

4 LAND USE

4.1 INTRODUCTION

Land use planning directs the amount, type, and location of land uses; balances land uses with consideration of the social, environmental, and economic well-being of the Lake Tahoe region; and coordinates regional land uses with land uses in surrounding areas.

This section describes existing land uses and land use patterns in the region; identifies the federal, state, and local regulations and policies governing land use; and describes the land use planning structure and approach used by TRPA and the local jurisdictions in the region. It identifies significance criteria for land use impacts, and it assesses the environmental effects of the proposed shoreline plan alternatives with respect to the land use patterns, permissible uses, planning systems, and development potential each is designed to achieve.

The primary issues raised during the scoping period that pertain to land use included:

- ▲ concern regarding the level of upland development associated with shorezone structures and development, and
- ▲ concern regarding allowances for more development in, and a higher intensity of use of, the shorezone.

All shoreline structures permitted under this program would be associated with existing or new primary uses, such as residences, public beaches, or marinas. The shoreline plan alternatives would not increase or decrease the amount of, or demand for housing, because housing availability and demand are driven by primary land uses. Therefore, this chapter does not provide a detailed analysis of housing.

4.2 REGULATORY SETTING

The Lake Tahoe shorezone encompasses land within two states, five counties (Placer and El Dorado Counties in California and Washoe County, Carson City, and Douglas County in Nevada), and one incorporated city (City of South Lake Tahoe in California). It also includes substantial federal land and lands owned and managed by the states of California and Nevada. The bi-state Tahoe Regional Planning Agency (TRPA) administers an overarching regional plan with land use authority in accordance with the Tahoe Regional Planning Compact (Compact). A description of the TRPA, federal, state, and local regulatory framework and primary land use planning guidance documents is provided below.

4.2.1 Federal

FOREST SERVICE

The U.S. Forest Service (USFS), Lake Tahoe Basin Management Unit (LTBMU) manages more than 75 percent of lands within the Tahoe region. Land management is guided by the LTBMU Land Management Plan. The Land Management Plan (also known as the Forest Plan) sets the groundwork for how the resources of the national forest are managed. The plan translates national laws, policies, and regulations into guidance for activities that occur on the National Forest System lands.

The Land Management Plan includes management direction and explanatory material. The management direction is the content that must be followed in planning and implementing management activities. Within the plan, management direction is organized into three parts—(1) vision, (2) strategy, and (3) design criteria—

that together articulate desired conditions, objectives, management areas and suitable uses, designated and recommended special area guidance, and standards and guidelines.

4.2.2 Tahoe Regional Planning Agency

THRESHOLDS

TRPA has established environmental threshold carrying capacities (thresholds) for nine resource areas: water quality, air quality, scenic resources, soil conservation, fish habitat, vegetation, wildlife habitat, noise, and recreation. TRPA thresholds are minimum standards of environmental quality targets to be achieved in the Tahoe region. Every 4 years, TRPA evaluates the status and trends of the thresholds. The most recent threshold evaluation was carried out in 2015.

No threshold applies specifically to land use, and the adopted thresholds do not define the maximum populations, densities, permitted uses, and other land use criteria for the region; however, the thresholds do set performance criteria that influence land use planning considerations such as coverage, restoration-based incentives, and allocations. As mandated by the Compact, the Regional Plan and implementing ordinances are required to achieve and maintain thresholds while providing opportunities for orderly growth and development consistent with the thresholds (Public Law 91-551).

A summary of the current status of affected TRPA thresholds is included in each of the resource chapters in this EIS (Chapters 4–16).

REGIONAL PLAN

Goals and Policies

TRPA's land use planning and use is guided by the TRPA Regional Plan and implementing Code of Ordinances (TRPA Code). In accordance with the Compact, the Regional Plan was created to achieve the balance, or equilibrium, between the natural environment and the built environment articulated in the TRPA thresholds. The first iteration of the Regional Plan, developed in 1987, focused on growth control and on regulating development practices that degrade the natural and built environments. These growth control and environmental best practices, implemented through the development allocation system and code provisions, are standard practice within the Tahoe region. The Regional Plan was updated in 2012. The 2012 Regional Plan update maintained the growth control system and environmental programs from the 1987 plan and added provisions to promote "environmental redevelopment" to replace older, environmentally degrading developments with more sustainable development and restored landscapes. The 2012 update designated areas with existing infrastructure and the most intensive existing development, as Centers that are suitable for pedestrian-friendly redevelopment and concentrated development. The 2012 update also provided incentives for private property owners to restore sensitive land and transfer development from sensitive and outlying areas to the designated Centers.

The foundation of the Regional Plan, the Goals and Policies, are statements of policy to guide decision making as it affects the Region's resources and the ability to maintain or achieve environmental thresholds. The Goals and Policies are addressed in six major elements: land use; transportation; conservation; recreation; public services and facilities; and implementation. The Land Use Subelement of the Regional Plan addresses policies pertaining to growth and development within the region. Goals and Policies of the Land Use Subelement that are most applicable to the Shoreline Plan include:

GOAL LU-1: Restore, maintain, and improve the quality of the Lake Tahoe region for the visitors and residents of the region.

- ▲ **Policy LU-1.1:** The primary function of the region shall be as a mountain recreation area with outstanding scenic and natural values.

- ▲ **Policy LU-1.3:** The Regional Plan shall seek to maintain a balance between economic/social health and the environment.

GOAL LU-2: Direct the amount and location of new land uses in conformance with the environmental threshold carrying capacities and the other goals of the Tahoe Regional Planning Agency bi-state compact.

- ▲ **Policy LU-2.4:** Structures, legally existing as of the effective date of the Regional Plan, but which, by virtue of their design or location, are prohibited, are considered nonconforming, and are subject to the following:

- A. Nonconforming structures may be maintained or repaired. Maintenance and repair shall be defined in implementing ordinances.
- B. Nonconforming structures may not be enlarged, replaced, or rebuilt without the approval of TRPA. Such approval shall occur through direct TRPA review, through the conformance review process for Area Plans, or through Memorandum of Understanding with applicable governments and shall be based on criteria set forth in implementing ordinances to ensure that:
 - i. the activity shall not increase the extent of nonconformity; and
 - ii. if the structure is subject to a specific program of removal or modification by TRPA, the activity shall not conflict with that program.

- ▲ **Policy LU-2.5:** Uses, legally existing as of the effective date of the Regional Plan, but which are now prohibited, are considered nonconforming and are subject to the following policies:

- A. Nonconforming uses may continue as they exist except where specifically subject to a program of removal or modification.
- B. Nonconforming uses may not be modified, expanded, or intensified, nor resumed following a significant interruption without the approval of TRPA. Such approval shall occur through direct TRPA review, through the conformance review process for Area Plans, or through Memorandum of Understanding with applicable governments and shall be based on criteria set forth in ordinances to ensure that:
 - i. the activity shall not increase the extent of nonconformity;
 - ii. the activity shall not make it more difficult to attain and maintain environmental threshold carrying capacities; and
 - iii. the use is otherwise consistent with applicable Plan Area Statements and Community Plans.
- C. Additional rules regarding excess land coverage.

- ▲ **Policy LU-2.6:** Uses of the bodies of water within the region shall be limited to the outdoor water-dependent uses required to satisfy the goals and policies of the Regional Plan.

GOAL LU-3: Provide to the greatest possible extent, within the constraints of environmental threshold carrying capacities, a distribution of land use that ensures the social, economic, and environmental well-being of the region.

- ▲ **Policy LU-3.1:** All persons shall have the opportunity to utilize and enjoy the region's natural resources and amenities.

GOAL LU-4: Regional Plan goals, policies, and ordinances shall be implemented using an integrated system of regional and local government planning.

Land Use Classification System

The Regional Plan categorizes land in the Tahoe region into one of eight classifications: Wilderness, Backcountry, Conservation, Recreation, Resort Recreation, Residential, Mixed-Use, and Tourist. The classifications are a gross summarization of major land uses that exist in the region and are further supplemented by local TRPA plans. The following provides an overview of each land use classification type.

Wilderness

Wilderness Districts 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.

Backcountry

Backcountry Districts are designated and defined by USFS as part of its 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.

Conservation

Conservation areas are nonurban 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:

- (1) public lands already set aside for this purpose;
- (2) high-hazard lands, stream environment zones, and other fragile areas, without substantial existing improvements;
- (3) isolated areas which do not contain the necessary infrastructure for development;
- (4) areas capable of sustaining only passive recreation or nonintensive agriculture; and
- (5) areas suitable for low-to-moderate resource management.

Recreation

Recreation areas are nonurban areas with good potential for developed outdoor recreation, park use, or concentrated recreation. Lands which this plan identified as recreation areas include:

- (1) areas of existing private and public recreation use;
- (2) designated local, state, and federal recreation areas;

- (3) areas without overriding environmental constraints on resource management or recreational purposes; and
- (4) areas with unique recreational resources which may service public needs, such as beaches and ski areas.

