need for remedial vegetation management has been identified for purposes of environmental threshold maintenance or attainment. The use, protection, and maintenance of vegetation are also addressed in the following chapters of the Code of Ordinances:

A. 2: *Applicability of the Code of Ordinances*;

B. 30: *Land Coverage*;

C. 33: *Grading and Construction*;

D. 36: *Design Standards*;

E. 53: *Individual Parcel Evaluation System*;

F. 60: *Water Quality*;

G. 61: *Vegetation and Forest Health*;

H. 62: *Wildlife Resources*;

I. 63: *Fish Resources*;

J. 64: *Livestock Grazing*;

K. 80: *Review of Projects in the Shorezone and Lakezone*;

L. 84: *Development Standards Lakeward of High Water*; and

M. 90: *Definitions*.

61.1.3. Delegation of Project Review and Permit Determination

Qualified agencies, or third party designees, may be delegated authority for permit determinations set forth in this chapter. Stream environment zone areas (SEZ's) may be excluded from the delegation. TRPA may, on a case-by-case basis, designate the review of

SEZ's if the agency or third party has demonstrated expertise in hydrology, ecology, botany, restoration, soil science, or similar scientific disciples and are qualified to evaluate and prevent negative impacts to SEZ's and water quality. If TRPA delegates these review and permitting functions, these agencies will also be responsible for ensuring compliance with all other provisions of the Compact, Regional Plan, and Code of Ordinances.

61.1.4. Old Growth Enhancement and Protection

The standards in this subsection shall govern forest management activities and projects.

A. Standards for Conservation and Recreation Lands or SEZs

Within lands classified by TRPA as conservation or recreation land use or SEZs, any live, dead, or dying tree larger than 30 inches diameter at breast height (dbh) in westside forest types shall not be cut, and any live, dead or dying tree larger than 24 inches diameter at breast height in eastside forest types shall not be cut, except as provided below.

1. Unreasonably Contribute to Fire Hazard

Trees and snags larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut in urban interface areas if TRPA determines that they would unreasonably contribute to fuel conditions that would pose a fire threat or hinder defense from fire in an urbanized area. Within the urban interface areas, fire management strategies favoring the retention of healthy trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types trees shall be fully considered. Urban interface areas are defined as all undeveloped lands within a 1,250 foot zone immediately adjacent to TRPA residential, commercial, or public service plan area boundaries.

2. Unacceptable Risk to Structures or Areas of High Use

A tree larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be felled, treated, or removed if TRPA and the land manager determine the tree pose an unacceptable risk to occupied or substantial structures or areas of high human use. Examples of areas of high human use are campgrounds, parking lots, ski trails, and developed beaches. Where a land manager determines that a tree constitutes a physical emergency (e.g., imminent threat of falling on occupied or substantial structures, or people), the land manager may remove the tree but must provide photographic documentation and any applicable paperwork and fees to TRPA within ten working days of removal of the hazardous tree.

3. Diseased or Infested Trees

Where immediate treatment and removal is warranted to help control an outbreak of pests or disease, severely insect-infested or diseased trees larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be removed. Trees to be felled, treated, or

removed require TRPA review on a tree by tree basis, within 30 working days of written notification by the land manager.

4. Adverse Impacts to Stream or River

Trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types that are likely to cause significant adverse impacts to a stream or river may be felled, treated, or removed. This determination shall be made by a qualified interdisciplinary team and approved by TRPA. The marking of these trees shall be done by TRPA.

5. Ecosystem Management Goals

In limited cases, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut if a management prescription clearly demonstrates that the identified trees need to be cut for ecosystem management goals consistent with TRPA goals and policies, such as aspen stand regeneration or achieving desired species composition. The project and prescription must be developed and reviewed by a qualified interdisciplinary team, be part of a public review process, and only the trees necessary to achieve ecosystem objectives at a specific site shall be removed. Each tree larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types shall be approved by TRPA. The marking of these trees shall be done by TRPA.

6. Ski Areas Master Plans

In ski areas with existing TRPA-approved master plans, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed for facilities that are consistent with that master plan. For activities that are consistent with a TRPA –approved master plan, trees larger than 30 inched dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.

7. EIP Projects

Trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.

8. Extreme Fuel Loading

In case of extreme fuel loading some snags larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut if the removal is consistent with subsection 62.3.4: Snags and Coarse Woody Debris.

9. Large Public Utilities Projects

Trees larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be removed for large public utilities projects if TRPA finds there is no other reasonable alternative.

10. Emergency Fire Suppression

Trees may be removed when an emergency fire suppression need exists as determined by the local, state, or federal fire suppression agency involved in a fire suppression activity.

11. Private Landowners

Private landowners may cut trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types provided the landowner follows one of the planning processes set forth in subparagraph 61.1.4.C.

B. Standards for Non-SEZ Urban Lands

Within non-SEZ urban areas, individual trees larger than 30 inches dbh that are healthy and structurally sound shall be retained as desirable specimen trees having aesthetic and wildlife value, unless no reasonable alternative exists to retain the tree, including reduction of parking areas or modification of the original design.

C. Alternative Private Landowner Process

As an alternative to complying with the standards in subparagraph 61.1.4.A, a private landowner may follow one of the following planning processes to achieve or maintain the late seral/old growth threshold, goals, and polices.

1. Alternative Forest Management Plan

A private landowner, in the development of a forest management plan, shall follow the planning process described in Chapter 14: *Specific and Master Plans*, except as provided below.

a. In relation to subparagraph 14.8.1.A only the private landowner may initiate the private forest management planning process.

b. In relation to subparagraph 14.8.1.B the project team shall consist of a designee of the Executive Director, appropriate regulatory and land management agencies, the proponent's qualified forester, and the team shall consult with the appropriate public land management agencies if the private land is adjacent to public land.

c. In relation to Section 14.9, the content of a forest master plan shall be described in the TRPA Forest Master Plan Guidelines. The content shall include enough information to make the required findings of Section 14.10; shall provide guidelines for salvage harvest, insect control, and fire salvage. The document shall be organized by described and mapped planning units. As an example, a non-industrial timber management plan that contains enough information to make the required findings of Section 14.10 can be submitted provided it is developed with approval of the steering committee.

d. The harvest practices shall comply with local and state regulations.

e. A proposed schedule (and seasonality) of harvest projects and improvement projects shall be included within the plan.

f. Individual harvest projects proposed under the master plan within the planned schedule and proposed method shall receive a streamlined review.

2. Limited Forest Plan

Private landowners may prepare a limited forest plan when there would be limited proposed impact to large trees.

a. A limited forest plan may be prepared if ten percent or less of the trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types within the project site are proposed to be cut within the life of the plan.

b. The limited forest plan shall include:

(i) The relative state permit application, if available;

(ii) Description of harvest activities;

(iii) Description of management activities;

(iv) Explanation of how thresholds, goals and policies shall be attained under the forest plan; and

(v) The expiration date of the plan. A minimum lifespan of ten years and a maximum lifespan of 50 years shall be accepted.

3. TRPA shall review proposed cutting of trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside or larger forest types on a tree-by-tree basis consistent with the forest plan.

61.1.5. General Tree Removal Standards

The cutting, moving, removing, killing, or materially damaging of live trees, and the attachment of appurtenances to trees, shall comply with this subsection. The removal of trees 14 inches dbh or less shall be exempt from TRPA approval under subparagraph 2.3.2.M and requirements of this chapter, except as provided herein. Removal of trees greater than 14 inches dbh shall require approval by TRPA except as provided in subparagraphs 61.1.7.B and 61.1.7.J. Removal of trees greater than six inches dbh on lakefront properties where the trees to be removed provide vegetative screening of existing structures as viewed from Lake Tahoe requires TRPA approval, except as provided in subsections 61.1.7.B and J. Permits shall be granted or denied in conformity with the provisions of this chapter.

A. Additional Code Standards

Such tree-related projects and activities also shall conform to the provisions of the Code as provided below.

1. If vegetative screening is required by an existing permit for any property, the vegetative screening shall not be removed without prior approval from TRPA except for defensible space purposes pursuant to subparagraph 61.3.6.D.

2. If tree and/or vegetation removal to occur on any property where existing permit conditions require retention of vegetation, including tree and/or vegetation removal for defensible space purposes pursuant to subparagraph 61.3.6.D, alternative scenic mitigation shall be proposed to TRPA within 30 days of vegetation removal and shall be subject to review and approval by TRPA notwithstanding the permit exemption in subparagraph 2.3.2.M.

B. Findings

Before tree-related projects and activities are approved by TRPA, TRPA shall find, based on a report from a qualified forester, that the project or activity is consistent with this chapter and the Code. TRPA may delegate permit issuance to a federal, state, or other qualified agency through a memorandum of understanding.

C. Harvest or Tree Removal Plan

In cases of substantial tree removal, as set forth in subparagraph 61.1.8, the applicant shall submit a harvest plan or tree removal plan prepared by a qualified forester. The plan shall set forth prescriptions for tree removal, water quality protection, vegetation protection, residual stocking levels, reforestation, slash disposal, fire protection, and other appropriate considerations. The plan, as approved by TRPA, shall become a part of the project and prescriptions contained in the plan shall be conditions of approval.

61.1.6. Minimum Standards for Tree Removal

The minimum standards for tree removal shall be as provided below.

A. Management Objectives

Management techniques shall be employed that are consistent with the following objectives, where applicable:

1. Restoration and expansion of stream environment zones and riparian vegetation;

2. Improvement of the structural diversity of all forests, including the protection and establishment of younger-aged trees;

3. Enhancement of native wildlife species and/or native wildlife habitat diversity;

4. Enhancement and protection of tree species of limited occurrence, such as aspen, black cottonwood, ponderosa pine, Douglas-fir, incense-cedar, sugar pine, western white pine, mountain hemlock, whitebark pine, and western juniper;

5. Protection of sensitive lands;

6. Minimization of construction of new roads;

7. Revegetation of existing temporary roads;

8. Avoidance of disturbance of stream environment zones, unless such project is to remove trees within SEZ in accordance with subparagraph 61.1.6.C;

9. Utilization of existing openings or disturbed areas as landings;

10. Provisions for revegetation;

11. The promotion of late seral or old growth characteristics;

12. Early successional stage vegetation management; and

13. Fuels management for fire hazard reduction.

B. Cutting Practices

The following cutting practice standards apply:

1. Sufficient trees shall be reserved and left uncut and undamaged to meet the minimum acceptable stocking standards of the appropriate state or federal forestry agency, except in cases of early successional stage management;

2. Group selections shall be limited to use for achieving management objectives as approved by TRPA. Group selections shall be limited in size to less than five acres (See subparagraph 61.1.6);

3. All live trees to be cut shall be marked on bole and stump with paint by, or under the supervision of, a qualified forester prior to TRPA approval. Trees to be removed or protected may be designated by other means in situations involving clear cuts or thinning of exceptionally dense thickets, or other situations that warrant an alternate method of designation. The alternate method shall be stated in the plans and must be approved by TRPA;

4. Damage to unmarked trees and residual vegetation shall be avoided;

5. All trees shall be felled in line with the skidding direction wherever possible;

6. All trees shall be limbed on all sides where feasible and topped prior to skidding except where whole tree skidding is less disruptive to the forest resources;

7. Stumps shall be kept to a height of six inches or less on the side adjacent to the highest ground, except where safety or imbedded metal make this impractical;

8. If stump removal will result in greater than three cubic yards of soil disturbance, a grading permit shall be obtained from TRPA prior to removal of stumps;

9. Green stumps shall be treated to prevent the spread of root disease as specified by a qualified forester; and

10. Insect-infested wood and wood susceptible to insect infestation shall be treated or disposed of as specified by a qualified forester.

C. Tree Cutting Within Stream Environment Zones

Tree cutting within stream environment zones may be permitted to allow for early successional stage vegetation management, sanitation salvage cuts, fuels management for fire hazard reduction, restoration or enhancement of ecosystem health and diversity, and fish and wildlife habitat improvement projects, in accordance with the standards provided below.

1. Vehicle Restrictions

All vehicles shall be restricted to areas outside of the stream environment zones or to existing roads within stream environment zones. The following exceptions shall apply:

a. TRPA may permit the use of vehicles in over-snow tree removal operations. TRPA shall conduct a pre-operation inspection to ensure that conditions are suitable to prevent significant soil disturbance and/or significant vegetation damage; and

b. TRPA shall review site-specific proposals for and may permit the use of "innovative technology" vehicles and/or "innovative techniques" for the purpose of fire hazard reduction in SEZs provided that no significant soil disturbance or significant vegetation damage will result from the use of equipment. (See Chapter 90: *Definitions*, for definitions of "innovative technology" vehicles and "innovative techniques.") Project proposals should be developed within an adaptive management framework that will result in data that can be used to support and/or improve on equipment and techniques. TRPA shall conduct a pre-operation inspection of the site to decide if vehicle use is appropriate for the given situation, to verify the boundaries of the SEZ, and to identify other areas of concern. The following minimum conditions shall apply:

(i) Project proponents shall provide documentation substantiating that the use of such vehicles will not cause significant soil disturbance or significant vegetation damage. Documentation must take into account soil types, hydrology, vegetation type and cover, and other ecosystem characteristics, relevant to the use of such vehicles in similar environments. Documentation can include relevant scientific research, monitoring studies, and other supporting analyses;

(ii) Operations using "innovative technology" vehicles in SEZs shall be limited to the management of common conifer species (e.g., lodgepole pine, white fir), however, incidental hardwoods that need to be removed from within a conifer vegetation type may also be removed using the vehicles;

(iii) Operations shall be limited to times of the year when soils are sufficiently dry to avoid and/or minimize compaction and sufficiently stable to avoid and/or minimize erosion;

(iv) Erosion control measures (BMPs) shall be implemented both during and after operations to avoid soil detachment and transport wherever possible, and to minimize erosion wherever soil disturbance cannot be avoided;

(v) To prevent sediment delivery to surface waters, including wetlands, more stringent setbacks from perennial and intermittent streams than the setbacks set forth in other regulations regulating timber harvests, such as the California Forest Practice Rules and Nevada State Statutes, may be designated if deemed necessary by TRPA;

(vi) Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: *Wildlife Resources*;

(vii) Operations shall incorporate measures to protect historic resources in accordance with Chapter 67: *Historic Resource Protection*; and

(viii) Projects shall be monitored to ensure that the SEZ has not sustained any significant damage to soil or vegetation. Along with the project proposal, adaptive management concepts should be applied to the monitoring plan. A monitoring plan shall be submitted with all project proposals, including at a minimum: a list of sites and attributes to be monitored; specification of who will be responsible for conducting the monitoring and report; and a monitoring and reporting schedule.

2. Soil Conditions

All work within stream environment zones shall be limited to times of the year when soil conditions are dry and stable, or when conditions are adequate for over-snow tree removal operations without causing significant soil disturbance and/or significant vegetation damage (See subparagraph 61.1.6.F).

3. Trees and Debris Kept from Streams

Felled trees and harvest debris shall be kept out of all perennial or intermittent streams. If deposited in the stream, the material shall be removed unless it is determined that such logs and woody material adds structural diversity pursuant to fish and wildlife habitat improvements in accordance with Chapter 62: *Wildlife Resources*, and Chapter 63: *Fish Resources*. This determination shall be approved by TRPA. Logs or other woody material may be placed in streams to provide woody structure pursuant to fish or wildlife habitat improvement programs approved by TRPA in accordance with Chapter 63.

4. Stream Crossings

The crossing of perennial streams or other wet areas shall be limited to improved crossings meeting Best Management Practices or to temporary bridge spans that can be removed upon project completion or at the end of the work season, whichever is sooner. Any damage or disturbance to the

stream environment zone associated with a temporary crossing shall be restored within one year of its removal. In no instance shall any method requiring the placing of rock and earthen material into the stream or streambed be considered an improved crossing. Other temporary measures may be permitted for dry stream crossings in accordance with the *Handbook of Best Management Practices*.

5. Special Conditions

Special conditions shall be placed on all tree harvests within stream environment zones or within the transition or edge zone adjoining stream environment zones, as necessary to protect in-stream aquatic habitat values and wildlife habitat integrity and diversity.

D. Logging Roads, Skid Trails, and Landings

All logging roads, skid trails, and landings shall be constructed or otherwise created and maintained in accordance with the requirements of this chapter and the *Handbook of Best Management Practices*. Existing roads, skid trails, and landings shall be used whenever possible. New roads shall be approved only if TRPA finds that all alternatives have been explored and determines that the construction of new roads, skid trails, or landings would be the preferred alternative. In accordance with subparagraph 60.1.3.B, existing roads and landings may be accessed in the winter to help prepare for over-snow tree removal. Such preparation shall be limited to packing snow over the roadways to obtain a firm snow base and allow movement of logs and equipment without disturbance of the soil. The standards provided below also shall apply.

1. The requirements and standards for design, grade, tree felling in right-of-way, slash cleanup, width, and maintenance, by road type as determined by TRPA, shall be as shown in Tables 61.1.5-1 and 61.1.5-2.

TABLE 61.1.5-1: LOGGING ROADS AND SKID TRAILS: DESIGN AND GRADE

Road Type	Design	Maximum Grade
Permanent administrative roads	Plans and specifications	10%
Limited use roads remaining open	Plans and specifications	10% with occasional 15%
Limited use roads closed after logging	Plans and specifications	10% with occasional 15%
Temporary roads	Flag line	20%
Tractor roads and main skid trails	Flag line	30%
Secondary skid trail	None	30%

TABLE 61.1.5-2: LOGGING ROADS AND SKID TRAILS: OTHER STANDARDS

Road Type	Right of Way Tree Falling	Minimum Slash Cleanup	Maximum Width	Maintenance
Permanent	Prefall	Removal within	30 feet*	As determined by TRPA

TABLE 61.1.5-2: LOGGING ROADS AND SKID TRAILS: OTHER STANDARDS

Road Type	Right of Way Tree Falling	Minimum Slash Cleanup	Maximum Width	Maintenance
administrative roads		50 feet of road		
Limited use roads remaining open	Prefall	Removal within 50 feet of road	15 feet 2/turnouts*	Annual maintenance required**
Limited use roads closed after logging	Prefall	Lop and scatter	15 feet 2/turnouts*	Close to vehicle use and revegetate
Temporary roads	Prefall	Lop and scatter	15 feet*	Close to vehicle use and revegetate
Tractor roads and main skid trails	Concurrent	Lop and scatter	15 feet	Close to vehicle use and revegetate
Secondary skid trails	Concurrent	Lop and scatter	15 feet	Close to vehicle use and revegetate

* Unless TRPA finds that greater width is necessary for feasible use or safety.

** "Annual Maintenance" includes activities such as restoring drainage features and making other road repairs as necessary.

2. Skid trails shall be located so as to protect residual stands through utilization of natural openings and topographic characteristics. The number of skid trails shall be kept to the minimum necessary and their width shall be 15 feet or less. Directional felling shall be used whenever possible to minimize skid trail density. Main skid trails shall be flagged in advance of felling operations and shall require approval by TRPA.

3. Best Management Practices shall be installed on all skid trails, landings, and roads, no later than 15 days following completion of operations within a particular treatment unit, or at the time of seasonal shutdown, whichever is sooner.

4. Water breaks shall be spaced as provided below.

a. The maximum slope distance in feet by land capability district shall be according to Table 61.1.5-3.

TABLE 61.1.5-3: MAXIMUM SLOPE DISTANCE IN FEET BY LAND CAPABILITY DISTRICT

Gradient	5-7	3-4
Less Than 10%	200	200
10 - 20%	150	90
21 - 30%	90	50

b. Water breaks shall be placed at lesser intervals as necessary to prevent soil erosion caused by firebreaks, trails, or landings.

c. Construction of water breaks shall be kept current with operations or at the time of seasonal shutdown, whichever is sooner. Erosion control work, including the design and interval of water breaks, shall require TRPA approval.

d. Landing areas shall be properly drained in a manner to prevent soil erosion and stream pollution.

E. Removal Methods

Only the tree removal methods shown in Table 61.1.5-4 shall be used on lands located within the land capability districts shown.

TABLE 61.1.5-4: TREE REMOVAL METHODS	
Land Capability District	**Removal Method**
1a, 1c, or 2	Aerial removal, hand carry, and use of existing roads, in conformance with subsection 61.1.6. Over-snow removal may be approved pursuant to subparagraph 61.1.6.F.1.
1b (Stream Environment Zone)	As permitted in Land Capability District 1a, end lining may be approved when site conditions are dry and stable, or when winter conditions are adequate for end lining operations so as to avoid adverse impacts to the soil and vegetation. The use of "innovative technology" vehicles and/or "innovative techniques" for removing trees from SEZs may be considered pursuant to subparagraph 61.1.6.C.1.b.
3	As permitted in Land Capability District 1b, Ground skidding pursuant to subparagraph 61.1.6.F.2 may be approved.
4 - 7, Inclusive	As permitted in Land Capability District 1b. Ground skidding, as well as pickup and removal by conventional construction equipment, may be approved. Ground-based vehicle systems for removing trees without skidding may be approved pursuant to subparagraph 61.1.6.F.5.

F. Skidding and Ground Based Vehicle Systems

Skidding is the act of dragging a tree or log along the ground or snow by cable systems or by mobile equipment. Ground skidding is the act of skidding a log or tree in full contact with the ground behind mobile equipment. End lining is dragging a log or tree in full contact with the ground by a winch. Cable yarding is the act of removing a log or tree by cable with one end of the log or tree in contact with the ground. Ground based vehicle systems are all-in-one "process at the stump" harvesters that cut, process and remove trees without any ground skidding.

1. Skidding over snow is preferred to ground skidding. The depth of the snow shall be sufficient to prevent disturbance of the soil beneath the snow as determined by site-specific field observations. Skidding operations shall cease when soil becomes visible on the surface of the snow.

2. Ground skidding shall be limited to Land Capability Districts 3, 4, 5, 6, and 7.

3. Logs shall only be skidded endwise.

4. No logging arches, other than integral arch equipment, shall be permitted.

5. Ground-based vehicle systems for removing trees without skidding, such as harvester and forwarder combinations, may be approved by TRPA for use in Land Capability Districts 4, 5, 6, and 7. The use of "innovative technology" vehicles and/or "innovative techniques" for removing trees without skidding may be considered in Land Capability District 1b and 3 pursuant to subparagraph 61.1.6.C.1 and subparagraph 61.1.6.E.

G. Slash Disposal

Slash shall be disposed of within two years of project completion by the methods below.

1. Lop and scatter, pile and burn or broadcast burn (consistent with Sections 61.2 and 65.1), chip, or haul away. All burns shall be located at least 50 feet from any stream channel, unless it can be demonstrated, using best available science, that slash burning within 50 feet of a channel will not cause adverse environmental impacts.

2. Cull logs and other material shall be disposed of as required by the permit.

H. Restocking

A stand of timber shall be considered to be adequately stocked or to have minimum acceptable stocking when it has thrifty trees well distributed over the growing area (rocky areas, brush fields, meadows, and bodies of water excepted) in which the residual stocking meets the requirements of the appropriate state or federal forestry agency, and desired species composition is maintained.

I. Erosion Control

The adequacy of all required BMPs shall be confirmed at the time of the TRPA pre-operations inspection. Any modifications to the required BMPs as determined by TRPA shall be incorporated into the project permit at that time or as determined to be necessary throughout forest management operations. The following erosion control standards apply:

1. The following Temporary BMPs are required to be installed prior to the commencement of any forest management or equipment operations:

a. Temporary erosion controls and vegetation protection measures.

b. Equipment exclusion area boundary markings or fencing, as necessary to comply with the TRPA-approved forest management plan.

2. Excavated material shall be stored upslope from the excavated areas to the extent possible. No material shall be stored in any SEZ, wet area, or stream buffer zone.

3. Soil shall not be tracked off the project site. Equipment operations shall cease when a violation of this condition exists. The site shall be cleaned and the road right-of-way swept clean when necessary.

4. No equipment or vehicle repairs, other than necessary maintenance of harvest equipment, shall be permitted in the project area unless authorized by TRPA. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. Spill containment and absorbent materials shall be kept on site at all times. All petroleum products and hazardous waste shall be removed from the project area and disposed of at an approved location.

J. Historic Resource Protection

1. Operations shall incorporate measures to protect historic resources in accordance with Chapter 67: *Historic Resource Protection*. All historic

resources located within the project area shall be flagged and avoided. Flagging shall be removed at the time of completion of operations.

2. If there is a discovery of a historic resource during vegetation management activities, all work shall cease in the vicinity of the discovery until significance is determined. Work may resume upon approval of a resource protection plan.

K. Wildlife, Habitat, and Sensitive Plants

1. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: *Wildlife Resources*.

2. Snags shall be retained in accordance with subsection 62.3.4.

3. Discovery of a TRPA-designated sensitive species or species of interest, or the location of a nest or den of one of those species, shall be immediately reported to TRPA. Any nests, dens, or plant locations shall be protected in accordance with TRPA regulations. All work within the project area shall cease until TRPA identifies under what conditions the project may continue.

61.1.7. Reasons for Tree Removal

Except for trees identified for retention under subsection 61.1.4, tree removal shall incorporate measures and prescriptions that promote a range of threshold standards and SEZs pursuant to subparagraph 61.1.6.C. Trees may be removed for the reasons provided below.

A. Hazardous Tree Removal

To protect lives and property, trees reported by a qualified forester to be hazardous to property or lives may be removed upon approval by TRPA. Other vegetation shall be protected during removal operations to prevent their injury.

B. Emergency Tree Removal

When a tree constitutes a physical emergency (e.g., imminent threat of falling on occupied or substantial structures or people), the tree may be removed, but the land owner or manager shall provide photographic documentation and all applicable paperwork and fees to TRPA within ten working days of removal of the hazardous tree.

C. Dead, Dying, or Diseased Tree Removal

To enhance forest health, dying, or diseased trees may be removed upon approval by TRPA Dead trees less than or equal to 30 inches in westside forest types and less than or equal to 24 inches in eastside forest types may be removed without TRPA approval pursuant to subsection 2.3.2.E.

D. Fire Hazard Tree Removal

Trees identified and marked by a qualified forester as a fire hazard may be removed upon approval by TRPA or pursuant to a TRPA MOU Authorization. Trees identified and marked by a defensible space assessor for defensible space purposes associated

with a building or structure may be removed upon approval by TRPA or pursuant to a TRPA MOU Authorization. Fuel reduction projects shall consider multiple threshold objectives. As an alternative to tree removal, the defensible space assessor may approve the limbing of trees that are determined to be a fire hazard, consistent with defensible space requirement of the applicable fire agency. (See Chapter 90 for definition of "fuels management.")

E. Tree Removal for Early Successional Stage Vegetation Management

Tree removal may be permitted when it has been determined by TRPA that it is appropriate to convert an area to, and/or maintain an area in, an early successional stage vegetation type. (See Chapter 90 for definition of "early successional stage vegetation management.") Where revegetation is required to stabilize soils and/or replace removed vegetation, the applicant shall provide a revegetation plan in accordance with subsection 61.4.5.

F. Tree Removal for Enhancement of Forest Health and Diversity

Tree removal may be permitted where the species or structural diversity of an area is not in accordance with management objectives. TRPA shall apply the criteria below in reviewing tree removal to enhance forest health and diversity.

1. A management plan that demonstrates the need for the project and the means of accomplishing the objectives listed below shall be prepared by a qualified forester.

a. Removal of trees shall not result in less than minimum stocking levels required by the applicable state or federal forestry agency.

b. If improved structural diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of younger-aged trees, or be accompanied by a report from a qualified forester that states the reasons why a reforestation plan is not necessary to achieve structural diversity objectives.

c. If improved species diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of native species other than the local dominant, or be accompanied by a report from a qualified forester that states the reasons why a reforestation plan is not necessary to achieve species diversity objectives.

d. On parcels of three acres or less, the tree removal permit may serve as the management plan.

2. The site proposed for tree removal for forest diversity shall be within a contiguous area of at least three acres in which a single tree species of similar age class dominates. There is no minimum acreage when removing trees for forest health or for successional management of stream environment zones.

G. Tree Removal for Solar Access

Removal of healthy trees to maximize efficiency of solar energy systems may be permitted according to the standards below.

1. TRPA may approve the removal of healthy trees provided TRPA finds that the trees unreasonably impede the operation of a solar energy system and that the solar energy system is properly located so as to minimize the need for tree removal.

2. The number of healthy trees that may be removed for the system's operation shall be the minimum necessary.

3. The only trees that shall be considered for removal for an active or passive solar energy system are those that lie generally south of the proposed solar collector and are in the sun's path between an 18∞ vertical angle measured from the base of the solar collector and a 70∞ vertical angle from the same base measurement. Trees on adjacent properties may be removed provided a contractual agreement to allow for such removal is signed by the affected parties. Tree removal may be conditioned upon replacement elsewhere on the property.

H. Tree Removal for Ski Areas and Rights-Of-Way

The tree removal standards below apply to ski areas and utility and public rights-of-way.

1. For expansion of ski areas, including but not limited to, the widening of runs and the addition or replacement of lifts, only the minimum number of trees necessary for the operation of the ski area shall be removed.

2. The removal of trees within utility and public right-of-ways may be allowed if TRPA finds that the removal is for public health and safety. When a tree-related emergency exists, the utility or public agency may remove the trees and advise TRPA of the action on the next business day. At that time TRPA may issue an emergency permit in accordance with its Rules of Procedure.

I. Tree Removal for Development

Tree removal for development in conjunction with a TRPA permit shall be in accordance with the provisions of this chapter and Section 33.5.

J. Tree Removal During Emergency Fire Suppression Activities

Trees may be removed when an emergency fire suppression need exists as determined by the local, state, or federal fire suppression agency involved in a fire suppression activity.

K. Tree Removal to Enhance Scenic View Points from Public Roadways

Select trees may be removed to enhance scenic viewpoints from scenic turnouts located on highways, public right-of-ways and other public lands immediately adjacent to highway corridors.

61.1.8. Substantial Tree Removal

Substantial tree removal shall be activities on project areas of three acres or more and proposing the removal of more than 100 live trees 14 inches dbh or larger, or proposing tree removal that as determined by TRPA after a joint inspection with appropriate state or federal Forestry staff does not meet the minimum acceptable stocking standards set forth in subparagraph 61.1.6.H. Substantial tree removal projects shall be processed by the appropriate state and federal agencies in coordination with TRPA as required below.

A. Private Parcels

The review process for private parcels shall include the following:

1. Harvest plan shall be written by a qualified forester;

2. Harvest plan shall be submitted to the appropriate state and federal agencies and TRPA with an initial environmental checklist or environmental assessment;

3. Preparation of environmental impact statement if necessary;

4. Pre-approval field review;

5. Approval of project by TRPA;

6. Pre-harvest field review; and

7. Post-harvest review.

B. Public Parcels

1. The review process for public parcels administered by the U.S. Forest Service shall include the following:

a. Coordination with TRPA at the initial planning stages;

b. Preparation of environmental assessment;

c. Preparation of environmental impact statement (if necessary);

d. Submittal of tree removal or harvest plan;

e. Approval of project by TRPA; and

f. TRPA monitoring and evaluation.

2. For other public parcels the process shall be the same as for private parcels in 1 above.

61.1.9. Commercial Tree Removal

A. General Standard

Trees may be removed as a commercial enterprise pursuant to the tree removal practices of subsection 61.1.6.

B. Cutting and Cultivation of Christmas Trees

Legally existing Christmas tree cultivation operations, when certified by a qualified forester to be utilizing native species and proper silvicultural methods, may continue upon approval by TRPA. New Christmas tree farm operations meeting the above conditions may be permitted if TRPA finds them to be in compliance with the Code and the applicable plan area statements.

61.2. PRESCRIBED BURNING

61.2.1. Purpose

This section sets forth standards and regulations pertaining to the use of fire in controlled circumstances for vegetation management.

61.2.2. Applicability

The standards and regulations in this section apply to all intentional burning for the purpose of vegetation management, unless otherwise exempt from TRPA review under the provisions of Chapter 2: *Applicability of the Code of Ordinances*.

61.2.3. Prescribed Burning

A. Prescribed Burning Allowed

Persons who own or manage forests or range lands may use prescribed burning, consistent with the standards and regulations set forth in this section, to maintain forest health and diversity and to reduce the risk of wildfire.

B. Limitations

Prescribed burning shall be limited to the following activities:

1. Seral stage management;

2. Fuels management;

3. Wildlife habitat management;

4. Silviculture; or

5. Pest control.

61.2.4. Performance Standards

The use of prescribed burning for vegetation management shall comply with the standards provided below.

A. Location of Prescribed Burning

The use of prescribed burning shall be limited to those areas where the plan area statements designate as a permissible use one or more of the following uses:

1. Nonstructural wildlife habitat management;

2. Range improvement;

3. Fuels management; or

4. Prescribed fire management.

B. Extent of Prescribed Burning

Each prescribed burn shall be limited to the minimum area necessary to achieve the purpose of the prescription.

C. Timing of Prescribed Burning

Prescribed burning shall be limited to time periods for which TRPA finds that atmospheric conditions normally will allow complete dispersion of the smoke from the prescribed burn during each day of the burn.

D. Responsible Persons

A qualified expert, experienced in the use of fire for vegetation management, shall prepare a burning prescription for review and, if appropriate, approval by TRPA. The expert shall certify that the prescription meets the standards of this section. The expert shall oversee the conduct of the burn.

E. Standards of Other Government Agencies

All prescribed burning shall comply with applicable standards of other government agencies with appropriate jurisdiction, including but not limited to the following agencies: the El Dorado County Air Pollution Control District; the Placer County Air Pollution Control District; the California Air Resources Board; the California State Water Resources Control Board; the California Regional Water Quality Control Board; the Nevada Division of Environmental Protection; the California and Nevada Departments of Forestry; and the United States Forest Service. Where TRPA standards conflict with another agency's standards, the most stringent standard shall control.

61.2.5. Compliance Program

To achieve compliance with the standards in subsection 61.2.4, TRPA shall apply the following provisions:

A. Consistency with Primary Use

TRPA shall review and, if appropriate, approve applications to conduct prescribed burns consistent with the provisions of Chapter 21: *Permissible Uses*, regarding allowed and special uses for those uses listed in subparagraph 61.2.4.A.

B. Burn Prescription

All applications to conduct prescribed burning shall be accompanied by a burn prescription. A burn prescription shall include the following items:

1. Detailed statement of the purpose of the prescribed burn;

2. Description, including a map at an appropriate scale of the location and a real extent of the prescribed burn. Such description shall allow TRPA to

determine whether the proposed burn complies with subparagraphs 61.2.4.A and 61.2.4.B;

3. Description of the timing of the prescribed burn, and meteorological information that demonstrates that the timing of the prescribed burn will normally allow complete dispersion of the smoke from the burn during each day of the burn;

4. A list of the applicable standards of TRPA and other government agencies with jurisdiction over the burn, and a discussion of how the proposed prescription complies with those standards;

5. A detailed description of the proposed burning operation, including a description of all safety procedures that will be used to prevent wildfire;

6. A certification by a qualified expert experienced in the use of fire for vegetation management that the burn prescription complies with this section; and that the expert shall oversee the conduct of the burn to ensure that the prescription is followed; and

7. Other information that TRPA may require.

61.3. VEGETATION PROTECTION AND MANAGEMENT

61.3.1. Purpose

In accordance with the Vegetation Conservation Element of the Regional Plan Goals and Policies, this section provides for the protection of Stream Environment Zone (SEZ) vegetation, other common vegetation, uncommon vegetation, and sensitive plants. It also provides for remedial management of vegetation to achieve and maintain environmental thresholds for plant species and structural diversity, and the maintenance of vegetation health. The management and protection of vegetation shall, at a minimum, consider the diversity of plant species and landscape pattern of plant communities, and their attributes in relationship to wildlife and fisheries habitat, scenic quality, recreation use, soil conservation, and water quality.

61.3.2. Applicability

TRPA requires the protection and maintenance of all native vegetation types. TRPA may require the preparation and implementation of a remedial vegetation management plan for any parcel where the need for remedial vegetation management has been identified for purposes of environmental threshold maintenance or attainment.

61.3.3. Protection of Stream Environment Zones

A. General Requirement

Unless excepted in B below, no project or activity shall be undertaken in an SEZ (Land Capability District 1b) that converts SEZ vegetation to a non-native or artificial state or that negatively impacts SEZ vegetation through action including, but not limited to, reducing biomass, removing vegetation, or altering vegetation composition.

B. Exceptions

The activities below are exceptions to the general requirement in A above.

1. Manipulation or management of SEZ vegetation may be permitted in accordance with the Code for purposes of SEZ vegetation health or wildlife or fish habitat improvements, and after approval of a vegetation management plan pursuant to subparagraph 61.3.5.B, or as provided in Section 30.5, subsection 30.4.4, subparagraph 30.4.6.D.3, Section 63.3, or Sections 61.1 or 61.2.

2. Maintenance of landscaping that was installed prior to the creation of TRPA, or installed for the purpose of scenic quality pursuant to Chapter 36: *Design Standards*, or pursuant to a TRPA permit, or under a TRPA exemption prior to August 1, 1997, provided that fertilizer use is restricted in accordance with the BMP Handbook and described in subparagraph 60.1.8.A, unless a remedial action pursuant to subsection 61.3.4 has been taken by TRPA.

