

**TAHOE REGIONAL PLANNING AGENCY  
REGIONAL PLAN UPDATE COMMITTEE**

TRPA Offices  
Stateline, NV

January 4, 2012

**MEETING MINUTES**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Reedy called the meeting to order at 9:34 a.m.

Members Present: Ms. Fortier, Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Aldean  
Mr. Shute (by phone)

II. PUBLIC INTEREST COMMENTS

None

III. APPROVAL OF AGENDA

Ms. Aldean moved approval.  
Motion carried unanimously.

IV. APPROVAL OF MINUTES & ACTION SHEETS FROM PRIOR MEETING (S)

Ms. Aldean moved approval of the November 15 & 16, December 6 & 13, 2011  
minutes.

Motion carried unanimously.

Mr. Robinson moved approval of the December 15, 2011 minutes.  
Ayes: Ms. Fortier, Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute  
Nays: None  
Abstain: Ms. Aldean

Mr. Sevison moved approval of the December 6, 13 & 15, 2011 action sheets.  
Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Mr. Shute  
Nays: None  
Abstain: Ms. Fortier for December 13 and Ms. Aldean for December 15

V. PLANNING MATTERS

Mr. Stockham gave an overview of the order of materials documents and schedule.

Discussion on Implementation Measures for Development Allocations Land Use-2

Mr. Stockham gave an introduction to the above.

### Committee Comments & Questions

Ms. Fortier asked how staff determined the rate of 130 for the distribution of new residential allocations. She thought the normal rate was 150.

Mr. Hitchcock said it ranges from 86 to 300 based on the analysis that has been completed. The average is 150; 130 are based on 2,600 allocations divided over a 20 year life span.

Ms. Aldean asked why staff did not base the recommended allocations on the average of 150.

Mr. Hitchcock said staff established 2,600 as the allocation number for the alternatives; we divided it by 5 year increments over 20 years to come up with 130.

Ms. Aldean asked what the origin of the 2,600 was.

Ms. Marchetta said the 2,600 was an estimate of buildable parcels.

Ms. Aldean asked if that would include parcels that are eligible for multifamily, single family developments or a combination of both.

Mr. Hitchcock said it is a combination of both. Allocation numbers were developed to ensure there were enough to cover all parcels eligible to receive allocations, including some for multifamily projects.

Ms. Aldean said if some of those parcels are deemed to be undevelopable, why they would be recognized as potentially developable.

Mr. Hitchcock said even if a parcel is not developable, it would still have development rights associated with it.

Ms. Aldean asked if that was different from a residential allocation.

Mr. Hitchcock said in order to exercise the development right, you would need an allocation.

Mr. Stockham said the 2,600 is a slight reduction and staff anticipates allocating additional residential bonus units which are restricted, since they have to be done in a Town Center. Development allocations and their phasing in relates to the requirements California SB375.

Mr. Shute asked if TRPA will take into account any unused allocations before issuing a local jurisdiction the total 130 allocations.

Mr. Hitchcock said TRPA would not take into consideration the unused allocations and would start the count over.

Ms. Fortier asked if the City of South Lake Tahoe would lose their existing unused allocations under the new Regional plan.

Mr. Hitchcock said the local jurisdictions would be allowed to keep the unused allocations that they currently have.

Mr. Severson said it may create a situation that the local jurisdictions use the new allocations issued and have the existing ones to fall back on.

Mr. Stockham said if you used 80 of the 130 issued, the subsequent year you would have 180; each year may fluctuate based on the demand for housing.

Mr. Marshall said the local jurisdictions would have the number of existing plus the yearly amount issued. In the future years, if you are allocated 130 and use 80 the balance would come back to TRPA, but the next year you would be eligible for the 130.

Mr. Hitchcock said the rules on the books today, require unused allocations to be returned to TRPA, and staff is not proposing to change this.

Ms. Aldean said it is her understanding that if a local jurisdiction has 50 at the end of the 20 year plan, those are grandfathered in and would not have to be returned in the subsequent years, but going forward, unused quantities would be returned to the pool.