Resort Recreation

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

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 include:

- (1) areas now developed for residential purposes,
- (2) areas of moderate-to-good land capability,
- (3) areas within urban boundaries and serviced by utilities, and
- (4) areas of centralized location in close proximity to commercial services and public facilities.

Mixed-Use

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 service, light industrial, office, and residential uses. The purpose of this classification is to concentrate higher intensity land uses for public convenience, and enhanced sustainability.

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 Bi-State Compact as suitable for gaming. These lands include areas that are:

- (1) already developed with high concentrations of visitor services, visitor accommodations, and related uses;
- (2) of good to moderate land capability (land capability districts [LCDs] 4-7);
- (3) with existing excess land coverage; and
- (4) located near commercial services, employment centers, public services and facilities, transit facilities, pedestrian paths, and bicycle connections.

Code of Ordinances

The TRPA Code implements the Goals and Policies of the Regional Plan. They provide enforceable requirements to achieve the stated goals in the Regional Plan and maintain environmental thresholds. Land use planning provisions are included in Chapter 10, "TRPA Regional Plan Maps"; Chapter 11, "Plan Area Statements and Plan Area Maps"; Chapter 12, "Community Plans"; Chapter 13, "Area Plans"; and Chapter 14, "Specific and Master Plans."

The TRPA Code also defines eight shorezone tolerance districts for lands adjacent to the Lake Tahoe shoreline. These districts, described in Chapter 83 of the Code of Ordinances, reflect the physical ability of the shoreline to support use and development, with Shorezone Tolerance District 1 being the most sensitive and Tolerance District 8 being the least sensitive. None of the Shoreline Plan alternatives would change the definition, location, process for determining district boundaries, or tolerance district development standards described in Chapter 83 of the Code of Ordinances. The shorezone tolerance districts would not affect land use, but could impact development potential, as described in Chapter 7, "Soil Conservation." The approximate locations of shoreline tolerance districts are displayed in Exhibit 2-7 of Chapter 2, "Project Description."

The Shoreline Plan would involve amendments to sections of the TRPA Code that address uses and development in the shorezone of Lake Tahoe (TRPA Code Chapters 80–86), and related amendments to TRPA Code Chapters 2, 10, 14, 50, 63, 66, and 90), if approved.

Local TRPA Plans

After adoption of the 1987 Regional Plan, over 170 different plans were adopted for individual geographic areas throughout the region. These included what are known as plan area statements (PASs), Community Plans, and Master and Specific Plans. With the update of the Regional Plan in 2012, local, state, federal, and tribal governments were encouraged to adopt Area Plans to supersede these older types of plans – a process which is currently underway. The goal of adopting Area Plans is to more effectively implement the Regional Plan, and to provide a more unified approach to land use under different jurisdictions. Prior to being adopted, Area Plans must be found to be in conformance with the Regional Plan. Local TRPA plans can be accessed and are available at <http://www.trpa.org/regional-plan/plan-area-statements/>.

Local TRPA plans must be consistent with the land use classifications described above. They also identify permissible uses, developments standards, and other policies that provide more specificity with respect to allowable land uses.

Area Plans

With adoption of the Lake Tahoe Regional Plan in December 2012, TRPA created a new planning instrument, the area plan. Area plans allow local governments to implement the Regional Plan at a smaller scale and with greater flexibility, allowing TRPA to focus on issues of regional environmental significance. Under the new planning system, multiple requirements—TRPA, local, state, and federal—are addressed in a coordinated fashion through the area plans, which are adopted by both the local jurisdiction and TRPA. The result is greater planning and permitting efficiency because TRPA can delegate some permitting authority to local jurisdictions, while retaining oversight by TRPA of large-scale projects and projects in sensitive environments.

Plan Area Statements

PASs provide a detailed guide for planning within discrete areas of the region. Each PAS is assigned a single land use classification and one of three management strategies: development with mitigation, redirection of development, or maximum regulation. Some PASs are designated as community plan areas, receiving areas for transfer of development commodities, or areas targeted for scenic restoration, or development of affordable housing. Additionally, PASs identify planning considerations, special policies, maximum densities for residential and tourist accommodation uses, community noise equivalent levels, allowable and special uses, and the amount of additional recreation capacity permissible. As area plans are adopted, they will replace the older PASs. The area plans will give TRPA and local jurisdictions a more efficient tool for implementing the Regional Plan than the older PAS/community plan system.

Community Plans

Currently, there are six community plans within the Tahoe Basin. The original intent of the community plans under the 1987 Regional Plan was to concentrate commercial uses to reduce the negative effects of “strip” development and to provide incentives to renovate, revitalize, and remove blighted commercial development. Community plan areas contain commercial, tourist, residential, public service, recreation, and resource management land uses. Community plans describe a land use vision, development and coverage incentives, and environmental targets. Community Plans will also be superseded by area plans, as area plans are adopted.

Master Plans and Specific Plans

TRPA Regional Plan and Chapter 14 of the TRPA Code permit the adoption of specific plans and project-oriented master plans to augment PASs, community plans, or area plans. Through more detailed planning, they seek to ensure that projects and activities are consistent with the Goals and Policies, the PASs or adopted Community Plans, and the TRPA Code. In addition, they allow for phasing of development, systematic environmental and project review, and implementation of environmental control measures. Certain land use areas (e.g., airports, ski areas, and marinas) are required to prepare Master Plans if expansion is proposed. TRPA has eight adopted master plans: Tahoe Keys Marina, Tahoe City Marina, Ski

Run Marina, Elks Point Marina, Heavenly Ski Resort, Diamond Peak Ski Resort, Lake Tahoe Community College, Bijou Community Park, and Homewood Mountain Resort.

REGIONAL TRANSPORTATION PLAN

The Lake Tahoe 2035 Regional Transportation Plan (RTP), also known as Mobility 2035, includes a list of transportation projects and strategies to improve mobility in the region and provide the opportunity for environmental gains related to a reduction in personal vehicle travel and associated greenhouse gas (GHG) emissions, improved air quality, improved water quality, and enhanced recreation opportunities related to bicycle, pedestrian, and transit improvements. The RTP also includes a sustainable communities strategy, pursuant to California Senate Bill 375, Statutes of 2008, for the California portion of the Lake Tahoe region. The sustainable communities strategy is a strategy that links land use patterns with transportation systems to enable attainment of GHG reduction targets.

Linking Tahoe: Active Transportation Plan

The Linking Tahoe: Active Transportation Plan (ATP), formerly the Lake Tahoe Bicycle and Pedestrian Plan, presents a guide for planning, designing, constructing, and maintaining a regional active transportation network that includes innovative infrastructure, support facilities, and awareness programs. The infrastructure network includes on-street bicycle lanes and bicycle routes, and off-street paths and sidewalks. The ATP depicts existing and planned, shared-use paths, bicycle lanes, bicycle routes, and sidewalks within the Tahoe Basin. The existing network includes 120 miles of bicycle and pedestrian shared-use paths, bicycle lanes, bicycle routes, and sidewalks and proposes another 68 miles of new bicycle and pedestrian facilities. The built-out bicycle and pedestrian network is estimated to reduce vehicle miles traveled by 8,500 miles on a peak summer day. The ATP also identifies goals, policies, actions, and performance measures for local governing bodies and transportation agencies.

ENVIRONMENTAL IMPROVEMENT PROGRAM

TRPA launched the Environmental Improvement Program (EIP) in 1997 to better implement the Regional Plan and accelerate attainment of thresholds. Recognizing that capital investments, research, and monitoring were essential components of the Regional Plan, the EIP called for a substantial investment in capital projects, and research and monitoring. The EIP also identified hundreds of specific projects and programs to be undertaken by more than 50 funding partners, including federal, state, and local agencies and the private sector. The projects are focused on improving air, water, and scenic quality, forest health, fish and wildlife, and public access and recreation. Since its initiation, over a billion dollars have been invested and hundreds of EIP projects have been completed.

4.2.3 California

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

The California Department of Parks and Recreation (State Parks) defines its mission as “to provide for the health, inspiration, and education of the people of California by helping to preserve the state’s extraordinary biological diversity, protecting its most valued natural and cultural resources, and providing opportunities for high-quality recreational experiences based on those resources.” State Parks manages the California State Park System, including Emerald Bay, D.L. Bliss, and Sugar Pine Point State Parks in the Tahoe region. Long-range development and management of each state park is directed by a general plan, which provides broad policy and program guidance. Each California state park must have an approved general plan before any major park facilities can be developed.