3. Removal of vegetation may be permitted pursuant to subparagraphs 2.3.2.E, or 2.3.7.A.8, Section 33.6, Chapter 64: *Livestock Grazing*, or under defensible-space guidelines approved by TRPA.

61.3.4. Remedial Vegetation Management

TRPA and resource management agencies, including the states' forestry departments, shall identify areas where remedial management of vegetation is necessary to achieve and maintain environmental thresholds for health and diversity in vegetation. Requests by TRPA to prepare and implement a remedial vegetation management plan for a specified area shall follow the procedures set forth in Section 5.12: *Remedial Action Plans*.

61.3.5. Preparation of Remedial Vegetation Management Plans

At the request of TRPA, remedial vegetation management plans shall be prepared by the property owners of areas identified for remedial vegetation management in cooperation with TRPA and appropriate resource management agencies.

A. Plan Content

Remedial vegetation management plans shall contain, at a minimum, the following information:

1. Purpose of the management plan, including a list of objectives;

2. Description of existing vegetation, including the abundance, distribution, and age class of tree species;

3. Remedial measures necessary to achieve the stated objectives, including details of harvest and revegetation plans (see Section 61.4); and

4. An implementation schedule, including a monitoring program to report progress on monitoring of vegetation.

B. Plan Approval

TRPA may approve a remedial vegetation management plan provided the plan is necessary to achieve, and can reasonably be expected to achieve, the purposes set forth in subsection 61.3.4.

61.3.6. Sensitive and Uncommon Plant Protection and Fire Hazard Reduction

A. Purpose

This subsection sets forth standards for the preservation and management of vegetation of significant scenic, recreational, educational, scientific, or natural values of the region, and for management of vegetation to prevent the spread of wildfire.

B. Applicability

This subsection applies to all projects and activities that could have a detrimental effect on designated sensitive plants or uncommon plant communities, and to all areas where vegetation may contribute to a significant fire hazard.

C. Sensitive Plants and Uncommon Plant Communities

Designation of plants for special significance is based on such values as scarcity and uniqueness. The following standards shall apply to all sensitive plants and uncommon plant communities referenced in the environmental thresholds, and to other plants or plant communities identified later for such distinction. The general locations of sensitive plant habitat and uncommon plant communities are depicted on the TRPA Special Species map layers. The special species map layers indicate the location of habitat for threatened, endangered, rare, and special interest species and where populations of sensitive or uncommon plants have been observed.

1. Sensitive Plants

a. **List of Sensitive Plants**

The sensitive plants are:

(i) Rorippa subumbellata (Tahoe yellow cress);

(ii) Arabis rigidissima var. demote (Galena Creek rock cress);

(iii) Lewisia longipetala (long-petaled lewisia);

(iv) Draba asterophora v. macrocarpa (Cup Lake draba); and

(v) Draba asterophora v. asterophora (Tahoe draba).

b. **Standards for Sensitive Plants**

Projects and activities in the vicinity of sensitive plants or their associated habitat shall be regulated to preserve sensitive plants and their habitat. All projects or activities that are likely to harm, destroy, or otherwise jeopardize sensitive plants or their habitat shall fully mitigate their significant adverse effects. Projects and activities that cannot fully mitigate their significant adverse effects are prohibited. Measures to protect sensitive plants and their habitat include, but are not limited to:

(i) Fencing to enclose individual populations or habitat;

(ii) Restrictions on access or intensity of use;

(iii) Modifications to project design as necessary to avoid adverse impacts;

(iv) Dedication of open space to include entire areas of suitable habitat; or

(v) Restoration of disturbed habitat.

2. Uncommon Plant Communities

a. **List of Uncommon Plant Communities**
The uncommon plant communities are:

(i) The deepwater plants of Lake Tahoe, Grass Lake (sphagnum fen);

(ii) Osgood Swamp, Hell Hole (sphagnum fen);

(iii) Pope Marsh, Taylor Creek Marsh, Upper Truckee Marsh; and

(iv) The Freel Peak cushion plant community.

b. **Standards for Uncommon Plant Communities**
Uncommon plant communities shall be managed and protected to preserve their unique ecological attributes and other associated values. Projects and activities that significantly adversely impact uncommon plant communities, such that normal ecological functions or natural qualities of the community are impaired, shall not be approved.

D. Vegetation Management to Prevent the Spread of Wildfire

Within areas of significant fire hazard, as determined by local, state, or federal fire agencies, flammable or other combustible vegetation shall be removed, thinned, or manipulated in accordance with local and state law. Revegetation with approved species or other means of erosion control may be required where vegetative ground cover has been eliminated or where erosion problems may occur.

61.4. REVEGETATION

61.4.1. Purpose

This section provides standards for revegetation for such purposes as soil stabilization and improvement of the vegetative cover mix.

61.4.2. Applicability

This section shall apply wherever revegetation is required as a condition of project approval or where revegetation is necessary to comply with other provisions of the Code. Landscaping provisions are set forth in Chapter 36: *Design Standards*.

61.4.3. Approved Species

Revegetation programs shall use TRPA-approved plant species listed on the TRPA Recommended Native and Adapted Plant List. This list shall be a part of the *Handbook of Best Management Practices* and shall be updated from time to time based on the criteria that listed plants should be adapted to the climate of the Tahoe region, should require little water and fertilizer after establishment, and should be non-invasive. Specifications of plant materials shall be in accordance with the following requirements:

A. Site Conditions
Plant species selected shall be appropriate for site conditions.

B. Small Scale Programs
Small scale revegetation programs shall emphasize the use of TRPA-approved grass species in conjunction with mulching or other temporary soil stabilization treatments, as described in the *Handbook of Best Management Practices*.

C. Large Disturbed Areas
Revegetation of disturbed areas larger than 10,000 square feet shall include reseeding with TRPA-approved grass species as well as reestablishment of appropriate shrub and tree species.

D. Fertilizer
Fertilizer may be permitted to help establish vegetation following planting, but plant species shall be selected that do not require long term fertilization.

61.4.4. Soil Stabilization

Site preparation for revegetation shall include measures necessary to stabilize the soil until the vegetation is reestablished. Revegetation and stabilization programs for disturbed sites shall minimize the use of extensive grading whenever practical. Situations where extensive grading and recontouring may be necessary include the following:

A. Oversteepened cut slopes;

B. Quarry sites;

C. Abandoned landfills;

D. Reclamation of already developed sites; or

E. Abandoned roads.

61.4.5. Revegetation Plans

Where revegetation is required to stabilize soils, replace removed vegetation, or for rehabilitation of areas where runoff or soil erosion needs to be controlled, the applicant shall provide a revegetation plan.

A. Contents of Plan
Revegetation plans shall include at a minimum:

1. A description of the site, including the soil type, if applicable, the stream environment zone or backshore type, and existing vegetation;

2. A list of appropriate plant species to be used at the site and a plan showing where they will be planted;

3. The number and size of shrubs and trees to be used, if any;

4. A description of the extent and methods of irrigation, if any;

5. Specifications for site preparation and installation of plant materials;

6. Specifications and schedule for onsite care, including amount and method of application of fertilizers pursuant to the *Handbook of Best Management Practices*, if necessary;

7. Specifications for long term plant care and protection, including the amount and method of application of fertilizers, if necessary; and

8. A description of mulches or tackifiers to be used.

B. Plant Materials

Plant materials to be used in a stream environment zone or the backshore shall be from the list shall be derived from stock possessing genetic characteristics of native plants or, if used outside of these areas, plant materials shall originate from a similar elevation and climate as the revegetation site if stock is available. If such stock is not available, stock with demonstrated success in the region may be approved.

C. Soil Materials

Revegetation plans may include provisions that allow for the importation of soil in limited situations involving reclamation of extensively disturbed sites, such as those in subsection 61.4.4. Soil material may be permitted to be imported from outside the region if an acceptable source in the region cannot be located. Acceptable sources of soil material in the region include by-products of approved dredging or grading activities and compost.

D. Security Release

The portion of a security related to revegetation shall be released when TRPA determines that the required vegetation is established. Establishment of vegetation generally takes one or two growing seasons.

CHAPTER 62: WILDLIFE RESOURCES

62.1. PURPOSE

The intent of this chapter is to protect and enhance the existing diverse wildlife habitats, with special emphasis on protecting or increasing habitats of special significance, such as deciduous trees, wetlands, meadows, and riparian areas.

62.2. APPLICABILITY

This chapter applies to any activity or project that could affect basic habitat requirements, such as hiding and thermal cover, food, water, and space as necessary for survival of wildlife populations. Standards for the preservation and management of wildlife habitat are set forth in this chapter.

62.3. PROTECTION OF WILDLIFE HABITAT

Wildlife habitat shall be protected as provided below.

62.3.1. Stream Environment Zones

No project or activity shall be undertaken within the boundaries of a SEZ except as otherwise permitted for habitat improvement, dispersed recreation, vegetation management, or as provided in Chapter 30: *Land Coverage*.

62.3.2. Movement and Migration Corridors

Movement and migration corridors shall be protected as provided below.

A. Stream environment zones adjoining creeks and major drainages link islands of habitat and shall be managed, in part, for use by wildlife as movement corridors. Structures, such as bridges, proposed within these movement corridors shall be designed to not impede the movement of wildlife.

B. Projects and activities in the vicinity of deer migration areas shall be required to mitigate or avoid significant adverse impacts. The location of deer migration areas shall be verified by the appropriate state wildlife or fish and game agencies.

62.3.3. Critical Habitat

Any element of the overall habitat for any species of concern that could reduce the existing population or impair the stability or viability of the population if the habitat is diminished shall be considered critical habitat. This shall apply also to habitat for special interest species indigenous to the region whose breeding populations have been extirpated but could return or be reintroduced.

A. No project or activity shall cause, or threaten to cause, the loss of any habitat component considered critical to the survival of a particular wildlife species.

B. No project or activity shall threaten, damage, or destroy nesting habitat of raptors and waterfowl or fawning habitat of deer.

C. Wetlands shall be preserved and managed for their ecological significance, including their value as nursery habitat to fish, nesting and resting sites for waterfowl, and as a source of stream recharge, except as permitted pursuant to Chapter 30.

D. Projects or activities within wetlands may include the creation of artificial nesting sites for waterfowl.

62.3.4. Snags and Coarse Woody Debris

Snags and coarse woody debris shall be protected and retained in conservation and recreation plan area statements as provided below. (Snag and coarse woody debris decay classes referred to in this subsection 62.3.4 are based on Maser, C., and J. M. Trappe, 1984. *The Seen and Unseen World of the Fallen Tree.* USDA, Forest Service, Gen. Tech. Rep. PNW–164.)

A. Retention of Snags

Snags shall be retained according to standards 1, 2, and 3, with exceptions listed in 4:

1. At a minimum, retain four of the largest hard snags per acre in westside forest types, six of the largest hard snags per acre in subalpine forest types, and three of the largest hard snags per acre in eastside forest types that are 15" dbh and greater, in decay class 2 through 5, averaged over a ten acre area.

2. Retain all soft snags in decay class 6 through 9 that are 24" dbh and greater in all forest types.

3. Snags shall be retained randomly across the landscape such that a naturally occurring distribution is mimicked.

4. Exceptions to retention standards may be approved by TRPA as long as a scientifically-valid rationale for the exception is provided:

a. To reduce fire risk;

b. To accomplish wildlife and fisheries habitat conservation objectives;

c. To mimic forest ecosystem function, such as prescribed fire; or

d. If the stand is not capable of supporting such levels.

B. Tree Harvest Plans

Provision for the protection of snags suitable for wildlife habitat shall be incorporated into all tree harvest plans and projects as conditions of approval.

C. Retention of Course Woody Debris

As provided below, coarse woody debris shall be retained according to standards 1 and 2, or 3 only.

1. Within westside and subalpine forest types, beginning with the largest downed logs identified within the range of suitable retention size classes in Table 62.3.4-1, sequentially retain pieces of coarse woody debris in decay class 1 through 3, until an average of 15 ± 5 tons per acre (approximately 5–10 logs) are retained over a treatment area.

2. Within eastside forests types, retain at least three of the largest downed logs per acre within the treatment area.

3. Exceptions to retention standards may be approved by TRPA as long as a scientifically-valid rationale for the exception is provided:

a. To reduce fire risk;

b. To accomplish wildlife and fisheries habitat conservation objectives;

c. To mimic forest ecosystem function, such as prescribed fire; or

d. If the stand is not capable of supporting such levels.

TABLE 62.3.4-1: COURSE WOODY DEBRIS LOG WEIGHTS (TONS) BY SIZE

Diameter of Log at Large End (inches)	Length of Log (feet)																	Retention Suitability
	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	
4	0.01	0.01	0.01	0.02	0.02	0.02	0.02	0.02	0.03	0.03	0.03	0.03	0.03	0.04	0.04	0.04	0.04	LOW
6	0.02	0.02	0.03	0.03	0.04	0.04	0.05	0.05	0.06	0.06	0.07	0.07	0.08	0.08	0.08	0.09	0.10	↓
8	0.04	0.04	0.05	0.06	0.07	0.08	0.09	0.10	0.10	0.10	0.10	0.10	0.10	0.20	0.20	0.20	0.20	
10	0.06	0.07	0.08	0.10	0.10	0.10	0.10	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.30	0.30	0.30	
12	0.08	0.10	0.10	0.10	0.20	0.20	0.20	0.20	0.20	0.30	0.30	0.30	0.30	0.30	0.40	0.40	0.40	
14	0.10	0.10	0.20	0.20	0.20	0.20	0.30	0.30	0.30	0.40	0.40	0.40	0.40	0.50	0.50	0.50	0.50	
16	0.10	0.20	0.20	0.20	0.30	0.30	0.30	0.40	0.40	0.50	0.50	0.50	0.60	0.60	0.60	0.70	0.70	
18	0.20	0.20	0.30	0.30	0.40	0.40	0.40	0.50	0.50	0.60	0.60	0.60	0.70	0.80	0.80	0.80	0.90	
20	0.20	0.30	0.30	0.40	0.40	0.50	0.50	0.60	0.70	0.70	0.80	0.80	0.90	0.90	1.00	1.00	1.00	
22	0.30	0.30	0.40	0.50	0.50	0.60	0.70	0.70	0.80	0.90	0.90	1.00	1.00	1.00	1.20	1.30	1.30	
24	0.30	0.40	0.50	0.60	0.60	0.70	0.80	0.90	1.00	1.00	1.00	1.20	1.30	1.30	1.40	1.50	1.60	
26	0.40	0.50	0.60	0.60	0.70	0.80	1.00	1.00	1.00	1.20	1.30	1.40	1.50	1.60	1.70	1.80	1.80	
28	0.40	0.50	0.60	0.70	0.90	1.00	1.00	1.20	1.30	1.40	1.50	1.60	1.70	1.80	2.00	2.00	2.00	
30	0.50	0.60	0.70	0.90	1.00	1.00	1.20	1.30	1.50	1.60	1.70	1.80	2.00	2.00	2.20	2.30	2.40	
32	0.60	0.70	0.80	1.00	1.00	1.30	1.40	1.50	1.70	1.80	2.00	2.00	2.20	2.40	2.50	2.70	2.80	
34	0.60	0.80	0.90	1.00	1.30	1.40	1.60	1.70	2.00	2.00	2.20	2.40	2.50	2.70	2.80	3.00	3.20	
36	0.70	0.90	1.00	1.30	1.40	1.60	1.80	2.00	2.00	2.30	2.50	2.70	2.80	3.00	3.20	3.40	3.50	
38	0.80	1.00	1.00	1.40	1.50	1.80	2.00	2.20	2.40	2.60	2.80	3.00	3.20	3.30	3.50	3.70	4.00	
40	0.90	1.00	1.30	1.50	1.70	2.00	2.20	2.40	2.60	2.80	3.00	3.30	3.50	3.70	4.00	4.20	4.40	

TABLE 62.3.4-1: COURSE WOODY DEBRIS LOG WEIGHTS (TONS) BY SIZE		
Retention Suitability	**LOW** →	**HIGH**
Retain	**Do Not Retain**	

62.4. SPECIAL INTEREST, THREATENED, ENDANGERED, AND RARE SPECIES

Special interest species that are locally important because of rarity or other public interest, and threatened, endangered, or rare species as designated under state and federal endangered species acts shall be protected from habitat disturbance from conflicting land uses. These special interest species are: goshawk, osprey, bald eagle, golden eagle, peregrine, water fowl, and deer. The habitat locations of these species are depicted on TRPA maps. At a minimum, the following standards shall apply for the protection of special interest, threatened, endangered and, rare species and associated habitat:

62.4.1. Disturbance Zones

Perching sites and nesting trees of goshawks, peregrines, eagles, and osprey as shown in the TRPA Regional Plan Map layers shall not be physically disturbed in any manner nor shall the habitat in the disturbance zone be manipulated in any manner unless such manipulation is necessary to enhance the quality of the habitat. The threshold shall apply not only to the number of known population sites but also to the disturbance and influence zone buffers to sites found in the future.

A. The disturbance zone for goshawks is the 500 acres of best suitable habitat surrounding a population site, which shall include a 0.25-mile radius around each nest site.

B. The disturbance zone for osprey and peregrines is 0.25 mile radius around each nest site.

C. The disturbance zones for wintering bald eagles are as shown on the TRPA maps.

D. The disturbance zone for nesting bald eagles is 0.5 mile radius around each nest.

E. The disturbance zone for golden eagles is 0.25 mile radius around each nest site.

62.4.2. Adverse Impacts

Uses, projects, or activities outside existing urban areas and within the disturbance zone of special interest, threatened, endangered, or rare species shall not, directly or indirectly, significantly adversely affect the habitat or cause the displacement or extirpation of the population.

62.4.3. Environmental Documents

Applicants for projects within disturbance zones shall submit with their applications appropriate environmental documentation prepared by a biologist that includes specific recommendations for avoiding significant adverse impacts to the special interest, threatened, endangered, or rare species.

62.4.4. Special Conditions

Special conditions of project approval may be required to mitigate or avoid significant adverse impacts to special interest species listed by TRPA or the U.S. Forest Service for the Lake Tahoe Basin, or for threatened, endangered, and rare species.

62.4.5. Developed Parcels

Subsections 62.4.1 through 62.4.3, inclusive, shall not apply to situations where special interest, threatened, endangered, or rare species choose to live in close proximity to existing developed parcels.

CHAPTER 63: FISH RESOURCES

63.1. PURPOSE

The purpose of this chapter is to ensure the protection of fish habitat and to provide for the enhancement of degraded habitat.

63.2. APPLICABILITY

This chapter is applicable to all projects and activities that could interfere with the health of fish populations in Lake Tahoe, its tributaries, and other lakes in the region. New uses, projects and activities within fish habitat, as identified by TRPA fish habitat maps or a qualified biologist, shall include provisions for the protection or enhancement of the affected habitat.

63.3. FISH HABITAT PROTECTION

Fish habitat consists of a complex set of elements, such as spawning and nursery or rearing areas, food supply, and escape cover. Areas of prime fish habitat are subject to verification by TRPA and are defined in Chapter 90: *Definitions*.

63.3.1. Lake Habitat

Lake habitat shall be protected as provided below.

A. Projects and activities in the shorezone of lakes may be prohibited, limited, or otherwise regulated in prime habitat areas, or in areas or at times found by TRPA to be vulnerable or critical to the needs of fish.

B. Special conditions of project approval, such as restoration of physically altered substrate, construction limited to designated periods, or shoreline protective measures, may be required for development in the shorezone to mitigate or avoid significant adverse impacts to habitat or normal fish activities.

C. Habitat restoration projects may be permitted in the nearshore or foreshore.

D. Certain activities, such as construction, swimming, or boating, may be restricted temporarily in areas where spawning activity is occurring.

E. The physical alteration of the substrate in areas of prime fish habitat is prohibited unless approved by TRPA.

F. Projects and activities affecting lake fish habitat shall be referred to state and federal fisheries agencies for review and comment.

63.3.2. Stream Habitat

Stream habitat shall be protected as provided below.

A. Artificial modifications to stream channels, or other projects, activities, or uses in stream environment zones that may physically alter the natural characteristics of the stream shall not be permitted unless TRPA finds that such actions avoid significant adverse impacts to the fishery or are otherwise allowed under the Code.

B. All stream crossings shall be constructed so as to allow unrestricted upstream and downstream movement of fishes.

C. Existing structures within stream environment zones that are barriers to fish migration may be removed or modified to permit fish passage (See Section 5.12 Remedial Action Plans, and Chapter 16: *Regional Plan and Environmental Threshold Review*).

D. Development adjacent to tributaries shall be required to fully mitigate significant adverse impacts to the fishery.

E. Proposals for stream habitat improvement shall include, at a minimum, the following information:

1. Purpose of the project;

2. Species to be benefited;

3. Time and methods of construction or other work;

4. The use, source, placement, and quantity of all materials; and

5. A vegetation plan for fish cover, shading, and bank protection as needed.

F. Wildlife habitat improvement projects or activities, or other projects or activities requiring the diversion of stream water, shall mitigate significant adverse impacts to the tributary by:

1. Maintaining adequate instream flows adjacent and downstream from the project area;

2. Preventing the introduction or reentry of nutrients or sediment-enriched water to the tributary;

3. Providing for unobstructed migration or fishes through the main stream channel;

4. Protecting or restoring fish habitat;

5. Protecting or restoring riparian vegetation; and

6. Protecting or restoring other relevant instream values such as recreation, aesthetics, and wildlife habitat.

G. Fish and wildlife stream habitat projects or activities shall be developed in coordination with the appropriate fish and wildlife agencies.

H. Whenever possible, existing points of water diversion from streams shall be transferred to Lake Tahoe when the diversions significantly and adversely impact instream beneficial uses.

I. An instream beneficial use assessment, such as the type established by Title 23, Section 670.6 of the California Administrative Code, shall be required for all projects and activities involving the diversion of water from a stream where instream flow standards have not been established. The assessment also may be required on streams where existing diversions are creating identified problems such as non-compliance with environmental thresholds. Prior to TRPA approval, standards of stream flow shall be established pursuant to the results of the assessment. Approval shall be conditioned on compliance with those standards and other mitigation necessary to achieve and maintain the environmental thresholds.

63.4. AQUATIC INVASIVE SPECIES

Aquatic invasive species (AIS) pose a serious threat to the waters of the Lake Tahoe region and can have a disastrous impact to the ecology and economy of the Tahoe Region. The following provisions are necessary to prevent the introduction and spread of aquatic invasive species.

63.4.1. Prohibition

The following actions are prohibited:

A. The transport or introduction of aquatic invasive species into the Lake Tahoe region.

B. The launching of any watercraft or landing of any seaplane contaminated with aquatic invasive species into the waters of the Tahoe region.

C. The launching, or attempting to launch, of any motorized watercraft into the waters of the Lake Tahoe region without an inspection by TRPA or its designee, to detect the presence, and prevent the introduction of, aquatic invasive species. Non-motorized watercraft and seaplanes are subject to inspection and are included in this provision if determined necessary by TRPA or its designee.

D. The provision of inaccurate or false information to the TRPA or persons designated to conduct inspections pursuant to subsection 63.4.2.

E. The alteration, modification or unauthorized use of any inspection seal or other device used by TRPA or its designee to indicate that a watercraft or seaplane last entered the waters of the Lake Tahoe region.

63.4.2. Watercraft Inspections and Decontamination

A. All watercraft and seaplanes inspected pursuant to subparagraph 63.4.1.C shall be subject to decontamination if determined necessary by the TRPA or its designee

B. All watercraft and seaplanes subject to inspection and/or decontamination pursuant to subparagraphs 63.4.1.C and 63.4.2.B shall be permitted to enter the waters of the Lake Tahoe region only if: (a) the inspection and/or decontamination is performed and completed by an individual trained and certified pursuant to TRPA standards and requirements for aquatic invasive species inspection and decontamination, and (b) following inspection and/or decontamination, the launch or landing, as appropriate, is authorized by an inspector trained and certified pursuant to TRPA's standards and requirements for aquatic invasive species inspections.

C. Inspections and decontaminations performed pursuant to Section 63.4 shall be subject to a fee related to the costs of performing such services and other Watercraft inspection program costs. The TRPA Governing Board shall review and approve the fee amount and structure annually.

D. An owner and/or operator of a boat ramp (excluding Marine Railway Systems) or other boat launch facility shall close any ramp or facility if the provisions of subparagraph 63.4.2.B are not met in order to prevent the launching of motorized watercraft.

E. Any watercraft or seaplane entering the waters of the Lake Tahoe region in violation of Chapter 63: *Fish Resources* shall be removed from those waters immediately.

F. Any individual who launches watercraft in violation of Section 63.4 may be held responsible for the costs expended by the TRPA or its designee for response and mitigation of impacts.

G. Once a watercraft leaves a water body, watercraft drain plugs shall be removed in an area designated by the launch facility's staff who is trained and certified pursuant to TRPA's standards and requirements for aquatic invasive species inspection, to allow for any water within the watercraft to drain prior to transport over land.

CHAPTER 64: LIVESTOCK GRAZING

64.1. PURPOSE

The purpose of this chapter is to implement livestock grazing management practices in a manner consistent with meeting other resource management goals including soil conservation, water quality protection, conservation of natural vegetation, and protection of wildlife and fisheries habitat. Maintenance or reestablishment of woody vegetation along streams, where appropriate based on site conditions, is essential to provide fisheries habitat protection, ensure bank stability, reduce in stream channel width to depth ratio, and provide opportunities for overbank flooding to occur.

64.2. APPLICABILITY

All grazing operations as defined in Chapter 21: *Permissible Uses*, of the TRPA Code shall submit a grazing management plan.

64.3. LIVESTOCK GRAZING STANDARDS

Grazing pursuant to a TRPA approval shall comply with the standards provided below.

64.3.1. Seasonal Limits

Livestock grazing shall be limited to a period commencing when firm soil conditions exist in the pastures and plants have achieved sufficient growth to maintain plant vigor required for growth and reproduction and ending October 15. The removal date may be adjusted based on annual growing conditions. The removal date for livestock shall maintain the average minimum residual plant height required for streambank protection, maintain plant vigor, sediment entrapment and retention, and sufficient growth of woody vegetation. The minimum residual plant height shall be specified in the grazing management plan.

64.3.2. Grazing in Areas Adjacent to Stream Channels

Within 35 feet of stream channels, an appropriate average minimum residual plant height shall be maintained. In order to increase colonization by riparian plants along stream channels, decrease stream width to depth ratios, improve water quality and fish habitat, and trampling of colonizing riparian plants on stream point bars shall be limited to an average of 30 percent.

64.3.3. Grazing of Woody Vegetation

Where potential exists based on soil texture and conditions, woody vegetation shall be managed to obtain a variety of age classes, species, and growth forms. Woody vegetation shall be managed so that no more than an average of 20 percent of new willow sapling growth is utilized by livestock annually. On the remainder of the riparian area, the woody vegetation shall be managed so that the woody vegetation is in balance with the remainder of the plant community.

64.3.4. Seasons of Rest

In order to improve the vigor of riparian plant species consistent with site potential, seasons of rest during primary grazing season or seasonal deferral of grazing shall be considered on the portions of the pasture that are in poor or very poor condition. Evidence of poor condition may include lack of woody vegetation that is successfully reproducing and growing, lack of diversity of plant species, age classes, and rooting depths, and inadequate plant cover to provide bank protection and energy dissipation during high flows.

64.3.5. Firm Soil

Livestock shall be allowed onsite only when the soil is firm enough or when sufficient snow cover is present to prevent damage to soil and vegetation.

64.3.6. Grazing Level

Subject to the requirements of subsection 64.3.2, the livestock grazing level shall not exceed the carrying capacity of the range as determined by a qualified range professional in consultation with the livestock operator.

64.3.7. Sensitive Plant Species

Livestock shall not be allowed in areas where sensitive plant species, as defined in Chapter 90: *Definitions*, or their habitats could be harmed, destroyed, or otherwise jeopardized pursuant to subparagraph 61.3.6.C.1.

64.3.8. Migration Routes

Range improvements shall be designed so as not to interfere with migration routes of deer and other wildlife.

64.3.9. Water Quality Standards

Livestock use shall not conflict with the attainment of water quality standards.

64.3.10. BMPs

New livestock confinement facilities shall be in conformance with BMPs.

64.3.11. Streambank Management

Livestock grazing shall be modified on banks of streams to eliminate water quality impacts where soil erosion or water quality problems exist by the use of fencing, other electronic devices to create riparian pastures, or other methods to modify livestock use. If fencing is used, access to the stream channel shall only be at breaks in the fencing where low water crossings are installed. These crossings shall be armored with rock or other approved materials in order to protect the banks from erosion. Cattle access to the stream for watering purposes shall be at these crossings only. Any alternative man-made watering facilities should be located 100 feet away from stream channels and riparian areas.

64.4. GRAZING MANAGEMENT PLANS

All grazing operations shall submit a grazing management plan certified by a qualified range professional.

64.4.1. Minimum Requirements

The grazing management plan shall include at a minimum:

A. Management goals;

B. The location and acreage of the range;

C. Present condition of the range, particularly regarding vegetation, soil erosion and compaction, and water quality;

D. The average minimum residual plant height to be maintained by the end of the grazing season, including technical justification;

E. A list of any sensitive plants found on the pasture and a plan for their protection;

F. The type and number of animals to be grazed;

G. The carrying capacity of the proposed range;

H. Establishment of a trend study at three to five years intervals to provide for adjustment of use as appropriate;

I. Description and location of containment facilities, if any;

J. Description of existing and proposed range improvements;

K. Identification of the length of grazing season;

L. Description of fisheries and wildlife resources;

M. Certification by the range professional (see definition in Chapter 90) that the plan complies with the provisions of this Code; and

N. Photo plots should be established to document annual growing conditions changes that may occur with the vegetative community. The photo plots should be permanently located and repeatable.

64.4.2. Confirmation of Plan or Permit

TRPA may require, at the operator's expense, confirmation of the adequacy of the grazing management plan or confirmation of compliance with the plan and the TRPA approval. The management plan should state why a particular system was chosen and provide a list of references or information from local experience that fully justifies the use of that grazing management system.

64.5. ANNUAL REPORT

By the end of each December after the grazing season, the operator shall submit an annual report for TRPA review. Any recommendations from TRPA for amendments to the management plan based on the review of the annual report shall be made to the operator one month prior to the start of the next grazing season, or grazing activities may commence for that year without addressing the suggested amendments.

64.5.1. Report Contents

The report shall include the following information for the previous year:

A. Results of the trend study that shall include vegetation condition information, including, species composition, plant distribution, plant vigor, reproduction, and frequency, and soil condition status such as bare soil and evidence of erosion;

B. Season of use;

C. Number of animals grazed;

D. Minimum average residual plant height actually maintained, including technical justification, at end of season; and

E. Assessment of the impacts from last season to determine if impacts have long term effects.

64.5.2. Existing Livestock Confinement Facilities

Existing livestock confinement facilities which are not in conformance with BMPs shall be brought into conformance within five years from the effective date of the Regional Plan, July 1, 1987.

CHAPTER 65: AIR QUALITY/TRANSPORTATION

65.1. AIR QUALITY CONTROL

65.1.1. Purpose

The purpose of this section is to implement the Goals and Policies of the Air Quality Subelement for the purpose of attaining and maintaining applicable state and federal air quality standards and TRPA thresholds.

65.1.2. Applicability

This section applies to direct sources of air pollution in the Tahoe region, including certain motor vehicles registered in the region, combustion heaters installed in the region, open burning, stationary sources of air pollution, and idling combustion engines.

65.1.3. Vehicle Inspection and Maintenance Program

TRPA adopted an inspection/maintenance program for certain vehicles registered in the carbon-monoxide (CO) non-attainment area as a CO control measure in the 1992 Air Quality Plan. The California Air Resources Board included this provision in its official State Implementation Plan (SIP). To avoid duplication of effort in implementation of an inspection/maintenance program, TRPA shall work with the affected state agencies to plan for the application of state inspection/maintenance programs to the Tahoe region. Before TRPA requests the states to implement an inspection/ maintenance program in the Tahoe region, TRPA shall determine what the expected benefits from such a program are based on the latest available scientific information.

65.1.4. Combustion Appliances

The following air quality standards shall be met by combustion appliances.

A. Gas Heaters

The following standards apply to natural gas or propane-fired water heaters or central furnaces to be installed in the region.

1. Emission Standards

Natural gas or propane-fired water heaters or central furnaces installed in the region shall meet the following emission standards:

a. Water heaters shall not emit greater than 40 nanograms of nitrogen oxide (as NO2) per joule of heat output. Water heaters installed in mobile homes shall not emit greater than 50 nanograms of nitrogen oxide (as NO2) per joule (80 lb per billion btu) of heat output;

b. Central furnaces shall not emit greater than 40 nanograms of nitrogen oxide (as NO2) per joule of useful heat delivered to the heated space; and

c. Central furnaces with rated input of 175,000 btu or greater, combination units with a cooling rate of greater than 65,000 btu per

hour, and water heaters with a rated heat input of 75,000 btu or greater, shall be reviewed under the standards contained in subsection 65.1.6.

2. List of Approved Heaters

TRPA shall maintain a list of gas heaters that are in compliance with the air quality standards in subparagraph 65.1.4.A.1. The list shall include the names and model numbers of the heaters. A heater certified by the South Coast Air Quality Management District of California under SCHEMED Rules 1111 and 1121 shall be considered in compliance with subparagraph 65.1.4.A.1.

3. Exemptions

The requirements of subparagraph 65.1.4.A shall not apply to the following:

a. Decorative gas appliances certified under American National Standards Institute (ANSI) Standard Z21.50;

b. Gas central furnaces installed in mobile homes or gas heaters installed in recreational vehicles; and

c. Wall mounted gas heaters, other than water heaters, that are not central furnaces as defined in Chapter 90: *Definitions*.

B. Wood Heaters

The sale of wood heaters which do not meet the emission standards of this subsection is prohibited in the Tahoe region. New or replacement wood heaters to be installed in the region shall meet the requirements of this subsection. Coal shall not be used as a fuel source.

1. Emission Standards

Wood heaters installed in the region shall meet the following emission standards for total suspended particulates of smoke emissions:

a. Catalytic wood heaters shall not cause emissions of greater than 4.1 grams per hour;

b. Non-catalytic wood heaters shall not cause emissions of greater than 7.5 grams per hour; and

c. Wood heaters certified to meet the above standards by the U.S. EPA under 40 CFR Part 60 or the Oregon Woodstove Certification Program, shall be deemed in compliance with the above standards. Pellet fueled wood heaters labeled as exempt from 40 CFR Part 60 shall be deemed in compliance with the above standards.

2. Limitations

Wood heaters shall be sized appropriately for the space they are designed to serve. Multi-residential projects of five or more units, tourist accommodations, commercial, and recreation and public service projects shall be limited to one wood heater per project area.

3. Wood Heater Retrofit Program

Prior to any sale, transfer or conveyance of any building, all existing wood heaters in the building, excluding legally existing open fireplaces that are not primary heat sources, shall be in conformance with the emission standards contained in subparagraph 65.1.4.B.1.

a. Compliance with this section shall be evidenced by a statement of the seller made under penalty of perjury on a form provided by TRPA that all existing wood heaters in the building, excluding legally existing open fireplaces that are not primary heat sources, either conform to the emission standards in subparagraph 65.1.4.B.1 or have been replaced with conforming units, or that the structure does not contain any existing wood heaters. The statement shall be submitted to TRPA prior to the sale, transfer, or conveyance.

b. A statement of wood heater conformance shall be required for any subsequent sales, transfers, or conveyances.

c. An exemption to the wood stove disclosure requirements in Section 65.1.4.B.3.a and b shall be allowed for transfer instruments such as Trusts and Limited Liability Corporations and where wood stoves were replaced in conformance with the Wood Heater Retrofit Program adopted by TRPA in the 1987 Regional Plan (which became effective January 1, 1993).

C. Other Combustion Appliances

Combustion appliances not specifically limited by subparagraph 65.1.4.A or 65.1.4.B shall be reviewed under the standards contained in subsection 65.1.6.

65.1.5. Open Burning

The regulations set forth in this subsection shall supplement applicable federal, state, county, and local regulations. Open burning, for the purposes of this Code, shall not include recreational fires.

A. Performance Standards

Open burning activities shall meet all standards and time requirements specified by local governmental agencies and applicable fire protection and air pollution control agencies.

B. Specific Standards

Notwithstanding the provisions of subparagraph 65.1.5.A, the following specific standards shall apply to open burning in the Tahoe region:

1. Prescribed Burning

Prescribed burning may be permitted pursuant to the provisions of Section 61.2.

2. Disposal

Open burning for any purpose related to the disposal of petroleum wastes, tires, garbage, tar, wood waste, residential rubbish and any other similar materials, including burning of automobile wreckage, is prohibited.

3. Hazard Reduction and Pest Control

Open burning of cleared vegetation is prohibited except where otherwise authorized by a permit from a fire protection agency for purposes of hazard reduction or pest control. Permits issued shall be based on criteria established by TRPA and the region's fire protection agencies.

4. Wood Wastes

The burning of cleared vegetation and other wood waste associated with construction activities is prohibited. Such wastes shall be removed to a place specified by TRPA.

5. Practice Burns

Practice burns conducted by fire control agencies or other entities shall comply with all applicable local, state, and federal laws.