Mr. Hitchcock said that is correct.

Ms. Fortier asked how the bonus units are distributed. Many of the bonus units are tied to erosion control projects, are we using an Environmental Improvement Program or another model under the water quality TMDL model?

Mr. Hitchcock said residential bonus units are in a TRPA pool and can be earned by building deed restricted affordable/moderate housing units; or they can be earned for market rate units if you implement various mitigation measures.

Mr. Severson asked if a project did well in mitigating a community's environmental issues, would they be eligible for bonus units.

Mr. Hitchcock said in Chapter 35, bonus units can be earned through implementing mitigation measures, but it is not necessarily tied to erosion control projects.

Ms. Fortier said the system needs to be reviewed and refined to understand what credits you can get for bonus units. She asked if Sierra Colina was issued bonus units for their TMDL mitigation.

Ms. Marchetta said that Sierra Colina was a project done under a special projects provision.

Mr. Hitchcock said staff's proposal is to make the system easier to earn residential bonus units.

Ms. Aldean asked if the local jurisdictions will determine where bonus units can be used when they do their local plans.

Mr. Hitchcock said the focus is to use those bonus units in the Town Centers and the High Density Tourist Districts, although it does not preclude a permissible multifamily area to apply for bonus units for affordable or moderate income housing.

Ms. Aldean said if an area is located outside of a community planning area, but is serviced by transit, that it would not preclude the use of bonus units for the development of affordable housing.

Mr. Hitchcock said no, especially if multi families are a permissible use there.

Mr. Stockham said all of the existing programs for bonus units will stay in place and staff is proposing additional opportunities for bonus units to use within Town Centers, Regional Centers, and High Density Tourist Districts to better promote redevelopment and infill.

Ms. Fortier said she had confused bonus units with residential allocations.

Mr. Hitchcock said staff agrees the system needs refining and wants the local jurisdictions to be involved.

Mr. Sevison asked what happens to the unused residential allocations that go back to TRPA.

Mr. Hitchcock said they go into the TRPA pool and are used for a sensitive lot retirement program.

Mr. Sevison said by having allocations tied to them, they keep some value.

Ms. Aldean said if the lots are never going to be developed, does it make sense to have an allocation available for it.

Mr. Stockham said with a transfer development right, an unbuildable lot with a development right can be transferred to a Town Center using an allocation and possibly get bonus units as a match if you are sending it from a sensitive area.

Ms. Aldean said she does not have an issue with what is being proposed, but from a practicable standpoint, she does not know what it will accomplish.

#### Public Interest Comments & Questions

Ann Nichols, North Tahoe Preservation Alliance suggested staff include the number of left over units be included in the chart and also encourages staff to analyze air quality in considering the increases in population with these units.

Ellie Waller, Tahoe Vista said there are 661 remaining residential bonus units and asked how staff determined that 600 was a good number to be analyzed for the alternative being studied.

Dave McClure, Tahoe Vista asked if there is a standard transfer ratio between commercial floor area transferring into tourist accommodation units or residential units.

Mr. Stockham said staff is not aware of where that would be allowed and we are not proposing that.

Lew Feldman suggested in alternative 3, that there be a recharge because that is going to be the most effective tool to motivate people to take out tourist units that are in sensitive lands. It would be a desirable to accelerate the retirement of development sensitive lands.

Nicole Gergans, League to Save Lake Tahoe asked if there is a cap on the amount of tourist accommodation unit's that will be allowed to be transferred or turned into equivalent residential units.

Mr. Stockham said staff wants to ensure there are enough bonus units to promote redevelopment. If the pace continues, we would run out of residential bonus units, without creating more, whereas, on the tourist side we are confident that there are enough to get through at least the next plan update.

Mr. Hitchcock said we have conversion rules that allow conversions of tourist accommodation unit's to residential units of use. Also, we do not allow conversions of commercial floor area to units of use, but allow units of use to be transferred to commercial floor area.