CALIFORNIA TAHOE CONSERVANCY

The California Tahoe Conservancy (Conservancy) is a California state agency, created in 1984, with a mission to preserve, protect, restore, enhance and sustain the unique and significant natural resources and recreational opportunities of the Lake Tahoe region (California Government Code Title 7.42 Sections 66905 to 66908.3). The Conservancy's jurisdiction extends throughout the California side of the Lake Tahoe region, as defined in California Government Code Section 66905.5. The Conservancy has the authority to acquire, hold, and manage property in the Tahoe region. Since 1984, the Conservancy has acquired more than 4,800 parcels of land, comprising more than 6,500 acres, for the purposes of protecting the natural environment and promoting public recreation and Lake access. The Conservancy manages and implements restoration and other projects on these lands. It has also provided approximately 170 grants to local governments and nonprofit organizations for erosion control, public recreation and access, land acquisition, and other projects. Since 1997, the Conservancy's programmatic efforts have been focused on California's commitment to the implementation of the EIP for the Tahoe region and to address declining resource values at Lake Tahoe.

4.2.4 Nevada

NEVADA DIVISION OF STATE PARKS

The Nevada Division of State Parks manages the Lake Tahoe-Nevada State Park. The Lake Tahoe-Nevada State Park Master Development Plan with Resource Analysis (also called the General Management Plan) describes the basic principles for the use, preservation, and operation of Lake Tahoe-Nevada State Park. The goal of the plan is to provide a long-range management and development strategy based on current visitation, needs, and conditions, as well as projections for future use and needs. The plan describes operational, resource management, and facility development guidance for Sand Harbor Management Area, Cave Rock Management Area, Spooner Lake/Backcountry Management Area, and Van Sickle Bi-State Park Management Area. The plan is currently being updated.

NEVADA DIVISION OF STATE LANDS

The Nevada Division of State Lands (NDSL) provides land and land use planning services to the State and its agencies. One of the division's four program areas is the Nevada Tahoe Resource Team (NTRT), an interagency team coordinated by NDSL and dedicated to preserving and enhancing the natural environment in the Lake Tahoe Basin. NTRT is responsible for implementing Nevada's share of the EIP and is coordinating and implementing a wide range of projects designed to improve water quality, control erosion, restore natural watercourses, improve forest health and wildlife habitat, and provide recreational opportunities. Through the excess coverage mitigation program, the agency has acquired and retired about 500 parcels of sensitive land, which are managed for the purposes of protecting Lake Tahoe and its watershed. Management goals include clean water, healthy forests, the reduction of excess fire fuels and hazardous forest conditions, good wildlife habitat, and reasonable public access. NDSL also manages land in the public trust on the Nevada side for submerged land below an elevation of 6,223 feet Lake Tahoe datum.

4.2.5 Local

Lands within the Tahoe region fall within the boundaries of four counties, one incorporated city, and the Carson City Rural Area. Planning documents for local governments include:

- ▲ City of South Lake Tahoe General Plan,
- ▲ El Dorado County General Plan,
- ▲ Placer County General Plan,
- ▲ Washoe County Master Plan,
- ▲ Carson City Master Plan, and
- ▲ Douglas County Master Plan.

The Compact also allows local jurisdictions to develop, adopt, and implement regulations so long as they are consistent with the Regional Plan or address issues not covered in the Regional Plan (Compact Article VI(a)). These local regulations must be consistent with all aspects of the Regional Plan, including requirements that they do not preclude the attainment or maintenance of thresholds.

4.3 AFFECTED ENVIRONMENT

Lake Tahoe and the surrounding area are a unique among regions in the Sierra Nevada. The Lake Tahoe region lies on the border between California and Nevada—approximately two-thirds of the region lies in California and one-third in Nevada. The total acreage of the land area under TRPA jurisdiction is almost 202,000 acres, with about 85 percent of this land in public ownership and preserved as open space. The geographic area addressed by the Shoreline Plan alternatives is the 72-mile-long shorezone of Lake Tahoe, which includes portions of Placer and El Dorado Counties in California, and Carson City, Washoe, and Douglas Counties in Nevada (Table 4-1).

Table 4-1 Percentage of Shoreline in Each Jurisdiction

County	Percentage of Shoreline
California	
El Dorado County	43
Placer County	23
Nevada	
Douglas County	15
Washoe County	13
Carson Rural Area	6
Total	100

Source: Data provided by TRPA in 2018

4.3.1 Land Use Pattern

REGIONAL LAND USE AND SHORELINE DEVELOPMENT

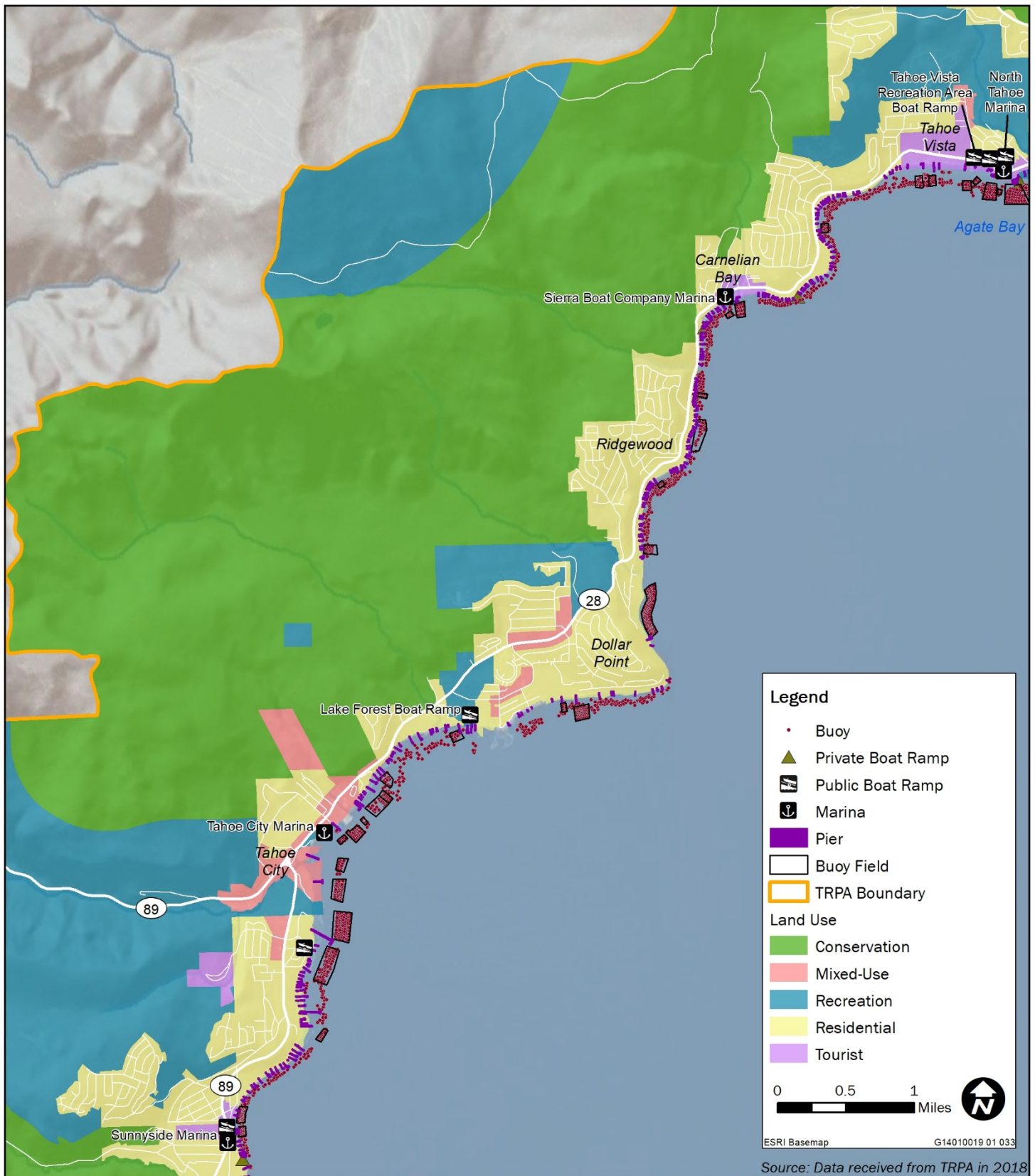
As described above, land in the Tahoe region is assigned to one of eight classifications: wilderness, backcountry, conservation, recreation, resort recreation, residential, mixed-use, and tourist (see Table 4-2). The geographic distribution of these land use classifications in relation to existing shoreline development is depicted in Exhibits 4-1 through 4-5.