65.1.6. New Stationary Source Review

Emissions from new stationary sources in the region shall be limited as follows:

A. Environmental Assessment

If the projected emissions from new stationary sources for the peak 24-hour period exceed any of the limits in Table 65.1.6-1, the applicant shall prepare an environmental assessment. Projected emissions for the peak 24-hour period shall be based on the design capacity. At a minimum, the environmental assessment shall determine the net emissions for the peak 24-hour period, the net emissions for a period not less than 90 days, and shall determine any impacts resulting from the net emissions. If the source exceeds the limits for carbon monoxide in Table 65.1.6-1, and the source is located in a TRPA, federal, or state designated non-attainment area for carbon monoxide, the environmental assessment shall also include ambient modeling.

TABLE 65.1.6-1: EMISSION LIMITS FOR PEAK 24-HOUR PERIOD

Pollutant	Kilograms	Pounds
Nitrogen oxides	3.0	6.6
Particulate matter less than 10 microns	2.0	4.4
Volatile organic compounds	8.0	17.6
Sulfur dioxide	3.0	6.6
Carbon monoxide	10.0	22.0

B. Significant Environmental Impacts

1. Any new stationary source of air pollution that produces emissions for the peak 24-hour period beyond any of the limits in Table 65.1.6-2 shall be considered to have a significant adverse environmental impact.

TABLE 65.1.6-2: SIGNIFICANT EMMISSION LIMIT FOR 24-HOUR PEAK PERIOD		
Pollutant	**Kilograms**	**Pounds**
Nitrogen oxides	11.0	24.2
Particulate matter less than 10 microns	10.0	22.0
Volatile organic compounds	57.0	125.7
Sulfur dioxide	6.0	13.2
Carbon monoxide	100.0	220.5

2. Determination that a new stationary source has a significant adverse environmental impact may also be based on the environmental assessment prepared pursuant to subparagraph 65.1.6.A. New stationary sources that have a significant adverse environmental impact shall be prohibited.

C. Offsets Permitted

TRPA may require emission offsets as a condition of project approval to bring emissions within acceptable limits if TRPA finds that the proposed source, with offset, meets the criteria specified in subparagraph 65.1.6.B. To accomplish an emissions offset, existing emissions shall be permanently retired to offset the unacceptable emissions from the proposed source.

D. Best Available Control Technology (BACT)

Best Available Control Technology shall be required for all new stationary sources that are required to prepare an Environmental Assessment pursuant to subparagraph 65.1.6.A. At a minimum, required BACT measures shall meet or exceed applicable state or federal requirements.

E. Exemptions

The following activities are exempt from the prohibitions of subparagraph 65.1.6.B:

1. Emergency power generators;

2. Temporary uses and activities approved under Chapter 22: *Temporary Uses, Structures, and Activities*, unless they would have a significant adverse impact as determined by an environmental assessment; and

F. Biofuel Facilities

TRPA shall suspend acceptance of applications for biofuel facilities until further research demonstrates the safety and environmental compatibility of such facilities.

65.1.7. Modified Stationary Source Review

Emissions from modified stationary sources in the region shall be limited as provided below.

A. Environmental Assessment

If the projected emissions from modified stationary sources for the peak 24-hour period exceed any of the limits in Table 65.1.6-1 above, the applicant shall prepare

an environmental assessment. Projected emissions for the peak 24 hour period shall be based on the design capacity, or the allowed emissions if specified by a permit issued by the TRPA or other jurisdiction. At a minimum, the environmental assessment shall meet the criteria established in subparagraph 65.1.6.A.

B. Significant Environmental Impacts

Modified stationary sources that would produce emissions for the peak 24-hour period beyond any of the limits in Table 65.1.6-2 above, and that would result in a net increase in emissions for that pollutant shall be considered to have a significant adverse environmental impact. Determination that a modified stationary source has a significant adverse environmental impact may also be based on the environmental assessment prepared pursuant to subsection 65.1.7.A. Modified stationary sources that have a significant adverse environmental impact shall be prohibited.

C. Modifications Allowed

Modification of existing stationary sources that have been previously permitted to produce emissions beyond any of the limits in Table 65.1.6-2 above, may be allowed if: there is no net increase in actual emissions for the peak 24-hour period; BACT is applied; and TRPA finds that the modified stationary source would not have a significant adverse environmental impact determined pursuant to subparagraph 65.1.7.A or B.

D. Offsets Permitted

TRPA may require emission offsets as a condition of project approval to bring emissions within acceptable limits if TRPA finds that the proposed source, with offset, meets the criteria specified in subparagraphs 65.1.7.B or C. To accomplish an emissions offset, existing emissions shall be permanently retired to offset the unacceptable emissions from the proposed source.

E. Best Available Retrofit Control Technology

Best Available Retrofit Control Technology shall be required for all modified stationary sources that are required to prepare an Environmental Assessment pursuant to subparagraph 65.1.7.A. At a minimum, required BARCT measures shall meet or exceed applicable state or federal requirements.

F. Exemptions

The following activities are exempt from the prohibitions of subparagraph 65.1.7.B:

1. Emergency power generators; and

2. Temporary uses and activities approved under Chapter 22 unless they would have a significant adverse impact as determined by an environmental assessment.

65.1.8. Idling Restrictions

A program to control extended vehicle idling is a Reasonably Available Control Technology in the Clean Air Act Amendments of 1977, and shall be a contingency measure in the 1992 Air Quality Plan for the Lake Tahoe Basin.

A. Duration

No person shall cause a combustion engine in a parked auto, truck, bus, or boat to idle for more than 30 consecutive minutes in the following plan areas: 080, 089A, 089B, 090, 091, and 092, or in the Tahoe-Recreation zoning district within the Douglas County South Shore Area Plan.

No person shall cause a diesel engine in a vehicle exceeding 10,000 pounds gross vehicle weight or a diesel engine in off-road self-propelled equipment exceeding 25 horsepower to idle more than 15 minutes within the portions of the Region in Nevada, or to idle longer than 5 minutes within the portions of the Region in California.

The following projects and activities shall not be subject to these limitations:

1. Activities specifically permitted, after environmental impact analysis, to idle longer than these limitations;

2. Emergency vehicles, snow plows, or combustion engines required in the case of emergencies or repairs;

3. Vehicles in transit on public rights of way;

4. Activities in Nevada exempt from the idling restrictions pursuant to Nevada Administrative Code section 445B.576, as amended; and

5. Activities in California exempt from the idling restrictions pursuant to the California Code of Regulations, title 13, division 3, chapter 9 article 4.8, section 2449(d)(2)(A) or chapter 10, article 1, section 2485(d), as amended.

B. Drive-Up Windows

New drive-up windows are prohibited, except that a pilot program allowing up to two drive-up windows associated with a pharmacy shall be permitted in the City of South Lake Tahoe provided an air quality monitoring plan is submitted to assess the impacts of the drive-up windows.

C. Compliance Program

TRPA shall implement the provisions of subparagraph 65.1.8.A primarily through educational programs, notification programs, and cooperative arrangements with charter operators, property owners in the affected plan areas, and local government. As appropriate, TRPA may take direct action to obtain compliance with this section, including but not limited to, actions under Chapter 5: *Compliance*, and Section 5.12 Remedial Action Plans.

65.2. TRAFFIC AND AIR QUALITY MITIGATION PROGRAM

65.2.1. Purpose

The purpose of this section is to implement TRPA's 1992 Air Quality Plan and Goal #4, Policy 2 of the Development and Implementation Priorities Subelement, Implementation Element of the Goals and Policies, with respect to the establishment of fees and other procedures to offset impacts from indirect sources of air pollution.

65.2.2. Applicability

The provisions of this section are applicable to all additional development or transferred development and all changes in operation as defined in this section.

65.2.3. Definitions

For purposes of this section, the following terms are defined as provided below:

A. Approved Center

A multi-use commercial center with sufficient size, parking, diversity of use, level of service, and access management, as to which TRPA has found that limited changes in operation would cause insignificant increases in new vehicle trips.

B. Change in Operation

Any modification, change, or expansion of an existing or previous use resulting in additional vehicle trip generation. Changes in operation include, but are not limited to:

1. Expansion of gross floor area; or

2. Change in the type of generator on the trip table, normally indicated by a substantial change in products or services provided.

C. Insignificant Increase

An increase of 100 or fewer daily vehicle trips, determined from the trip table (subparagraph 65.2.3.H) or other competent technical information.

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

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

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

E. Minor Increase
An increase of more than 100 but not more than 200 daily vehicle trips determined from the trip table or other competent technical information.

F. Previous Use
The most recent permanent use in the project area that existed for more than 90 consecutive days of operation within the 60 months preceding submission of a complete application to TRPA for review of a change in operation. Uses which have received CTRPA or TRPA approval, but have not operated for 90 consecutive days within the previous 60 months, shall not be recognized as previous uses. A use that regularly operated fewer than seven days per week shall have operated for 13 consecutive weeks within the previous 60 months to constitute a previous use.

G. Significant Increase
An increase of more than 200 daily vehicle trips, as determined from the trip table or other competent technical information.

H. Trip Table
TRPA shall adopt and maintain a trip table for the purpose of estimating the number of vehicle trips resulting from additional development or changes in operation. TRPA shall generate and update the data in the trip table by referring to recent publications on traffic and trip generation (for example, publications of the Institute of Transportation Engineers and California Department of Transportation) and field surveys conducted in the Tahoe region by TRPA or other competent technical experts.

I. Vehicle Trip
A one directional vehicle movement to or from a project area. The number of vehicle trips assigned to a project shall be the total daily vehicle trips to and from the project during its maximum hours of operation for the review period. When exact numbers of vehicle trips are not known for a use, they shall be determined from the trip table or other competent technical information.

65.2.4. Standards for Additional or Transferred Development

Additional development or transferred development shall be subject to the requirements provided below.

A. Applicant Responsibility
Information about vehicle trip generation relevant to the project shall be made available to TRPA by the applicant at the time application is made.

B. Traffic Analysis
As part of the project application for additional or transferred development that would result in a significant increase in daily vehicle trips at the project area, the

applicant shall prepare and submit to TRPA a technically adequate analysis of potential traffic and air quality impacts. For additional or transferred development that would result in a minor increase in daily vehicle trips at the project area, and where the subject parcel is located within 300 feet of the center of the U.S. Highway 50 right-of-way and in a maintenance area, the applicant shall prepare and submit to TRPA as part of the project application an analysis of potential traffic and air quality impacts. A traffic analysis shall include:

1. Trip generation rates of the proposed project;

2. Impacts of the proposed project on the level of service at any impact intersections;

3. Impacts of the proposed project on regional vehicle miles travelled (VMT);

4. Impacts of the proposed project on regional and subregional air quality;

5. Ingress and egress characteristics of the proposed project, and their impacts on traffic flow adjacent to the project area;

6. Measures necessary to mitigate all traffic and air quality impacts to a level consistent with the environmental thresholds, the Goals and Policies, the Regional Transportation Plan, and the 1992 Air Quality Plan; and

7. Additional information that TRPA may require.

C. Required Offsets

Additional or transferred development shall offset the potential traffic and air quality impacts of the project in accordance with the provisions provided below.

1. Regional and Cumulative Impact Fees

In order to offset regional and cumulative impacts, additional development shall contribute to the Air Quality Mitigation Fund, except as provided for in subparagraph 2 below. The amount of contribution is established in subparagraph 65.2.4.D.

2. Regional and Cumulative Mitigation Measures

To offset regional and cumulative impacts, and in lieu of the contribution required under subparagraph 65.2.4.C.1, additional development may provide mitigation measures. The cost of such measures shall be equal to or greater than the contribution required under subparagraph 65.2.4.C.1. Regional and cumulative mitigation measures may include, but are not limited to:

a. Transit facility construction;

b. Transportation systems management measures, including, but not limited to, bicycle facilities, pedestrian facilities, and use of alternative fuels in fleet vehicles; or

c. Transfer and retirement of offsite development rights.

3. Localized Mitigation Measures

In order to offset the localized impacts of a project, when a traffic analysis has been prepared pursuant to subparagraph 65.2.4.B, all necessary mitigation measures shall be required as a condition of project approval for all additional or transferred development. Mitigation measures may include, but are not limited to:

a. Acceleration/deceleration lanes;

b. Left turn lanes;

c. Stop or yield controls;

d. Access management;

e. Transportation systems management measures, including but not limited to, bicycle facilities and pedestrian facilities; or

f. Contribution to the Air Quality Mitigation Fund in an amount sufficient to pay for the necessary mitigation measures.

D. Fee Schedule

The air quality mitigation fee shall be assessed in accordance with the mitigation fee schedule in the Rules of Procedure.

E. Limited Exception for Additional or Transferred Development within Adopted Community Plans

Additional or transferred development located within an adopted community plan, the traffic and air quality impacts of which were evaluated in the EIS for the community plan and mitigated by the provisions of the community plan, shall be exempt from the requirements of subparagraph 65.2.4.C, provided TRPA finds that the implementation element of the community plan as a whole meets the standards of subparagraphs 65.2.4.B and 65.2.4.C.

65.2.5. Standards for Changes in Operation

The standards provided below shall apply to changes in operation.

A. Applicant Responsibility

Information about vehicle trip generation relevant to the project shall be made available to TRPA by the applicant at the time application is made.

B. Traffic Analysis

As part of the project application for changes in operation that would result in a significant increase in daily vehicle trips, the applicant shall prepare and submit to TRPA a technically adequate analysis of potential traffic and air quality impacts. For changes in operation that would result in a minor increase in daily vehicle trips and are located within 300 feet of U.S. Highway 50 in a maintenance area, the applicant shall prepare and submit to TRPA, as part of the project application, a technically adequate analysis of potential traffic and air quality impacts. A traffic analysis shall include the elements listed in subparagraph 65.2.4.B.

C. Required Offsets

All changes in operation shall offset the potential traffic and air quality impacts of the project in accordance with the provisions below.

1. Regional and Cumulative Impact Fees

To offset regional and cumulative impacts, changes in operation shall contribute to the Air Quality Mitigation Fund, except as provided for in subparagraph 2 below. The amount of contribution is established in subparagraph 65.2.5.D.

2. Regional and Cumulative Mitigation Measures

To offset regional and cumulative impacts, and in lieu of the contribution required under subparagraph 65.2.5.C.1, mitigation measures may be provided. The cost of such measures shall be equal to or greater than the contribution required under subparagraph 65.2.5.C.1. Regional and cumulative mitigation measures may include, but are not limited to, the elements listed in subparagraph 65.2.5.C.2.

3. Localized Mitigation Measures

In order to offset the localized impacts of a project, when a traffic analysis has been prepared pursuant to subparagraph 65.2.5.B, all necessary mitigation measures shall be required as a condition of project approval. Mitigation measures may include, but are not limited to, the elements listed in subparagraph 65.2.4.C.3.

D. Fee Schedule

As provided in subsection 65.2.5.C, TRPA shall assess an air quality mitigation fee, based on data from the Trip Table or other competent technical information, according to the fee schedule in subsection 10.8.5 in the Rules of Procedure.

E. Limited Exception for Approved Centers

TRPA shall evaluate multi-use commercial centers and the adjacent roadways as to their size, parking, diversity of use, level of service, and ingress and egress. Where TRPA finds that limited changes in operation in a multi-use commercial center would cause insignificant increases in new vehicle trips, the center shall be included on a list of approved centers. An approved center shall be exempt from subparagraphs 65.2.5.A through D, with the following exceptions:

1. Changes in operation where the previous or proposed use occupies more than 5,000 square feet of gross floor area;

2. Changes in operation where the previous or proposed use is identified for case-by-case review on the trip table;

3. Changes in operation where the vehicle trip generation rate of the proposed use is identified on the trip table as being greater than 300 vehicle trips per 1,000 square feet of gross floor area; or

4. Changes in operation in an area with a monitored worsening in level of service of nearby streets or intersections.

65.2.6. Use and Distribution of Mitigation Funds

A. TRPA shall deposit air quality mitigation funds in a trust account. Interest accruing to the trust account shall remain in the account until used on air quality mitigation projects. TRPA shall keep track of the amount of funds collected for each local jurisdiction, with interest, and shall disburse funds to the local jurisdiction, or to the Tahoe Transportation District at the local jurisdiction's request, for expenditure within the jurisdiction of origin, provided TRPA finds that the expenditure is consistent with TRPA's Regional Transportation Plan or the 1992 Air Quality Plan. Pursuant to subparagraphs 65.2.4.C.2 and 65.2.5.C.2, certain funds may be identified for the construction of specific projects. By October 1 of each year, the recipient shall submit to TRPA an annual report of the funds expended as of June 30 each year.

B. As an alternative to distributing air quality mitigation funds to the jurisdiction of origin, a portion of the air quality mitigation funds may be distributed across jurisdictional boundaries to support projects of regional priority that are specifically identified in a regional capital improvement program developed in cooperation with local jurisdictions, such as the Five Year Environmental Improvement Program (EIP) Priority Project List.

65.2.7. Revision of Fee Schedules

TRPA shall review the fee schedules in accordance with subsection 10.7 in the Rules of Procedure.

65.2.8. Mitigation Credit

The two programs below address air quality mitigation credit.

A. Mitigation Fee Credit

If a project approval expires and the project is not complete, then an air quality mitigation fee credit may be given for a subsequent similar project approval. This subparagraph shall not be construed to require a refund of an air quality mitigation fee. Credit shall be given if the following requirements are met:

1. The prior project approval was granted within the same project area as the project approval for which a credit is sought;

2. The applicant provides sufficient evidence of the payment of an air quality mitigation fee; and

3. An air quality mitigation fee is required as part of the project approval for which a credit is sought.

B. Regional and Cumulative Mitigation Credit Programs

In those instances when a reduction in daily vehicle trip ends (DVTE) of 1,000 or greater will result from the implementation of an EIP program that is not associated

with any required mitigation, TRPA may allow for a regional and cumulative mitigation credit to be given to the participating entities. Credit shall be given based on the number of DVTE that will be reduced as a result of the proposed program. Credit cannot be awarded when the reduction in vehicle trips is a mitigation requirement pursuant to subparagraphs 65.2.4.C or 65.2.5.C above. Candidate credit recipients shall submit a plan to TRPA describing the proposed program, quantifying the reduction in DVTE, and specifying the areas where the credit can be used. The award of mitigation credit shall be reviewed and approved by TRPA, in consultation with the appropriate local jurisdiction and the Tahoe Transportation District, on an individual basis. Credit shall be awarded at such time that the proposed program is implemented. TRPA staff may reevaluate the 1,000 DVTE minimum requirement to determine if the level should be adjusted.

65.3. BICYCLE AND PEDESTRIAN FACILITIES

65.3.1. Purpose

The requirements in this section are intended to implement Map 5 of the Regional Plan (Bicycle and Pedestrian Facilities) and the Lake Tahoe Region Bicycle and Pedestrian Plan.

65.3.2. Applicability

A. All applicants for commercial, tourist, mixed-use, multi-family, public service, and recreation projects, including the construction, alteration, or improvement of roadways, on lands designated with bicycle and pedestrian network trail segments in the Bicycle and Pedestrian Plan shall be required to grant an easement for the bicycle and pedestrian facilities in any of the following situations listed below:

1. When there is new development of at least five residential or tourist units, or at least 10,000 square feet commercial floor area; or

2. When alterations to existing development are 35 percent or greater of the value of the total improvements on the site and the improvements are not exempt or qualified exempt in accordance with Section 2.3.

B. Instead of granting an easement, the land may be donated to a public agency for public use, or the bicycle or pedestrian facility may be constructed and maintained by a public agency for public use when the standards of Section 65.3.3 are met.

65.3.3. Standards

A. Applicable Agency or Local Government Standards

Easements for public bicycle or pedestrian facilities shall accommodate facilities that comply with the standards of the Agency.

B. Trail Alignment Location

1. Where feasible, alignment of bicycle or pedestrian trails that are shown adjacent to public rights-of-way on Map 5 of the Regional Plan (Bicycle and Pedestrian Facilities) shall be located in the public right-of-way, subject to approval from the applicable state transportation department.

2. Where it is not feasible to locate facilities in a public right-of-way, easement location should minimize impacts on private parcels to the extent feasible.

C. Adjustment to Code Requirements

TRPA, in reviewing project applications under this section, shall have the discretion to adjust or waive certain Code requirements to the minimum extent necessary, as determined by TRPA, to facilitate the efficient connection of new trails to existing and planned trail networks, while minimizing impacts of the easement on development and redevelopment projects. Adjustments may be authorized to site development standards (Chapters 30-39) as necessary to implement this subsection. Neither the land coverage nor the site area required for the bicycle or pedestrian improvement shall reduce the total land coverage or development potential otherwise allowed for the project area.

D. Reasonable Relationship to Anticipated Impacts

All easement dedications imposed on approved applications shall be reasonably related to the anticipated impacts of the proposed development or land use and to the purposes of this section. Any condition imposed shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts. Easements shall not be required if these determinations cannot be made.

E. Relationship to Other Code Requirements

1. Air Quality Mitigation

Any dedication made pursuant to this section may qualify toward required offsets of the air quality mitigation program (See Section 65.2.4.C).

2. Sidewalks

Sidewalks required by the Agency or a local government shall count towards any bicycle or pedestrian facility required by this section.

65.3.4. Prior to Issuance of Final Inspection

The easement dedication shall be finalized and recorded prior to final project inspection by TRPA per Section 5.3.

65.3.5. Use of Trail

Public use shall be allowed within the easement for bicycle and pedestrian facilities.

65.3.6. Trespass

Nothing in this section is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired.

65.4. RENTAL CAR MITIGATION PROGRAM

65.4.1. Purpose

This section implements the 1992 Regional Transportation Plan - Air Quality Plan, and Goal 4, Policy 2 of the Development and Implementation Priorities Subelement, Implementation Element of the Regional Plan Goals and Policies Plan. The rental car mitigation program set forth in this section is also intended to assist in the achievement and maintenance of environmental thresholds for transportation and air and water quality.

65.4.2. Applicability

This section applies to all rental car transactions in the Tahoe region, except that a local resident who hires a rental car shall be exempt from the mitigation fee.

65.4.3. Definitions

The following term shall be defined as provided below:

A. Rental Transaction

A commercial agreement for the hire of a rental car by a person for one or more days.

65.4.4. Mitigation Fee

Each rental transaction in which the rental car is rented by, or delivered to, a person in the Tahoe region shall be assessed a mitigation fee for each day of the rental transaction. TRPA shall review the fee schedules in accordance with subparagraph 10.8.5.A.2 in the Rules of Procedure. TRPA and/or the Tahoe Transportation District (TTD) will notify rental car companies when an adjustment is made to the fee. The up-to-date fee should be posted on the websites of the TTD and the TRPA.

65.4.5. Collection

The mitigation fee shall be charged and collected by all rental car businesses that rent or deliver rental cars to persons in the Tahoe region. The mitigation fee shall be charged and collected for each day of each rental transaction. Mitigation fees shall be remitted to TRPA quarterly and no later than 30 days after each quarter. The remitted mitigation fees shall be accompanied by a certified statement setting forth the number of days for all rental transactions in the Tahoe region and a list of exempted transactions.

65.4.6. Use of Mitigation Fees

TRPA shall deposit rental car mitigation fees in an interest-bearing trust account and accrued interest shall remain with the trust account. TRPA shall disburse funds to the Tahoe Transportation District (TTD), upon request, provided TRPA finds the expenditure is consistent with TRPA's Regional Transportation Plan Air Quality Plan. By October 1 of each year, TTD shall submit an annual report to TRPA on the funds expended as of June 30 of that year.

65.5. EMPLOYER-BASED TRIP REDUCTION PROGRAM

65.5.1. Purpose

This section implements the 1992 Regional Transportation Plan - Air Quality Plan, and Goal 4, Policy 2 of the Development and Implementation Priorities Subelement, Implementation Element of the Regional Plan Goals and Policies Plan. The Employer-Based Trip Reduction Program set forth in this section is intended to assist in the achievement and maintenance of environmental thresholds for transportation and air and water quality.

A. Local Government Standards

Local governments may adopt equal or superior trip reduction programs. TRPA, upon finding the local program is equal or superior to the TRPA Employer-Based Trip Reduction Program as it may affect attainment and maintenance of the thresholds, may exempt employers subject to such a program from the provisions of this section.

B. Definitions

The terms used in this section are defined as provided below.

1. Alternative Commute Mode

The method of traveling to and from the worksite other than by using a single occupant vehicle (e.g., transit, carpool, vanpool, bicycle, walking, telecommuting).

2. Average Vehicle Ridership (AVR)

The average number of persons occupying each vehicle. AVR is calculated by multiplying the number of persons by the standard number of trips in a work week (generally 10), then dividing by the actual number of vehicle trips per work week. The higher the AVR, the more people are using alternative transportation methods.

EXAMPLE AVR CALCULATION

For example, if all employees drive alone to work each day, the AVR = 1.0 (i.e., 10 employees would be expected to take 10 trips each per week for a total of 100 trips). If only 67 vehicle trips are taken, then the AVR is 1.5 ((10 x 10) ÷ 67 = 1.5), which means that, on average, each vehicle is transporting 1.5 people to their destination.

3. Carpool

A motor vehicle occupied by two or more persons traveling to and from work.

4. Common Work Location

A single building, building complex, campus, or work sites at a common location. A common work location is typified by a common private parking area to be used by employees, tenants, customers, and other visitors to the

complex, even if there are parking spaces reserved for certain uses or tenants. For the purposes of this section, to be considered a common work location, the site shall have a central contact point, such as a property manager, property owner, or lessor. This definition shall apply to projects lasting longer than three months.

5. Commuter
An employee who travels regularly to and from an employment facility three or more days a week.

6. Commuter Matching Service
Any system for mapping and matching home and work locations of interested commuters to identify prospects for ridesharing.

7. Employer
A person or business firm with a business license that hires one or more persons to work for wages or salary. A reference to an employer shall also include, as appropriate, employers within a common work location.

8. Employer Transportation Coordinator (ETC)
An employer, an employee, or other individual designated by the employer or project controller to coordinate and implement TCM activities as required by the Employer Transportation Plan. In addition, any reference to an ETC shall also include, as appropriate, reference to the employer performing the ETC duties and the Property Transportation Coordinators (PTC) for common work locations.

9. Employer Transportation Plan
The plan developed by the employer or project controller to reduce single occupant vehicle trips.

10. Peak Period Commuter
Any employee who travels regularly to and from a work facility three or more days a week and arrives or departs from the facility during the peak period specified by the jurisdiction. This peak period shall be linked to the hours that commuter congestion actually occurs.

11. Project Controller
An owner, lessor, or property manager of a common work location.

12. Property Transportation Coordinator (PTC)
An owner, lessor, or property manager, of a common work location, or its designee designated to coordinate and implement TCM activities as required by the Employer Transportation Plan.

13. Ridesharer
Any employee who commutes to and from work location by a mode other than single occupancy light or medium duty vehicle, motorcycle, or moped.

14. Shift of Employment
Any group of employees who work at a common work location and who arrive and depart from work in a common time interval not greater than one hour.

15. Single Occupant Vehicle (SOV)
A motor vehicle occupied by one employee for commute purposes.

16. Transportation Control Measures (TCMs)
Measures used to maintain or improve the efficient movement of persons and goods while reducing the congestion and air quality impacts associated with motorized vehicles.

17. Transportation Control Measure (TCM) Coordinator
A TRPA employee or other individual designated to manage and enforce employer compliance with the requirements of this section.

18. Transportation Management Association (TMA)
An association, usually of employers, developers, property managers, and public agencies organized to facilitate, support, and encourage the use of alternative transportation methods for commuters.

19. Trip Reduction Credit
The credits assigned to an Employer Transportation Plan for implementing a specific transportation control measure (TCM) program.

20. Vanpool
A motor vehicle, other than a motor truck or truck tractor, suited for occupancy by more than six but less than 16 persons including the driver traveling to and from work.

65.5.2. Program Requirements

The requirements of the Employer-Based Trip Reduction Program are provided below.

A. All Employers (Level 1)
Every employer shall encourage ridesharing and use of alternative commute modes by providing the information listed below. Participation in a local transportation management association (TMA) may assist in implementation of these Level 1 requirements.

1. Posting, in a conspicuous place, informational material to encourage ridesharing, such as:

a. Current schedules, rates (including procedures for obtaining transit passes), and routes of mass transit service to the common work location or employment site;

b. The location of all bicycle routes within at least a five-mile radius of the employment site; and

c. Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing.

2. Distributing rideshare applications to interested employees when a regional service is available.

B. All Employers and Employers within Common Work Locations with 100 or More Employees at a Single Project Area (Level 2)

In addition to the requirements of subparagraph 65.5.2.A, all employers and employers within common work locations with 100 or more employees working at a single project area, shall provide additional encouragement for the use of alternative transportation modes through the provision of the incentives and resources listed below. Employers within a common work location with more than 100 employees may be exempted from the Level 2 requirements if implementation is found to be impractical by TRPA.

1. Employee Transportation Coordinator (ETC)

Every employer shall facilitate the use by employees and tenants of area-wide ridesharing programs and other trip reduction programs by performing the following responsibilities. An employer may designate an employee as an employee transportation coordinator (ETC) to carry out the employer's responsibilities.

a. **Responsibilities**

The employer's responsibilities shall include:

(i) Implementing the requirements of subparagraph 65.5.2.A;

(ii) Communicating employee or tenant transportation needs to TRPA, the Transportation Management Association (TMA) representative, property manager, property owner, and city and county staff, as appropriate;

(iii) Assisting employees and tenants in forming carpools or vanpools;

(iv) Developing, coordinating, and implementing the Employer Transportation Plan, as required under subparagraph 65.5.2.B.2;

(v) Performing an annual survey of employees and tenants showing the distribution of employees and tenants by transportation mode;

(vi) Coordinating the Employer transportation plan with property owners/managers and other tenants, as applicable; and

(vii) Participating in the development of a ridesharing program through a TMA, if available.

2. Employer Transportation Plan

Every Level 2 employer shall prepare an Employer Transportation Plan.

a. **Employer Transportation Plan Elements**
The Employer Transportation Plan shall include the elements listed below.

(i) Description
A description of the activity and operating characteristics of the proposed or existing project (e.g., business hours and peak hours of travel), including a parking area map or diagram.

(ii) Existing Conditions
A description of the available alternative transportation facilities and program currently in place, such as bike lockers, preferential carpool parking, rideshare information posting, vanpool subsidies.

(iii) Estimate
A description and estimate of the commuting characteristics of the labor force (e.g., travel distance and mode).

(iv) Transportation Control Measures (TCM)
Measures designed to reduce the number of single occupant vehicle trips. At a minimum, all required TCMs, as set forth in subparagraph 65.5.3.A, shall be included in the Employer Transportation Plan. Each Employer Transportation Plan of employers with between 100 and 200 employees, and of employers within common work locations, shall include optional TCMs totaling at least 15 credits. Each Employer Transportation Plan of employers with greater than 200 employees shall include optional TCMs totaling at least 22 credits.

(v) Implementation Schedule
A timeline showing the approximate schedule of implementation of each TCM.

3. Trip Reduction Credit for Transportation Control Measures
An Employer Transportation Plan shall include and implement the mandatory TCMs set forth in subparagraph 65.5.3.A. The employer shall select optional TCMs from the list of transportation control measures in subparagraph 65.5.3.B below that will best serve to reduce commute trips of its employees and tenants.

4. Seasonal Employment Distinguished
For seasonal work locations, the Employer Transportation Plan shall be in effect only at such times that the employment level reaches 100 or more employees.

65.5.3. Transportation Control Measures (TCM) Menu

Below is the list of transportation control measures (TCMs). The optional TCMs in subparagraph 65.5.3.B are assigned a trip reduction credit. Each Employer Transportation Plan shall include optional measures that, when the credits are added together, meet or exceed the required trip reduction credits in subparagraph 65.5.2.B.2.a(iv). Mandatory TCMs shall not have trip reduction credits assigned to them; each plan shall include them.

A. Required Transportation Control Measures (TCMs)

The following TCMs shall be included in an Employer Transportation Plan:

1. Designation of an Employee Transportation Coordinator (ETC)

The employer shall serve as ETC or designate an employee to perform the duties of the ETC.

2. Posting of Ridesharing Information

Posting of ridesharing information, including:

a. Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing; and

b. The names and phone numbers of the ETC and transportation management associations, where applicable.

3. Posting Alternative Transportation Mode Information

Posting alternative transportation mode information, including:

a. Current schedules, rates (including procedures for obtaining transit passes), and routes of mass transit service to the common work location or employment site; and

b. The location of all bicycle routes within at least a five mile radius.

4. Bicycle Parking Facilities

Provisions of bicycle parking for the bicycle commuters, as determined by the ETC. The bicycle parking facilities shall be, at a minimum, Class II stationary bike racks.

5. Preferential Carpool/Vanpool Parking

Unless TRPA finds there are overriding considerations specific to the employment site or common work location, parking spaces for four percent of the employees shall be designated as carpool or vanpool parking and shall be, with the exception of handicapped and customer parking, the spaces with the most convenient access to employee entrances. The employer may issue carpool and vanpools tickers and shall be responsible for monitoring the spaces.

B. Optional Transportation Control Measures (TCMs) Trip Reduction Credit

Each employer, in preparing an Employer Transportation Plan, shall include measures from the following list of optional TCMs to achieve the required number

of trip reduction credits. It is at the discretion of the individual employer to choose which measures are best suited to its location, business, employees, and tenants.

1. **ETC Education Program (3 credits per seminar)**
   ETC attendance at one educational seminar, workshop, or other approved training program, on an annual basis, subject to TRPA approval of the seminar, workshop, or program.

2. **In-House Carpool Matching Service (3 credits)**
   A survey of employees to identify persons interested in being in carpools and a match of potential carpoolers by work address and shift. The survey and matching shall be performed on an annual basis for all interested employees.

3. **Additional Preferential Carpool/Vanpool Parking (1-3 credits)**
   Up to 3 credits may be given for additional preferential carpool/vanpool parking provided beyond that required under subparagraph 65.5.3.A.5. A credit shall be earned for each additional two percent of the total number of employee-designated parking for which additional preferential carpool/vanpool parking is provided.

4. **ETC Membership in Transportation Management Association (TMA) (15 credits)**
   To qualify as active participation, the ETC shall attend membership meetings or send a designated representative, pay all required dues, and be involved in any other programs that the TMA Board administers.

5. **Guaranteed Ride Home Program (2 credits)**
   The provision, by contract or otherwise, of a guaranteed ride home for employees who rideshare two days or more a week. The guaranteed ride home shall be provided to the ridesharer if any emergency or illness requires that they or their carpool or vanpool driver must leave work early or late.

6. **Clean Air Fuel Vehicles (1-5 credits)**
   For obtaining and maintaining fleet vehicles that use clean air fuels, such as compressed natural gas, electricity, methanol, and propane. One credit is given for each dedicated alternative fuel vehicle, or flexible fuel (able to use either gasoline or alternative fuel) vehicle, up to a maximum of 5 credits.

7. **Shuttle Bus/Buspool Program (5 credits)**
   The provision of shuttle service to transport workers to and from their residences, a park-and-ride lot, or other staging area, to the workplace. The employer may lease a bus and may work with nearby employers or employment complexes to maximize ridership. Five credits shall be given for every five percent of the total number of its employees served.

8. Carpool Program (4 credits)

For obtaining a vehicle and related insurance that is made available to any group of two or more employees for commute purposes. The employer may recover full or partial operating costs from the carpool participants. Four credits shall be given for every five percent of the total number of employees served.

9. Vanpool Program (5 credit)

For obtaining a van and related insurance that is made available to any group of seven or more employees for commute purposes. The employer may recover full or partial operating costs from the vanpool participants. Five credits shall be given for every seven percent of the total number of employees served.

10. Transit Pass Subsidy (5 credits)

For provision, to the employees and tenants, of a monthly transit or rail pass subsidy of 50 percent, or the maximum taxable benefit limit, whichever is greater.

11. Paid Parking (3-9 credits)

For development of an Employee Parking Management Plan, addressing paid parking, subject to approval by TRPA. Three credits shall be given for paid parking provided for each ten percent of the total number of employees, up to a maximum of 9 credits.

12. Transit Shelter (3 credit)

For provision of a transit shelter on the designated bus route or posting a bond for future construction when the transit route is extended to the employment site. Credit shall be given when the transit shelter is constructed in conformance with city/county regulations and when the employment site is on or adjacent to an existing or planned bus route.

13. Secure Bicycle Parking Facilities (2 credits)

For provision of bicycle parking for at least five percent of the total number of employees. The bicycle parking facilities shall be of the following types:

a. A Class I bicycle parking facility with a locking door, typically called a bicycle locker, where a single bicyclist has access to a bicycle storage compartment; or

b. A fenced or covered area with Class II stationary bike racks and a locked gate.

14. Showers (2 credits)

One shower facility shall be provided by employers of less than 200 persons. For employers of 200 or more persons, four showers shall be provided with an additional two showers for every additional 500 employees.

15. Lockers (2 credits)

Ten lockers shall be provided by employers of less than 200 persons. For employers of 200 or more persons, 20 lockers shall be provided with an additional 10 lockers for each additional 500 employees.

16. Flexible Work Location Outside of Employer's Established Work Location (2 credits)

This option may include, but is not limited to, telecommuting from the employee's home, or the creation of satellite neighborhood offices. Credit shall be given when employees are permitted to telecommute at least one day per week.