#### Local and State Representatives Comments & Questions

Hillary Roverud, City of South Lake Tahoe suggested the distribution process be determined before new residential allocation language is approved. For infill in the Town & Regional Centers, staff should review the potential for residential, tourist and commercial development rather than how many vacant lots there are.

Steve Buelna said Placer County suggested that the performance evaluation system be reviewed with the local government committee. He suggested taking the number of vacant parcels and dividing them between the local jurisdictions rather than the allocations going back into the pool. If your performance drops, the total distribution amongst jurisdictions will not decrease, but you may not be awarded as many allocations for that particular year.

Ms. Aldean said that if all but 30 were used, the 30 would be your base number for the following year and you qualify for an additional 10 based on a performance evaluation, the total would be 40, and the 30 would remain with the jurisdiction and be factored into the overall allocation based on performance.

Steve Buelna said yes that the allocations from the other jurisdictions would not be going back into the pool and essentially losing the ability to develop further down the road.

Dan Siegel, California Attorney General's Office said he feels there are currently extensive bonus units for residential and tourist areas, and suggested waiting five years for the next performance review to see if we are getting the expected results.

Mr. Robinson asked Dan Siegel for clarification on who he was representing with the above statement.

Dan Siegel said he is representing the Attorney General's Office on behalf of the people for the State of California.

#### Committee Comments & Questions

Mr. Severson said if the numbers are on the high side then the pressure is off individuals to build who would not normally do so; we do not want a system like the 1980's.

Mr. Shute is concerned about the recharge because it is not known whether the number is too high or too low. He suggested a monitoring provision that would go along with this.

Ms. Reedy asked if there is the ability to change that over in the interim instead of the possibility of over allocating.

Mr. Shute said that the TRPA Governing Board has the authority to change these numbers at any time.

Ms. Aldean said she does not have any issues with the proposal for recharging the allocations.

Ms. Fortier said she feels the proposal for the allocations should be on the high side and it is economically beneficial and offers opportunities to the jurisdictions to maintain.

Ms. Reedy asked staff if they want a motion to be made on one of the alternatives.

Mr. Stockham asked for a week to review the suggestions that have been made today.

Mr. Sevison suggested it may be helpful to review with the local government committee.

Mr. Robinson said he supports the idea of having a monitoring process.

Ms. Marchetta asked for clarification on what staff would be monitoring.

Mr. Shute suggested an annual report to the Governing Board with the number of residential allocations, residential bonus units, tourist bonus units, and commercial floor area on how and to whom they were allocated and how it compares to the total.

Ms. Marchetta said staff is already started to work on a system for this.

Ms. Reedy asked the Board about delaying this a week since Mr. Shute is unavailable on the January 10.

Ms. Aldean said it may require more than one week if this is going to be reviewed with the local government committee.

Mr. Stockham suggested meeting with various staff's this week and having a recommendation next week.

Ms. Fortier said she agrees that this should be reviewed with the local government committee.

Mr. Sevison said it should go to the local government committee if the local government representatives cannot work out a solution.

Ms. Reedy said she would prefer not to wait for two weeks for the local government committee's regularly scheduled meeting.

Ms. Aldean suggested staff confer with local government committee representatives, so they are kept informed without having to convene a separate meeting.

#### Local and State Representatives Comments & Questions

Brandy McMahon, Douglas County asked if there was a consultant hired to produce a study of the incentives, such as the tourist accommodation unit's.

Mr. Stockham said the work being done is on the transfer ratios not on the number.

Brandy McMahon clarified her comment that it is not on the number.

Mr. Stockham said the number is primarily a phasing issue and we are recommending that we meet with the various staff's and come up with a solution.

Mr. Robinson said he would defer it to the local members of this group and would support their decision.

Mr. Shute asked why "average" keeps being referenced in the new residential allocation distribution.

**Mr. Stockham said staff will address the distribution rate and number of allocations and present at the January 10 meeting.**

#### Discussion on Land Use Classification and Designations Table

Mr. Stockham gave an introduction to the above.