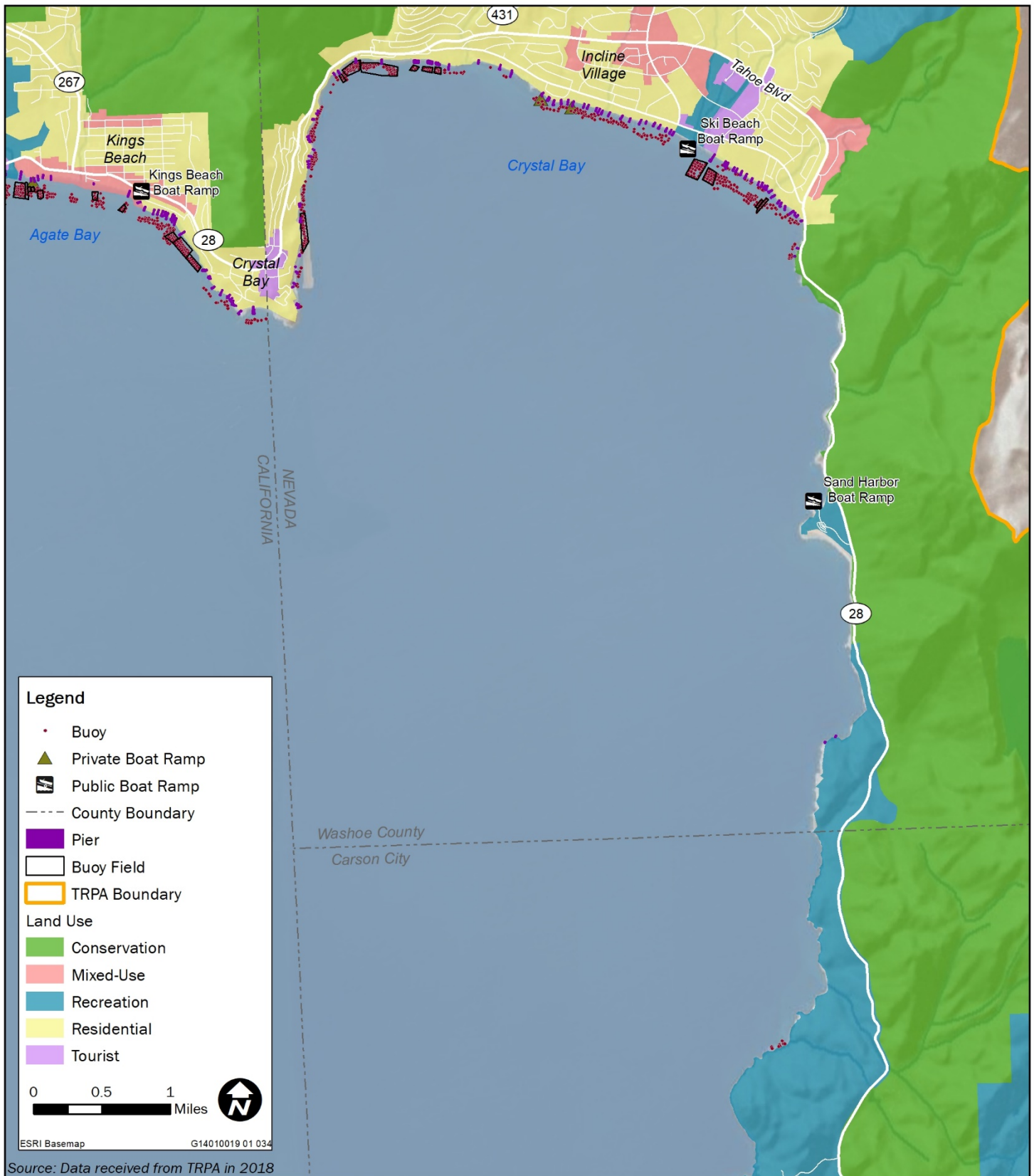
Table 4-2 Acreage of Land in the Lake Tahoe Basin, by Land Use Classification

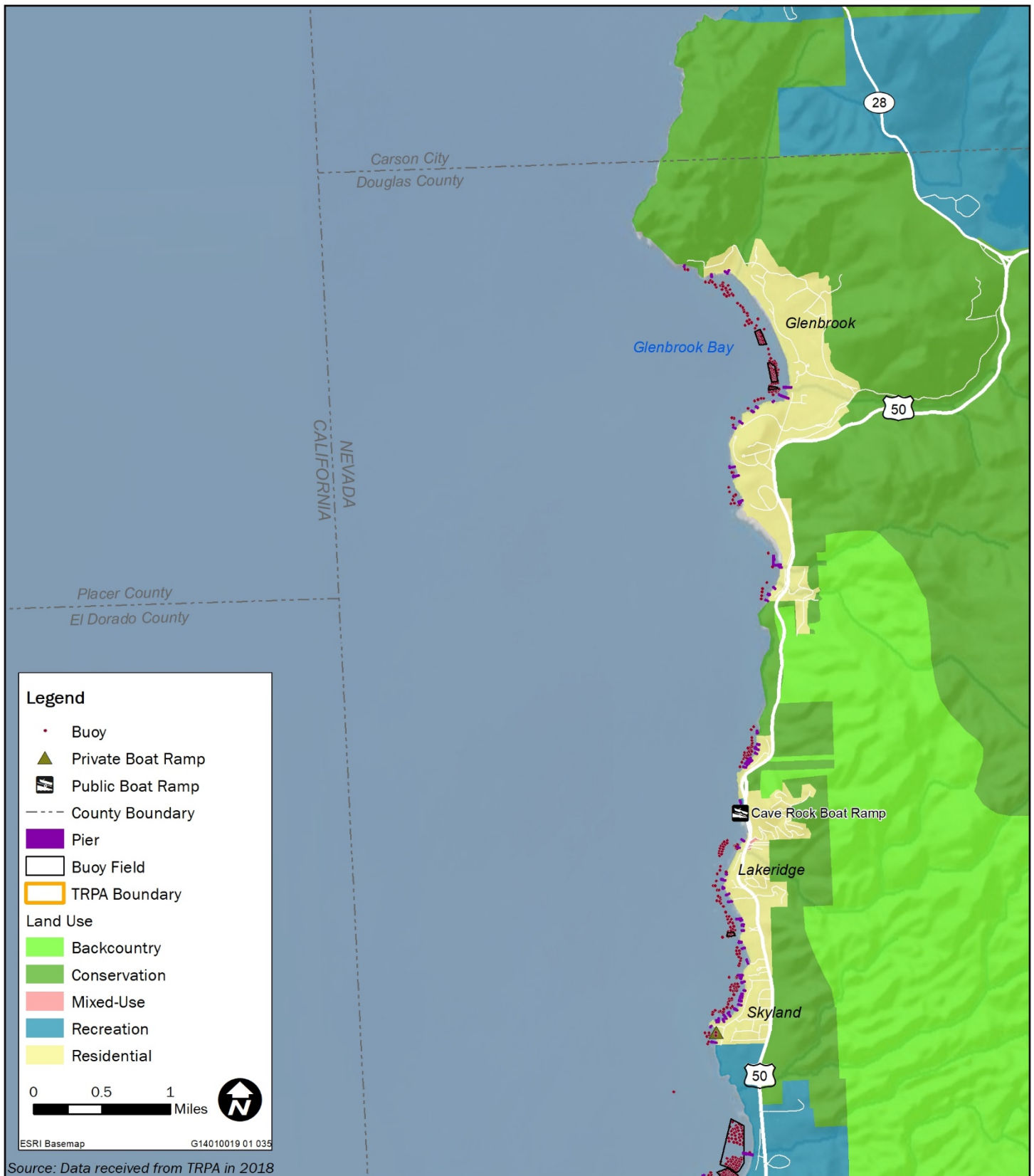
Land Use Classification	Acreage	Percentage
Conservation	88,396	44
Backcountry	38,376	19
Tourist	867	<1
Residential	20,268	10
Mixed-Use	2,409	1
Recreation	26,244	13
Resort Recreation	306	<1
Wilderness	24,714	12
Total	201,579	100