17. Flexible Work Hours Outside of Employer's Established Work Schedule (1 credit)

Variable work hours may include, but are not limited to: 1) staggered work hours shifting the work hours of all employees to outside of peak hours; and 2) flexible work hours with individually determined work hours within guidelines established by the employer. Credit shall be given when employees are permitted to take advantage of flexible work hours. This TCM should be coordinated with other TCMs, such as van and carpools.

18. Compressed Work Weeks (3 credits)

This option requires a management strategy allowing the employee to compress the total number of hours required in week to fewer days. For example, a typical 40-hour work week could be compressed into four 10-hour days. Credit shall be given when employees are permitted to reduce their number of work days by at least one in two weeks (9-80 schedule). This TCM should be coordinated with other TCMs, such as van and carpools.

19. On-Site Services (1-5 credits)

This option requires the provision of necessary services on or near the employment site that eliminate the need for a vehicular trip before, during, or after the work day. Necessary services include, but are not limited to, child care, cafeteria/restaurant, lunchroom, automated teller machine, dry cleaners, or post office. These services may be provided by the employer through cooperative efforts of employers and service providers, or by other means. The number of credits given by TRPA shall depend on which service or combination of services is provided and their proximity to the employment site.

20. Transit System Support (1-15 credits)

This option requires the provision of support to a local transit system, such as system operations, marketing, or capital needs (e.g., new buses). Subsidies or grants may be financial or by donation of capital needs. The number of credits given by TRPA shall depend on the amount and type of subsidy or grant.

21. Other (credits to be determined by TRPA)

Trip reduction measures that are not included in this menu or do not specifically fit the TCM descriptions may also be considered. Innovative measures are strongly encouraged. An example is a high school setting up a ridesharing educational program for their students.

65.5.4. Plan Review

The Employer Transportation Plan shall be referred to the TRPA TCM Coordinator or the Executive Director of a regional TMA, for review and evaluation of the proposed mitigation measures. The TRPA TCM Coordinator or the Executive Director of a regional TMA shall make a recommendation to the TRPA Executive Director. The Executive Director may approve, deny, or modify the Plan.

65.5.5. Annual Reporting Requirements

All ETCs shall meet with the TRPA TCM Coordinator at least once every two years to review progress of their transportation plans and to submit the annual transportation surveys regarding employees' and tenants' use of alternative transportation modes.

65.5.6. Implementation Schedule

Employers and employers within a common work location with 100 or more employees working within a single project area shall submit an Employer Transportation Plan within six months of the effective date of this ordinance, or when the employment level reaches 100 or more employees, whichever is later. Employers and employers within a common work location, with less than 100 employees, shall comply with this ordinance within thirty days of receipt of posting information from TRPA.

65.5.7. Compliance Monitoring

Employers shall encourage employees to use alternative transportation. TRPA shall conduct random audits to evaluate the effectiveness of the Employer Transportation Plans.

CHAPTER 66: SCENIC QUALITY

66.1. SCENIC QUALITY STANDARDS

66.1.1. Purpose

The purpose of this chapter is to ensure that projects are designed and constructed consistent with the Community Design Subelement of the Land Use Element and related elements of the Goals and Policies.

66.1.2. Applicability

All projects shall comply with the standards of this section.

66.1.3. Roadway and Shoreline Unit Scenic Quality

The project shall not cause a decrease in the numerical ratings assigned to roadway or shoreline units, including the scenic quality rating of the individual resources within each unit, as recorded in the 1982 Scenic Resources Inventory and shown in Tables 13-3, 13-5, 13-8, and 13-9 of the *Study Report for the Establishment of Environmental Threshold Carrying Capacities*, October 1982. The criteria for rating scenic quality as identified in the referenced study report shall be used to determine if a project will cause a decrease in the numerical rating.

66.1.4. Roadway and Shoreline Unit Travel Routes

The project shall not cause a decrease in the 1982 roadway or shoreline travel route ratings as shown in Tables 13-6 and 13-7, respectively, of the *Study Report for the Establishment of Environmental Threshold Carrying Capacities*, October 1982. The criteria for rating travel routes as identified in the referenced study report and as further explained in the report entitled *A Scenic Analysis of Principle Travel Routes In The Lake Tahoe Region*, 1970, shall be used to determine if a project will cause a decrease in the numerical rating. For projects in the shoreland, Section 66.3 shall be used to determine if it will contribute to a decrease in the numerical rating for a shoreline travel route rating.

66.1.5. Public Recreation Areas and Bicycle Trails

The project shall not cause a decrease in any numerical subcomponent threshold rating or total threshold rating assigned to a scenic resource identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation. Prior to approving a project that may potentially affect an identified scenic resource, TRPA shall find that the project is consistent with applicable recommendations for preserving scenic quality of the affected recreation area or bicycle trail found in the 1993 Lake Tahoe Basin Scenic Resource Evaluation.

66.2. ESTABLISHMENT OF SCENIC HIGHWAY CORRIDORS

66.2.1. Purpose

TRPA and other public agencies within the Tahoe region shall maintain and enhance viewing opportunities, whenever feasible, by establishing scenic highway corridors. TRPA, through

the project review process, shall ensure that viewsheds and view corridors along the scenic highway corridors are maintained and enhanced.

66.2.2. Designation of Scenic Highway Corridors

All federal and state highways that lie within the Tahoe region and Pioneer Trail are designated as scenic highways.

A. Urban Scenic Corridors

Urban scenic highway corridors are generally urbanized areas where man-made development is the dominant visual feature. When viewed from areas outside of the urban corridor, man-made developments shall blend into the natural environment. Those portions of federal and state highways and Pioneer Trail that lie within the urban areas as shown on TRPA's scenic units map layers are designated as urban scenic highway corridors. The width of urban scenic highway corridors shall include the highway right-of-way and all properties or portions thereof up to 300 feet on either side of the highway right-of-way that are visible from the highway.

B. Transition Scenic Corridors

Transition scenic highway corridors shall be generally areas of transition between urban and natural areas where the built environment is not the dominant visual feature; rather it appears well integrated into and in balance with the natural elements of the landscape. When viewed from areas outside of the transition corridor, man-made developments shall blend into the natural environment. Those portions of federal and state highways and Pioneer Trail that lie within the transition areas as shown on TRPA's scenic units map layers are designated as transition scenic highway corridors. The width of transition scenic high way corridors shall include the highway right-of-way and all properties or portions thereof up to 1000 feet on either side of the highway right-of-way that are visible from the highway.

C. Natural Scenic Corridors

Natural scenic highway corridors are generally those areas where natural landscape elements and processes are the dominant visual features. Those portions of federal and state highways that lie within the natural areas as shown on TRPA's scenic units map layers are designated as natural scenic highway corridors. The width of natural scenic highway corridors shall include the highway right-of-way and all properties or portions thereof up to one-half mile on either side of the highway right-of-way that are visible from the highway.

66.2.3. Scenic Viewpoint Corridor Plan Prepared

The TRPA shall, in cooperation with other interested agencies and private citizens, prepare a comprehensive Scenic Viewpoint Corridor Plan. The purpose of this plan shall be the improvement of the public's traveling experience in the region. The Scenic Viewpoint Corridor Plan shall be a design plan that shall, at a minimum: identify potential scenic viewpoints, pull-off facilities, and moving vistas; create a signage program, including interpretive signs and displays, that identifies the scenic corridor; provides opportunities for mass transit service; and specifies implementation of proposed improvements.

66.2.4. Scenic Highway Corridor Design Standards

All projects that are within the scenic highway corridors designated in subsection 66.2.2 shall meet the design standards listed in subparagraphs A and B below, in addition to other applicable design standards. All projects that are within the natural scenic highway corridor shall also meet the design standards listed in subparagraph C below, in addition to other applicable design standards.

A. Utilities

1. Electrical Lines

All new electrical lines that operate at 32 kilovolts or less, including service connection lines, shall be placed underground. Exceptions to this requirement may be allowed, provided TRPA finds that undergrounding would produce a greater environmental impact than above ground installation. If new electrical lines are permitted to be installed above ground, the new lines, poles, and hardware shall be screened from views from scenic highways to the maximum extent possible.

2. Communication Lines

All new communication lines including telephone lines, cable television lines, and service connection lines shall be placed underground. Exceptions to this requirement may be allowed, provided TRPA finds that undergrounding would produce a greater environmental impact than above ground installation. If new communication lines are permitted to be installed above ground, the new lines, poles, and hardware shall be screened from views from scenic highways to the maximum extent possible.

B. Highway Fixtures

1. Guardrails and other highway fixtures, including but not limited to retaining walls, safety barriers, traffic signals and controllers, light standards, and other structures shall be limited to the minimum length, height, and bulk necessary to adequately provide for the safety of the highway user.

2. Earth tone colors of dark shades and flat finish shall be used on all highway fixtures. New and replacement guardrails shall not have a shiny reflective finish.

3. Retaining walls and other erosion control devices or structures shall be constructed of natural materials whenever possible and shall to the maximum extent possible be designed and sited as to not detract from the scenic quality of the corridor. Such structures shall incorporate heavy texture or articulated plane surfaces that create heavy shadow patterns.

4. Adopted community plans may establish equal or superior standards for highway fixtures.

C. Siting of Development

All projects, excluding signs, driveways, parking for scenic vista points, trailheads, and pedestrian/bicycle paths shall be sited in such a manner that they are not

visually evident from the scenic highway. All projects, when viewed from a distance of not less than 300 feet, should meet the Visual Magnitude/Contrast Ratings for Natural Scenic Highway Corridors established in Appendix D of the Design Review Guidelines.

66.3. SCENIC QUALITY REVIEW IN THE SHORELAND

66.3.1. Applicability

To make the scenic findings required by subsection 66.1.4, all projects within the shoreland (see Section 90.2 for definition) of any Shoreline Threshold Travel Route shall be reviewed for compliance with the standards set forth below except for projects within marinas with adopted master plans and certified EISs, or structures designated as historic by TRPA, pursuant to Chapter 67: *Historic Resource Protection*.

66.3.2. Review Process

The applicant shall complete a scenic assessment when applying for any activity requiring a TRPA permit. An applicant may apply for a scenic assessment at any time to document the baseline condition. Review and mitigation of scenic impacts shall be based on subsection 66.3.3 below.

A. Scenic Assessment

A scenic assessment shall be required prior to submittal of a project application for Levels 3, 4, 5, and 6 projects. The scenic assessment will establish a baseline scenic condition for all following scenic impact analyses. The baseline shall be the existing condition at the time of the first scenic assessment, unless the site is the subject of an existing TRPA approval, by litigation settlement or otherwise, that contains a scenic analysis, in which case the approved scenic analysis shall be the baseline. For purposes of this Section, unbuilt projects with an active permit shall be considered as existing.

1. Description of existing scenic conditions in the project area including, but not limited to, structure color and height, existing visible mass from the Lake, types and areas of materials of existing structures, and identification of needed scenic BMPs;

2. Identification of existing vegetation types and their location, size, and height; and

3. Photographic inventory of the project area from 300 feet and one quarter mile offshore, with at least one photo from center and perpendicular to the project area, and photos of onsite existing conditions.

66.3.3. Levels of Scenic Mitigation

The levels of scenic mitigation provided below shall be required based on the level of the activity or project.

A. Level 1

This level consists of all non-visible projects in the shoreland or projects and activities on existing visible structures in the shoreland that are considered repair or maintenance. This includes exact in-kind replacement. There are no mitigation requirements required except as noted in Level 2.

B. Level 2

This level consists of all projects and activities on existing visible structures in the shoreland that are considered painting, re-siding, re-roofing, or similar activities that affect the color of the structure. The mitigation requirements for this level shall be the color requirements set forth in subsection 36.6.1.

C. Level 3

All projects on existing visible structures in the shoreland altering or increasing the lakefront façade area 20 percent or less and the result is 1,500 square feet or less of lakefront façade or non-repair projects on structures adjacent and lakeward of the shoreland. The mitigation requirements for this level shall be the implementation of scenic BMPs in the shoreland. The BMPs shall bring the project area into conformance with a minimum contrast rating score of 21 except where:

1. It is physically impossible to attain a score of 21 through application of scenic BMPs; or

2. The cost of the scenic BMPs required to increase the baseline contrast score to 21 exceeds ten percent of the cost of the project; and

3. If the project is not required to bring the project area into conformance as a result of subparagraphs 1 and 2 above, the applicant shall attain the highest possible score.

D. Level 4

1. Description

This level consists of all projects where existing visible structures in the shoreland exhibit one or more of the following characteristics:

a. Alter or increase the lakefront façade where the altered/added area is 20 percent or less of the existing façade and the result is more than 1,500 square feet of total lake front façade;

b. The altered/added area is greater than 20 percent but equal to or less than 50 percent of the existing lakefront façade; or

c. The project is a new accessory structure.

2. Mitigation

The mitigation requirements for this level shall be as set forth in Option 1 or Option 2 at the applicant's choice.

a. **Option 1: Basic Review**

The project shall meet the following mitigation standards:

(i) The project area shall score a minimum of 24 points based on the Contrast Rating System; except where:

(1) It is physically impossible to attain a score of 24 through application of scenic BMPs; or

(2) The cost of the scenic BMPs required to increase the baseline contrast score to 24 exceeds 20 percent of the cost of the project; and

(3) If the project is not required to bring the project area into conformance as a result of subparagraphs (1) and (2) above, the applicant shall attain the highest possible score.

(ii) The allowable visible area square footage in the project area shall not exceed 2,200 square feet. The visible area square footage may be increased by 165 square feet for each additional ten feet of linear lake frontage over 100 feet. Existing structures exceeding the 2,200 (or as increased by lake frontage) visible square feet standard shall mitigate any additional area square footage on a 1:1.5 square foot basis.

(iii) A minimum building setback from the backshore boundary line shall be ten percent of the lot depth not to exceed 20 feet. Each side yard setback shall be ten percent of the lot width or the setback established by the local jurisdiction whichever is greater. Existing structures shall not be required to conform to setback standards. No expansion of structures shall be allowed in the setback area. At grade decks, erosion control structures, stairs, and similar structures shall be permissible in the setback at the allowed land coverage.

(iv) The height standard, including but not limited to the height limitations, findings, and regulations set forth in Chapter 37: *Height*, for structures shall apply.

(v) Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1,000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and horizontally to approximately ten feet. TRPA may approve equal or superior alternatives to this standard.

b. **Option 2: Visual Magnitude System**

A project must score a minimum contrast point score for the desired square footage of visual magnitude based on Appendix H, Visual Assessment Tool, of the Design Review Guidelines or if non-complying, shall implement Scenic BMPs as required in Option 1 in subparagraph a above; and:

(i) The visible façade square footage may be increased by 7.5 percent for each additional ten feet of linear Lake frontage over 100 feet;

(ii) Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1,000 square feet of lakefront facade. A break shall extend vertically to two-thirds of the structure height and approximately ten linear feet horizontally. TRPA may approve equal or superior alternatives to this standard; and

(iii) Existing projects not complying with visual magnitude shall implement visual breaks and improvements that demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structure.

E. Level 5

This level consists of all projects in the shoreland altering or increasing the lakefront façade area of an existing visible structure more than 50 percent or proposing a new visible structure exclusive of new accessory structures. The mitigation requirements for this level shall be as set forth in Option 1 or Option 2 below, at the applicant's choice.

1. Option 1: Basic Review

As a result of the project, the project area shall score a minimum 28 points, based on the Contrast Rating System. The projects shall meet the following mitigation standards:

a. The allowable visible area square footage in the project area shall not exceed 2,200 square feet. The visible area square footage may be increased by 165 square feet for each additional ten feet of linear lake frontage over 100 feet. Existing structures exceeding the 2,200 (or as increased by lake frontage) visible square feet standard shall mitigate any additional area square footage on a 1:2 square foot basis;

b. A minimum building setback from the backshore boundary line shall be ten percent of the lot depth not to exceed 20 feet. Each side yard setback shall be ten percent of the lot width or the setback established by the local jurisdiction, whichever is greater. Existing structures shall not be required to conform to setback standards unless the proposed modification makes it feasible. No expansion of structures shall be allowed in the setback area. At-grade decks, erosion control structures, stairs, and similar structures shall be permissible in the setback at the allowed land coverage;

c. The height standard, including but not limited to the height limitations, findings, and regulations set forth in Chapter 37 for structures shall apply; and

d. Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1,000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and approximately ten linear feet horizontally. TRPA may approve equal or superior alternatives to this standard.

2. Option 2: Visual Magnitude System

A project shall attain the minimum contrast point score for the desired square footage of visual magnitude based on Appendix H, Visual Assessment Tool, of the Design Review Guidelines, or if non-complying shall implement Scenic BMPs as required in Option 1 in E.1 above and shall meet the following standards:

a. The visible façade square footage may be increased by 7.5 percent for each additional ten feet of linear lake frontage over 100 feet;

b. Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1,000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and horizontally to approximately ten linear feet. TRPA may approve equal or superior alternatives to this standard; and

c. Existing projects not complying with visual magnitude shall implement visual breaks and improvements that demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structure. In no case shall the total visible façade square footage exceed the maximum set forth by the visual magnitude system.

F. Level 6

This level consists of all projects involving new or existing structures in the shoreland that are visible from the Lake and that qualify as public health and safety projects or Environmental Improvement Program projects. The mitigation requirements for this level shall be established on a case-by-case basis. Projects whose primary purpose is implementation of water quality or scenic BMPs that do not increase the lake front façade and show an improvement in the contrast rating score are exempt from mitigation requirements.

66.3.4. General Standards of Review

The general standards of review provided below shall apply to projects reviewed pursuant to this section.

A. Prohibition on Segmenting

Projects may not be segmented in order to qualify for a lower level of mitigation requirements.

B. Calculation of Cost and Value

Whenever required by this section, cost estimates and replacement values shall be based on Marshall Swift calculations.

C. Fire Protection

The applicant shall not submit vegetative screening inconsistent with local fire protection standards. As used in this section, the term "physical impossibility" shall not include inconsistency with local fire protection standards.

66.3.5. Independent Review

If there is a disagreement in the application of the standards of this section, the applicant or TRPA staff may elect to pursue one of independent review options provided below.

A. Third Party Expert Review

In the event there is a disagreement in review of a proposed project, a third party expert review consistent with the process outlined in subparagraphs 2.a through 2.c may be initiated. The initiator shall fund the review and the third party expert review shall use the same methodology in the Visual Assessment Tool established in Appendix F of the TRPA's Design Review Guidelines.

1. Third Party Expert

TRPA shall maintain a list of scenic experts recognized as possessing the necessary qualifications to evaluate impacts to the scenic resources threshold. An expert shall be selected from the list randomly, as long as that expert did not consult on or participate in the design of the proposed project.

2. Third Party Expert Report

The report shall include:

a. A description of the proposed project;

b. An analysis of the proposed project's consistency with the standards set forth in this ordinance; and

c. Written findings quantifying the project's impacts and any mitigation, if required.

3. Use of Third Party Report

The Executive Director shall review the third party expert report and may approve, deny, or require modifications to the project. The expert's findings shall be included in the review of the project.

B. Scenic Panel Review

Until November 20, 2004, the applicant or TRPA may elect to initiate a Scenic Panel Review if there is a disagreement in the determination of mitigation required pursuant to this section. The cost of the panel shall be paid by the initiator. Panels initiated during this period shall continue until the completion of the panel's review process. An expert panel of three people shall prepare a scenic analysis of the

project and its impact, including foreseeable reasonable activities on the entire scenic unit. The panel shall recommend appropriate conditions of approval necessary to make the required scenic attainment findings.

1. Selection of Scenic Review Panel
TRPA shall select a panel member, the applicant shall select a panel member, and the two panel members shall select a third member to review the project.

2. Use of Other Evaluation Methods
The analysis may include other professionally accepted methods of evaluating scenic impacts. This subparagraph may be extended beyond the two-year limitation pursuant to the performance review required in subsection 66.3.6.

3. Use of Panel Report
The Executive Director shall review the scenic panel report and may approve, deny, or require modifications to the project. The panel's findings shall be included in the review of the project.

66.3.6. Marina Master Plans

In developing and approving marina master plans pursuant to Chapter 14: *Specific and Master Plans*, the applicant shall use the contrast rating/visual magnitude system outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines or an equal or superior method of evaluating scenic impacts. All significant scenic impacts shall be identified in the environmental document using an approved scenic impact analysis methodology and mitigation measures shall be proposed and incorporated into the master plan to ensure consistency with attainment and maintenance of environmental thresholds.

66.3.7. Additional Visual Magnitude

TRPA may permit additional square footage of visual magnitude with visual breaks for a given contrast rating in Appendix H, Visual Assessment Tool, of the Design Review Guidelines as provided below.

A. Public Outdoor Recreation
For public outdoor recreation uses that are subject to subsection 50.9.3, PAOT allocations, additional square footage of visual magnitude may be permitted if TRPA finds that:

1. The project is a necessary part of a long range plan for public outdoor recreation;

2. The project is consistent with the Recreation Element of the Regional Plan;

3. There is no reasonable alternative that would avoid or reduce the extent of visual magnitude; and

4. The additional square footage is mitigated pursuant to subsection 66.3.8 below; or

5. If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements. Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

B. Public Service Facilities

For public service uses, additional square footage of visual magnitude may be permitted if TRPA finds that:

1. The project is necessary for public health, safety or environmental protection;

2. There is no reasonable alternative that would avoid or reduce the extent of visual magnitude; and

3. The additional square footage is mitigated pursuant to subsection 66.3.8 below; or

4. If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements: Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

C. Tourist Accommodation and Commercial Projects in Commercial and Public Service Plan Areas and Tourist Accommodation Plan Areas

Additional square footage of visual magnitude may be permitted for projects in Commercial and Public Service Plan Areas, if TRPA finds that:

1. The additional square footage is necessary as the use customarily requires increased square footage of lakefront façade than that set forth in Levels 4 and 5;

2. There is no reasonable alternative that would avoid or reduce the extent of visual magnitude; and

3. The additional square footage is mitigated pursuant to subsection 66.3.8 below; or

4. If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible

is a result of a reduction in the visual magnitude consistent with the following requirements: Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

D. Residential Uses Other Than Single-Family Dwelling

Additional square footage of visual magnitude may be permitted for projects, if TRPA finds that:

1. The additional square footage is necessary as the use customarily requires increased square footage of lakefront façade than that set forth in Levels 4 and 5;

2. There is no reasonable alternative that would avoid or reduce the extent of visual magnitude; and

3. The additional square footage is mitigated pursuant to subsection 66.3.8 below; or

4. If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements: Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

66.3.8. Transfer of Scenic Mitigation Credits (Interim System)

Until a permanent scenic mitigation credit system is adopted, certain scenic impacts may be mitigated outside the shoreland as provided below.

A. The mitigation source is the adjacent shorezone project area or other shoreland parcels within the same scenic unit.

B. Project mitigation requirements shall utilize the Visual Magnitude System outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines to calculate the square footage mitigation requirement or mitigation may be determined by the full panel review process.

C. Mitigation in attainment areas shall be on a one-to-one basis and on a one-to-one and a half basis in non-attainment areas.

D. All structures in the shoreland, both on the receiving and sending project areas, shall have implemented scenic BMPs (21 contrast score rating) to be eligible for transfer of mitigation credits.

E. TRPA shall require restoration securities, deed restrictions, and inspections as appropriate to assure implementation and documentation of scenic mitigation credit.

F. This interim system may be utilized:

1. To mitigate additional square footage associated with shorezone structures; or

2. To gain additional square footage when permissible (e.g. for commercial, public service, multi-residential, etc.)

G. Contributions to TRPA-approved non-profit organizations that have qualifying scenic mitigation projects may be accepted for mitigation credit provided the mitigation credit can be quantified and tracked.

66.3.9. Performance Review

For two years after the adoption of the Scenic Quality Review System, TRPA shall monitor the application of the system. No later than two years from the adoption of the system, TRPA shall prepare a report on the system with recommended amendments, if necessary, and present it to the TRPA Governing Board. A long-term performance review shall be included in the next applicable threshold review.

CHAPTER 67: HISTORIC RESOURCE PROTECTION

67.1. PURPOSE

This chapter provides for the identification, recognition, protection, and preservation of the region's significant cultural, historical, archaeological, and paleontological resources.

67.2. APPLICABILITY

Projects and activities affecting sites, objects, structures, or districts that have been designated by TRPA or are pending designation as historic resources shall be subject to the provisions of this chapter. Unless the context of the sentence indicates otherwise, "designated historic resources" shall include resources pending designation pursuant to Section 67.5.

67.3. RESOURCE PROTECTION

Sites, objects, structures, or other resources eligible or designated as historic resources, or for which designation is pending, shall not be demolished, disturbed, removed, or significantly altered unless TRPA has approved a resource protection plan to protect the historic resources.

67.3.1. Discovery of Historic or Cultural Artifacts During Construction

If, during the course of a project or activity, a potential archaeological, cultural, or historical resource is discovered, all operations shall stop until a qualified archaeologist has evaluated the potential for significance of the resource.

67.3.2. Ground Disturbing Activities

A site survey shall be performed by a qualified archaeologist within project areas with known or newly discovered sites of cultural and/or historic significance prior to any TRPA project approval. TRPA shall consult with the Washoe Tribe on all site surveys for the purpose of determining the presence of Washoe sites. If resources are discovered and deemed significant, then subsections 67.3.3 and 67.3.4 shall be implemented.

67.3.3. Resource Protection Plan

Resource protection plans shall be prepared by a qualified professional and may provide for surface or subsurface recovery of data and artifacts and recordation of structural and other data.

67.3.4. Protection During Construction

Grading, operation of equipment, or other soil disturbance is prohibited in areas where a designated historic resource is present or could be damaged, except in accordance with a TRPA-approved resource protection plan. The resource protection plan shall indicate all such known areas on the site and shall indicate the measures that shall be taken to protect them. (See also subsection 33.3.7.)

67.4. DISCOVERY OF ELIGIBLE RESOURCES

Upon discovery of a site, object, district, structure, or other resource, potentially meeting the criteria of Section 67.6, TRPA shall consider the resource for designation as a historic resource and shall consult with the applicable state historic preservation officer (SHPO), and with the Washoe Tribe if it is a Washoe site. If the resource initially is determined to be eligible for designation as a historic resource by the SHPO, TRPA shall consider designation pursuant to Sections 67.6 and 67.5.

67.5. DESIGNATED HISTORIC RESOURCES

Designated historic resources shall be shown in the TRPA Historic Resource Layers, except that locations of resources found by TRPA to be especially sensitive may be kept confidential in order to protect them from trespassers or vandalism. The historic resources map layers indicate the location of archaeological and historic sites determined by TRPA to be significant. Such locations shall be recorded in confidential reports or layers of the TRPA. Resources shall be designated as historic according to the procedure provided below.

67.5.1. Nominations for Designations

Nominations for designations may be made by TRPA, a state historic preservation officer, the property owner, the Washoe Tribe, or land management agency. The nomination shall be in the form of a report containing information necessary to evaluate the significance of the resource pursuant to Section 67.6. Nominations shall be reviewed by the applicable state's historic preservation office (SHPO). From the time a nomination report is filed with TRPA until a decision is made pursuant to subsection 67.5.2, the designation shall be considered pending. Notice of pending designations shall be given by publication and to affected property owners, in accordance with the Rules of Procedure.

67.5.2. Review and Approval

TRPA shall review the nomination reports along with the comments of the SHPO, the property owner, the Washoe Tribe, and other interested parties and determine if the resource, pursuant to Section 67.6, is sufficiently significant to be designated as a historic resource.

67.5.3. Withdrawal of Designation

The designation of a historic resource may be withdrawn by TRPA based on a request for withdrawal by TRPA, the SHPO, property owner, or land management agency if the resource is determined not to be significant and does not qualify for designation as a historic resource. TRPA shall consider the request in the same manner as for approval in subsection 67.5.2.

67.6. CRITERIA FOR ELIGIBILITY AS A HISTORIC RESOURCE

Sites, objects, structures, districts or other resources, eligible for designation as resources of historical, cultural, archeological, paleontological, or architectural significance locally, regionally, state-wide or nationally, shall meet at least one of the criteria provided below.

67.6.1. Resources Associated with Historically Significant Events and Sites

Resources shall exemplify the broad cultural, political, economic, social, civic, or military history of the region, the states, or the nation, or be associated with events that have made a significant contribution to the broad patterns of history, including regional history. Such resources shall meet one or more of the following criteria:

A. Association with an important community function in the past;

B. Association with a memorable happening in the past; or

C. Contain outstanding qualities reminiscent of an early stage of development in the region.

67.6.2. Resources Associated with Significant Persons

Resources that are associated with the lives of persons significant in history, including regional history, such as:

A. Buildings or structures associated with a locally, regionally, or nationally known person;

B. Notable examples, or best surviving works, of a pioneer architect, designer, or master builder; or

C. Structures associated with the life or work of significant persons.

67.6.3. Resources Embodying Distinctive Characteristics

Resources that embody the distinctive characteristics of a type, period, or method of construction that possess high artistic values or that represent a significant and distinguishable entity but whose components may lack individual distinction. Works of a master builder, designer, or architect also are eligible. Resources may be classified as significant if they are a prototype of, or a representative example of, a period style, architectural movement, or method of construction unique in the region, the states, or the nation.

67.6.4. State and Federal Guidelines

Archeological or paleontological resources protected or eligible for protection under state or federal guidelines.

67.6.5. Prehistoric Sites

Sites where prehistoric archaeological or paleontological resources that may contribute to the basic understanding of early cultural or biological development in the region.

67.7. PROJECTS RELATING TO HISTORIC RESOURCES

As part of the application for a project affecting eligible or designated historic resources, TRPA may require a report documenting compliance with the standards to this chapter. The report may be submitted to the applicable state's historic preservation office for review.

Projects and activities affecting designated resources shall comply with the standards provided below.

67.7.1. Additions

Additions to historic structures, adjacent to a historic structure, within an historic district, or on an historic site shall be in compliance with subsection 67.7.4. Additions shall be eligible for the exceptions in Section 67.8, if such construction is required to attain the objectives of that section. Provisions from the Design Review Guidelines may be required as conditions of approval.

67.7.2. Repairs, Maintenance, and Reconstruction

All repairs, maintenance, reconstruction, or other disturbance of designated historic resources shall comply with and be maintained in accordance with subsection 67.7.4. Provisions from the TRPA's Design Review Guidelines may be required as conditions of approval.

67.7.3. Demolition

Historic resources shall not be demolished, disturbed, or removed unless TRPA finds that:

A. The action will not be detrimental to the historic significance of the resource;

B. The action is pursuant to a recovery plan approved by the applicable state historic preservation officer; or

C. It is the only feasible alternative to protect the health and safety of the public.

67.7.4. Construction, Reconstruction, Repair, and Maintenance Standards

Construction, reconstruction, repair, and maintenance of historic resources shall be in accordance with the U.S. Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

67.8. EXCEPTIONS FOR HISTORICAL STRUCTURES AND DISTRICTS

To encourage the protection, maintenance, or rebuilding of sites, structures, or districts designated as a historic resource, TRPA may grant exceptions to certain provisions of this Code to allow reconstruction or repairs.

67.8.1. Findings

Exceptions may be granted if TRPA finds that:

A. The site, structure, or district is designated as a historic resource; and

B. The reconstruction, modification, or repair is in the public interest.

67.8.2. Conditions

Exceptions granted shall be subject to the following conditions:

A. Modifications shall not increase nonconforming land coverage, exceed the height of the existing structure, or result in an expanded use subject to an allocation under the terms of the Goals and Policies, or Code, unless an allocation has been obtained pursuant to Chapter 50: *Allocation of Development*, or transferred pursuant to Chapter 51: *Transfer of Development*;

B. Modifications to a structure shall conform to the standards in subsection 67.7.4; and

C. Modifications that will endanger or significantly affect the historical, cultural, or architectural significance shall not be made.

67.8.3. Exceptions

Exceptions from the following Code provisions may be granted:

A. Chapter 34: *Driveway and Parking Standards*;

B. Section 32.2, *Paved Roads*;

C. Section 36.5, *Site Design Standards*;

D. Section 36.6, *Building Design Standards*;

E. Section 36.9, *Water Conservation Standards*;

F. Section 36.10, *Standards For Combustion Appliances*; or

G. Chapters 80 through 86, inclusive, *Shorezone*.

CHAPTER 68: NOISE LIMITATIONS

68.1. PURPOSE

The purpose of this chapter is to implement the Goals and Policies, Land Use Element, Noise Subelement and to attain and maintain the TRPA noise thresholds.

68.2. APPLICABILITY

The provisions of this chapter apply to single noise events from aircraft, watercraft, motor vehicles, motorcycles, off-road vehicles, and over-snow vehicles. The provisions also apply to community noise levels in the Tahoe region.

68.3. SINGLE NOISE EVENTS

TRPA shall use the maximum level recorded on a noise meter, L-MAX, for measuring single noise events. The noise levels set forth in subsection 68.3.1 shall be the maximum permissible noise levels for the types of operations listed, unless specifically exempted under Section 68.9.

68.3.1. Maximum Allowable Noise Levels (dBA)

The maximum allowable noise levels (dBA) shall be:

A. Aircraft

Measurement of the standard shall be at 6500 meters from start to takeoff roll and at 2,000 meters from runway threshold approach. The noise standards for aircraft are provided below.

1. Transport Category Aircraft (more than 65 seats or weighing more than 60,000 pounds)

The daytime arrival standard at Lake Tahoe Airport is 86 dBA (Lmax).

2. Commuter Aircraft (65 seats or less or weighing 60,000 pounds or less) and General Aviation:

The daytime arrival standard at Lake Tahoe Airport is 84 dba (Lmax).

3. All Other Aircraft Operations - Daytime

The single event noise standard is 80 dBA.

4. All Aircraft Operations - Nighttime (8:00 p.m. to 8:00 a.m.)

The single-event noise standard is 77.1 dBA (Lmax) for all aircraft operations.

B. Helicopter

[Reserved.]

C. Watercraft

Watercraft shall meet each of the following separate threshold measurement standards:

1. Certification by the manufacturer or by TRPA approved field test agent that the watercraft passes the Society of Automotive Engineers (SAE) test J34 or SAE-J34, Pass by Test, 82.0 dBA to be measured at 50 feet with the engine at 3,000 RPM;

2. Field test measurements that the watercraft passes the Society of Automotive Engineers (SAE) test J1970 or SAE-J1970, Shoreline Test, 75 dBA; and

3. Field test measurements that the watercraft passes the Society of Automotive Engineers test J2005, Stationary Test, 88 dBA if watercraft manufactured on or after January 1, 1993 and 90 dBA if watercraft manufactured before January 1, 1993.

TRPA may permit exceedances from these standards for regatta or watercraft race events.

D. Motor Vehicles

For motor vehicles less than or equal to 6,000 GVW, 76.0 dBA at 50 feet when traveling less than or equal to 35 MPH. For motor vehicles greater than 6,000 GVW, 82.0 dBA at 50 feet when traveling greater than 35 MPH.

E. Motorcycles

For motorcycles traveling less than or equal to 35 MPH, 77.0 dBA when measured at 50 feet. For motorcycles traveling greater than 35 MPH, 86.0 dBA when measured at 50 feet.

F. Off-Road Vehicles

For off-road vehicles traveling less than or equal to 35 MPH, 72.0 dBA when measured at 50 feet. For off-road vehicles traveling greater than 35 MPH, 86.0 dBA when measured at 50 feet.

G. Over-Snow Vehicles

For over-snow vehicles, 82.0 dBA when measured at 50 feet.

68.4. COMMUNITY NOISE LEVELS

TRPA shall use community noise equivalent levels (CNELs) to measure community noise levels. The plan area statements shall set forth CNELs that shall not be exceeded by any one activity or combination of activities (See subsection 11.6.10). In addition, community noise levels shall not exceed levels existing on August 26, 1982, where such levels are known. The CNELs set forth in the plan area statements are based on the land use classification, the presence of transportation corridors, and the applicable threshold. The CNEL Corridor GIS data layer indicates the location of special noise corridors for highways and the South Lake Tahoe Airport.

68.5. MEASUREMENT OF NOISE LEVELS

Noise levels shall be measured as provided below.

68.5.1. Meter Setting

Any single event noise measurement made pursuant to the provisions of the Code shall be measured with a Type I sound level meter using the A-weighting and "slow" response pursuant to applicable manufacturer's instructions, except that for sounds of a duration of two seconds or less, the "fast" response shall be used. Any CNEL measurements shall be made with a Type I sound level meter using the A-weighted "slow" response.

68.5.2. Meter Calibration

The sound level meter shall be calibrated to assure meter accuracy within the tolerances set forth in American National Standards, ANSI-SI.4.1971.

68.5.3. Location of Microphone

The location of noise measurements shall be taken as provided below.

A. Transportation and Single Noise Events

The location of the microphone used to measure noise from transportation sources and single noise events shall be in accordance with subsection 68.3.1. The microphone shall be oriented in the direction of the noise source.

B. Residential, Commercial, Tourist Accommodation, Recreation, Wilderness, Wildlife Habitat Areas, and Response to Noise Complaints

The location of the microphone for measuring CNELs in residential, commercial, tourist accommodation, recreation, wilderness, wildlife habitat areas and for responding to noise complaints shall be no less than four feet above the ground and shall utilize an appropriate wind screen to reduce the effect of wind noise. The microphone shall be placed on the property line closest to the noise source or at the nearest point where the general public is legally entitled to congregate, whichever is closer to the noise source.

68.5.4. Measurement Intervals

Sound levels shall be taken at intervals of ten seconds or less and an instant reading from the sound level meter shall be recorded. If the noise source is an impulse sound (duration of one second or less) then each event shall be measured and recorded.