#### Committee Comments & Questions

Ms. Aldean said staff indicated that industrial uses were included in mixed use, but under the definition of mixed use there is no reference to "industrial."

Mr. Stockham said TRPA does not have industrial land use classification, and that all of the industrial areas are currently under commercial and public service which is being renamed to mixed use.

Ms. Aldean said "Industrial" is not included under the mixed use category that identifies a mixture of commercial, public service and residential. She suggested adding "industrial."

**Mr. Stockham said staff will include "light industrial "and "office" in the Mixed Use definition for Land Use-4.1.**

Ms. Aldean asked if the committee concurs with her suggestion.

Ms. Fortier said that under Recreation you do not have a provision for ski areas that is separate from the recreation category.



Mr. Stockham said the ski areas are designated recreation. In the recreation definitions, it specifies areas with unique recreational resources. Staff is recommending additional tourist facilities be allowed in the recreation district.

Ms. Aldean asked if affordable housing is included in the under building design exceptions on the height limits for unique situations.

Mr. Stockham said staff is recommends adding an additional allowance for exceptions for public safety structures and can also add affordable housing.

#### Public Interest Comments and Questions

Tim Alameda said the North Tahoe Fire Protection District looks forward to working with staff on language that will allow adequate facilities in the future.

Mr. Stockham said staff recommends adding a definition for “basement” and defining a height limit in feet for two stories.

#### Committee Comments & Questions

None

#### Public Interest Comments and Questions

Ann Nichols, North Tahoe Preservation Alliance said she thought it was a 56’ height maximum in tourist and asked for clarification on the special height district. She is also concerned that there are significant increases in the density and coverage.

Mr. Stockham said if a tourist district is not within a Town Center, Regional Center or High Density Tourist District the rules are the same as they are today under this recommendation.

Mr. Hitchcock said the special height district is now included in the Regional Center.

Nicole Gergans said the League to Save Lake Tahoe is concerned with coverage, height and density and they also recommend that there be a standard for “bulk.”

Ellie Waller, Tahoe Vista is concerned with height and that TRPA should have caps for local plans.

Mr. Stockham said in staff is recommending a new policy that specifies going above two stories in height; staff wants to make it simpler to go higher in the designated Town Centers.

Ellie Waller said where you compare the scale of structures should be consistent with the surrounding uses, is interpretative.

Dave McClure said the North Tahoe Citizens Action Alliance is concerned that there will not be enough of a reduction in vehicle traffic, etc. in comparison to the increased density that is being proposed.

Laurel Ames said the Tahoe Area Sierra Club is concerned with the residential and casino core height standards.

Lew Feldman said the proposal of 25 units per acre should work in the Town Centers at four stories, but there is a need the higher density for tourist units with kitchens in the six stories and above which would apply to the Regional Centers and the High Density Tourist Districts.

#### Local and State Representatives Comments & Questions

Hilary Roverud, City of South Lake Tahoe the City's general plan evaluated in the tourist areas a density of up for up to 40 tourist units per acre, there was not a distinction between whether they have kitchens or not, but an increase would be consistent with the City's adopted policy.

Steve Buelna, Placer County suggested that staff look at height limits in terms of feet and a variance process is included to allow for height and other restrictions. The County also suggested in 2.1, language modifications to allow more flexibility in the adoption of local plans to create their own standards.

Ms. Aldean asked if Placer County is proposing under Community Design-2.1 B(1) adopting a general variance rather than listing possible exceptions.

Steve Buelna said in addition to the variance process, Placer suggested the language allow for some of the special provisions to be established through local plans.

#### Committee Comments & Questions

Mr. Shute asked what "existing" is in tourist.

Mr. Stockham said existing is two stories except for the special provisions which many tourist facilities could fit under the tourist accommodation units.

Mr. Hitchcock said today tourist accommodation facilities can earn up to 48'.

Mr. Stockham the existing code under this package would stay in place for tourist facilities outside of the centers.

Mr. Shute said this is ok, but what is the special height district referring to?