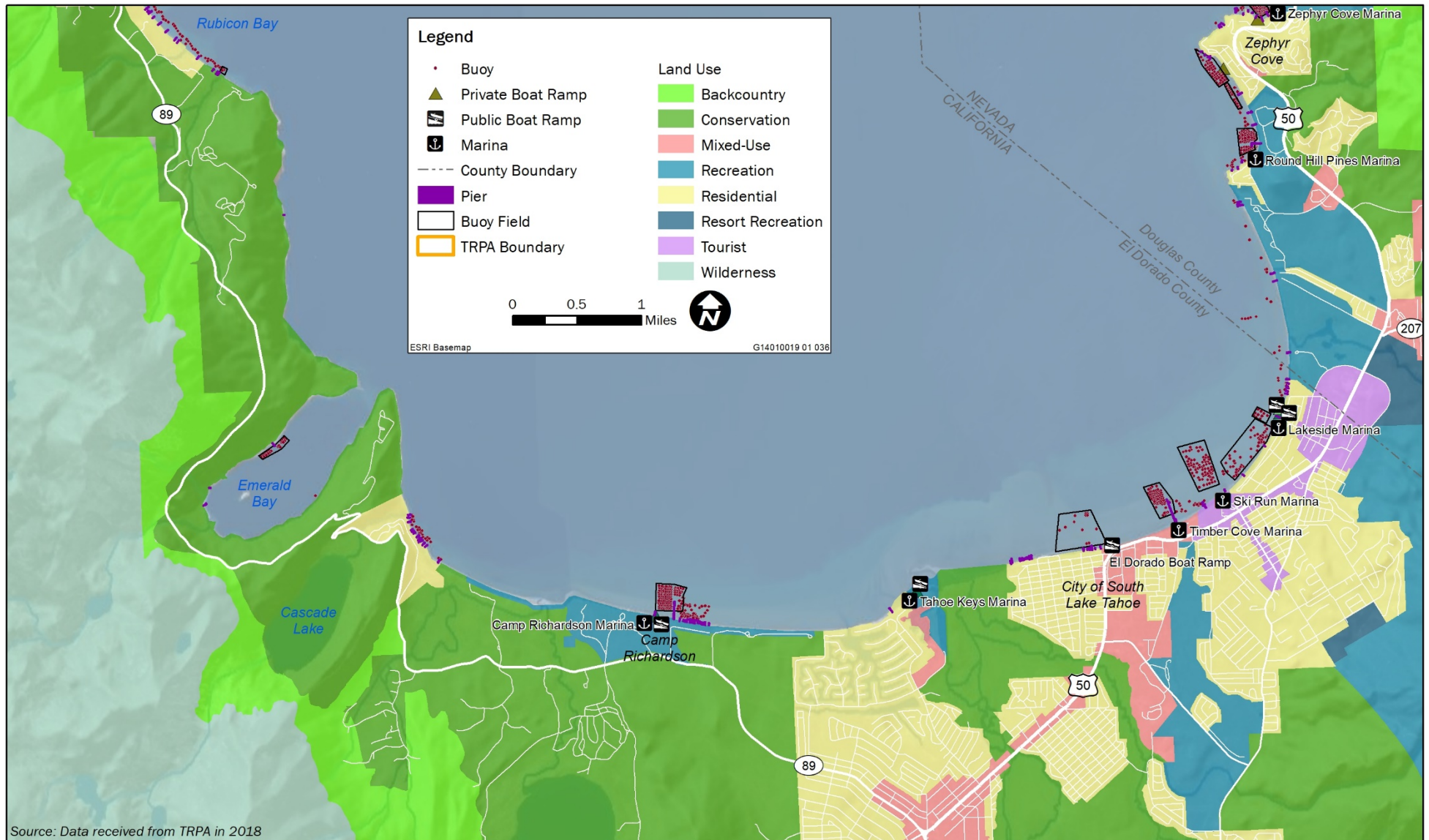
Note: Total acreage includes all water bodies except Lake Tahoe

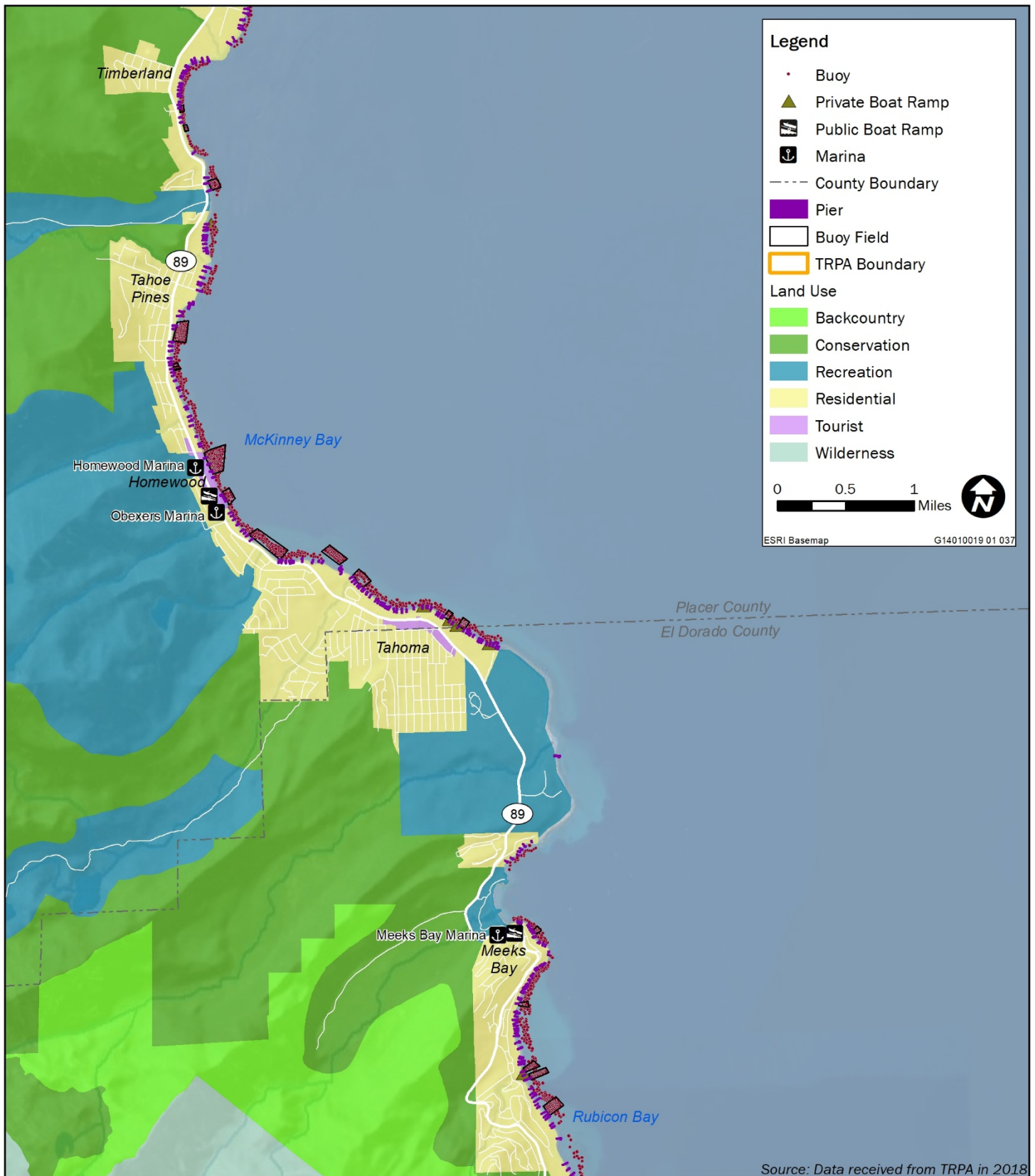
Source: Data provided by TRPA Regional Land Use GIS layer in 2018











**TAHOE
REGIONAL
PLANNING
AGENCY**

Exhibit 4-5

**Land Use Classifications and
Existing Shoreline Structures (5 of 5)**



Within the developed portion of the region (residential, mixed-use, tourist, and resort recreation), most land is zoned for residential uses and is built out with primarily detached single-family residences. TRPA has estimated that there is a minimum of approximately 2,440 residential units in the Tahoe region with direct lake access (i.e. with property frontage on the shoreline) (Bettinger, pers. comm., 2018a). Residential development in the Lake Tahoe region is concentrated in established communities around the shoreline of the lake. Residential land consists of approximately 40 percent of the shoreline (Bettinger, pers. comm., 2018b), which is roughly aligned with the amount of private land around the shoreline (Table 4-3). Mixed-use and tourist-related land uses make up a small portion of the developed areas around the lake and are concentrated along the major transportation routes (U.S. 50 and State Routes 28 and 89), and within established communities around the lake.

The pattern of ownership along the shoreline is roughly evenly split between private and public, with a small majority of lands held by public agencies (Table 4-3). Public land uses are largely state parks and USFS lands, while private lands are generally single-family residences and resort accommodation. Land ownership is shown in Exhibit 4-6.