68.5.5. Lake Tahoe Airport

Single event noise measurements shall be made as set forth in the adopted Lake Tahoe Airport Master Plan.

68.6. MONITORING

TRPA shall monitor single event and community noise levels regularly pursuant to TRPA's monitoring work program.

68.7. PERFORMANCE STANDARDS

Projects and activities in the categories listed below shall meet the stated performance standards to ensure that TRPA noise thresholds shall be attained and maintained.

68.7.1. Airport

The applicable performance standards for the Lake Tahoe Airport are set forth in the adopted Lake Tahoe Airport Master Plan.

68.7.2. Heliports and Seaplane Bases

[Reserved.]

68.7.3. Helipads

[Reserved.]

68.7.4. Highways and Transportation Corridors

Projects within transportation corridors shall include design criteria to help reduce the transmission of noise from the transportation corridor.

68.7.5. Marinas

Marinas and boat launching facilities open to the public shall post conspicuous notices of the noise standards in subsection 68.3.1. Rental and excursion operators shall not operate or offer for use or rent marine craft not in compliance with the standards in subsection 68.3.1.

68.7.6. Off-Road Vehicles and Over-Snow Vehicles

Public agencies responsible for the administration of public lands and recreation areas shall post notices of the standards in subsection 68.3.1 in conspicuous locations at access points to use areas. Rental and excursion operators shall not operate or offer for rent or use any off-road vehicle or over-snow vehicle not in compliance with the standards in subsection 68.3.1.

68.7.7. Loudspeakers

No person shall use loudspeakers or similar devices for amplifying sound outdoors for the purpose of advertising products or services or to attract patrons.

68.8. COMPLIANCE

TRPA shall use the procedures set forth in this section to ensure that the noise thresholds are attained and maintained and to ensure compliance with this chapter.

68.8.1. Project Review

TRPA shall not approve a project which causes a community noise standard (CNEL) to be exceeded. Based upon completion of an initial environmental checklist pursuant to Chapter

3: *Environmental Documentation*, TRPA may require a noise impact report prior to approving a project.

68.8.2. Complaint System

Upon receipt of a noise complaint or upon detection of a possible violation of a noise standard, TRPA may conduct a monitoring study in accordance with Section 0. Based on the results of the monitoring study, TRPA shall implement appropriate corrective measures under the provisions of Chapter 5: *Compliance*. TRPA may delegate all or part of these activities to another public entity through a memorandum of understanding.

68.8.3. Highways and Transportation Corridors

For project applications submitted after January 1, 2015, if the project will result in the alteration or improvement of segments of State Routes 89, 207, 28, 267, or 431, or U.S. Highway 50 that are not in attainment of adopted transportation corridor CNEL standards, and (a) the alterations or improvements include an expansion of the road vehicular capacity (as opposed to repaving or repairs to return the road to a pre-existing level of functionality or safety) and (b) the alterations or improvements are not exempt or qualified exempt in accordance with Section 2.3, the project applicant shall develop and implement design features or other mitigations to achieve the adopted CNEL standards. Noise mitigation features may include but are not limited to improvements to support alternative modes of transportation, noise reducing pavement, noise mitigating landscaping, and/or the reduction or consolidation of curb cuts.

68.9. EXEMPTIONS TO NOISE LIMITATIONS

The standards of this chapter shall not apply to noise from TRPA-approved construction or maintenance projects or the demolition of structures provided such activities are limited to the hours between 8 a.m. and 6:30 p.m. The standards of this chapter shall not apply to safety signals, warning devices, or emergency pressure relief valves, and other similar devices. Emergency work to protect life or property shall be exempt from noise standards, as shall be fireworks used in accordance with a state or local permit.

TRPA

Code of Ordinances

Adopted by Governing Board
December 12, 2012
Effective February 9, 2013

Shorezone

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CHAPTER 80: REVIEW OF PROJECTS IN THE SHOREZONE AND LAKEZONE

80.1. PURPOSE

The Shorezone Subelement, Conservation Element of the Goals and Policies identifies special qualities, including physical, biological and visual, that shall be considered when reviewing a project in the shorezone or lakezone. In accordance with those policies, this chapter sets forth findings that must be made by TRPA prior to approving a project in the shorezone or lakezone.

80.2. APPLICABILITY

All projects and activities in lagoons or the shorezone or lakezone of any lake in the Region shall comply with the provisions of this chapter.

80.3. DEFINITIONS

The following terms are defined as set forth below:

80.3.1. Backshore Stability

The extent to which the backshore resists erosion or mass wasting due to factors such as the presence of naturally occurring existing vegetation, the gradient and geological composition of the backshore and the absence of structures that may affect stability or disrupt natural littoral processes.

80.3.2. Littoral Processes

The redistribution of sediments within the foreshore or nearshore in response to energy generated by waves or longshore currents which have not been disrupted by man-made structures.

80.4. REQUIRED FINDINGS

A project in the shorezone or lakezone shall not be approved unless TRPA finds that:

80.4.1. Significant Harm

The project will not adversely impact:

A. Littoral processes;

B. Fish spawning;

C. Backshore stability; or

D. On-shore wildlife habitat, including wildfowl nesting areas;

80.4.2. Accessory Facilities

There are sufficient accessory facilities to accommodate the project;

80.4.3. Compatibility

The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility;

80.4.4. Use

The use proposed in the foreshore or nearshore is water dependent;

80.4.5. Hazardous Materials

Measures will be taken to prevent spills or discharges of hazardous materials;

80.4.6. Construction

Construction and access techniques will be used to minimize disturbance to the ground and vegetation;

80.4.7. Navigation and Safety

The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters; and

80.4.8. Other Agency Comments

TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on the project.

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

81.1. PURPOSE

This chapter sets forth the allowable uses and accessory structures in the shorezone and lakezone. The concept of "use" includes any activity within the Region, whether related to land, water, air or other resources of the Region. The primary uses are classified as "allowed," "special," and "nonconforming." The applicability of such classification to a parcel is determined by reference to the applicable plan area statement and map, community plan, redevelopment plan, and specific or master plan. Generic primary uses for the shorezone and lakezone are set forth in Section 81.3 and accessory structures for the nearshore and foreshore are set forth in Section 81.4. Provisions applicable to continuing existing uses in the shorezone and lakezone are set forth in Section 81.6.

81.2. APPLICABILITY

All existing and proposed uses within lagoons or the shorezone and lakezone shall be identified as one or more of the primary uses listed in this chapter, except for parcels that are undeveloped or unimproved. Such parcels shall be considered vacant parcels. Vacant parcels are entitled to apply for a use pursuant to the provisions of this Code. Dispersed water-oriented outdoor recreational uses, as described in subsection 81.3.3, are considered an established primary use on littoral parcels. Regulation of projects and activities pursuant to primary uses shall be as follows:

81.2.1. Allowed Uses

Uses listed in applicable plan area statements, community plans, redevelopment plans, specific or master plans or subsection 81.3.1 as "allowed" ("A") are appropriate uses for the specified area, and projects and activities pursuant to such uses may be permitted. Allowed uses are assumed to be compatible with the direction of the Regional Plan and surrounding uses.

81.2.2. Special Uses

Uses listed in applicable plan area statements, community plans, redevelopment plans, specific or master plans or subsection 81.3.1 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:

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.

81.2.3. Nonconforming Uses

Uses legally commenced prior to the effective date of the Regional Plan, July 1, 1987, which would be prohibited if new, are nonconforming uses and may be continued, subject to the provisions of Section 81.6. Existing development in a special use category for which the findings in subsection 81.2.2 have not been or cannot be made shall be nonconforming uses.

81.2.4. Prohibited Uses

Proposed uses not listed in applicable plan area statements, community plans, redevelopment plans, specific or master plans, or subsection 81.3.1 are prohibited. Proposed special uses for which the findings in subsection 81.2.2 cannot be made shall be prohibited uses.

81.3. PERMISSIBLE USES

This section identifies the permissible uses in the shorezone and lakezone. Each permissible use is defined in Section 81.5. Any use not listed in Section 81.3 is prohibited. Plan area statements, and community, specific, master, and redevelopment plans establish whether uses are allowed (A) or special (S) in all areas except the lakezone. Subsection 81.3.1 establishes whether uses are allowed (A) or special (S) in the lakezone.

81.3.1. Permissible Uses in the Lakezone

The following list identifies the permissible uses in the lakezone:

A. Safety and navigational facilities (A).

B. Salvage operations (S).

C. Seaplane operations (S).

D. Tour boat operations (S).

E. Waterborne transit (A).

F. Water intake lines (A).

81.3.2. Permissible Uses in the Shorezone

The following list identifies the permissible uses in the shorezone:

A. Beach recreation.

B. Boat launching facilities.

C. Construction equipment storage.

D. Marinas.

E. Safety and navigational facilities.

F. Salvage operations.

G. Seaplane operations.

H. Tour boat operation.

I. Waterborne transit.

J. Water-oriented outdoor recreation concessions.

81.3.3. Permissible Uses in the Shorezone and Lakezone

Dispersed water-oriented outdoor recreational uses which do not require developed facilities and which occur in the shorezone or on lakes, such as recreational boating, windsurfing, ballooning, swimming, skin diving, snorkeling, sunbathing, and fishing are allowed uses in the shorezone and lakezone. Rental of equipment and services related to such uses are included in water oriented outdoor recreation concessions. Commercial boating, parasailing, fish habitat restoration, and scientific study projects are special uses in the shorezone and lakezone. Uses resulting from construction of the following structures or facilities are allowed uses in the shorezone:

A. Shoreline protective structures and other erosion control and environmentally oriented projects and facilities in accordance with subsection 85.5.3.

B. Public service facilities in accordance with subsection 85.5.2.

C. Public outdoor recreation facilities in accordance with subsection 85.5.1.

D. Access to the foreshore in accordance with subsection 85.5.4.

81.4. 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*. 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.

81.5. USE DEFINITIONS

The following uses are defined as set forth below:

81.5.1. Beach Recreation

Recreational use of a beach, supported by developed facilities such as sanitation facilities, parking, picnic sites, piers, boat ramps, floating docks and platforms and mooring buoys.

81.5.2. Boat Launching Facilities

Recreational establishments which provide boat launching, parking and short term trailer storage for the general public. Long-term storage, mooring, and maintenance of boats are included under "marinas."

81.5.3. Commercial Boating

Commercial use of pleasure craft or other vessel on a body of water.

81.5.4. Construction Equipment Operation

The operation of equipment, such as barges, pile drivers, and amphibious vehicles, for the purpose of repairing or constructing structures located in the shorezone.

81.5.5. Construction Equipment Storage

The storage of equipment, such as barges, pile drivers, and amphibious vehicles, used for the repair or construction of structures located in the shorezone. Construction equipment storage does not include stock piling of materials.

81.5.6. Marinas

Establishments providing water-oriented services, such as yachting and rowing clubs; boat rentals; storage and launching facilities; sport fishing activities; excursion boat and

sightseeing facilities; and other marina-related activities, including, but not limited to, fuel sales and boat and engine repair.

81.5.7. Recreational Boating

Noncommercial use of pleasure craft on a body of water, including regattas and speedboat races.

81.5.8. Safety and Navigation Facilities

Structures in the shorezone or lakezone whose purpose is the protection of the public health, safety, and general welfare, such as navigational buoys, lighthouses, scientific monitoring devices, and radio communication devices.

81.5.9. Salvage Operations

The act of bringing a vessel, or its cargo to the water's surface.

81.5.10. Seaplane Operations

Use of a permanent facility for the landing and take-off of aircraft on a body of water. Includes the fueling, maintenance, and storage of such aircraft.

81.5.11. Tour Boat Operation

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at a single site.

81.5.12. Waterborne Transit

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at different sites.

81.5.13. Water-Intake Lines

Pipelines and accessory structures, located within a body of water, whose purpose is to draw in and transport water to the backshore or beyond.

81.5.14. Water-Oriented Outdoor Recreation Concessions

Water-oriented outdoor recreation uses, such as food and beverage facilities at public beaches; fishing guide services; parasailing; recreation equipment rental (e.g., boats, wind surfing and beach equipment); but not including, boat slips, boat and engine repair or the sale of fuel.

81.6. EXISTING USES

Existing uses in the shorezone or lakezone shall be regulated as follows:

81.6.1. Right to Continue Existing Uses

Uses legally commenced prior to the effective date of the Regional Plan, July 1, 1987, are recognized as existing uses and may be continued, except as otherwise set forth in

subparagraphs 81.6.1.A and 81.6.1.B. Continuation of an existing use includes a change in ownership, tenancy, or management, where the nature and character of the existing use remains substantially unchanged. Short-term or seasonal uses existing pursuant to legally issued TRPA permits may continue only for the duration of the permits authorizing them. Neither this section nor this chapter shall be construed as a limitation upon TRPA's authority to regulate all uses, present or future, by permit, prohibition or otherwise.

A. Nonconforming Uses

If an existing nonconforming use is discontinued for a period of one year or more, any subsequent use shall comply with the use regulations set forth in the 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.

B. Uses Subject to a Specific Program Requiring Discontinuance or Modification of the Uses

A use subject to a specific program requiring discontinuance or modification of the use shall be discontinued or modified in accordance with the requirements of such program. Such specific programs shall be further defined and adopted by ordinance.

81.6.2. Changes, Expansions, or Intensifications of Existing Uses

Expansions and intensifications of existing uses, or changes in use to the extent permitted by this chapter, are subject to the requirements for a permit set forth in Chapter 2: *Applicability of the Code of Ordinances*. Modifications, expansions and other changes to structures are governed by other provisions of the Code and also are subject to the requirements of Chapter 2.

A. Allowed Uses

Uses identified as allowed uses may be changed, expanded, or intensified in conformance with this Code. Any change, expansion, or intensification, resulting in a special use, shall be subject to the special use requirements.

B. Special Uses

Uses identified as special uses and for which the required findings pursuant to subsection 81.2.2 have been made by TRPA, may be changed, expanded, or intensified subject to subsection 81.2.2.

C. Nonconforming Uses

Uses identified as nonconforming shall not be expanded or intensified. A nonconforming use shall not be changed unless the new use conforms to the use regulations set forth in this Code. Expansions of structures containing a nonconforming use shall not be permitted. Modifications may be permitted only when TRPA finds that the modifications do not increase the extent of nonconformity.

CHAPTER 82: EXISTING STRUCTURES

82.1. PURPOSE

Policy 11, Goal #1 of the Shorezone Subelement, Conservation Element of the Goals and Policies requires that TRPA regulate the maintenance, repair, and modification of piers and other existing structures in the nearshore and foreshore. Since some existing structures do not conform to the Code standards for new structures, the policy requires that, for maintenance, repair and modification, the Code set requirements, appropriate for the situation, to correct environmental and navigational problems. This chapter sets forth standards in accordance with that policy.

82.2. APPLICABILITY

Structures legally existing in the shorezone or lagoons in the Region prior to the effective date of the Regional Plan, July 1, 1987, or structures legally constructed after the effective date of the Regional Plan, July 1, 1987, are recognized as existing structures, provided the structure has not been unserviceable beyond the time limits set forth in subsection 82.4.4. The maintenance, repair, or expansion of existing structures in the shorezone or lagoons shall comply with the provisions of this chapter.

82.3. DEFINITIONS

The definitions of the terms listed are as follows.

82.3.1. Expansion

An increase in size or extent, including an increase in the dimensions of a structure, change in configuration of a structure, and the addition of any structure or edifice to an existing structure.

82.3.2. Major Structural Repair

Replacement or reconstruction of, or modification to, the members of a structure that affect the weight bearing or strength capacity of the structure, and the total cost of materials exceeds $8,500.00 per year. Structural members of a pier are members such as piling, crib timbers and rocks, stringer and decking. Rocks placed to create jetties or breakwaters are structural members. This amount shall be calculated on an objective market valuation of the materials involved.

82.3.3. Minor Structural Repair

Replacement or reconstruction of, or modification to, the members of a structure that affect the weight bearing or strength capacity of the structure, and the total cost of materials is less than $8,500.00 per year. This amount shall be calculated on an objective market valuation of the materials involved.

82.3.4. Unserviceable

Unserviceable shall be defined as a structure that can no longer serve the function for which it was designed. In calculating the time period that a structure has been unserviceable, the period of time shall not be counted when TRPA was restrained from accepting applications for repairs to structures in the shorezone due to the preliminary injunction filed on August 9, 1984 in the matter of State of California/ League to Save Lake Tahoe v. TRPA.

82.4. EXISTING STRUCTURES IN THE NEARSHORE OR FORESHORE

Activities related to existing structures in the nearshore or foreshore shall be exempt from, or subject to, TRPA review as set forth below:

82.4.1. Maintenance and Repair of Structures

The ordinary maintenance and repair of structures in the nearshore or foreshore shall be in accordance with the following standards:

A. Owners of structures in the nearshore or foreshore are responsible for maintaining them in a proper condition and in accordance with the provisions of this Code.

B. Repairs to existing structures shall be performed in compliance with the provisions of this Code.

82.4.2. Projects

An activity in the shorezone or lakezone which is not exempt, pursuant to subsections 2.3.3 or 2.3.7.B is a project subject to TRPA review and approval.

82.4.3. Emergency Projects

Emergency projects shall be reviewed and acted upon in accordance with Article V of TRPA's Rules of Procedure.

82.4.4. Major Structural Repair and Expansion

Major structural repair to, and expansion of, existing structures in the nearshore or foreshore shall comply with the following standards:

A. Structures that Comply with all Development Standards

Major structural repair and expansions to existing structures that comply with all development standards may be allowed provided the TRPA finds that:

1. The structure, including any expansion, remains in compliance with applicable development standards;

2. The repair and any expansion conforms to the design standards in Section 83.11;

3. The project complies with the requirements to install BMPs as set forth in subsection 60.4.3.

B. Structures that Comply with Certain Development Standards

Major structural repair and expansions to existing structures that comply with the length standard for piers set forth in subparagraph 85.5.1.D; the setback standard for piers set forth in subparagraph 85.5.1.E; the 90 percent open foundation standard for piers set forth in subparagraph 85.5.2.C; the location standards for jetties, breakwaters and fences set forth in subsection 84.12.1; and the standards for openings in jetties, breakwaters and fences set forth in subparagraphs 84.12.2.A through D; but do not comply with other applicable development standards, may be allowed if TRPA finds that:

1. The repair does not increase the extent to which the structure does not comply with the development standards;

2. The expansion decreases the extent to which the structure does not comply with the development standards and/or improves the ability to attain or maintain the environmental thresholds;

3. The project complies with the requirements to install BMPs as set forth in Section 60.4;

4. The project complies with the design standards in Section 83.11; and

5. The structure has not been unserviceable for more than five years.

C. Structures that Do Not Comply with Certain Development Standards

Major structural repairs and expansions to existing structures that do not comply with one or more of the standards set forth in subparagraph 82.4.4.B above, may be approved if TRPA makes the following findings based on information contained in the initial environmental checklist (IEC) and other information known to TRPA; the finding in subparagraph 3.3.2.A; that the structure is not an obstacle to navigation, is not causing significant shoreline erosion or interference with sediment transport, and is not contributing to noncompliance with a scenic threshold; and findings (a), (b), (c), and (d) in subparagraph 2 of this subsection. In addition it shall be found by TRPA that the structure has not been unserviceable for more than three years. If TRPA determines the IEC provides insufficient information to make the findings cited above, major structural repairs and expansions may be approved by TRPA only in accordance the following provisions:

1. Preparation of Environmental Assessment

TRPA shall prepare an environmental assessment (EA) in accordance with subsection 3.4.1. In addition to the elements required in subsection 3.4.1, the EA shall include:

a. The significance of impacts resulting from the structure being an obstacle to navigation, causing shoreline erosion, interfering with sediment transport and contributing to noncompliance with a scenic threshold; and

b. The modifications to the structure necessary to reduce the impacts identified in paragraph a above, to a less than significant level.

2. Repairs Less Than 50 Percent of The Replacement Value

Major structural repair costing less than 50 percent of the replacement value of a structure, including labor and materials, shall not be allowed unless TRPA approves a schedule, submitted by the applicant as part of the project, requiring the structure to be modified to reduce the impacts identified in the EA to a less than significant level by no later than December 31, 1999.

3. Repairs More Than 50 Percent of the Replacement Value of the Structure

Major structural repair costing more than 50 percent of the replacement value of a structure, including labor and materials, shall not be approved unless TRPA requires the structure to be modified to reduce the impacts identified in the EA to a less than significant level.

4. Expansion

Expansions shall not be approved unless TRPA requires the existing structure to be modified in accordance with paragraph 3.

82.4.5. Modification or Removal of Structures

Modification or removal of structures shall be pursuant to the following provisions:

A. Removal or Modification Due to Navigation Problem or Shoreline Impacts

By December 31, 1990, TRPA shall prepare an EA, in accordance with subparagraph 82.4.4.C, for existing structures that do not comply with the development standards cited in subparagraph 82.4.4.B and for which an assessment has not been prepared. TRPA shall determine, based on the EA, which existing structures are; (a) not causing a significant impact of a nature described in paragraph (a)(i) of subparagraph 82.4.4.C; (b) causing a significant impact that can be reduced to a less than significant level by modifying the structure; (c) causing a significant impact that can only be reduced to a less than significant level by removing the structure. TRPA shall notify the owners of such structures, in accordance with TRPA's Rules of Procedure of the determinations made under this subsection no later than December 31, 1994. Structures requiring modifications or removal pursuant to this subsection shall be so modified or removed by December 31, 1999. Removal of such structures shall be required only if the Governing Board finds that removal is the only feasible method to mitigate the impacts to a less than significant level.

B. Removal of Structures Based on Fish Habitat and Spawning Study

TRPA may require structures, including mooring buoys, to be removed or modified, pursuant to Chapter 5, if TRPA, based on the study required in Section 84.4_finds that such structures have a significant adverse impact on fish spawning. Removal of such structures shall be required only if the Governing Board finds that removal is the only feasible method to mitigate the impacts to a less than significant level. At least five years after notice by TRPA shall be allowed for any such modification or removal.

82.4.6. Compliance with Best Management Practices (BMPs)

No approval shall be granted under the provisions of subparagraph 82.4.4.C or subsection 82.4.5, unless the project complies with the requirements to install BMPs as set forth in Section 60.4.

82.4.7. Relocation or Removal of Mooring Buoys

Mooring buoys and their anchoring devices, that have not received a permit from TRPA, shall be removed or modified and have a permit issued by TRPA within two years from the date of notice to the owners of such mooring buoys of the requirement to obtain said permit. Notice shall be given pursuant to TRPA's Rules of Procedure.

82.4.8. Mooring Buoys Identification Tag

TRPA approved mooring buoys shall display a TRPA Buoy Identification Tag at all times.

82.5. EXISTING STRUCTURES IN THE BACKSHORE

Repair, reconstruction, modification, expansion, and relocation of existing structures located in the backshore shall be regulated in accordance with the standards set forth in Chapters 21 and 2. When a structure in the foreshore extends into the backshore, that portion of the structure in the backshore shall be regulated pursuant to Section 82.4 and Chapter 85.

CHAPTER 83: SHOREZONE TOLERANCE DISTRICTS AND DEVELOPMENT STANDARDS

83.1. PURPOSE

Policies 4, 5, 6, and 7, Goal 1 of the Shorezone Subelement, Conservation Element of the Goals and Policies establish management strategies and development restrictions with respect to the eight shorezone tolerance districts described in the 1973 Shorezone Plan for Lake Tahoe. Policy 9, Goal #1 of the Shorezone Subelement requires TRPA to regulate structures in the foreshore and nearshore to avoid interference with the attainment of scenic thresholds. Policy 15, Goal #1 of the Shorezone Subelement permits the designation of shorezones as man-modified and sets forth the findings necessary for designation. In accordance with these policies, this chapter sets forth development standards for the eight tolerance districts, standards for designating shorezones as man-modified, design standards and standards for other related matters.

83.2. APPLICABILITY

All projects and activities within the shorezone shall comply with the regulations and standards applicable within the shorezone tolerance district in which the project or activity is located.

83.3. ESTABLISHMENT AND EFFECT

There are eight shorezone tolerance districts identified along the shorelines of Lake Tahoe, Fallen Leaf Lake, and Cascade Lake. These districts are described in the 1973 Shorezone Plan for Lake Tahoe and are depicted on TRPA Shorezone Tolerance District and Land Capability Overlay Maps, pursuant to Chapter 10: *TRPA Regional Plan Maps*. The 1973 Shorezone Plan was used as a guideline in establishing the use and development standards and regulations as set forth in this chapter.

83.4. PRECISE BOUNDARIES

The location of precise boundaries of shorezone tolerance districts shall reflect the physical and other considerations that led to the classifications of the lands in the districts that the boundary lines separate. Determinations of precise boundaries on a parcel may be made by TRPA as part of a project approval without amendment to the shorezone maps consistent with the procedures for field verification in Chapter 30. Such determinations may not result in a major adjustment of the boundaries (i.e., creation of new districts, elimination of districts, etc.) that would otherwise require an amendment pursuant to Section 83.5. Boundary line determinations shall be consistent with the criteria set forth in the report entitled Toward a Shore-Zone Plan For Lake Tahoe, Orme, A.R., 1972.

83.5. SHOREZONE TOLERANCE DISTRICT CHALLENGE

In the event TRPA or the owner of a littoral parcel is of the opinion the shorezone adjacent to the parcel is not properly classified pursuant to Section 83.3, either may initiate a

shorezone tolerance district challenge with respect to such parcel. The person or entity initiating the challenge shall bear the cost thereof. For parcels one acre or less in size, the cost to be charged an owner initiating the challenge shall not exceed an amount prescribed by resolution of the Governing Board.

83.5.1. Team of Experts

A team of experts retained by TRPA shall evaluate the shorezone tolerance district challenge. Depending on the nature of the challenge, the team may include, as determined by TRPA, a geomorphologist, soil scientist, geologist, hydrologist, and fisheries biologist, selected by TRPA. Such persons shall be recognized as possessing special qualifications to evaluate soils, geomorphology, hydrology, fisheries, vegetation and other characteristics and related environmental factors pertinent to the subject shorezone area. TRPA shall consider data provided by experts retained by the owner, and TRPA's team of experts shall comment on the accuracy of the owner's data. No expert retained by the owner shall be a member of TRPA's team.

83.5.2. Shorezone Tolerance District Report

TRPA's team of experts shall prepare a shorezone tolerance district report analyzing the shorezone tolerance district challenge. The report shall include:

A. A description of the parcel.

B. Detailed information concerning topography; soil capabilities and limitations; compositional and geometric properties; surface and ground water conditions; geomorphology; vegetation characteristics and related environmental factors pertinent to the subject shorezone area.

C. An analysis identifying limitations on use and disturbance in the shorezone due to: compositional and geometric properties; surface and subsurface hydrologic conditions; erosion hazard; littoral processes and lake bottom material composition; biological characteristics such as fish, wildlife and vegetation; and visual and aesthetic factors.

D. Identification by a qualified expert of the shorezone tolerance district generally exhibiting the characteristics of the section of shorezone analyzed in the report.

E. Additional information required by TRPA to properly assess the merits of the application.

83.5.3. Review of and Action on the Report

The Executive Director shall review the shorezone tolerance district report and, if it recommends no change in shorezone district, may deny the shorezone tolerance district challenge, subject to an appeal to the Governing Board. If the report recommends a change in shorezone tolerance district, the change shall be approved or denied by the Governing Board. The challenge may be approved if the Governing Board finds that the pertinent shorezone, due to natural characteristics specifically identified, properly belongs in a shorezone tolerance district other than that in which it is presently classified.

83.5.4. Notification Procedure

An appeal of the Executive Director's denial of a shorezone tolerance district challenge and the action by the Governing Board upon a report recommending a change in shorezone tolerance shall be pursuant to notification to affected property owners in accordance with TRPA's Rules of Procedure.

83.5.5. Procedure After Action on Shorezone Tolerance District Challenge

Once TRPA has completed its action on the shorezone tolerance district challenge, it shall:

A. Give written notification to the owners of all parcels affected by the action taken;

B. Include the information set forth in the report prepared pursuant to subsection 83.5.2 and the action pursuant to subsection 83.5.3 in TRPA's data base for purposes of Chapter 5;

C. Recognize the action pursuant to subsection 83.5.3 as superseding the TRPA Shorezone Tolerance District Overlays with respect to the pertinent parcel; and

D. Affix a symbol to the shorezone tolerance district overlays denoting the action pursuant to subsection 83.5.3 as applicable to all parcels affected by the action.

83.5.6. Amendment of Shorezone Tolerance District Overlay Maps

Amendments to the tolerance district overlay maps shall be processed as amendments to the Regional Plan.

A. Minimum Land Area
Amendments to the shorezone tolerance district overlay maps shall be limited to sections of shoreline that are 400 feet or greater in length.

B. Line Adjustments
Adjustments of existing shorezone tolerance district lines, other than minor adjustments which occur under Section 83.4 shall require amendment to the shorezone tolerance district maps. Such adjustments shall not create new or eliminate existing districts; however, the adjustment may substantially affect permitted uses and apply to more than one property.

C. New Shorezone Tolerance Districts
The creation of a new shorezone tolerance district shall require amendment to the shorezone tolerance district maps. New shorezone tolerance districts shall include all the adjoining land area which exhibits the characteristics of the new district.

83.6. MAN-MODIFIED CHALLENGE

The Shorezone Tolerance District Overlay Maps may be amended for man-modified areas through an amendment of the Regional Plan in the manner set forth in this subsection. The amendment may be initiated by TRPA or the owner of the pertinent land, provided there is

sufficient information demonstrating a reasonable possibility the requirements of this subsection can be met.

83.6.1. Team of Experts

A team of experts retained by TRPA shall evaluate the man-modified challenge in accordance with the requirements of subsection 83.5.1.

83.6.2. Man-Modified Report

TRPA's team of experts shall prepare a man-modified report in accordance with the requirements of subsection 83.5.2. In addition to the foregoing information, the report shall contain information showing that the area in question was modified by man's placement of fill, dredging or grading, in so substantial a fashion as to generally exhibit the characteristics of a shorezone tolerance district other than the one depicted for said land on TRPA's Shorezone Tolerance District Overlay Maps. In the case where the shorezone has been so modified that it no longer exhibits characteristics similar to any of the established tolerance districts, the report shall recommend the limitations, standards, and regulations that should be applied within the new tolerance district.

83.6.3. Criteria

An amendment to the shorezone tolerance district maps may be approved only if TRPA finds that:

A. Further development will not exacerbate the problems caused by development in shorezones that the original tolerance rating was meant to avoid;

B. The area no longer exhibits the characteristics of the original shorezone tolerance rating;

C. Restoration of the area is infeasible because of factors such as the cost thereof, a more positive cost-benefit ratio would be achieved by offsite restoration, onsite restoration would cause environmental harm, restoration onsite would interfere with an existing legal use, and the area is not identified for restoration by any TRPA program;

D. The impacts from further development will be mitigated offsite;

E. Mitigation to offset the losses caused by modification of the area and pertinent shorezone tolerance district, shall be as follows:

1. Onsite and offsite mitigation;

2. Pursuant to a maintenance program, including a schedule of maintenance proposed by the owner and approved by TRPA; and

3. Collection of a security, if deemed necessary by TRPA, to guarantee mitigation; and

F. The area in question was modified to the extent being recognized prior to February 10, 1972.

83.6.4. Review and Action

The man-modified report shall be reviewed and acted upon in accordance with subsection 83.5.3.

83.6.5. Notification Procedure

Notification procedures shall be in accordance with subsection 83.5.4.

83.6.6. Procedure After Action on Man-Modified Challenge

After action is taken on a man-modified challenge, TRPA shall comply with the provisions of subsection 83.5.5.

83.6.7. Amendment of Shorezone Tolerance District Overlay Maps

Amendment to the shorezone tolerance district overlay maps resulting from a man-modified challenge shall be in accordance with the provisions of subsection 83.5.6.

83.7. SHOREZONE TOLERANCE DISTRICT 1

Shorezone Tolerance District 1 is described and regulated as follows:

83.7.1. Nature of District

The beach that forms the shoreline in these districts is a low sandy barrier that separates the lake proper from marshes and wetlands. Generally, the shorezone is ecologically fragile and any substantial use or alteration can lead to excessive sedimentation, beach erosion, and water turbidity.

83.7.2. Development Standards

In addition to the standards set forth in Chapters 84 and 85, the following standards shall be applicable to Shorezone Tolerance District 1:

A. Access to the shoreline shall be restricted to planned footpaths which minimize the impact to the backshore.

B. Vegetation shall not be manipulated or otherwise disturbed except when permitted under Chapter 85.

C. No drainage or modification of backshore wetlands shall be permitted.

D. New development in the backshore of a Shorezone Tolerance District 1 shall be regulated in accordance with the regulations in this Code for stream environment zones.

E. Replacement of existing land coverage in the backshore of a Shorezone Tolerance District 1 shall be in accordance with the regulations for replacing existing land coverage in stream environment zones.

83.8. SHOREZONE TOLERANCE DISTRICTS 2 AND 3

Shorezone Tolerance Districts 2 and 3 are described and regulated as follows:

83.8.1. Nature of The Districts

The natures of the districts are:

A. Tolerance District 2

Tolerance District 2 is typically volcanic and morainic debris shorezones with slopes 30percent and over and alluvial soils at nine to 30 percent slopes. Potential for disturbance in the nearshore is high as is potential for erosion and cliff collapse in the backshore.

B. Tolerance District 3

Tolerance District 3 is armored granite shorezones with slopes exceeding 30 percent. The erosion potential is high immediately above the shore, with moderate potential for disturbance in the steep nearshore zone. Removal of vegetation in the backshore may lead to mass movement and erosion.

83.8.2. Development Standards

In addition to the standards set forth in Chapters 84 and 85, the following standards shall be applicable to Shorezone Tolerance Districts 2 and 3:

A. Permitted development or continued use may be conditioned upon installation and maintenance of vegetation to stabilize backshore areas and protect eroding areas from further destruction.

B. Projects shall not be permitted in the backshore unless TRPA finds that such project is unlikely to accelerate or initiate backshore erosion.

C. Access to the shoreline shall be restricted to stabilized access ways which minimize the impact to the backshore.

83.9. SHOREZONE TOLERANCE DISTRICTS 4 AND 5

Shorezone Tolerance Districts 4 and 5 are described and regulated as follows:

83.9.1. Nature of Districts

The natures of the districts are:

A. Tolerance District 4

Tolerance District 4 exhibits volcanic rock shorelines with moderate potential for erosion. The potential increases where colluvium of volcanic debris is present and stoney, sandy loams lie on 15 to 30 percent slopes; on morainic debris shorezones with high erosion potential above the shoreline; and alluvial shorezones where the shoreline is characterized by steep, crumbling cliffs with continuing erosion problems.

B. Tolerance District 5

Tolerance District 5 exhibits armored granite shorezones with 15 to 30 percent slopes with less erosion potential than similar lands in Shorezone Tolerance District 4.

83.9.2. Development Standards

In addition to the standards set forth in Chapters 84 and 85, the following standards shall be applicable to Shorezone Tolerance Districts 4 and 5:

A. Permitted development or continued use maybe conditioned upon installation and maintenance of vegetation to stabilized backshore areas and protect existing cliffs from accelerated erosion.

B. Projects shall not be permitted in the backshore unless TRPA finds that such project is unlikely to require the cliff area to be mechanically stabilized or that the project will not accelerate cliff crumbling, beach loss or erosion.

C. Access to the shoreline shall be restricted to stabilized access ways which minimize the impact to the backshore.

D. Access to buoys shall be designed to cause the least possible environmental harm to the foreshore and backshore.

E. Access to piers, floating platforms and boat ramps shall be designed to cause the least possible alteration to the natural backshore.

83.10. SHOREZONE TOLERANCE DISTRICTS 6, 7,AND 8

Shorezone Tolerance Districts 6, 7, and 8 are described and regulated as follows:

83.10.1. Nature of Districts

The natures of the districts are:

A. Tolerance District 6

Tolerance District 6 is underlain by weathered volcanic or morainic debris with slopes of five to 15percent.

B. Tolerance District 7

Tolerance District 7 is comparatively level shorezone underlain by morainic and alluvial materials with slopes of zero to nine percent.

C. Tolerance District 8

Tolerance District 8 is gently sloping, armored granite shorezone with high capability for development. Shorelines are in equilibrium and potential for erosion in foreshore and nearshore is low. Backshore possesses a moderate erosion potential in some cases.

83.10.2. Development Standards

In addition to the standards set forth in Chapters 84 and 85, the standards set forth in subsection 83.9.2 for Tolerance Districts 4 and 5 shall be applicable to Tolerance Districts 6, 7, and 8. The following standards also shall apply:

A. Vehicular access to the shoreline shall not be permitted except where TRPA finds that such access will not cause environmental harm.

B. Boat launching facilities and marinas shall be located where the nearshore shelf is of sufficient width to enable construction and use without potential for significant shelf erosion.

83.11. DESIGN STANDARDS WITHIN THE SHOREZONE

Design standards within the shorezone are as follows:

83.11.1. Color

The color of structures, including fences, shall be compatible with its surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within a range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish-brown, brown, tan, ochre, umber, sand, and dark green. Colors shall be medium to dark and shall meet the Munsell® Color value as set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G. Structures in the shoreland that were constructed prior to January 1, 1950 may maintain their historic colors when doing exempt maintenance and repair.