Table 4-3 Percent of Shoreline in each Ownership Category

Land Ownership	Percentage of Shoreline
Federal	27
State	25
Local	3
Private	44
Total	100

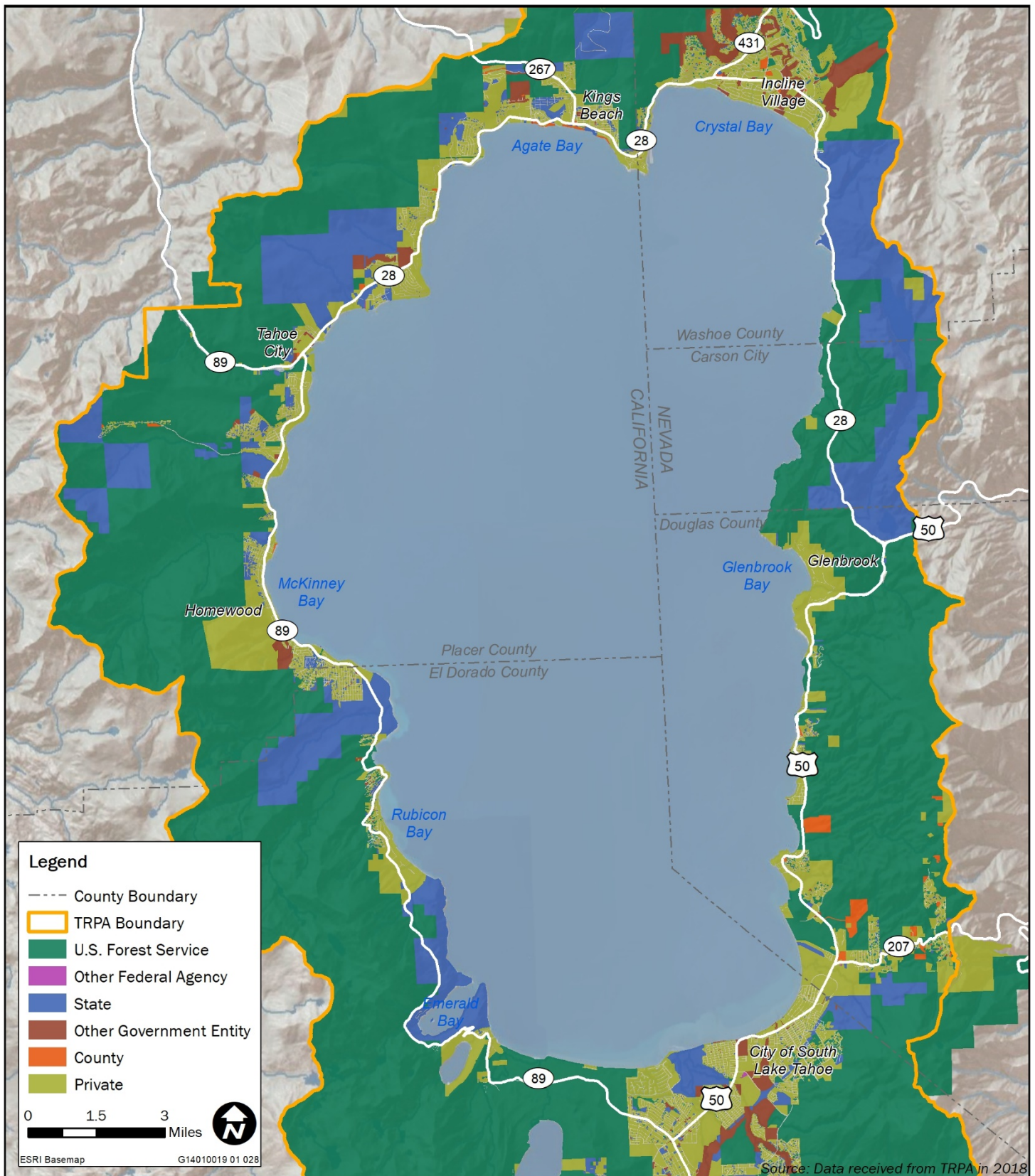
Source: Data provided by TRPA in 2018

4.3.2 Visitation

Lake Tahoe measures 12 miles wide and 22 miles long, with a maximum depth of 1,645 feet, making it one of the deepest lakes in the world, and one of the largest by volume. Visitors in the area are attracted to the recreation opportunities and scenic and natural resources, including the clarity of the lake. The Lake Tahoe Region is home to almost 55,000 full-time residents and is a recreational destination with four to six million visitors each year (TRPA 2017), including many who live in nearby metropolitan centers within a few hours' travel time. The shoreline of Lake Tahoe is one of the major tourist draws of the area, and many residents and visitors frequent the lake shoreline to participate in recreational activities. Visitation in the Tahoe region is seasonal, with heavy periods of visitation in the summer and winter, and substantially less visitation during the spring and fall. The peak period for shoreline visitation is during the summer, especially July and August. The most intensive shoreline visitation occurs during the Independence Day and Labor Day weekends.

4.3.3 Regional Growth

In the early part of the 20th century, development around Lake Tahoe consisted of a few scattered vacation homes. The post-World War II building boom, the establishment of the gaming industry through construction and expansion of casinos on the Nevada side of the Lake, and the completion of interstate highway links to support the 1960 Winter Olympics in Squaw Valley resulted in a dramatic increase in development in the region. This building boom and the resultant concern for environmental values led to the adoption of the Tahoe Regional Planning Compact in 1969 and the formation of TRPA. The Regional Plan, first adopted in 1987, established environmental regulations and a growth control system. The combination of pre-TRPA development and the subsequent regulations and growth control have led to the land use pattern seen today.



DEVELOPMENT RIGHTS

Development within the Lake Tahoe basin is controlled by land use mapping and zoning, and by development rights, which are TRPA-regulated commodities required for any new residential, commercial, or tourist accommodation development. These development rights limit the total amount of development that can occur in the region, and they allow TRPA to regulate the rate of growth and provide incentives for environmentally beneficial redevelopment. Chapters 50–52 of the TRPA Code sets forth the requirements for regulating the rate, location, and type of growth in the region in a manner intended to distribute allocations for growth and development in an orderly fashion to meet and maintain thresholds. For a development or redevelopment project to be permitted, the project must meet both the land use and zoning requirements of TRPA and the applicable local jurisdiction; and the development rights requirements of TRPA.

The Regional Plan provides for moderate growth and sets maximum allocations for residential, commercial, and tourist-related development. Allocations are used as a growth management tool to ensure that development is consistent with progress toward meeting environmental thresholds. Residential allocations are awarded to local jurisdictions annually based on the performance of each jurisdiction in implementing environmental improvement projects, monitoring of project permit conditions, and increasing transit operations.

4.4 ENVIRONMENTAL CONSEQUENCES AND MITIGATION MEASURES

4.4.1 Methods and Assumptions

The following analysis assesses the environmental effects of the proposed changes to the TRPA Code under each Shoreline Plan alternative with respect to the level of shorezone development each has the potential to achieve. This analysis is based on review of existing land use documents, policies, ordinances, and other regulations. The following impact discussions relate to direct land use impacts (changes to the built form and consistency of land use plans and policies) resulting from the proposed Shoreline Plan alternatives.

4.4.2 Significance Criteria

Significance criteria relevant to land use are summarized below. The applicable TRPA threshold standards, the land use and housing criteria from the TRPA Initial Environmental Checklist, and other relevant information were considered in the development of the significance criteria. An impact would be considered significant if it would:

- ▲ result in a development pattern (type and intensity of land use) that would be incompatible with established land uses;
- ▲ induce substantial growth in an area, either directly (e.g., by proposing new residential development) or indirectly (e.g., through extension of infrastructure, removing obstacles to development, or by setting a precedent for additional growth); or
- ▲ conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Tahoe region, adopted for the purpose of avoiding or mitigating an environmental effect.

4.4.3 Environmental Effects of the Project Alternatives

Impact 4-1: Induce substantial new growth

Regional growth is capped by the Regional Plan. The Shoreline Plan alternatives would permit development of structures within the shorezone but would not increase the capacity of the region to accommodate an increase in residents or tourists. The addition of new public access facilities (e.g., boat ramps, public slips) under Alternatives 1, 2, and 3 would accommodate an increase in the number of day visitors to the region; however, these additional day visitors would not lead to residential, tourist, or commercial growth because growth is capped by the Regional Plan development rights system. Therefore, the impacts on growth associated with Alternatives 1, 2, and 3 would be **less than significant**. There are no public access features that would be expected to generate new visitors under Alternative 4, and there would be **no impact** associated with that alternative.

The TRPA Regional Plan and Code of Ordinances together represent a single, enforceable set of region-wide goals, policies, and implementation measures that serve as the blueprint for growth within the region. The Regional Plan includes a growth control system that caps growth in the region at sustainable levels. The *2012 Regional Plan Update Environmental Impact Statement* (2012 RPU EIS) considered the effects of complete buildout of the growth and pattern of land use allowed under the adopted Regional Plan. The 2012 RPU EIS and TRPA's associated findings determined that the land use pattern and growth allowed for under the Regional Plan would attain and maintain thresholds. The Shoreline Plan alternatives would not alter the amount of growth and land use pattern forecasted for the region under the Regional Plan. Additionally, new private structures at residences would not induce growth because they would be associated with an existing primary use. Rather, the four Shoreline Plan alternatives would, to varying degrees, allow for enhanced recreational access along the shore of Lake Tahoe for the residents and tourists projected under the Regional Plan, and would establish provisions for the development of shoreline structures to protect the environment and public safety.

Alternative 1: Proposed Shoreline Plan

The proposed Shoreline Plan would result in new public access points (e.g., public boat ramps, public slips, or public buoys) to Lake Tahoe. While many individuals served by these public amenities would be residents or tourists that are already in the region and are therefore accounted for under the cap set by the Regional Plan, these amenities would create an increased capacity for day users that was not considered in the 2012 RPU EIS. Day users include individuals within reasonable driving distance of the Lake Tahoe basin that could frequent day use areas at the lake and return home on the same day. The proposed Shoreline Plan would allow up to two new boat ramps and 330 public slips or buoys, which would increase the capacity for day use boaters, thereby allowing more boat launches. However, this increase in day use visitors would not result in new growth beyond levels analyzed in the 2012 RPU EIS, because growth is limited by the Regional Plan. The effects of new day users on the transportation system is addressed in Chapter 13, "Automotive Transportation and Circulation," of this EIS. Because the Regional Plan caps growth in the region, and the Shoreline Plan would therefore not induce an increase in new residential, commercial, or tourist accommodation growth beyond the levels authorized by the Regional Plan, the impact on new growth in the region would be **less than significant**.

Alternative 2: Maintain Existing TRPA Shorezone Regulations (No Project)

While Regional growth is capped under the Regional Plan, Alternative 2 would allow for up to six new public boat ramps and an estimated 1,897 new public slips. It would, therefore create increased capacity for day users that was not accounted for in the 2012 RPU EIS. However, as described above, the Regional Plan caps growth in the region. Therefore, Alternative 2 would not induce an increase in new residential, commercial, or tourist accommodation growth beyond the levels analyzed in the 2012 RPU EIS. The impact on new growth in the region would be **less than significant**.

Alternative 3: Limit New Development

Similar to Alternatives 1 and 2, Alternative 3 would allow for up to one new public boat ramps and up to 365 new public buoys or slips. It would, therefore create increased capacity for day users that was not accounted for in the 2012 RPU EIS. However, as described above, the Regional Plan caps growth in the region. Therefore, Alternative 2 would not induce an increase in new residential, commercial, or tourist accommodation growth beyond the levels analyzed in the 2012 RPU EIS. The impact on new growth in the region would be **less than significant**.

Alternative 4: Expand Public Access and Reduce Existing Development

Because the growth in the region is capped by the Regional Plan, Alternative 4 would not induce an increase in new residential or overnight visitors. Additionally, there would be no new boat ramps, public buoys, or public slips under Alternative 4; consequently, there would be **no impact** on growth in the region with implementation of Alternative 4.

Mitigation Measures

No mitigation is required.

Impact 4-2: Consistency with applicable plans, policies, regulations, and the existing pattern of land use

Shoreline Plan Alternatives 1, 3, and 4 would result in changes to provisions in the TRPA Code that govern development within the shorezone. The provisions of these alternatives have been developed to implement the Regional Plan Goals and Policies and achieve thresholds, each striking a different balance of environmental protection and recreational access. The shorezone code provisions under all alternatives are intended to augment local TRPA plans by providing a framework for development within the shorezone that is consistent with the land use designations within each of those plans. The pattern of development allowed under each of the Shoreline Plan alternatives would be restricted not only by land use designations identified in local plans, but also by other existing provisions of the code that would remain unchanged, as well as by the requirement for compliance with environmental thresholds. All four Shoreline Plan alternatives would provide for the same types and pattern of land uses that already exist within the shorezone. As a result, all four of the Shoreline Plan alternatives would have a **less-than-significant** impact on land use patterns and consistency with land use plans that guide development within the region.

As described above, the Regional Plan Goals and Policies provide goals that describe desired conditions and values for the region, and policies that articulate specific strategies to achieve those goals. These goals and policies are aimed at achieving the balance between the natural and built environments to attain and maintain the thresholds. The Goals and Policies of the Land Use Element provide specifics on upland buildout, densities, permitted uses, and other land use criteria for the built environment, which are intended to be used to meet established thresholds.

The four Shoreline Plan alternatives are intended to complement the Regional Plan in that they provide for implementation and design requirements for shorezone structures designed to assist in achieving the Regional Plan goals and meeting TRPA thresholds. The topic areas addressed by the alternatives augment the Regional Plan and provide standards for development of structures within its framework. Development under the any of the Shoreline Plan alternatives would be required to conform with all other provisions in the TRPA Code and all existing land use designations, as specified by local TRPA plans and implementing policies. Plans, policies, and regulations associated with non-TRPA entities at the federal, state, or local level that govern the placement of shorezone structures would be adhered to, including any standards that are more stringent than the provisions of the Shoreline Plan.

Alternative 1: Proposed Shoreline Plan

The Shoreline Plan would involve amendments to sections of the TRPA Code that address uses and development in the shorezone of Lake Tahoe (TRPA Code Chapters 80–86), and related amendments to

TRPA Code Chapters 2, 10, 14, 50, 63, 66, and 90), based on the consensus developed through the steering committee, technical input from the Joint Fact-Finding Committee, and TRPA staff revisions for consistency, streamlining, and environmental adequacy. The general goal of Alternative 1 would be to enhance the recreational experience at Lake Tahoe while simultaneously protecting the environment. The details of this alternative were developed with a view to the five organizing principles of the plan, to (1) protect and where feasible enhance the environment; (2) provide a fair and reasonable system of access; (3) adapt to changing lake levels; (4) preserve quality recreation and public safety; and (5) implement predictable and consistent rules.

The proposed Shoreline Plan would not amend the permissible uses within the shorezone or lakezone of Lake Tahoe (TRPA Code Section 81.3). It would, however, eliminate location criteria requiring that shorezone structures be situated outside of prime fish habitat as depicted on the 1987 TRPA prime fish habitat geographic information systems (GIS) layer (and as amended by field verification). It would also introduce new design standards for single-use and multiple-use piers and uniform standards for moorings, to ensure structures adequately serve their users while being sufficiently protective of scenic and safety standards. The proposed Shoreline Plan would also maintain the restriction on locating structures in stream mouth protection areas and expand the requirement for consultation with drinking water purveyors for structures from within 600 feet, to within one quarter mile. Additionally, the scenic management system including scenic threshold standards and shoreline character types would remain intact under Alternative 1.

A total of 2,116 new moorings, 138 new piers, and two additional boat ramps could occur under this alternative at full buildout in the year 2040. New marinas and boat houses would be prohibited under this alternative. Any new structures would be required to be consistent with the permissible uses identified within local TRPA plans (i.e., area plans, community plans, PASs, and master and specific plans). For example, expansion of marinas would be allowed only within local TRPA plans that identify marinas as a permissible use, and public boat ramps would be allowed only within local TRPA plans that allow boat ramps as permissible uses. Exhibits 4-7 and 4-8 show those areas that could be eligible for new private piers under the eligibility criteria described in Chapter 2, "Description of Proposed Project and Alternatives," and areas where existing local TRPA plans would allow marina expansions and public boat ramps.

In addition to restrictions on and conformance with local TRPA plans, the placement and design of structures would be required to adhere to other code provisions regulating coverage, scenic protection, and stream mouth protection areas. The proposed Shoreline Plan would also maintain other Regional Plan provisions and related policy issues including shorezone tolerance districts and the system of upland development and growth control implemented by the Regional Plan.

The proposed Shoreline Plan intends to amend and clarify provisions regarding placement and eligibility of structures within the shorezone. The proposed Shoreline Plan would not result in inconsistencies with the Regional Plan or adopted local TRPA plans because applicable provisions of the Regional Plan would continue to apply to shorezone structures and all shorezone structures would be required to be consistent with the permissible uses identified in the applicable local plan. Therefore, Alternative 1 would result in a **less-than-significant** impact.

Alternative 2: Maintain Existing TRPA Shorezone Regulations (No Project)

Like Alternative 1, Alternative 2 would allow development of new structures within the shorezone. Unlike Alternative 1, Alternative 2 would not amend the provisions in the current TRPA Code but would lift the temporary moratorium on construction of new shorezone structures. This would result in the placement or construction of up to 6,936 new moorings, 476 new piers, six additional public boat ramps, and two new marinas. New development and placement of new structures would be consistent with the permissible uses identified within existing local TRPA plans, however the main restriction on the placement of structures within the shorezone would continue to be the prohibition on structures in prime fish habitat.