83.11.2. Roofs

Roofs shall be composed of non-glare earthtone or wood tone materials that minimize reflectivity. Metal roofs shall be compatible with their surroundings and composed of non-glare earthtone colors. Metal roofs colors shall meet the Munsell® Color value as set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines that have a value and chroma of 0-4 or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G.

83.11.3. Fences

Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or dark green vinyl, including fence poles.

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER

84.1. PURPOSE

The Shorezone Subelement, Conservation Element of the Goals and Policies requires TRPA to regulate the placement of new piers, buoys, and other structures in the nearshore and foreshore to avoid degradation of fish habitats, creation of navigation hazards, interference with littoral drift, interference with the attainment of scenic thresholds and other relevant concerns. The Goals and Policies also requires TRPA to conduct studies, as necessary, to determine potential impacts to fish habitats and apply the results of such studies and previous studies on shoreline erosion and shorezone scenic quality in determining the number of, location of, and standards of construction for facilities in the nearshore and foreshore. The Shorezone Subelement indicates that provisions should be made to allow multiple-use piers when such uses are intended to reduce the number of single use piers on adjoining properties. This chapter sets forth standards and provisions in accordance with these policies.

84.2. APPLICABILITY

All projects and activities in the nearshore or foreshore of any lake or in lagoons in the Region shall comply with the standards and provisions set forth in this chapter.

84.3. REVIEW OF SUPPORT FACILITIES

Whenever review of a structure, use, or activity is required pursuant to the terms of this chapter, review shall encompass the structures, uses, and activities in the backshore, nearshore, foreshore and on the adjacent littoral parcel to ensure adequacy of all facilities related to the new or expanded structure, use, or activity.

84.4. FISH HABITAT AND SPAWNING STUDY

TRPA shall prepare a study assessing the impacts resulting from the construction and use of structures, including mooring buoys, on fish habitat and spawning areas in Lake Tahoe and the mouths of its tributaries. The study shall also evaluate and recommend methods for restoring fish habitat.

84.4.1. Schedule for Completion of Study

The study required pursuant to this section shall be completed in accordance with the following schedule:

A. Funding shall be secured by December 31, 1987.

B. The final report shall be completed by October 31, 1989.

84.4.2. Reconsideration of Location Standards

Within 90 days of a determination by TRPA that funding will not be secured by December 31, 1987 or the report completed by October 31, 1989, but not later than January 24, 1990, TRPA shall reconsider the standards set forth in subparagraph 84.5.1.B for piers, in subparagraph 84.6.1.B for boat ramps, in subparagraph 84.7.1.B for mooring buoys, and in subparagraph 84.8.1.B for floating docks and platforms.

84.5. PIERS

Where otherwise allowed pursuant to Chapters 81 and 82, the placement and design of piers shall conform to the following standards:

84.5.1. Location Standards

Location standards are:

A. A maximum of one pier may be permitted per littoral parcel existing on July 1, 1987.

B. The placement of piers shall be prohibited within 200 feet of the stream inlets of the following creeks and rivers:

1. Third Creek;

2. Incline Creek;

3. Wood Creek;

4. Slaughterhouse Creek;

5. Upper Truckee River;

6. Taylor Creek;

7. Tallac Creek;

8. Cascade Creek;

9. Eagle Creek;

10. Lake Tahoe Tributary at Mouth of Paradise Flat;

11. Lonely Gulch Creek;

12. Meeks Creek;

13. General Creek;

14. McKinney Creek;

15. Quail Creek;

16. Madden Creek;

17. Blackwood Creek;

18. Ward Creek;

19. Truckee River;

20. Dollar Creek;

21. Watson Creek;

22. Griff Creek;

23. Baldy Creek; and

24. Snow Creek.

C. The placement of piers shall be prohibited in areas identified as "Feeding And/Or Escape Cover Habitat," "Spawning Habitat," or "Areas Targeted For Habitat Restoration" on TRPA's Prime Fish Habitat map, adopted on April 26, 1984 or as amended, except when a boat ramp is removed in conjunction with a new pier application within the same project area and there is a net reduction in habitat disturbance to the areas identified above. When an existing boat ramp is removed to construct a pier, the shorezone use should be considered existing; however, the proposed pier shall be considered a new structure.

D. Piers shall not extend beyond lake bottom elevation 6,219.0 feet, Lake Tahoe Datum, or beyond the pierhead line, whichever is more limiting. The pierhead line is established as depicted on the TRPA Shorezone Tolerance/Pierhead Line Maps.

E. The setback for existing piers shall be five feet and for new piers it shall be 20 feet. Piers shall be placed within the setback lines established by TRPA. TRPA shall establish the setback lines by measuring the applicable distance inward from each property line along the high water line. From this point, a setback line shall be projected lakeward and perpendicular to the tangent of the shoreline. TRPA may adjust angle of projection to compensate for unique circumstances such as a small cove.

F. The standards set forth in subparagraphs A, D, and E, above, may be waived for piers recognized by TRPA as multiple-use pursuant to Section 84.9.

84.5.2. Design and Construction Standards

Design and construction standards are:

A. The width of piers shall be a maximum of ten feet, which shall include all appurtenant structures except for a single low-level boat lift and a single catwalk. A catwalk below the level of the main deck, and not exceeding three feet in width by 45 feet in length, may be permitted. Additional width for a single catwalk may be permitted where TRPA finds it is necessary to facilitate barrier free access but at no time shall the entire width of the pier and catwalk exceed 13 feet. A low level boat lift with forks not exceeding ten feet in width may be permitted.

B. Pier decks shall not extend above elevation 6,232.0 feet, Lake Tahoe Datum. Boat lifts, pilings, and handrails and other similar safety devices, shall not extend more

than four feet above the pier deck. 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 or that local wave characteristics represent a real threat to the integrity of the structure.

C. 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.

D. Superstructures shall not be permitted on any lake or lagoon in the region unless the structure is assured to be removed upon discontinuation of the use or the need for the structure; and it is either:

1. For the purpose of conducting research identified in the Environmental Impact Program or conducting ongoing monitoring of environmental conditions identified in TRPA's monitoring program; the nature of the research or environmental monitoring requires an "over the water" location for data gathering instrumentation and is the minimal size necessary; and no watercraft will be housed in or on the superstructure; or

2. Required by a public agency for public health and safety purposes (such as a radio transmitter or a light beacon); by its very nature the superstructure requires an over the water location and is the minimum size necessary; and no watercraft will be housed in or on the superstructure.

E. Fueling facilities shall not be permitted on piers located adjacent to littoral parcels on which the primary use is residential.

F. The standards set forth in subparagraph A, above, may be waived for piers recognized by TRPA as multiple uses pursuant to Section 84.9.

84.6. BOAT RAMPS

When otherwise allowed pursuant to Chapters 81 and 82, the placement and design of boat ramps shall conform to the following standards:

84.6.1. Location Standards

Location standards are:

A. A maximum of one boat ramp may be permitted per littoral parcel.

B. The placement of boat ramps shall be subject to the prohibitions set forth in subparagraphs 84.5.1.B and C.

C. Boat ramps shall be placed only within the area prescribed in subparagraph 84.5.1.E.

D. Boat ramps shall not extend lakeward beyond an elevation of 6,219.0 feet, Lake Tahoe Datum, but not to exceed 75 feet in length as measured from high water line except for marine railways, which may be permitted additional length.

E. The standards set forth in subparagraphs A and C, above, may be waived for boat ramps recognized by TRPA as multiple-use pursuant to Section 84.9.

84.6.2. Design and Construction Standards

Design and construction standards are:

A. Boat ramps shall not exceed ten feet in width.

B. Boat ramps shall be constructed from prefabricated materials. Metal grates or rails are the preferred construction material. Pre-cast concrete shall be permitted only when metal grates are infeasible.

C. The standard set forth in subparagraph A, above, may be waived for boat ramps recognized by TRPA as multiple-use pursuant to Section 84.9.

84.7. MOORING BUOYS

Where otherwise allowed pursuant to Chapters 81 and 82, the placement and design of buoys shall conform to the following standards:

84.7.1. Location Standards

Location standards are:

A. A maximum of two mooring buoys may be permitted per littoral parcel.

B. The placement of mooring buoys shall be subject to the prohibitions set forth in subparagraphs 84.5.1.B and C.

C. Mooring buoys shall not be located any further lakeward than necessary to provide for safe mooring, but not to exceed 350 feet lakeward of the high water line.

D. Mooring buoys shall be placed within the setback lines established by TRPA. TRPA shall establish the setback lines by measuring 20 feet inward from each property line along the highwater line. From this point, a setback line shall be projected lakeward and perpendicular to the tangent of the shoreline. TRPA may adjust angle of projection to compensate for unique circumstances such as a small cove.

E. Mooring buoys shall display a TRPA Buoy Identification Tag at all times.

F. The standards set forth in subparagraphs A and C may be waived for mooring buoys recognized by TRPA as multiple-use pursuant to Section 84.9.

84.7.2. Design and Construction Standards

Mooring buoys shall comply with the construction specifications set forth in the California Waterway Marking System or as otherwise recommended by the U. S. Army Corps of Engineers or Coast Guard.

84.8. FLOATING DOCKS AND PLATFORMS

Where otherwise allowed pursuant to Chapters 81 and 82, the placement and design of floating docks and platforms shall conform to the following standards:

84.8.1. Location Standards

Location standards are:

A. A maximum of one floating dock or platform may be permitted per littoral parcel.

B. The placement of floating docks or platforms shall be subject to the prohibitions set forth in subparagraphs 84.5.1.B and C.

C. Floating docks and platforms shall not extend beyond lake bottom elevation 6,219.0 feet, Lake Tahoe Datum, or beyond the pierhead line, whichever is more limiting.

D. Floating docks and platforms shall be placed only within the area prescribed in subparagraph 84.5.1.E.

E. The standards set forth in subparagraphs A and D, above, may be waived for floating docks and platforms recognized by TRPA as multiple-use pursuant to Section 84.9.

84.8.2. Design and Construction Standards

Design and construction standards are:

A. Floating docks and platforms shall not exceed an area of 100 square feet or a dimension along any side of 15 feet.

B. Floating docks and platforms shall not project more than three feet above the surface of a lake or other body of water.

C. Floating docks and platforms attached to a pier shall conform to the standards set forth in subsection 84.5.2.

D. Superstructures shall not be permitted on floating docks or platforms.

E. The standard set forth in subparagraph A above, may be waived for floating docks and platform recognized by TRPA as multiple-use pursuant to Section 84.9.

84.9. MULTIPLE-USE FACILITIES

Where otherwise allowed pursuant to Chapters 81 and 82, the placement and design of piers, boat ramps, mooring buoys, and floating docks and platforms designed to serve individuals on a multiple- or commercial-use basis shall conform to the following standards. If any such structure is accessory to a marina, the provisions of Section 84.14 also shall apply.

84.9.1. Limitations on Single-Use Facilities when Served By Multiple-Use Facilities

No facility shall be approved which is intended for the use of one individual or family and guests if the following circumstances apply:

A. Proposed Residential Development
Where the littoral parcel is part of a residential land development which is being developed for use by, or sale or lease, to more than one person or family;

B. Existing Residential Development
Where the littoral parcel is held in common ownership by owners of parcels within a residential land development, or by an association representing them, or by a person for use of such owners; or

C. Littoral Property Owners Within An Area of Common Ownership
Where individual lots fronting the shoreline are within a residential land development served by multiple-use facilities, such as described in subparagraphs A and B above.

84.9.2. Location Standards

Multiple-use facilities shall comply with the location standards set forth in subsection 84.5.1 for piers, subsection 84.6.1 for boat ramps, subsection 84.7.1 for mooring buoys, and subsection 84.8.1 for floating docks and platforms; except that, for facilities recognized by TRPA as multiple-use pursuant to subsection 84.9.4, the location standards set forth in subparagraphs 84.5.1.A, D and E, subparagraphs 84.6.1.A and C, subparagraphs 84.7.1.A and C, and subparagraphs 84.8.1.A and D shall serve as guidelines.

84.9.3. Design and Construction Standards

Multiple-use facilities shall comply with the design and construction standards set forth in subsection 84.5.2 for piers, subsection 84.6.2 for boat ramps, subsection 84.7.2 for mooring buoys and subsection 84.8.2 for floating docks and platforms; except that, for facilities recognized by TRPA as multiple-use pursuant to subsection 84.9.4, the design and construction standards set forth in subparagraph 84.5.2.A, subparagraph 84.6.2.A, and subparagraph 84.8.2.A shall serve as guidelines.

84.9.4. Recognition of Facilities as Multiple-Use

Facilities recognized by TRPA as multiple-use are subject to the following provisions:

A. Deviation From Standards

Deviation from those standards identified in subsections 84.9.2 and 84.9.3 as guidelines for multiple-use facilities, shall be allowed only if TRPA recognizes such facilities as multiple-use. The extent of deviation from the standards shall be approved by TRPA and shall be dependent on:

1. The reduction in development potential of shorezone facilities associated with the application such that the facility will be shared by other littoral property owners; and

2. The number of people utilizing the facility or the extent to which the facility is available for general public use.

B. Reductions in Development Potential

Reductions in development potential shall be established through the recordation by the owner of permanent deed restrictions or other covenants running with the land, reflecting use agreements and development limitations approved by TRPA on the affected properties.

84.10. PUBLIC SAFETY

New safety and navigational structures may be permitted only upon the recommendation of the Army Corps of Engineers or the U.S. Coast Guard.

84.10.1. Safety and Navigation Devices

Essential Public Safety facilities within the Shorezone provide lake access and egress for public safety and emergency response.

A. One Essential Public Safety Facility in the Shorezone may be designated within each of El Dorado, Placer, Washoe, and Douglas Counties, and one for the U.S. Coast Guard.

B. Essential Public Safety Facilities in the Shorezone shall comply with the location, design and construction standards set forth in subsections 84.5.1 and 84.5.2 for piers, subsections 84.6.1 and 84.6.2 for boat ramps, subsection 84.7.1 for mooring buoys, and subsections 84.8.1 and 84.8.2 for floating docks and 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 subparagraphs, when necessary for functionality: 84.5.1.A, 84.5.1.D, 84.5.1.E, 84.5.2.A, 84.6.1.A, 84.6.1.C, 84.6.2.A, 84.7.1.A, 84.7.1.C, 84.8.1.A, 84.8.1.D, 84.8.2.A.

C. If an Essential Public Safety Facility ceases to be used for public service, any portion of the structure allowed to deviate from general location, design or construction standards pursuant to this subsection must be removed or brought into conformance with development standards.

84.11. STRUCTURES AND USES IN LAGOONS AND LAKES 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 lagoons and other lakes in the region pursuant to the permissible use regulations set forth in the 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. These standards may be established in memorandums of understanding between TRPA and appropriate homeowner associations.

84.12. JETTIES, BREAKWATERS, ROCK CRIBS,AND FENCES

Jetties, breakwaters, rock cribs, and fences may be permitted as follows:

84.12.1. Location

Jetties, breakwaters, and rock cribs shall not be permitted in locations where beach erosion or loss of sediment from the shorezone is likely. Fences shall not be permitted lakeward of the high water line of any lake or body of water except to protect the health or safety of the general public or to protect property located adjacent to areas of public access to any such lake or body of water from trespass and provided such fences are approved by agencies having jurisdiction.

84.12.2. Design and Construction Standards

The design, construction, and maintenance of jetties, breakwaters, and fences shall comply with the following standards:

A. Except as provided in subparagraph 84.12.2.B, jetties and breakwaters shall have openings which allow adequate free circulation of water and sediment.

B. No jetty or breakwater shall be a solid or nearly solid structure unless TRPA finds that it will not interfere with littoral processes, cause shoreline erosion, or harm water quality or clarity and;

1. The solid or nearly solid jetty or breakwater is a necessary part of a marina for which TRPA has approved a master plan; or

2. The solid or nearly solid jetty or breakwater is necessary to protect the safety of persons using a public boat launching facility.

C. The size, number, and locations of openings in jetties or breakwaters shall be sufficient to avoid interference with littoral drift, shoreline erosion, harm to underlying land, and harm to water quality and clarity.

D. Fences in the nearshore or foreshore shall be at least 90 percent open and shall be maintained to be kept free of debris.

E. Rock and other material for construction of structures permitted under this subsection shall not be obtained within the shorezone or lakezone in the region.

84.12.3. Report

In order to provide the information required for the findings for the structures described in Section 84.12 TRPA shall use the procedures set forth for environmental assessments in Chapter 5.

84.13. MARINAS

Marinas may be permitted as follows:

84.13.1. Location

Where otherwise permitted by this Code, applications for new marinas and major expansions of existing marinas shall include an EIS pursuant to Chapter 3*: Environmental Documentation* and a master plan pursuant to Chapter 14. At a minimum, the EIS shall assess potential impacts on beach erosion, prime fish habitat, water quality, and clarity. The EIS also shall determine the public need for such facilities.

84.13.2. Boat Access

Marinas are encouraged to provide public boat launching facilities. All commercial and tour boat facilities shall be located within a marina facility.

84.13.3. Marina Support Facilities

All new marinas and expansions of more than ten boat slips in existing marinas shall comply with the standards listed below. TRPA may require projects of modifications of existing marinas to comply with these standards as conditions of approval.

A. Public restrooms, fueling facilities, chemical fire retardant distribution system, trash receptacles, and pump-out facilities for boat sewage shall be provided at commercial marinas and harbors;

B. Boat washing facilities if any, shall be connected to a sewer system or an acceptable alternate shall be provided;

C. Gas pumping facilities shall include emergency and standard shut-off systems to avoid gas leakage to the Lake;

D. Adequate parking shall be provided to accommodate all uses and activities associated with a marina; and

E. Water treatment system for waters contained within marinas shall be provided.

84.13.4. Monitoring Information Requirements

Monitoring of water quality, current patterns and intensities, wind patterns, shore alterations, and any other conditions which may be altered by the construction of the marina may be required by TRPA for a reasonable period after completion of the

construction. Remedial measures shall be required to mitigate adverse impacts, when necessary.

84.14. SHORELINE PROTECTIVE STRUCTURES

Shoreline protective structures may be permitted as follows:

84.14.1. Findings

Shoreline protective structures may be approved by TRPA to prevent erosion in the backshore if TRPA makes the following findings:

A. Structures in the backshore or environmental threshold values will be enhanced by the construction and maintenance of the protective structures;

B. 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 shore line protective structures;

C. 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 subparagraph 84.14.2.A; and

D. 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.

84.14.2. Design and Construction Standards

Design and construction standards are:

A. 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 subsection 84.14.1, TRPA finds that;

1. A sloping permeable revetment is not feasible; and

2. The alternative structure will not cause significant erosion or modification of the foreshore.

B. 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

C. Shoreline protective structures shall be constructed of natural materials to blend with the surrounding backshore or, if man-made materials are necessary, will be of earthtone colors.

84.15. FILLING AND DREDGING

Filling and dredging are permitted as follows:

84.15.1. Artificial Beach Replenishment

If beaches are to be artificially replenished, only non-organic, chemically, and biologically inert material shall be used. The preferred method of beach replenishment is bypass dredging.

84.15.2. Filling

There shall be no fill placed in the lakezone or shorezone, except as otherwise associated with approved bypass dredging, shoreline protective structures, or beach replenishment projects, or as otherwise found by TRPA to be beneficial to existing shorezone conditions or water quality and clarity.

84.15.3. Dredging

There shall be no removal or materials within the lakezone or shorezone, except at those locations where such removal or rearrangement is found by TRPA to be beneficial to existing shorezone conditions, and water quality and clarity. Maintenance dredging may be permitted where TRPA finds it is necessary to continue an existing use.

84.15.4. Temporary Structures in Lieu of Dredging

Where it is found that low lake levels prevent or significantly reduce access to open water recreation and that dredging cannot be permitted pursuant to subsection 84.15.3, temporary structures that extend beyond lake bottom elevation 6,219 feet or the pier headline may be permitted to facilitate lake access. Permits for the temporary use of structures shall be subject to the provisions outlined in Chapter 22, with the exception that the temporary use of a structure may be extended indefinitely provided that TRPA finds that lake levels remain at or below a level that prevents or significantly reduces lake access. The use of temporary structures in conjunction with single use piers shall not be allowed.

84.15.5. Disposal of Dredged Material

Where dredging, other than bypass dredging, is permitted, spoil materials shall not be deposited in the lakezone or shorezone, in wetlands or within the 100 year floodplain of any tributary to a lake except as provided under subsection 84.15.2.

84.15.6. Prohibition of Siltation of Spawning Habitat

No dredging, filling, or other project may be permitted which results in the permanent siltation of spawning habitat. Temporary siltation associated with construction activities may be permitted provided that the spawning area disturbed is subsequently restored within 60 days or before September 15 when the spawning season begins, whichever is sooner.

84.16. MAN-MADE LAGOONS AND ARTIFICIAL ISLANDS

Construction of man-made lagoons connected to any lake in the Region and artificial islands is prohibited.

84.17. MOTORIZED WATERCRAFT

The operation of motorized watercraft shall be subject to the following standards except that operation of watercraft for the protection of public health and safety shall be exempt from the standards.

84.17.1. No Wake Zone

The creation of a wake or speeds in excess of five MPH by motorized watercraft within 600 feet of the waterline of Lake Tahoe shall be prohibited.

84.17.2. Prohibition of Motorized Watercraft on the Tributaries of the Region

The operation of motorized watercraft on the tributaries of the Region, exclusive of other lakes in the Region, shall be prohibited. The prohibition shall commence at a line across the mouth of the tributary representing an extension of the existing water line across the mouth.

CHAPTER 85: DEVELOPMENT STANDARDS IN THE BACKSHORE

85.1. PURPOSE

Policies 1 and 2, Goal #1 of the Shorezone Subelement, Conservation Element of the Goals and Policies, establish limitations on disturbance to vegetation and construction activity within the backshore. Policy 1 recognizes that the existing vegetation in the backshore; (1) is the last naturally occurring measure for stabilizing soils and absorbing nutrients in runoff from upland areas; (2) prevents accelerated shoreline erosion due to wave action; (3) reduces the need for engineered structures to stabilize eroding cliffs; (4) is an important element of wildlife and fish habitats occurring in the shorezone; and (5) provides screening of development adjacent to the backshore. Policy 1 generally defines the backshore as the zone that includes backshore cliffs and other unstable lands influenced, in part or in total, by littoral or wave processes. In addition, Policy 2 requires that buildings be set back from the backshore to minimize the risk of accelerated erosion, cliff collapse, or slumping. This chapter sets forth standards and regulations in accordance with these policies.

85.2. APPLICABILITY

All projects and activities located within the backshore shall comply with the standards and regulations set forth in this chapter.

85.3. LIMITS OF BACKSHORE

The limits of the backshore shall be established using the following criteria, whichever establishes the wider backshore. The lakeward limit of the backshore shall be at the high water elevation.

85.3.1. Wave Run-Up

The area of wave run-up, plus ten feet;

85.3.2. Instability

The area of instability, plus ten feet. The area of instability shall be established pursuant to the following procedures;

A. The area of instability shall be measured landward from the high water line a horizontal distance equal to 1.5 times the height of the bluff located adjacent to the shoreline. The height of the bluff shall be the difference between the high water elevation and the elevation of the top of the bluff; or

B. The area of instability as identified in a report submitted by the applicant and prepared by a licensed geological, geotechnical or soils engineer or engineering geologist. The area of instability established under this provision may be greater or less than such area established under subparagraph A, above.

85.4. ALLOWABLE LAND COVERAGE

The allowable base land coverage in the backshore shall be one percent. The allowable base land coverage in the backshore may be combined with the allowable base land coverage for the remainder of the littoral parcel to establish a total allowable base land coverage for the parcel. A portion of the total allowable base land coverage may be used to allow construction in the backshore in accordance with Section 85.5.

85.5. PROHIBITION OF NEW LAND COVERAGE

Additional land coverage or other permanent land disturbance shall not be permitted in the backshore, except as follows:

85.5.1. Public Outdoor Recreation

Land coverage and land disturbance may be permitted in the backshore for public outdoor recreation facilities if TRPA finds that:

A. The project is a necessary part of a public agency's long range plans for public outdoor recreation;

B. The project is consistent with the Recreation Element of the Goals and Policies;

C. The project, by its very nature, must be sited in the backshore;

D. There is no feasible alternative which avoids or reduces the amount of land coverage or disturbance proposed in the backshore; and

E. The impacts of the coverage and disturbance are mitigated to the extent feasible through means including, but not limited to, the following:

1. Application of BMPs; and

2. Restoration in accordance with subsection 30.5.3 of land in the backshore or a stream environment zone in the amount of 1.5 times the area of land in the backshore covered or disturbed for the project beyond that permitted in Section 85.4.

85.5.2. Public Service

Land coverage and land disturbance may be permitted in the backshore for public service facilities if TRPA finds that:

A. The project is necessary for public health, safety or environmental protection;

B. There is no reasonable alternative which avoids or reduces the amount of land coverage or disturbance in the backshore; and

C. The impacts of coverage and disturbance are mitigated in the manner prescribed in subparagraph 85.5.1.E.

85.5.3. Erosion Control and Similar Projects

Land coverage and land disturbance may be permitted in the backshore for erosion control projects, habitat restoration projects, forest management programs, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities if TRPA finds that:

A. The project, program, or facility is necessary for environmental protection; and

B. There is no reasonable alternative, which avoids or reduces the extent of encroachment in the backshore.

85.5.4. Access to Structures or Uses in The Nearshore or Foreshore

Land coverage and land disturbance may be permitted in the backshore to provide access to an approved or legally existing structure or use located in the nearshore or foreshore, provided TRPA finds that the amount of land coverage proposed is the minimum necessary to provide access to the structure or use and the impacts of coverage and disturbance are mitigated in the manner prescribed in subparagraph 85.5.1.E.

85.6. REPLACEMENT OF EXCESS LAND COVERAGE

The replacement or modification of existing, excess land coverage in the backshore shall be in accordance with Chapter 30: *Land Coverage*.

85.7. VEGETATION

Indigenous vegetation, appropriate to the backshore shall not be removed or damaged in the backshore, unless otherwise authorized under TRPA permit pursuant to Section 85.5 or subsection 61.3.3. Landscaping installed for the purpose of scenic quality may be maintained pursuant to subsection 61.3.3. Species used in the backshore for revegetation or landscaping shall be those listed on the TRPA-approved plant list as species appropriate for the backshore type and site conditions (e.g. barrier beach, sedimentary bluff).

85.8. PROJECT REVIEW

In imposing special conditions of approval on projects in the backshore, TRPA shall be guided by an appraisal of the nature of the backshore, as set forth in Section 85.1 and 67.3, in relation to the unique characteristics of the project area and shall consider the following objectives:

85.8.1. The protection of significant vistas;

85.8.2. Minimizing the visual impact of the proposed project on the shorezone and area surrounding the project;

85.8.3. The preservation of the site and shorezone from environmental harm both during and after construction;

85.8.4. Protection of views of adjoining development; and

85.8.5. Providing sufficient space for proper infiltration of runoff and nutrient uptake through natural processes.

85.9. SPECIAL DEVELOPMENT STANDARDS

All regulations set forth in Chapter 83 for the shorezone tolerance districts shall apply to projects and activities in the backshore.

85.10. MAN-MODIFIED BACKSHORE

Areas recognized by TRPA as man-modified pursuant to subsection 83.5.2 shall be regulated in accordance with the recommendations contained in the man-modified report approved by TRPA.

CHAPTER 86: MITIGATION FEE REQUIREMENTS

86.1. PURPOSE

The environmental threshold for fisheries includes a management standard requiring restoration of fish habitat in Lake Tahoe as well as a standard for nondegradation of fish habitat in Lake Tahoe. To assist in providing funds for restoration of fish habitat and to mitigate any possible degradation, a fee shall be assessed pursuant to this chapter.

86.2. APPLICABILITY

Mitigation fees shall be collected for the new construction and the expansion of piers, boat ramps, and marinas.

86.3. PIERS

New pier construction and the expansion of existing piers shall be assessed mitigation fees as follows:

86.3.1. New pier - $ 30 per foot

86.3.2. Additional length to an existing pier - $ 30 per foot

86.3.3. Other additions - $500 per application

86.4. BOAT RAMPS

Boat ramp construction and the expansion of existing boat ramps shall be assessed mitigation fees as follows:

86.4.1. New boat ramp - $ 30 per foot

86.4.2. Additional length to an existing ramp - $ 30 per foot

86.4.3. Additional width to an existing ramp - $100 per foot

86.5. MARINAS

Marina construction and the expansion of existing marinas shall be assessed mitigation fees as follows:

86.5.1. New boat slip - $200 per slip

86.5.2. New mooring buoy - $200 per buoy

86.5.3. Other additions - $500 per application

86.6. USE OF MITIGATION FEES

Mitigation fees collected pursuant to this chapter shall be used to fund studies assessing existing or potential impacts created by shorezone structures, or methods for achieving restoration within the shorezone, or to fund fish habitat restoration projects.

86.7. REPAIR OF EXISTING STRUCTURES

No mitigation fees shall be charged for the repair of existing piers, boat ramps and marinas, or for the reconstruction of such facilities for the purpose of bringing the facilities into conformance with development standards of this Code, provided the repair or reconstruction does not result in the expansion of the facilities. The requirements set forth in Section 60.4 for BMP implementation shall apply to all such repair and reconstruction.

86.8. DEFINITION OF EXISTING STRUCTURE

For the purposes of this chapter, piers, boat ramps, and marinas shall be determined to be existing in accordance with Section 82.1.

86.9. MITIGATION FEE REFUNDS

Mitigation fees imposed by this chapter may be refunded, under certain conditions, in accordance with TRPA's Rules of Procedure.

TRPA

Code of Ordinances

Adopted by Governing Board
December 12, 2012
Effective February 9, 2013

Definitions

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CHAPTER 90: DEFINITIONS

90.1. RULES OF INTERPRETATION AND CONSTRUCTION

90.1.1. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the purpose and intent set out in Section 1.1.

90.1.2. Relationship Between Text and Headings, Illustrations, and Examples

In case of any difference of meaning or implication between the text of this Code and any heading, drawing, table, figure, commentary block, example, or illustration, the text shall control.

90.1.3. Examples and Explanations

This Code provides where necessary additional explanation in the form of examples to clarify its intent. These examples are intended solely as a guide for administrative officials and the public to use in interpreting the Code but are not to be construed as official Code interpretations. Such examples often do not demonstrate all applicable Code requirements but instead explain a particular aspect or method of calculation of a Code requirement.

90.1.4. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "including" and "such as," or similar language, are intended to provide examples, not to be exhaustive lists of all possibilities.

90.1.5. Technical and Non-Technical Terms

For words that are not defined in this chapter, non-technical words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

90.1.6. Computation of Time

References to days are calendar days unless otherwise stated. The time in which an act is to be done shall be computed by excluding the first day and including the last day.

90.1.7. References to Other Regulations, Publications, and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

90.1.8. Delegation of Authority

For any act or duty not reserved for the Governing Board, whenever a provision requiring the head of a department or another officer or employee of the agency to perform an act or

duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.

90.1.9. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Tahoe Regional Planning Agency, unless otherwise indicated.

90.1.10. Mandatory and Discretionary Terms

The words "shall," "will," and "must" are always mandatory. The words "may" and "should" are advisory and discretionary terms.

90.1.11. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

A. "And" indicates that all connected items, conditions, provisions, or events apply.

B. "Or" indicates that one or more of the connected items, conditions, provisions, or events may apply.

90.1.12. Tenses and Plurals

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

90.1.13. Term Not Defined

In the event there is a term used in this Code that is not defined in this chapter, the Executive Director shall have the authority to provide a definition based upon the definitions used in accepted sources.

90.2. OTHER TERMS DEFINED

For definitions of uses see Section 21.4 (List of Primary Uses), and Section 81.5.

Abandoned Road
A road not accessible to traffic due to permanent physical barriers; or, a road that is posted or designated for closure.

Accessory Use
A use, building, or other facility customarily a part of any primary use that is clearly incidental and secondary to the primary use, that does not change the character or the intensity of the primary use, and that does not operate independent of the primary use. Additional criteria for determining commercial accessory uses for noncommercial primary uses are found in subparagraph 50.6.1.A.2. See subsection 21.3.1 for examples of accessory uses and Section 81.4 for accessory uses in the shorezone.

Activity
Any conduct, active or passive, that may have an impact on the land, air, water, space, or other natural resource of the region.

Adaptive Management
The process of implementing policy (and management) decisions as scientifically driven management experiments and/or monitoring programs that test predictions and assumptions in management plans, and using the resulting information to improve the plans.

Adopted Plan
An adopted community plan, specific plan, or master plan.

"Additional" Commercial Floor Area
See subparagraph 50.6.1.B.

Additional Development
Development that did not exist, or was not approved, on the effective date of the Regional Plan. Relocation or reconstruction of development is not additional development.

Additional Factors
See subsection 16.3.1.

"Additional" PAOTs
See subparagraph 50.9.3.B.

"Additional" Public Service Facility
See subsection 50.8.2.

"Additional" Recreation
See subsection50.9.2.

"Additional" Residential Unit
See subparagraph 50.5.1.B.

"Additional" Tourist Accommodation Unit
See subparagraph 50.7.1.B.

Adjacent Parcels
Parcels that are separated by a lot line or are near or close to each other but separated by a right-of-way in such a manner that, if the right-of-way was removed, the boundaries would touch.

Advisory Planning Commission (APC)
The Advisory Planning Commission of the Agency as defined in Article III(h) of the Compact.

Affordable Housing
Residential housing, deed-restricted to be used exclusively for lower-income households (income not in excess of 80 percent of the respective county's median income) and for very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards.

Each county's median income shall be determined according to the income limits published annually by the Department of Housing and Urban Development. For multi-person dwellings, the affordable housing determination shall be made using each resident's income and not the collective income of the dwelling.

Agency
The Tahoe Regional Planning Agency, including the Governing Board and staff.

Agency of Jurisdiction
As used in Chapter 14: *Specific and Master Plans*, a government agency with responsibility for managing land, such as the Forest Service, the state parks departments, City of South Lake Tahoe, and the California Tahoe Conservancy.

Allocation
An apportionment of additional development opportunity for residential, commercial, tourist accommodation, and certain recreational projects.

Alluvial Soils
All the following soil types owe their major characteristics to the presence of surface or subsurface water: (a) loamy alluvial land (Lo); (b) elmira loamy coarse sand, wet variant (Ev); (c) celio gravelly loamy coarse sand (Co); (d) marsh (Mh); (e) gravelly alluvial land (Gr); and (f) fill land (Fd).

Alluvial Soil Type
All of the following soil types as defined in the United States Department of Agriculture Soil Survey for Lake Tahoe, as identified on Agency maps, or as determined by the Agency to be present in an area: Loam Alluvial land (Lo), Elmira loamy coarse sand, wet variant (Ev), Celio gravelly loamy coarse sand (Co), Marsh (Mh), Gravelly alluvial land (Gr), Fill land (Fd), Seeped soils, and Beaches (Be).

Alternative Commute Mode
See subparagraph 65.5.1.B.1.

Alternative Energy Source
Energy, such as solar, wind, geothermal, or hydroelectric energy, that can replace or supplement traditional fossil-fuel sources of energy, such as coal, oil, and natural gas.

Alternative Fuels
Fuels derived from resources other than petroleum such as ethanol, biodiesel, natural gas, propane and hydrogen.

Apartment
A residential complex of two or more residential units under single ownership, usually but not always sharing the same structure, water distribution system, sewer collection system, parking facilities, open space, and recreational amenities.

Approved Center
See subparagraph 65.2.3.A.

Approved Plant Species
Plants designated by TRPA as acceptable species for use in landscaping and revegetation. Such species are usually but not always indigenous to the region. See also "Plant List."

Appurtenant Structure
A fixed structure customarily associated with and attached to a main structure.

Area Plan
The package of policies, plans, maps, codes, and ordinances found by TRPA to be in conformity with the Regional Plan under Ch. 13: *Area Plans*. The Memorandum of Understanding (MOU) that is associated with a Conforming Area Plan is not part of the Area Plan. Conforming Area Plans are a part of the Regional Plan.

Aquatic Invasive Species (AIS)
A nonindigenous species that threatens the diversity or abundance of the native species or the ecological stability of infested waters, or the commercial, agricultural, aquacultural, or recreational activities dependent on such waters, as identified in the Lake Tahoe Region Aquatic Invasive Species Management Plan. Aquatic Invasive Species include but are not limited to: zebra mussel (*Dreissena polymorpha*), quagga mussel (*Dreissena bugensis*), Eurasion water milfoil (*Myriophyllum spicatum* L.), curly leaf pond weed (*Potamogeton crispus* L.), and large mouth bass (*Micropterus salmoides*).

Area of Wave Run-Up
The area landward of the shoreline that is subjected to wave run-up during high water conditions and an extreme wind event. An extreme wind event is an 80 miles-per-hour onshore wind of one-hour duration.

Artificial Beach Replenishment
The importation of materials to maintain an existing beach or to create a new beach.

Artificial Islands
Islands created by man that provide additional land area in a lake or other body of water.

Average Vehicle Ridership (AVR)
See subparagraph 65.5.1.B.2.

Backshore
The land area located between the highwater line of the lake and the upland area of instability or the wave run-up area.

Backshore Stability
The extent to which the backshore resists erosion or mass wasting due to factors such as the presence of naturally occurring existing vegetation, the gradient and geological composition of the backshore, and the absence of structures that may affect stability or disrupt natural littoral processes.

Bailey Coefficients
The allowable percentages of land coverage assigned to land capability districts (e.g., one percent in Land Capability Districts 1 and 2; five percent in Land Capability District 3; 20 percent in Land Capability District 4; 25 percent in Land Capability District 5; and 30 percent in Land Capability Districts 6 and 7).

Bailey Report
A report written by Dr. Robert G. Bailey, entitled *Land Capability Classification for the Lake Tahoe Basin, A Guide for Planning* (U.S.D.A.1974), which outlines a system of land classification including land capability districts and coverage coefficients.

Barrier Beach
An area of shorezone characterized by sandy soil separating a marsh-like lowland from a lake.

Barrier Wall
A wall separating lake waters from the shore.

Base Land Coverage
The allowable base land coverage as permitted by Chapter 30: *Land Coverage*.

Basement
The bottom floor of a building, the excavation for which any portion is greater than five feet below natural grade, measured at the location where the bottom of the excavation meets the foundation wall, exclusive of footing excavation.

Basic Services
Paved access roadways, water service, electrical service, and waste water treatment services, as required in Chapter 32: *Basic Services*.

Basin
The Tahoe Basin. See also "Region."

Bathing Facilities
A shower or bathtub.

Best Available Control Technology
An emission limitation that will achieve the most stringent emission limitation that is achieved in practice by that source.

Best Available Retrofit Control Technology
An emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each source.

Best Management Practices
Alternative structural and nonstructural practices proven effective in erosion control and management of surface runoff in Lake Tahoe Region.

Biofuel Facilities
Facilities that combust or gasify forest and other plant materials in a manner that, in combination with other systems, generates electrical energy for use or distribution or generates heat for distribution within a building or facility. Any heating unit that meets the definition of a wood heater is not considered a biofuel facility.

BMPs
See "Best Management Practices."

BMP Retrofit Implementation Program
A program that uses BMPs to retrofit existing developed properties to, for example, control and treat stormwater runoff, to protect water and air quality in the Basin.

Board
The Governing Body of the TRPA, whose members are appointed pursuant to Article III of the Compact.

Boat Lift
A mechanical device whose function is to raise and lower water craft in and out of a body of water for temporary storage. Also includes low level boat lift, boat hoist, and boat saddle.

Boat Ramp
A ramp allowing boats to be launched into, or retrieved from, the water.

Body of Water
An area of water, of natural or artificial creation, including but not limited to lakes, harbors, man-made lagoons, reservoirs, ponds, and rivers.

Bonus Unit
An additional residential or tourist accommodation unit obtained pursuant to Chapter 52: *Bonus Unit Incentive Program*.

Breakwater
A man-made structure that diminishes the force of waves.

Bridge Span
A bridge that extends over a particular obstacle to avoid or minimize disturbance to the land or water area over which it passes. The bridge span measurement is the distance between the bridge abutments, excluding the bridge supports between abutments.

Building
Any structure designed or used for the support, shelter, or enclosure of persons, animals, or property of any kind.

Building Envelope
The area allotted for development of units in a planned individual unit development.

Building Frontage
The two-dimensional surface area of a building found within the perimeter bounded by the finished grade line, the cornice line, and exterior side walls in one plane, not including intermediate walls perpendicular to such surface area, and containing a door or other entrance open to the public which faces a street.

Building Season
See "Grading Season."

Building Sign
Any sign attached to and supported by a wall of a building, or the wall of a structure, including a mansard roof. Any permanent sign placed

Building Sign

on or behind glass or within a building and located in such a manner as to have an obvious intent to capture interest of those outside the building shall be considered a building sign and shall be treated in the same manner.

Building Site
The portion of a parcel designated for development.

Buoy
A float anchored to a lake bottom that serves as a boat mooring, navigation guide, hazard warning, or similar use.

Bypass Dredging
Rearranging earthen material within the same body of water without removing the material from the body of water.

Canopy
The cover of branches and foliage formed by the crown of adjacent trees and other woody growth. A manmade structure consisting of a suspended covering or roof or similar structure.

Carpool
See subparagraph 65.5.1.B.3.

Carrying Capacity
See "Environmental Threshold Carrying Capacities."

Carrying Capacity (Grazing)
Level or measurement of grazing based on animal unit months (AUM) that a given range can support without adverse impacts.

Cellar
See "Basement."

Central Furnace
A self-contained space heater providing for circulation of heated air at pressures other than atmospheric through ducts more than 25 cm (10 inches) in length.

Center
A Town Center, Regional Center, or High Density Tourist District.

Change in Operation
See subparagraph 65.2.3.B.

Change in Use
Conversion of a primary use from one use category to another use category as listed in the Table of Primary Uses in Chapter 21: *Permissible Uses* (e.g., service station to professional office).

Chemical Fertilizer for Lawns
Synthetically manufactured inorganic substances containing potassium, nitrogen, and phosphorous used to promote lawn growth.

Child Care Nurseries
Facilities designed or used for the care for six or more children, with or without compensation.

Christmas Tree Cultivation
The planned growth management of trees for sale as Christmas trees.

Clearing
See "Grading."

Coal
Solid fossil fuels classified as anthracite, bituminous, sub bituminous, or lignite by A.S.T.M. Designation D-388-66.

Coarse Woody Debris
Sound and rotting logs that provide habitat for plants, animals, and insects; stabilize soils; and are a source of organic nutrients for soil development. Material is generally greater than 10 centimeters (4 inches) in diameter.

Code
The Code of Ordinances.

Coefficients
See "Bailey Coefficients."

Collective Household
A group of at least two, but not more than six, persons who are unrelated by blood, marriage, or adoption, living together as an independent housekeeping unit.

Collector
Device or area that uses the sun's energy to heat domestic water or to heat, cool, or light a living space, including but not limited to space and domestic water heating and cooling system. See also "Solar Collector."

Combustion Appliance
A device or appliance that produces heat by internal combustion of fuel, including, without limitation, oil, gas, kerosene, coal, wood, or propane.

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

Commercial
The retail or wholesale sale or rental of any article, substance, commodity, or service.

Commercial and Public Service Area
Areas that have been designated to provide commercial and public services to the region or have the potential to provide future commercial and public services.

Commercial Facilities
A structure designed or used for the support, shelter, or enclosure of persons, animals, or property of any kind, for commercial uses.

Commercial Floor Area
The gross square footage of floor area within the outer wall of a commercial building, not including stairwells and airshafts. The square footage of other facilities relating to such building, including but not limited to decks that are designated for commercial use under a permit, shall be considered commercial floor area. Square footage for the following shall not constitute commercial floor area:

A. Parking areas, driveways, parking structures, outside stairways, and walkways;
B. Accessory uses determined by TRPA not to contain additional commercial floor area pursuant to subparagraph 50.6.1.A;
C. Temporary projects pursuant to Chapter 22: *Temporary Uses, Structures, and Activities;* and
D. The area of play in an indoor tennis court, the area of water in an indoor swimming pool, and the area for skating in an indoor roller or ice skating rink, provided these are the permanent primary uses and otherwise meet the definition of commercial use.

Common Work Location
See subparagraph 65.5.1.B.4.

Community Apartment
An undivided interest in land coupled with the right of exclusive occupancy of a unit.

Community Noise Equivalent Level (CNEL)
A measure of noise that is the logarithmic average of single noise event values as measured by a noise monitor.

Community Plan
An area-specific plan for the areas designated in the Goals and Policies as eligible for development and adoption of a community plan. An adopted community plan replaces any plan area statements contained within the same area but carry forward some of the provisions of the plan area statements. Among other things, community plans identify development themes for the area, define desired types and intensities of uses, and generally try to create a coherent vision for the community. See Chapter 12: *Community Plans*.

Commuter
See subparagraph 65.5.1.B.5.

Commuter Matching Service
See subparagraph 65.5.1.B.6.

Compact
The Tahoe Regional Planning Compact, as amended and set forth in California Government Code Section 66801, Nevada Revised Statutes Section 277.200, or Public Law 96-551,94 Stat. 3233, (December 19, 1980).

Compliance Measure
See subsection 16.3.2.

Condominium
An interest in real property defined or recognized under applicable (California or Nevada) state law as a condominium.

Condominium Development
The division of real property into, or use of real property for, condominiums, including all structures relating to such division or use.

Condominium Conversion
A change in the form of ownership of improved property whereby persons obtain ownership interests in and to, or rights of occupancy of, individual units thereof, including but not limited to, condominiums, community apartments, stock cooperatives and any other similar change in the form of ownership of real property.

Confined
Stream types classified under major categories A and B, and stream type C2, as defined in the report entitled "A Stream Classification System," David L. Rosgen, April, 1985.

Conforming Area Plan
An Area Plan that has been found in conformance with the Regional Plan in accordance with Chapter 13 of the Code of Ordinances.

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

A. Public lands already set aside for this purpose;
B. High-hazard lands, stream environment zones, and other fragile areas, without substantial existing improvements;
C. Isolated areas that do not contain the necessary infrastructure for development;
D. Areas capable of sustaining only passive recreation or non-intensive agriculture; or
E. Areas suitable for low-to-moderate resource management.

Construction
The creation, building, assembly, disassembly, demolition, modification, or reconstruction of a structure.

Construction Site Boundary
A line on final construction drawings identifying the limits of the area of disturbance surrounding a project.

Contiguous Parcels
Parcels whose boundaries touch along one or more sides.

Conversion of Use
See “Change in Use.”

Cooking Facilities
Any area within a structure that contains the following: a gas or electric range, stove top and/or oven (not including a microwave oven), a refrigerator in excess of five cubic feet in size, and a standard-sized kitchen sink.

Coverage
See "Land Coverage."

Coverage Coefficients
See "Bailey Coefficients."

Critical Habitat
Any element of the overall habitat for any species of concern that, if diminished, could reduce the existing population or impair the stability or viability of the population. This shall apply also to habitat for special interest species indigenous to the region whose breeding populations have been extirpated but could return or be reintroduced.

Cut-to-Length
A harvesting system in which felled trees are processed into log lengths at the stump before they are carried to the road or landing.

dBA
A measurement of sound intensity in decibels using the "A" weighted scale.

dbh
"Diameter at breast height," or the diameter of a tree measured at four and one-half feet above the ground on the uphill side of the tree. A circumference of 44 inches at breast height may be considered as the equivalent of 14 inches dbh.

Dead Tree
For any coniferous species, a tree that is totally lacking needles, or totally lacking green limbs or needles throughout the crown. For any deciduous species, a tree determined to be physiologically dead by a qualified forester.

Decorative Gas Appliance
A gas- or propane-fueled combustion appliance certified under ANSI standard Z21.50.

Defensible Space Assessor
A person who works for an organization that is operating under a TRPA MOU that has been approved by TRPA, who has successfully completed a Defensible Space Certification Program for Lake Tahoe, and evaluates structures for defensible space. Annual renewal of this certification is required.

Denuded Area
An area of land from which substantially all vegetation has been removed.

Derelict
An abandoned structure or other development. Abandonment is determined without regard to intent to abandon. Evidence of abandonment includes lack of maintenance, access, utility connections, habitability, or ability to function in the applicable use category.

Designated Floodplain
The limits of the 100-year floodplain where established for creeks by the U.S. Army Corps of Engineers and/or the limits of the 100-year floodplain as established by the Federal Emergency Management Agency (FEMA) on a Flood Insurance Rate Map (FIRM). In areas where the U.S. Army Corps of Engineers or Federal Emergency Management Agency has not mapped a floodplain and where TRPA has reason to believe that a flood hazard may exist, the limits of the 100-year floodplain shall be determined by application of standard hydrologic data and methods applied by a competent professional and approved by TRPA.

Desilting Basins
An area used to store water runoff so that suspended sediment is allowed to fall and accumulate at the bottom of the basin.

Develop
The act of creating, establishing, constructing, or altering any project or other activity.

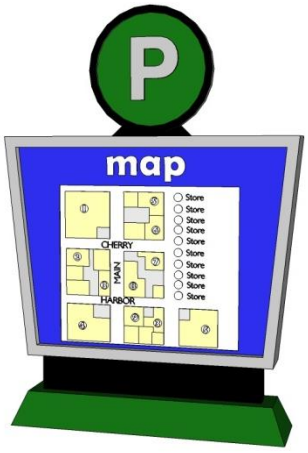
Developed Outdoor Recreation
See "Recreation (Developed)."

Developed Recreation
See "Recreation (Developed)."

Development Right
The right to potential residential use that is attached to certain parcels in the region in accordance with Section 50.3. A development right is not a vested right.

Diligent Pursuit
See subparagraph 2.2.4.C.

Directional Sign
Any sign that is used solely for the purpose of traffic or pedestrian direction or safety, and placed on the property to which or on which the public is directed, and that contains no advertising copy.



Directional Sign

Discharge-Direct
The release of certain substances into a body of water or ground water.

Discharge-Indirect
The release of certain substances into a body of water by the passage of the substances over the earth.

Diseased Trees
Trees affected with plant pathogens including, without limitation, mistletoe, stalactiform rust and annosus root disease.

Disturbance Zone
The zone around a nest site or animal use area for animals which are highly vulnerable to disturbance.

Disturbed Areas
An area where soil, vegetation, or another natural feature of a site has been removed or substantially altered.

Drainage Way
A man-made depression in the earth's surface in which surface waters collect or flow as a result of rain or melting snow but which is empty at other times.

Dredging
Removing or rearranging earthen materials that are lakeward of the high water line.

Dripline
The area immediately beneath rooftop eaves or other surfaces from which runoff falls, or an area delineated by projection of the periphery of the crown area of a tree down to the ground surface.

Driveway
A clearly identifiable path of vehicular access from the parking area of a parcel to the public right-of-way or other access road. A driveway may be either one-way or two-way.

Eastside Forest Type
Those forests east of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps at http://trpa.org/gis/). The TRPA Westside and Eastside Forest Types GIS data layer delineates the eastside forest types and westside forest types in the region.

Edge Zone
The zone where two different plant communities meet or merge.

Effective Date of the Regional Plan
The July 1, 1987, date established by Ordinance 87-9 as the effective date of the Regional Plan. Unless the context indicates otherwise, the calculation of time periods begins from the effective date of the Regional Plan.

Emergency
A situation or circumstance that poses immediate danger to life, property, or the environment and demands immediate action to effectuate compliance with the Compact, or the Regional Plan, Code, and Rules of Procedure.

Emission
The act of passing into the atmosphere an air contaminant or gas stream containing an air contaminant. Also, an air contaminant that passes into the atmosphere.

Employer
See subparagraph 65.4.1.B.7.

Employer Transportation Coordinator (ETC)
See subparagraph 65.5.1.B.8.

Employer Transportation Plan
See subparagraph 65.5.1.B.9.

Environmental Assessment (EA)
An analysis used to determine whether a proposed project will have a significant effect on the environment and to determine whether a more detailed Environmental Impact Statement (EIS) will be necessary to provide additional analysis. It includes, among other things, alternatives to the proposed project and discussion of environmental impacts of the project. An EA is required when TRPA determines that an Initial Environmental Checklist (IEC) does not provide sufficient information to fully access a project's environmental effects.

Environmental Impact Statement (EIS)
An Environmental Impact Statement (EIS) is prepared in order to analyze, among other things, whether a proposed project will have a significant effect on the environment, provide alternatives to the proposed project, recommend methods to mitigate significant effects, and identify significant adverse impacts that cannot be avoided

Environmental Impact Statement (EIS)
The document defined in Article VII of the Compact.

Environmental Improvement Program (EIP)
See Section 15.3.

Environmental Improvement Program (EIP) GIS Layer
The TRPA Environmental Improvement Program GIS data layer indicates the type and locations for stream environment zone, water quality, transportation, and other environmental improvements.

Environmental Threshold Carrying Capacities
See subsection 1.4.3.

Ephemeral Stream
Flows sporadically only in response to precipitation, with flows lasting a short time.

Erosion Control
Structural or nonstructural techniques applied to a particular site or region to prevent or minimize over land loss of soil or nutrients.

Escape Cover
Habitat that animals use to escape from predators.

Estimated Cost of Construction
A cost estimate prepared by a registered engineer, licensed architect, or other qualified professional acceptable to TRPA, of the cost to construct the structural elements of a structure. This includes, without limitation: pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete. Land coverage mitigation construction cost shall not include non-structural elements such as painting, shingles and other non-bearing roofing materials, siding (except siding necessary to brace or provide shear strength), doors overlays upon existing paved surfaces, HVAC systems, sewer systems, water systems, electrical systems, furniture, and similar decorations and fixtures.

Excavation
The digging out of earthen materials. See also "Grading."

Executive Director
The executive officer of TRPA.

Exempt
Activities that are not subject to review and approval by TRPA. See Section 2.3.

Exhaust Emissions
The products of combustion emitted into the ambient air from any opening downstream of the exhaust ports of an engine.

Existing
Legally present or approved on the effective date of the Regional Plan or subsequently legally constructed, commenced, or approved pursuant to necessary permits. Derelict structures are not considered existing for purposes of Chapters 50, 51, and 52 nor are projects whose approvals have expired.

Exotic Animals
Animals, other than household pets and other domestic animals such as farm animals, which do not occur naturally in the Lake Tahoe Basin. Exotic animals do not include established nonnative fish or game birds but do include mammals, birds, reptiles, and fish not indigenous to North America or the Sierra Mountain Range.

Expansion
An increase in size or extent of an existing structure or use that results in additional commercial floor area, additional residential units, additional tourist accommodation units, additional PAOTs, additional land coverage, vehicle trips, or other capacities regulated by this Code. For any "expansion" applicable to the shorezone, see subsection 81.6.2.

Facility
A stationary man-made feature that is attached directly or indirectly to the lands or waters of the Region.

Factory-Built House
House constructed by an automated process entirely in a factory. There is little or no functional difference between factory-built housing and site-built housing. Factory-built houses include the following:

A. "Modular Homes": This is a type of factory-built home in which the individual sections are constructed at the factory, transported to the site on truck beds, and assembled on site by local contractors. They are built to the state, local, or regional code where the home will be located.
B. "Panelized Homes": These are factory-built homes in which panels, such as a whole wall with windows, doors, wiring, and outside siding, are transported to the site and assembled. The homes must meet state or local building codes where they are sited.
C. "Pre-Cut Homes": This is the name for factory-built housing in which building materials are factory-cut to design specifications, transported to the site and assembled. Pre-cut homes

include kit, log, and dome homes. These homes must meet local, state, or regional building codes.

Family
One person, or more persons, occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, motel, or like establishment.

Fawning Habitat
The area normally used by deer for the birth and rearing of young.

Feasible
Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Feller-Buncher
A machine that fells and gathers trees. Feller-bunchers fell and bunch trees mechanically with hydraulically-driven chain saws, circular saws, or shears. The feller-buncher bundles trees for a grapple skidder or cable skidder to pick up.

Fertilizer
Inorganic, organic, or synthetic composition that is used to supply artificial amounts of nutrients for the purpose of increasing soil or plant productivity.

Fertilizer Management Program
Guidelines that outline the appropriate use of fertilizer.

Fill
Any rock, soil, gravel, sand, or other material deposited by man. See also “Grading.”

Final Action
A decision by TRPA to approve, require modification, or reject a proposal considered by TRPA.

Final Map
A map of a subdivision placed on record as a final subdivision map in the recorder's office of a local government.

Findings
A written statement supported by substantial evidence in the record of the ultimate facts and the rationale supporting a conclusion that applicable Code or Compact requirements are met.

Finish Grade
The final grade of the construction site that conforms to the approved plan.

Finish Grading
Smoothing of an earthen surface to bring it to final grade.

Firebreaks
An area cleared of vegetation to act as a gap between continuous combustible materials.

Fireplace
An open structure, usually masonry, for containment of a fire. See also "Wood Heater."

Fireplace Inserts
See "Inserts."

First Order Stream
A natural depression that conveys surface water to major or minor streams or other receiving waters. A first order stream is a mappable, unbranched tributary. It may not normally contain flowing water and may flow only during storms or snowmelt periods. Examples include swales, ravines, draws, natural ditches, and hollows.

Fish and Wildlife Management Projects
Structural or non-structural projects that enhance or create habitat for fish or wildlife.

Fish Habitat
The combination of qualities that creates suitable conditions for the growth, reproduction, and production of fish. The term specifically refers to the environmental characteristics necessary for food, water, cover, and reproduction needs.

Fisheries
Pertains to the growth, reproduction, and production of fish present in the waters within the Lake Tahoe Basin.

Floating Docks or Platforms
Structures designed to float on a water surface that are attached either to the shoreline or to a lake bottom.

Floating Breakwaters
Structures designed to float on a water surface that are attached either to a shoreline or to a lake bottom. Their purpose is to suppress wave action.

Floodplain
An area adjoining a water course, lake or other body of water that has been or may be covered by flood water.

Food Habitat
An area where environmental conditions are favorable for supplying food to a particular species.

Forage Carrying Capacity
A standard necessary to maintain a level of palatable vegetation.

Foreshore
The zone of a lake level fluctuation that is the area between the high and low water level. (For Lake Tahoe, the elevations are 6,229.1 feet Lake Tahoe Datum and 6,223.0 feet Lake Tahoe Datum, respectively.)

Forest Pest
An animal or insect causing a threat to a forest stand or tree.

Forwarder
A self-propelled machine, usually self-loading, that transports trees or logs by carrying them completely off the ground.

Foundation
The structural support system of a building or other structure.

Fracture
A break in the topography or land form.

Freestanding Sign
Any type of sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces in or on the ground; or that is placed upon a planter, pedestal, retaining wall, or other structure and not supported by a building.

Freestanding Sign

Freeway
A divided arterial highway with full control of access and with grade separations at intersections.

Geographic Information System (GIS)
A Geographic Information System (GIS) is a digital mapping tool designed to capture, store, analyze, and present spatial and geographic data. A GIS data layer is a visual representation of a single geographic dataset such as a feature in the natural or built environment or regulatory boundary in a digital map. Typically, several GIS data layers are added to a map to compare features such as a road GIS data layer compared to a GIS data layer showing park areas.

Geomorphic Unit
A particular type of landform as described in the Bailey Report. The geomorphic unit map (1971) and geomorphic unit GIS data layer indicate the type and location of geomorphic units.

Governing Board
The Governing Body of the TRPA as defined in Article III of the Compact.

Grading
Cutting through or otherwise disturbing the layers of the soil mantle so as to change the existing landform, including, but not limited to, disturbing the soil mantle for construction of a driveway, parking area, utility line, building, or other structure. Also includes filling, excavation, and clearing.

Grading Season
The period each year during which grading is permitted commencing May 1 and ending October 15.

Groin
See “Jetty.”

Groundwater Between 20-40 Inches
Evidence of ground water between 20 and 40 inches below the ground surface (somewhat poorly drained soil).

Handbook of BMPs
The document that sets forth the Best Management Practices.

Harbor
A shorezone area that is protected from wave forces and deep enough to provide for the anchorage or moorage of a boat.

Harvester
A machine that falls trees and performs processing functions at the stump, including, but not limited to cut-to-length harvesters and feller-bunchers.

Hazardous Tree
A tree identified as dangerous, immediately or in the near future, to lives or property.

Head of Livestock
One horse, mule, sheep, cow, steer, or other four-legged grazing animal.

Healthy Trees
Trees that are not diseased or infested.

Height
See subsection 37.3.1.

Height of Sign
For a freestanding sign, the vertical distance measured from the curb grade of the nearest street to the highest point of the sign or sign structure. For a building sign, the vertical distance measured from the building grade to the highest point of the sign or sign structure.

Helipad
For the landing of or take off of helicopters. A helipad does not have fueling, maintenance, or other support activities associated with its operation.

Heliport
An area of land, water or a structure, intended or used for the landing or take-off of helicopters. A heliport has fueling, repair, or support activities associated with its operation.

Helispot
An area of land, water, or a structure used for the landing or take-off of a helicopter for an emergency, or for a predetermined limited basis.

High Water Elevation
The established upper elevation limit of the surface of a body of water. (For Lake Tahoe, the high water elevation is 6,229.1 Feet Lake Tahoe Datum.)

High Water Line
Elevation 6,229.1 feet, Lake Tahoe Datum, for Lake Tahoe.

Historic Resources
Structures, buildings, sites, districts, or objects having historic, prehistoric, archaeological, or paleontological significance.

Home Occupations
A use that is customarily conducted entirely within a dwelling by the residents of the dwelling, provided the occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes. The following activities are prohibited as part of home occupations: Sales of products not produced on the premises, unless the sales are done by written order with no commodities or displays on the premises; employment of more than one person other than the residents of the dwelling; No signs or structures advertising the occupation; outside storage of materials or supplies incidental to the home occupation; and more than one home occupation is carried on in a dwelling. The following uses are examples of home occupations: consultative professional occupations, whose function is one of rendering a service; a secondary business office; the making of clothing; the giving of music lessons; and the creation of crafts.

IBC
The International Building Code.

Impervious Coverage
See "Land Coverage."

Indicator
See subsection 16.3.3.

Indirect Discharge
See "Discharge - Indirect."

Indirect Source
A facility, building, structure, installation, real property, road, or highway that generates or may generate mobile sources of air pollution or serve as a trip end. Indirect sources include, but are not limited to, parking facilities, airports, and retail facilities.

Infiltration Facility
A device used to percolate runoff into the soil, including without limitation a rock-filled trench or basin.

Initial Environmental Checklist (IEC)
A checklist submitted with all applications used to evaluate, on a preliminary level, whether the project will have a significant effect on the environment and serves as basis to determine whether additional environmental analysis is required through an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

Innovative Techniques
As used in subparagraph 61.1.6.C.1.b, newly introduced, but not well-established, silvicultural and harvesting techniques that are designed to be low impact on the environment.

Innovative Technology Vehicles
Motorized vehicles used in vegetation management (including tree removal) operations that have been designed so as to minimize impacts to soils and vegetation. Innovative technology vehicles should be

able to be operated in a manner than minimizes disruption of the soil surface (soil detachment), soil compaction, and damage to vegetation. Depending on specific site conditions (e.g., soil type, soil conditions, slope) and the method of operation, the use of low-ground pressure logging vehicles such as certain harvesters and forwarders may qualify as "innovative technology" vehicles.

Insert
An air-tight design placed inside a masonry fireplace that provides greater heating efficiency.

Insignificant Increase
See subparagraph 65.2.3.C.

Inspection and Maintenance Program
As used in subsection 65.1.3, a program to reduce emissions from in-use vehicles by identifying vehicles that need emissions control-related maintenance and requiring that maintenance is performed.

Instream Flow
The rate and volume of water passing through a stream channel.

Instream Flow Diversions
The removal of water from a stream channel so as to divert the flow of water or to partially or totally reduce the flow of stream water below the point of diversion.

Instream Value
The ecological or other value integrally linked to the flow of a stream at a given volume and rate.

Intensification of Impacts
Any action relating to an existing use or structure that significantly increases adverse environmental impacts for the categories set forth on the TRPA Environmental Checklist.

Intensification of Use
Any action relating to an existing use that impacts on the extent of nonconformity with provisions of the Code, including, but not limited to, coverage, noise, increases in-vehicle trips, and design standards.

Interim Target
See subsection 16.3.4.

Intermittent Stream
A stream that only flows at certain times of the year. For example, when it receives water from springs or from a surface source such as melting snow.

Invasive Species
The term refers to species, both aquatic and terrestrial, that establish and reproduce rapidly outside of their native range and may threaten the diversity or abundance of native species through competition for resources, predation, parasitism, hybridization with native populations, introduction of pathogens, or physical or chemical alteration of the invaded habitat. Through their impacts on natural ecosystems, agricultural and other developed lands, water delivery and flood protection systems, invasive species may also negatively affect human health and/or the economy.

Irrevocable Commitment
For purposes of subparagraph 12.7.3.E.18, irrevocable commitment to fund each priority public benefit or related mitigation measure (collectively referred to in this subsection as "measures") shall mean the following:

A. The public entity funding the measure or, when necessary, the electorate, has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and only ministerial acts necessary to the issuance of any such bonded indebtedness and the receipt of funds therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure for the measures;
B. The application for state and federal grant monies has received approval and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for such public improvements in accordance with the final or demonstration redevelopment plan;
C. The measures are approved and funded as part of a public entity's capital improvement program;
D. Where the funding of the measures is the responsibility of the developer, TRPA shall ensure that the public entity shall have received sufficient funds or an acceptable security to fully fund the measures;
E. The public entity funding the measure has received a funded commitment from another public entity as described in A through C above; or
F. Any combination of A through E above.

Jetty
A man-made barrier in the water that is usually but not always perpendicular to a shoreline.

Kitchen
A room with cooking facilities.

Kitchen Facilities
See “Cooking Facilities.”

Kitchen Unit
A unit with cooking facilities.

Lagoons (Man-Made)
A body or channel of water created by man, but not including existing marinas or modifications thereto.

Lake
A water body greater than 20 acres in size, exceeding two meters deep at low water and lacking trees, shrubs, persistent emergents, emergent mosses or lichens with greater than 20 percent aerial coverage.

Lakefront Façade
The surface area of the lakefront elevation(s) for all primary and accessory buildings and other structures, with visible area for a given project area within the shoreland.

Lake Tahoe Datum
Elevation Lake Tahoe Datum equals elevation United States Geological Survey plus 1.14 feet.

Lakeward
In the direction of a lake or other body of water as applicable.

Lakezone
The zone including that area of a lake located beyond the lakeward limits of the nearshore.

Land Bank
An entity designated by TRPA to perform the functions set forth in Section 6.9.

Land Capability District
A soils unit designated on the adopted TRPA land capability map and denominated by a numerical rating of one through seven (e.g. Land Capability District 1). The system was devised by Dr. Robert G. Bailey for the U. S. Forest Service and is detailed in the Bailey Report.

Land Coverage
A man-made structure, improvement, or covering, either created before February 10, 1972, or created after February 10, 1972, pursuant to either TRPA Ordinance No. 4, as amended, or other TRPA approval, that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement, or covering. Such structures, improvements, and coverings include, but are not limited to, roofs, decks, surfaces that are paved with asphalt, concrete, or stone, roads, streets, sidewalks, driveways, parking lots, tennis courts, patios; and 2) lands so used before February 10, 1972, for such uses as for the parking of cars and heavy and repeated pedestrian traffic that the soil is compacted so as to prevent substantial infiltration. A structure, improvement or covering shall not be considered as land coverage if it permits at least 75 percent of normal precipitation directly to reach the ground and permits growth of vegetation on the approved species list. See also "Potential Land Coverage." Common terms related to land coverage are:

A. Hard Coverage—man-made structures as defined above.
B. Soft Coverage—compacted areas without structures as defined above.

Land Disturbance
Disruption of land that includes alteration of soil, vegetation, surface hydrology, or subsurface hydrology on a temporary or permanent basis, through action including, but not limited to, grading.

Landing
A centrally located log collection area to which logs are skidded or yarded and then loaded for shipment.

Landscaping
The decoration of an area with plants and other vegetation.

Late Seral (Successional)/Old Growth
Coniferous forest stands that contain a relative greater density of large and/or old trees, typically in an advanced stage of community succession. Old-growth communities vary in structural character (number of canopy layers, size of snags, and size of coarse woody debris) due to tree species composition, disturbance regime, and the edaphic site qualities (defined by site specific substrate, precipitation and solar radiation index).

Lawn
An area planted with grass species, usually closely mowed.

Legally Existing
See definition for "Existing."

Level of Service
For an intersection or roadway segment, the level of service is the delay to motorized vehicles and the volume/capacity ratio and is expressed by a series of letter grades from A (low v/c ratio and delay) through E (high v/c ratio and delay) and F (blocked).

Limited-Use Roads
A class of roads, other than dedicated public roads, for which the primary use is timber harvest operations.

Linear Public Facilities
Public service facilities that are linear in nature such as roads, streets, trails, utility transmission and distribution facilities, and other similar right-of-ways. This term also includes accessory uses to such facilities, including without limitation pump houses, lift stations, substations, and access right-of-ways.

Littoral Parcel
A parcel of land adjoining or abutting the high water elevation of a lake.

Littoral Processes
The redistribution of sediments within the foreshore or nearshore in response to energy generated by waves or longshore currents that have not been disrupted by man-made structures.

Livestock
Domestic animals, such as cattle or sheep, raised and used for commercial purposes.

Livestock Containment Facilities
Structures built or used to hold livestock, including, but not limited to, corrals.

Living Area
The enclosed areas of a structure, including the living area for all stories of the structure, not accessible to motor vehicles.

Local Government Neighborhood Compatibility Requirements
Requirements implemented and enforced by a local government through a cooperative agreement with TRPA that regulate vacation rentals to ensure neighborhood compatibility. Such requirements include, but are not limited to, mitigating the potential adverse impacts related to refuse/garbage, parking, occupancy, noise, lighting, and signage.

Local Resident
A person whose primary residence is in the Tahoe region as evidenced by a driver's license.

Lock-Off Unit
A lock-off unit is a tourist accommodation unit within a residential design timeshare use that exists within a split-use unit and consists of one or more bedrooms (or sleeping quarters) and baths, but does

not contain kitchen facilities. A lock-off unit is created by "locking-off" the kitchen and one or more baths and bedrooms (or other sleeping quarters) in the split-use unit thereby creating a hotel-type tourist accommodation unit that may be rented or leased separately from the remainder of the split-use unit. A lock-off unit constitutes one tourist accommodation unit of the two tourist accommodation units that constitute, or are required for, a split-use unit, except as set forth in Chapter 11: *Plan Area Statements and Plan Area Maps*.

Log Culverts
Logs placed in a stream to facilitate crossing by equipment.

Lop and Scatter
A slash treatment method where limbs and tops of felled, dead, or damaged trees are cut into short lengths and scattered throughout an area without any concentration. The method requires that no portion of the slash shall be more than twenty inches above the ground and that all unmerchantable chunks are scattered.

Lot
See “Parcel.”

Low-Emission Vehicle
A vehicle certified by a state or the U.S. Environmental Protection Agency as a “Low Emission Vehicle.”

Low-Level Boat Lift
A device with forks attached to a pier that reaches under a boat to lift it from the water for temporary storage.

Low Water Elevation
The established lower surface elevation for fluctuation within a body of water. (For Lake Tahoe, the low water elevation is 6,223.0 Feet Lake Tahoe Datum.)

Maintenance

A. Ordinary and routine activities necessary to keep a structure in good working order and to prevent deterioration caused by natural conditions. Examples of maintenance include washing, painting, caulking, and rewiring. Maintenance shall not include replacing any part of a structure.
B. As used in subparagraph 2.3.4.B, “maintenance” is the ordinary upkeep, repair, and preservation of the condition of a sign in order to keep the existing sign components (including color) safe, neat and orderly in condition and appearance and to prevent corrosion or deterioration caused by weather, age, or other conditions. Maintenance does not include any changes to the sign area that result in a different message, color scheme, or graphic design, or any changes in the external dimensions of the sign or structure.

Maintenance Area
See subparagraph 65.2.3.D.

Maintenance Dredging
The dredging of areas that previously have been dredged to maintain legally established lake bottom elevations, and dimensions, with the legally established elevations and dimensions based on previous permits, plans, physical evidence, or other such documentation.

Major Arterial
U.S. Highway 50; S.R. 89, California; S.R. 28, Nevada and California; S.R. 267, California; S.R. 431, Mt. Rose, Nevada; S.R. 207 Kingsbury Grade, Nevada; Loop Road (Lake Parkway, Montreal Road from the state line to Park Avenue, Park Avenue from Montreal Road to Pine Boulevard, and Pine Boulevard to the state line); Ski Run; Pioneer Trail; Al Tahoe Boulevard; Lake Tahoe Boulevard; Fallen Leaf Lake Road; Tahoe Keys Boulevard; Lake Shore and Country Club Drive, Incline Village Nevada; Sierra Boulevard; Black Bart; Venice Boulevard; and Village Boulevard.

Major Evaluation Interval
See subsection 16.3.5.

Major Stream
A continuously flowing water body and its associated topography. A major stream is usually identified as a permanent stream on a U.S. Geological Survey (USGS) topographic map, 7.5-minute series and classified by TRPA as a third or higher-order streams.

Major Use Classifications
The six use classifications listed in the Table of Primary Uses in Section 21.4, being; I. Residential; II. Tourist Accommodation; III. Commercial; IV. Public Service; V. Recreation; and VI. Resource Management.

Man-Made Channel
A channel constructed by man for the purpose of conveying water or a channel created by water being discharged from a man-made source, such as a culvert or pipe.

Manufactured Home
A home built entirely in the factory on a non-removable steel chassis that is transported to the building site on its own wheels and installed under a federal building code administered by the U.S. Department of Housing and Urban Development, according to the Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) that went into effect June 15, 1976. This term does not include a mobile home dwelling or factory-built housing.

Marine Railway Systems
A boat ramp designed to use a railed vehicle to launch and retrieve watercraft.

Master Plan
A plan for a defined area that provides more detailed planning to ensure that projects and activities in the area are consistent with the Goals and Policies, the Plan Area Statements or community plans, and the Code.

Maximum Height
See subsection 37.3.1.

Maximum Land Coverage
Allowable base land coverage plus allowed transferred coverage.