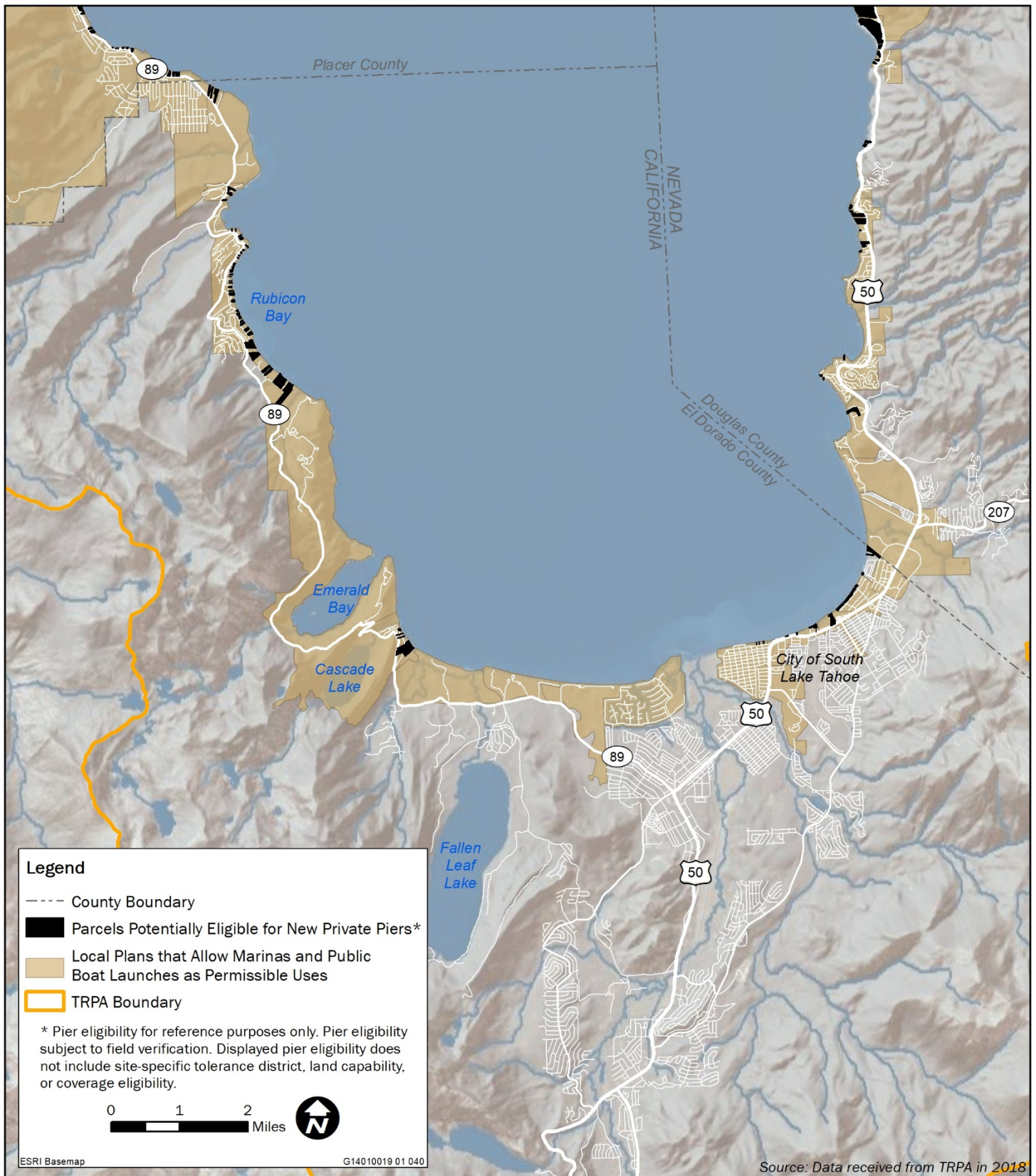


Exhibit 4-7 Pier Eligibility, Alternative 1, South



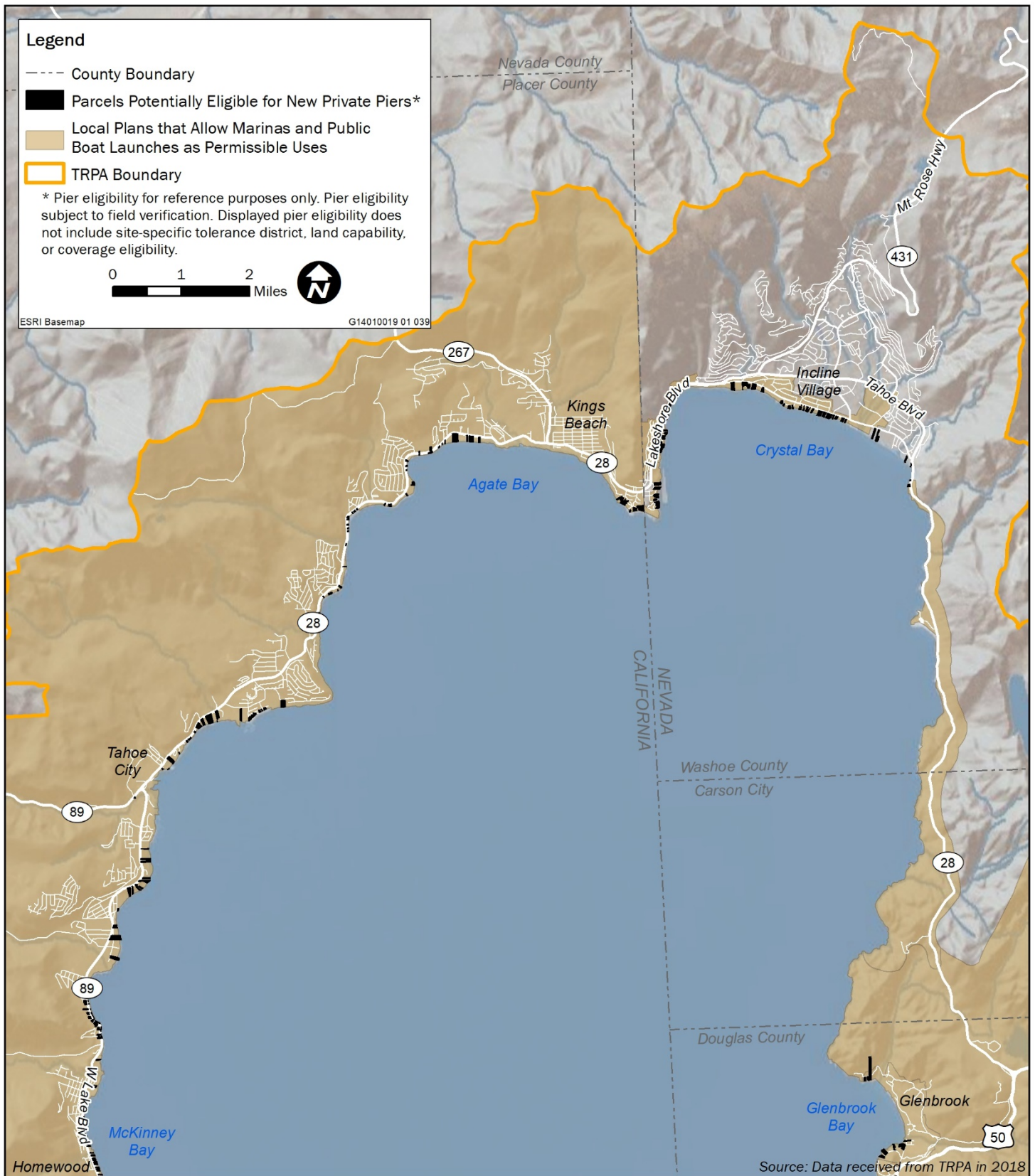


Exhibit 4-8 Pier Eligibility, Alternative 1, North



As with the proposed Shoreline Plan, Alternative 2 would be required to adhere to other provisions of the code that regulate the placement and design of structures including coverage restrictions, scenic protection, and stream mouth protection. Alternative 2 would not result in inconsistencies with the Regional Plan or adopted local TRPA plans and would not allow new land uses or create nonconforming uses. Alternative 2 would therefore result in a **less-than-significant** impact.

Alternative 3: Limit New Development

The land use effects of Alternative 3 would be similar to those discussed for Alternative 1 above but would involve fewer shoreline structures. Alternative 3 would implement similar code revisions including eliminating the location criteria requiring that shorezone structures be situated outside of prime fish habitat, introducing new design standards for single-use and multiple-use piers and uniform standards for moorings. It would also maintain the restriction on locating structures in stream mouth protection areas and expand the requirement for consultation with drinking water purveyors for structures from within 600 feet, to within one quarter mile. Other elements including permissible uses, shorezone tolerance districts, the scenic management system, and the system of upland development and growth control implemented by the Regional Plan would all remain unchanged.

For the same reasons as Alternative 1, Alternative 3 would not result in inconsistencies with the General Plan or adopted local TRPA plans and would not allow new land uses or create nonconforming uses. Alternative 2 would therefore result in a **less-than-significant** impact.

Alternative 4: Expand Public Access and Reduce Existing Development

Alternative 4 is unique in that it is the only alternative that would reduce the amount of development within the shorezone. The small number of new shoreline structures allowed under Alternative 4 (15 public piers) limits the potential for the alternative to result in inconsistencies with adopted plans. Furthermore, for the same reasons as Alternative 1, Alternative 4 would not produce inconsistencies with the Regional Plan or adopted local TRPA plans, or allow new land uses or create nonconforming uses. Therefore, Alternative 4 would have a **less-than-significant** impact.

Mitigation Measures

No mitigation is required.

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