Materially Damaged
As used in subsection 61.1.5, any of the following activities or alterations to a live tree that would require a permit to remove; (1) topping; (2) the removal of live limbs within the upper two thirds of the

total tree height; (3) girdling; (4) the application of chemicals harmful to the tree; (5) purposefully exposing the cambium layer; or (6) other damage to the tree that will potentially result in its death or disfigurement, or in a significant increase in its susceptibility to insects or disease.

Measurement Standard
See subsection 16.3.6.

Mitigation (Onsite)
Mitigation measures, such as the removal of land coverage, applied in the project area of the project being mitigated.

Mitigation (Offsite)
Mitigation measures applied outside the project area of the project being mitigated.

Mobile Home Dwelling
See Table 21.4-A: Primary Use Definitions.

Moderate Income Housing
Residential housing, deed-restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county's median income. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the Department of Housing and Urban Development.

Modification
Changes in the form or substance of a structure or activity.

Modified Stationary Source
Any physical change, change in method of operation of, or addition to, an existing stationary source, or any change in hours of operation, process, or production rate, except that routine maintenance or repair shall not be considered to be a physical change. A reconstructed source shall be treated as a new stationary source. Unless previously limited by a permit condition, a replacement of a piece of equipment with an identical piece of equipment with emissions less than or equal to those from the original piece of equipment shall not be considered a modified stationary source.

Montane Zone
The montane zone is all lands below 7,000 feet elevation.

Mooring Buoy
See "Buoy."

Multi-Residential
Residential development at a greater density than one unit per parcel.

Multi-Residential Bonus Units
Bonus units available for use only in multi-residential projects.

Multi-Residential Facilities
Residential uses, with two or more units per structure, that meet the Transit Oriented Development standards set forth in subparagraph 11.8.4.C.1 or the functional equivalent as defined in subparagraph 11.8.4.C.3.

Multiple-Use Facility
A shorezone facility, usually but not always a pier, which is used by the public, homeowners association, or two or more littoral parcel owners, and is recognized by TRPA as multiple-use pursuant to subsection 84.9.4.

Native Plants
Plants indigenous or occurring naturally in the Lake Tahoe Basin. See also "Plant List."

Natural Ground Elevation
See subsection 37.3.2.

Natural Hazard Maps and GIS Data Layers
The natural hazard maps and GIS data layers indicate locations of avalanche zones, earthquake zones, and flooding zones.

Natural State
That condition that is found in nature and not modified by human intervention.

Navigational Structure
A structure or device maintained solely as an aid to boat navigation.

Near Natural State
Approximating natural conditions.

Nearshore
The zone extending from the low water elevation of Lake Tahoe (6,223.0 feet Lake Tahoe Datum) to a lake bottom elevation of 6,193.0 Feet Lake Tahoe Datum, but in any case, a minimum lateral distance of 350 feet measured from the shoreline. In other lakes, the nearshore extends to a depth of 25 feet below the low water elevation.

Near Surface Groundwater
Evidence of ground water within 20 inches of the ground surface (poorly drained soil).

Nesting Habitat
The area normally used by a species of bird for the nesting and rearing of young.

Net Environmental Benefit to a Stream Environment Zone
See subparagraph 30.4.4.D.

New Development Potential
The regional potential for additional residential, commercial, tourist accommodation, public service, recreation, and related growth, as limited by the number of existing development rights currently remaining and the Bailey coefficients for land coverage. The number of existing development rights is the number of development rights created on July 1, 1987, pursuant to Chapter 31, as amended, minus

development rights that have been extinguished. New development potential for piers is limited by subparagraph 82.3.3of the Code.

Noncommercial Copy
See subsection 38.4.16.

Nonconforming Sign
A sign that is legally existing or approved as of the effective date of Chapter 38: *Signs*, that does not comply with the applicable standards set forth in that chapter.

Nonconforming Use
See subsection 21.2.3 and, for uses within the shorezone, see subsection 81.2.3.

Non-Attainment Area
An area not in attainment of federal primary air quality standards as designated by the Environmental Protection Agency.

Non-combustion Heaters
Electric heaters.

Non-Native Species
Animals, other than domestic animals and household pets, that do not occur naturally in the Lake Tahoe Basin or which have been artificially introduced or established by man.

Non-Permanent Structure
A non-permanent structure is a structure meeting the requirements of subparagraph 30.4.6.A.

Non-Sensitive Lands
For lands with IPES scores, those lands above 725; for lands without IPES scores, those lands identified as Land Capability Districts 4, 5, 6, or 7; and that are not within the back shore.

Nursery Habitat
The area where juvenile fish seek food and cover.

One Hundred-Year Floodplain
The area that would be inundated by a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.

Open Burning
As applied in Nevada only, a fire that emits the products of combustion into the atmosphere without passing through a stack or chimney.

Optimum Stocking Level
The number of trees on a given area that maximizes the growth rate and overall health of a stand of trees.

Organized Recreation Camps
Land or premises containing structures designed to be used for organized camping.

Ornamental Vegetation
The landscaping of property with shrubs, trees, and other vegetative ground cover not native to the Tahoe region.

Overhang
The portion of a structure that is cantilevered so as to not require a structural member attached to the ground, or is a deck with no structure underneath supported by posts. For a building or deck, the overhang is that portion of the structure extending beyond a continuous foundation wall.

Overhang

Over-Snow Removal
Removal of trees from a project site using yarding equipment capable of traveling over snow without disturbing the soil or vegetation beneath.

Oversteepened Cut Slopes
Slopes steeper than 2:1.

PAOT (People At One Time)
The number of people that a recreation use can accommodate at a given time. A measure of recreation capacity.

Parcel
An area of land or, in the case of a condominium, separate space, whose boundaries have been established by some legal instrument such as a recorded map or recorded deed and that is recognized as a separate legal entity for purposes of transfer of title.

Parcel Consolidation
The merging of two or more contiguous parcels into one parcel.

Parcel Line Adjustments
A change in the legal boundary or boundaries of a parcel.

Parcel Map
A map required by state law for the division of land into parcels.

Particulate Matter
Material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

Peak-Period Commuter
See subparagraph 65.5.1.B.10.

Pedestrian-Oriented Sign
A permanent, non-illuminated sign with an area less than five square feet on any one side, and not over ten feet above ground level.

Percent Cross Slope Retained Across Building Site
See subsection 37.3.3.

Perching Site
A tree, cliff, or other high platform, used by raptors for resting, sitting, or viewing.

Perennial Stream
Permanently inundated surface stream courses. Surface water flows throughout the year except in years of infrequent drought. Perennial streams shall be those shown as solid blue lines on USGS Quad Maps, or streams determined to be perennial by TRPA.

Permissible Use
Allowed uses or special uses approved by the Governing Board. See also accessory uses, Section 21.3, and accessory structures, subsection 81.3.3.

Person
An individual, partnership, corporation, business association, joint venture, group of individuals, or governmental entity.

Person-Trip
A one-direction movement of an individual person which begins and ends at a trip end.

Pervious
Any surface that allows at least 75 percent of precipitation to directly reach and infiltrate the ground throughout the life of the surface.

Portable Sign

Pier
A fixed or floating structure extending from the backshore to beyond the line marking the high water elevation of a lake.

Pierhead Line
A line established on the adopted shorezone maps of TRPA.

Plans
Plans include the TRPA Regional Plan as defined in the TRPA Compact, other plans that are authorized by the Regional Plan and have been adopted by the TRPA Governing Board, and Area Plans that are authorized by the Regional Plan and that have been adopted by a Local Government and have been found by TRPA to be in conformance with the Regional Plan.

Plant List
The Recommended Native and Adapted Species List adopted by TRPA.

Political Sign
A sign advertising a candidate for public office, proposition, or other issue to be voted on by the electorate.

Pond
A standing water body less than 20 acres in size and/or less than two meters deep at low water.

Portable Sign
Any sign not permanently affixed to the ground or a building.

Possible Contaminating Activity
Activities equivalent to TRPA primary uses identified by either the California Department of Public Health Services or the Nevada Bureau of Health Protection Services, regardless of where the project is located, as having the potential to discharge contaminants to surface or ground waters. Such uses include but are not limited to those listed in subsection 60.3.5.

Potential Land Coverage
The land coverage allowed as base coverage in Chapter 30: *Land Coverage*, but that does not physically exist.

Predominantly Urbanized Area
See subsection 13.3.1.

Prescribed Fire
The planned application and confinement of fire by professionally trained public agency fire personnel to wild land fuels on lands selected in advance of that application to achieve any of the following objectives: 1) prevention of high-intensity wild land fires through reduction of the volume and continuity of wild land fuels; 2) watershed management; 3) range Improvement; 4) vegetation management; 5) forest improvement; 6) wildlife habitat improvement; or 7) air quality maintenance.

Previous Use
See subparagraph 65.2.3.F.

Primary Riparian Vegetation
The following vegetative community types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"

A. Type 0: Open water - Open water, Swamps and pools and Vernal pools.
B. Type 2: Herbaceous - Wet marsh or meadow and Sphagnum bog.
C. Type 7: Riparian shrub - Willow thicket and Alder thicket.
D. Type 9: Broadleaf - Low elevations.

Primary Transit Routes

A. Highway 50 - from Carson City to Highway 89
B. Highway 89 – from Truckee to Highway 50 at the South Lake Tahoe “Y”
C. Highway 28 – from Highway 89 in Tahoe City to the intersection with Country Club Drive in Incline Village
D. Highway 267 – from Truckee to Highway 28
E. Highway 207 – from Daggett Summit to Highway 50

Prime Fish Habitat
In Lake Tahoe, the zone of water and substrate less than 30 feet deep where suitable habitat exists for purposes of spawning, feeding, or escape cover, or as designated on TRPA Prime Fish Habitat Maps.

Problem Assessment
A comprehensive identification and evaluation of a significant degradation of the environment prepared by TRPA and used as the basis for action plans provided for in Section 5.12.

Prohibited Use
See subsection 21.2.4, and for uses within the shorezone, see subsection 81.2.4.

Project
An activity undertaken by any person, including any public agency, that may substantially affect the land, water, air, space or any other natural resources of the Region. See also Chapter 2.

Project Area
See subparagraph 30.4.1.C.2.

Project Controller
See subparagraph 65.5.1.B.11.

Project Cost
The fair market value of materials and services used in constructing and implementing a project.

Projecting Sign
A sign other than a building sign which projects from and is supported by a wall of a building, and is not parallel to the plane of the wall.

Projecting Sign

Property Transportation Coordinator (PTC)
See subparagraph 65.5.1.B.12.

Protective Structure
A structure placed in a body of water or the area of wave run-up, to prevent erosion.

Public Athletic Fields
Play fields constructed and operated by or for schools and government agencies primarily for team sport usage, such as baseball, football, and soccer. Public athletic fields are typically open for public use for at least 120 days between May 1 and October 31. Golf courses, landscaping, lawns, meadows, ski runs, and similar open space are not considered public athletic fields.

Public Entity
A public service or quasi public entity that is responsible for public transportation, linear public facilities, utility services, public health and safety, public education, environmental protection, or public open space.

Public Safety Facilities, Essential
Fire and law enforcement facilities and/or stations, including apparatus bays, apparatus maintenance buildings, living quarters, and offices; training facilities including training towers; emergency operation center buildings; emergency communication towers, and fire prevention and fuel management work centers.

Public Service
Public or quasi-public uses or activities pertaining to communication, transportation, utilities, government, religion, public assembly, education, health and welfare, or cultural and civic support. It does not include such uses or activities that are primarily involved in commercial enterprises.

Qualified Exempt
Activities not subject to review and approval by TRPA upon the filing of a declaration pursuant to subsection 2.3.7.

Qualified Forester
A person who: 1) is a California Registered Professional Forester (RPF); or 2) holds a Bachelor of Science degree, with a major in Forestry, Renewable Natural Resources, or closely related field, and has had a minimum of three years verifiable experience in forestry-related work. A valid California Registered Professional Foresters (RPF) License shall be required per California State law for any natural person or entity performing forestry work in California.

Quasi-Public
Having the purpose of providing a public service as a utility and under regulation of state, local, or federal law, such as a telephone company, electric power company, TV cable company, and natural gas supplier, or provide services for the public health and welfare or for educational or cultural purposes, on a voluntary or non-profit basis.

Range Professional
A person either meeting the requirements for the Federal Rangeland Management Series (GS-454) of the U.S. Office of Personnel Management, licensed as a Certified Rangeland Manager under the California Professional Foresters Licensing Act (PFLA), or the Certified Range Management Consultants(CRMC) certification program provided by the Society for Range Management.

Reasonable Further Progress
Annual incremental reductions in emissions of the applicable air pollutant that are sufficient to provide for attainment of the applicable national air quality standard by the dates established under the Clean Air Act, as amended in 1977.

Receiving Parcel
Parcel to which coverage, an allocation, or other development is transferred.

Reconstruction
The replacement of all or an entire portion of an existing structure without changing the structure's dimensions or function. The concept of "reconstruction" shall be a functional one to include substitution of one kind of material for another, for example steel for wooden piles, or synthetic for wood decking, even where those changes may result in a negligible change in the dimension or change in appearance of the structure (e.g., placing a steel pile around an existing wood pile). Notwithstanding the foregoing, the replacement of a structure may qualify as a reconstruction where there is a reduction (without reconfiguration) in the dimension of the structure resulting in an improvement to environmental conditions (e.g., replacing double pilings with single pilings; replacing a pier without a previously existing boat house). No reconstruction shall increase the visual mass or contrast rating of the previously existing structure.

Recreation Areas
Areas with good potential for developed outdoor recreation, park use, or concentrated recreation.

Recreation (Developed)
Outdoor activities that are enhanced by the use of man-made facilities, including, but not limited to, campgrounds, marinas, and ski areas.

Recreation (Dispersed)
Activities such as hiking, jogging, primitive camping, nature study, fishing, cross country skiing, rafting/ kayaking, and swimming. The use does not usually involve the use of developed facilities.

Recreation (Dispersed Outdoor)
Outdoor recreational uses that require few or no developed facilities, require no motorized vehicles, and generally occur in rural areas such as hiking; horseback riding; jogging; dispersed, primitive, or back country camping; fishing and hunting; nature study and photography; rafting and kayaking; sightseeing; dispersed beach recreation; swimming; sunbathing; and cross country skiing shall be allowed uses throughout the region. See also "Recreation (Dispersed)."

Recreation (Urban)
Indoor and outdoor activities primarily designed for use by the residents of the region, including, but not limited to, athletic fields and neighborhood parks.

Recreational Fires
Fires used in connection with a recreational activity, including, but not limited to, campfires and barbecues.

Redevelopment
New construction on a site that has existing uses and structures. Redevelopment is not limited to designated Redevelopment Areas or Districts.

Redirection
The redirection of development designation is designed primarily to improve environmental quality and community character by changing the direction of development or density through relocation of facilities and rehabilitation or restoration of existing structures and uses.

Region
All that area described in Article II(a) of the Tahoe Regional Planning Compact. See also Basin.

Regional Plan
The long term general plan for the development of the region and as more specifically described in Article V of the Compact.

Rehabilitation
Upgrading existing facilities by repair, reconstruction, or modification.

Reinforcement
The provision of telephone capacity for existing or projected telephone communication service along existing or approved transmission or distribution routes.

Remedial Action Plan
A plan to correct environmental degradation.

Remedial Vegetation Plan
A plan to address areas where remedial management of vegetation is necessary to achieve and maintain environmental thresholds for health and diversity in vegetation.

Rental Car
A passenger vehicle designed to carry not more than ten persons and that is available for rental on a daily or other basis to members of the general public. The definition of rental car does not include a taxi, limousine, motorhome, truck, or motorcycle.

Rental Transaction
See subparagraph 65.4.3.A.

Repair
Activities necessary to put back a structure to good and sound condition after decay or damage without changing the structure's dimensions or function. Repairs include replacing components of a structure, such as decking, structural members, piles, re-siding, re-roofing, and replacement of electrical or mechanical gear. The concept of "repair" shall be a functional one to include substitution of one kind of material for another, for example steel for wooden piles, or synthetic for wood decking, even where those changes may result in a negligible change in the dimension or change in appearance of the structure (e.g., placing a steel pile around an existing wood pile). No repair shall increase the visual mass or contrast rating of the repaired existing structure.

Residential
Uses, facilities, and activities primarily pertaining to the occupation of buildings for living, cooking, and sleeping by the owner as a permanent or second home, by renters on a monthly or longer term basis, or by renters of a vacation rental that meets the Local Government Neighborhood Compatibility Requirements.

Residential Area
Areas having potential to provide housing for the residents of the region.

Residential Development Right
See "Development Right."

Residential / Dooryard Burning
As applied in California only, the burning of vegetative-only waste grown on the site at a residence in the open air. Residential/dooryard burning does not include burning in fireplaces and woodstoves within the residence.

Residential Unit
One or more rooms containing one or more bedrooms, with not more than one kitchen, designed to be occupied permanently as an independent housekeeping unit by one family or one collective household with facilities for living, cooking, sleeping and eating.

Resource Management
Uses, facilities, and activities pertaining to the utilization, management, or conservation of natural resources.

Restoration, or Restored
In the context of natural areas, the reestablishment of the primary natural characteristics and functions of the soil, hydrology, vegetation, and other natural features of the natural habitat.

Restricted Gaming (Nevada Only)
Operation of not more than 15 slot machines pursuant to Nevada law as an accessory use to a commercial or tourist accommodation primary use.

Revegetation
Establishment of vegetation on disturbed areas.

Ridesharer
See subparagraph 65.5.1.B.13.

Riparian Plant Community
A plant association identified by the presence of vegetation that requires free or unbound water or conditions more moist than normal in the area. Such communities include, but are not limited to, deciduous trees (alder, aspen, cottonwood, willow), hydrophytes, meadow vegetation, riparian shrub, and lodgepole pine.

Road
A smooth or paved surface designed for travel by motor vehicles.

Rock Cribbing
An enclosure of wood, steel, or other material containing unconsolidated rock.

Roof Sign
A sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure. Signs standing out horizontally from a mansard roof are considered wall signs; however, they may not extend vertically above the top of the mansard.

Roof Sign

Scenic BMPs
Mitigation measures that reduce the visual impact of structures to promote threshold attainment. This includes the use of landscaping, building design, glass treatment, articulation, color, texture, screening, and other such techniques.

Scenic Highway and Corridor
A roadway that has been determined to have outstanding scenic value. The scenic corridor includes the roadway right-of-way and extends 100 feet perpendicularly from the edge of the right-of-way boundary.

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

Seasonal Efficiency
The efficiency, as certified by the California Energy Commission under the provisions of California Administrative Code, Title 20, Chapter 2, Subchapter 4, Article 4, Sections 1603 and 1607, (Appliance Efficiency Standards).

Seasonal High Water Table
The highest level of soil saturated with water during a one year period, usually but not always found in the spring months.

Second Order Stream
A stream formed by the confluence of two or more first order streams.

Secondary Residence
See subsection 21.3.2.

Secondary Riparian Vegetation
The following vegetative types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"

A. Type 2: Herbaceous - Wet mesic meadow.
B. Type 9: Broadleaf - High elevations.
C. Type 19: Lodgepole - Wet type.

Seeped Soils
Soils having the characteristics of a high water table.

Seiche
An oscillation of the surface of a landlocked body of water (as a lake) that varies in period from a few minutes to several hours.

Sending Parcel
The parcel from which land coverage, an allocation or other development is transferred.

Sensitive Lands
For lands with IPES scores, those lands at or below 725; for lands without IPES scores, those lands identified as Land Capability Districts 1, 2, or 3; and lands within the backshore.

Sensitive Plant Species
Plants that are extremely scarce and considered vulnerable to local extirpation or extinction.

Service Capacity
The ability to accommodate units of traffic, energy, sewer, water, or people engaged in the activity for which the facility was intended, or other similar units of measure.

Service Connection
The connection of utilities, such as gas, water, electricity, or telephone, to a structure.

Setback
An area established adjacent to the shorezone interface or riparian vegetation to provide a natural buffer between development and sensitive or ecologically significant areas.

SEZ
See "Stream Environment Zone."

SEZ Setback
A strip of land adjacent to the edge of a SEZ, the designated width of which is considered the minimum width necessary to protect the integrity of the various characteristic of the SEZ. The width of the setback shall be established in accordance with the procedure set forth in subsection 53.9.3.

SEZ Vegetation
Species of a plant community indigenous to the Lake Tahoe Region which are commonly associated with the landscape position and land form, soil type, hydrology, elevation, and climate of an SEZ type, such as a wet meadow, mesic meadow, or stream. The plant communities include primary and secondary indicator species listed in Section 53.9.

Shift of Employment
See subparagraph 65.5.1.B.14.

Shoreland
The distance from the highwater line of Lake Tahoe to the most landward boundary of the littoral parcel, or 300 feet landward, whichever is lesser. In the case where the littoral parcel is a narrow parcel not qualifying for a development right, such as a road right-of-way or a dedicated beach access parcel, the most landward boundary of the adjoining parcel to the littoral parcel or 300 feet shall apply. In the case where a littoral parcel is split by a right-of-way but is considered one project area, the most landward boundary of the project area or 300 feet, whichever is less, shall apply.

Shoreline
The highest line normally covered by waters of a lake or body of water. (For Lake Tahoe, the shoreline elevation is 6,229.1 feet Lake Tahoe Datum.)

Shoreline Protective Structure
Walls, earthen banks, bulkheads, revetments, or other devices designed to prevent direct erosion or flooding of the backshore by reinforcing the interface between land and water.

Shorezone
The area including the nearshore, foreshore, and backshore.

Shorezone Tolerance District
Areas with special regulations along the shorelines of Lake Tahoe, Fallen Leaf Lake, and Cascade Lake identified in the 1973 Shorezone Plan for Lake Tahoe and depicted on TRPA Shorezone Tolerance District and Land Capability Overlay Maps. See Chapter 83: *Shorezone Tolerance Districts and Development Standards*.

Sign
Any character, letter, figure, symbol, design, model or device or combination of these used to attract attention or convey a message and which is visible from a street, public recreation area, bicycle trail, or from Lake Tahoe. The term includes banners, pennants, streamers, moving mechanisms, and lights.

Significant Spawning Habitat
In Lake Tahoe, areas designated on TRPA's Prime Fish Habitat Map as "Spawning Habitat" and, through field examination, confirmed to consist of substrate predominantly comprised of small rock, cobble, gravel, or any combination thereof.

Significant Soil Disturbance
Damage to soil structure, chemistry, and biota through compaction, burning, removal or topsoil, soil contamination or other activities, to the degree that there may be reduced vegetation growth, increased surface runoff, or erosion. Soil compaction and other disturbance potential can vary depending upon soil type, rooting depth, soil moisture content, surface litter thickness, and compaction forces.

Significant Vegetation Damage
Damage to non-target vegetation such that a vegetation type or plant community does not recover its previous or better water quality and habitat functions and values by the end of the next growing season following tree removal activity. Vegetation damage shall be evaluated through an approved monitoring program containing specific monitoring criteria.

Silviculture
The science of forestry; the growing of trees.

Single Family House
A detached structure that contains one residential unit.

Single Occupant Vehicle (SOV)
See subparagraph 65.5.1.B.15.

Single-Use Pier
A facility in the shorezone used and maintained by the owner of one littoral parcel, his family, and guests.

Skidding
The act of dragging a tree or log along the ground or snow by cable systems or by mobile equipment. See also Section 61.1: *Tree Removal*.

Skid Trail
A rough pathway on which logs are skidded.

Slope Condition
The condition of the slope located adjacent to the stream channel or edge of the SEZ shall be defined as follows. The extent of existing slope protection, which is defined as the percent cover of original duff layer, down logs, low growing vegetation or rock fragments greater than 1-2 inches in diameter, shall be given primary consideration when determining slope condition.

A. Good - Slopes show little or no evidence of surface (sheet, rill, gully) erosion or mass wasting. Slopes are typically covered 90 percent or more with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly less than 30 percent. Soil horizons are usually cohesive and consolidated.

B. Average - Slopes show evidence of surface (sheet, rill, gully) erosion or mass wasting over 5 to 25 percent of the slope surface. Slopes are typically covered between 50 to 90 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly between 30 and 70 percent. Soil horizons are typically moderately cohesive and consolidated.

C. Poor - Slopes show evidence of active and pronounced surface (sheet, rill, gully) erosion or mass wasting over more than 50 percent of the slope surface. Slopes are typically covered less than 50 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is often greater than 70 percent. Soil horizons are typically non-cohesive and unconsolidated. Evidence of seeping is often present.

Snag
A standing dead tree in some stage of decay that may have biological and structural attributes usable by wildlife. Hard snags are essentially composed of sound wood, especially on the outside and occur in decay classes 2 through 5. Soft snags are in advanced decay and occur in decay classes 6 through 9. (Source: Maser, C., and J. M. Trappe. 1984. "The seen and unseen world of the fallen tree." USDA, Forest Service. Gen. Tech. Rep. PNW–164).

Soft Land Coverage
See "Land Coverage."

Soil
The unconsolidated mineral or organic material on the immediate surface of the earth that serves as the natural medium for the growth of land plants, detention of sediment and biogeochemical cycling.

Solid Waste
Any material defined by the Code of Federal Regulations, Title 40, Protection of Environment (Section 261.2) as a solid waste.

Source Water
Water drawn to supply drinking water from an aquifer by a well or from a surface water body by an intake, regardless of whether such water is treated before distribution.

Spawning Habitat
An area that attracts, or is capable of attracting, fish for reasons of producing and fertilizing eggs. Spawning areas are typically comprised of rock, cobble, or rubble.

Special Interest Species
Animal species for which environmental thresholds have been established.

Specific Plan
A comprehensive long-range program for the further development of a facility or area. See Chapter 14: *Specific and Master Plans*.

Specific Program
A program adopted by ordinance that provides for discontinuance or modification of a use or structure. See Chapters 21: *Permissible Uses,* and 81: *Permissible Uses and Structures in the Shorezone and Lakezone*.

Split-Use Unit
A tourist accommodation unit within a residential design timeshare use which has at least one bedroom and two bathrooms and is constructed such that one or more bedrooms are capable of being rented or leased as a hotel-type tourist accommodation unit separately from the bath and kitchen facilities. A split-use unit constitutes two tourist accommodation units except as set forth in Chapter 13: *Redevelopment Plans*. See "Lock-off Unit.

Spoil Material
Any earthen material that remains after a grading or dredging activity.

Stationary Source
A building, structure, facility, or installation that emits or may emit an air pollutant. Building, structure, or facility includes all pollutant-emitting activities which: belong to the same industrial grouping, are located on one or more contiguous or adjacent proper ties, and are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control. Installation includes any operation, article, machine, equipment, or other contrivance which emits or may emit an air pollutant.

Step Foundations
Foundations designed to incrementally rise in height in order to conform to the natural ground.

Stock Cooperative
A form of subdivision in which the buyers hold their right to occupancy through ownership of stock or membership in a cooperative corporation.

Stream Corridor Impediment
A man-made structure, such as a culvert, fence, bridge, or building, that is located in the 100-year floodplain and significantly obstructs or impedes stream hydrologic functions, including fish habitat, stream migration, and riparian vegetation maintenance or establishment.

Stream Environment Zone
Generally an area that owes its biological and physical characteristics to the presence of surface or ground water. The criteria for identifying and SEZ is set forth in Section 53.9.

Street
A public or private way open to general public use, including all classes of roadways and parking lots, but excluding alleys and driveways.

Story
That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Basements and non-habitable floor area, such as attics, are not considered a story.

Structure
Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, that requires location on the ground or is attached to something having a location on the ground. This includes such things as roads, trails, and earthworks.

Structural Diversity
Diversity in a forest stand resulting from layering or tiering of the canopy.

Structural Repairs
Repairs to those elements of a structure that affect the bearing capacity of the structure, including, without limitation, pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete.

Structure Housing Gaming
A building or buildings joined together in some definite manner, containing gaming, as defined in Article VI of the Compact.

Sub-Alpine Zone
The sub-alpine zone is all lands above 8,500 feet elevation.

Subdivision
The act or product of dividing, by a legal instrument such as a recorded deed or map, land, airspace, structures, boat slips, or other property into two or more entities, and which entities are recognized, under the law of either state, as separate legal entities for purposes of transfer of title. Subdivisions include, but are not limited to, divisions of real property, improved or unimproved, for the purpose of use, sale, lease, or financing, immediate or future, into two or more condominiums, community apartments, stock cooperatives, lots, or parcels.

Substantial Tree Removal
See subparagraph 61.1.8.

Substrate
The bottom materials of a lake or stream.

Superstructure
A structure within the foreshore or nearshore, other than a handrail, davit, or flagpole but including boathouses, which projects above high water or ground elevation more than five feet.

Supplemental Compliance Measure
See subsection 16.3.8.

Surface Water
Water produced by rainfall; melting snow; or a spring falling upon, arising from, and naturally spreading over land.

Surface Water Conveyance
A man-made drainage way.

Target Date
See subsection 16.3.7.

Temporary Erosion Control
Temporary devices installed on a site to contain runoff and control erosion from a site.

Temporary Activity
An organized event or a commercial activity that does not occur more than four times in a calendar year and that does not exceed fourteen consecutive days in duration. Activities that are within the scope of a primary use are conducted within the project area and that would not otherwise require TRPA review and approval are not deemed temporary activities. Examples of such activities are a golf tournament at a golf course, or a ski race at a ski area.

Temporary Project
A temporary use, activity, or structure.

Temporary Roads
A class of non-public roads that are used during forest product harvesting, usually for one or two seasons only, and that thereafter are retired from use and restored and revegetated so as to prevent erosion.

Temporary Structure
A temporary structure is a structure which is approved for a limited time as set forth in Chapter 22: *Temporary Uses, Structures, and Activities*.

Temporary Use
A temporary use is a primary use which does not exceed a period of twelve months.

Tentative Map
A subdivision map made for the purpose of showing the design and improvement of a proposed subdivision, and the existing conditions in and around it, which need not be based upon an accurate or final survey of the property.

Terrace
A moderately flat land area, above the floodplain, generally less than 20 percent slope.

Threshold
See "Environmental Threshold Carrying Capacity."

Timber Harvesting
Tree harvesting operations in which the primary purpose is the production of raw material for the forest products industry, or for silvicultural purposes, including Christmas tree harvest.

Timber Harvest Plan
A plan issued by TRPA describing the methods to be used in a particular timber harvest, and shall not be provided in lieu of a valid timber harvest plan approved by the California Department of Forestry and Fire Protection under the California Forest Practices Act.

Third-Order Stream
A stream formed by the confluence of two or more second-order streams.

Thrifty
Young, vigorous trees capable of seeding the area to support continuing forest growth.

Tourist Accommodation
Uses, facilities, and activities primarily pertaining to the occupation of buildings for eating, sleeping, and living on a temporary basis by persons whose permanent residence is elsewhere.

Tourist Accommodation Unit
A unit, with one or more bedrooms and with or without cooking facilities, primarily designed to be rented by the day or week and occupied on a temporary basis.

Toxic or Hazardous Waste
Any hazardous product that when disposed of improperly can cause damage to human health or the environment. Examples of hazardous wastes include hazardous wastes generated in quantities that are regulated by state or federal laws; and hazardous wastes generated in small quantities by households and small businesses, which include automotive lubricants and cleaners, paint preservatives and strippers, stain removers, pesticides, and many other products which may be poisonous, flammable, corrosive, reactive, explosive, or cancer causing. The definition includes any hazardous wastes defined by local, state, or federal agencies with jurisdiction in the Tahoe region; and when two or more definitions exist, TRPA will apply the more inclusive definition.

Tree Removal
Cutting down, killing, or materially damaging a tree.

Trip Assignment Pattern
An estimate of the paths used by vehicle trips to and from a location.

Trip End
A trip origin or trip destination. Trip ends, for a location, are the summation of origins and destinations.

Trip Generation Rate
The number of motorized vehicle trip ends for a location.

Trip Reduction Credit
See subparagraph 65.5.1.B.19.

Trip Table
See subparagraph 65.2.3.H.

TRPA
Tahoe Regional Planning Agency, including the Governing Board and staff.

TRPA Permit
A written statement by TRPA of project approval.

Unit
A single quantity regarded as a whole in calculation.

Uncommon Plant Communities
Plant communities for which environmental thresholds have been established, and other plant communities designated as uncommon and unique.

Unconfined
Stream types classified under major categories C (excluding stream type C2), D and E as defined in the report entitled "A Stream Classification System," David L. Rosgen, April 1985.

Upper Montane Zone
Lands between 8,500 feet and 7,000 feet elevation.

Unserviceable
See subsection 82.3.4.

Unused Allocation
A residential allocation that does not mature into actual construction, including, without limitation, forfeited allocations, and case-by-case or prior approvals that expire without construction or where the parcel is sold or donated to an appropriate public entity.

Urban Areas
Those areas designated as residential, tourist, commercial/public service, or mixed-use by the plan area statements.

Urban Interface (also referred to as the Wildland Urban Interface and the Urban Wildland Interface)
See subparagraph 61.1.4.A.1.

Urban Recreation
See “Recreation (Urban).”

Utility
A public or quasi-public entity that provides gas, water, electricity, cable TV, telephone, or similar services.

Vacant Parcel
A parcel that is undeveloped or unimproved and has no established use.

Vacation Rental
A residential unit rented for periods of 30 days or less.

Vanpool
See subparagraph 65.5.1.B.20.

Vegetation
A collective term for plants.

Vehicle Emissions Standard
A specific emission limit allowed for a class of vehicles. The standard is normally expressed in terms of maximum allowable concentrations of pollutants (e.g., parts per million).

Vehicle Miles Traveled (VMT)
The total miles traveled by a motorized vehicle, or a number of motorized vehicles, within a specific area or over a specified period of time.

Vehicle Trip
See subparagraph 65.2.3.I.

Vehicle Trip Generation
Residential or tourist accommodation trip generation is the total number of vehicle trips anticipated from persons occupying such units. For commercial and other uses, trip generation is the total number of vehicle trips to and from the project site.

View Corridor
A view of Lake Tahoe from a major arterial that is unobstructed by buildings or other structures.

View Enhancement
The creation of a new view, or the addition to an existing view of the natural landscape, a view of Lake Tahoe, or a view of a major visual feature that is visible from a scenic threshold roadway travel route as identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory.

Visible Area
The surface area of all structures in the shoreland visible from 300 feet offshore and generally perpendicular to and centered on the project area. Surface area blocked by man-made structures in the shorezone shall count as visible area.

Visible Structure
A structure with visible area.

Visual Breaks
The application of landscaping to man-made structures that result in reducing the contrast and breaking the overall visible area of a structure's façade. This may be achieved by screening with vegetation, rocks, soil, and other natural appearing materials or by using such techniques between detached structures.

Wall-Mounted Sign
See "Building Sign" and "Projecting Sign."

Waterborne Transit
Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at different sites.

Water Breaks
A ditch, dike, or dip, or combination thereof, constructed diagonally across logging roads, tractor roads, skid trails, and firebreaks so that water flow is effectively diverted therefrom. Water breaks are synonymous with water bars.

Watercraft
A waterborne vessel of any type or size including, but not limited to, boats, barges, ferries, yachts, houseboats, floating homes, kayaks, rafts, canoes, personal watercraft, pleasure craft, marine craft, amphibious vehicles.

Water Crossing or Diversion Structure
A structure designed to alter or cross any stream, river, or other body of water.

Watercourse
A man-made stream of water or a natural stream such as a river, creek, or rivulet.

Water-Dependent
A use, activity, or facility that by its very character must be located adjacent to or over water.

Water Heater
A device that heats water at a thermostatically controlled temperature for delivery on demand.

Water Salvage Operations
Public service use of bringing a vessel or its cargo to the water's surface. For storage of salvage equipment, see "Construction Equipment Storage."

Water Purveyor
A private, public, or quasi-public water company, water district, or similar entity, legally empowered to supply or provide water for domestic or other uses.

Water Quality Control Facilities
Facilities required for the attainment and maintenance of water quality and related thresholds, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities.

Westside Forest Type
Those forests west of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps at http://www.trpa.org/gis/). The TRPA Westside and Eastside Forest Types GIS data layer delineates the eastside forest types and westside forest types in the region.

Wet Bar
A single bar-sized sink and a refrigerator no greater than five cubic feet in size with minimal cabinets and counters. A wet bar shall not include a gas or electric range, stove top and/or oven (not including a microwave oven), a refrigerator in excess of five cubic feet in size, or a standard-sized kitchen sink.

Wetlands
Low-lying areas where the water table stands near or above the land surface for a portion of the year. These areas are characterized by poor drainage, standing water, and hydrophytes and include but are not limited to those areas identified in the land capability classification system as Class 1B lands.

Wood Heater
A wood-fired appliance, including, but not limited to, a freestanding conventional masonry or prefabricated zero-clearance fireplace; any similar fireplace whose operation requires it to be built into

the structure as a component of the building; franklin stove; air tight stove; fireplace insert; or any other stove or appliance designed to burn solid fuel for heating and/or enjoyment purposes.

Woodstove
See "Wood Heater."

Working Days
Regular TRPA business days excluding weekends and holidays.

208 Plan
The Lake Tahoe Water Quality Management Plan ("208 Plan" or "WQMP") is a framework that sets forth the components of the water quality management system in the Tahoe Region, as required by the U.S. Environmental Protection Agency's (U.S. EPA) regulations in 40 C.F.R. Section 130.6, which implements Sections 208 and 303(e) of the Clean Water Act.