Mr. Stockham said that is no longer necessary because it has now been incorporated into the Regional Centers.

Mr. Shute said that could be existing, and deletes the other language.

Mr. Stockham said yes.

Mr. Shute asked if the maximum height in the existing system for tourist is expressed only in stories.

Mr. Hitchcock said it is expressed in feet and the maximum is 48'.

Mr. Shute asked if TRPA's method used to measure height is proposed to be changed.

Mr. Stockham said staff has an implementation measure proposed for height in Community Design to promote the stair stepping of structures.

Mr. Shute said then the numbers in the existing Code may have higher heights than what is expected because they way of measurements are taken.

Mr. Hitchcock said staff is proposing to change how we height is measured only on steep slopes. In other areas of the basin, the existing height calculations would still be based on lowest point.

Mr. Shute asked if there is a provision that will address how height is measured.

Mr. Stockham said under the current rules you take a measurement from the lowest point, which would allow stair stepping.

Mr. Shute said that numbers could be misleading if you change the way it is measured.

Mr. Stockham said staff's recommendation is not for that change. Staff believes with the height provision, additional height allowances in the centers with the stair stepping will cover it.

Mr. Shute said he hopes that these numbers are relying on the existing TRPA method otherwise these height numbers will be meaningless.

Ms. Marchetta said staff is only proposing changes to the way we measure height on steep slopes.

Ms. Reedy said there will be some additional language for the committee to review.

Mr. Shute said he supports the idea of smart growth and infill, but is concerned that there may not be the reduction in traffic or air pollution as planned.

Mr. Stockham said the preliminary numbers will be further studied in the Environmental Impact Statement.

Mr. Shute said whatever action we take needs to be contingent on the environmental analyses.

Mr. Stockham said he agrees that the Environmental Impact Statement will be important on this policy set.

Ms. Aldean asked staff if there are specific citations, articles, etc. that can be provided to the committee and posted to the website.

Mr. Stockham said staff will work on this.

#### Local and State Representatives Comments & Questions

Dan Siegel, California Attorney General's Office suggested applying those studies to the specific Town Centers that are being proposed to see if the smart growth works in both the high density and outlying residential areas.

Mr. Robinson asked if the Environmental Impact Statement will address these specific areas.

Mr. Stockham said the Environmental Impact Statement will address this at the policy level.

Ms. Marchetta said the local plans will have to be consistent with the thresholds as well as the environmental sideboards.

Ms. Aldean said the suggested amendments to the table as follows: Tourist; eliminate the language "including special height districts" and a footnote as part of the acknowledgement, that the current method for measuring height will not change except for how height is measured on steep slopes.

Ms. Aldean moved to adopt the table as proposed consistent with Mr. Shute's comments that this will be analyzed in the Environmental Impact Statement.

Ms. Fortier said she would propose that in the high density or the Regional areas that we look at land coverage as part of the local plan up to 75% coverage.

Ms. Reedy clarified that the suggestion was to change the coverage from 70 to 75% under the Regional Center.

Ms. Fortier said before a decision is made, she would like to review this information with her planning staff.

Mr. Sevison asked if 48' minimum in tourist is correct.

Mr. Stockham said this is existing, and would be covered under that language.

Ms. Fortier said the City of South Lake Tahoe is in agreement, that the 70% maximum coverage is the entire local land plans.

Mr. Stockham said staff will simplify the language on density in the Town Centers, Regional Centers, and High Density Tourist Districts to residential 25 units per acre, and tourist 40 units per acre.

Ms. Aldean asked if staff could give an example of how "density" would be reworded for the Town Centers, Regional Centers, and High Density Tourist Districts.

Mr. Stockham said on density it would read, residential up to 25 units per acre, and tourist up to 40 units per acre with adoption of a local plan.

**Mr. Sevison moved to approve the table with modifications.**

**Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Aldean, Ms. Fortier, Mr. Shute**

**Nays: None**

**Abstain: None**

Community Design Sub Element 2.1 A through 2.1 B(1)

No Introduction provided by staff.

Committee Comments & Questions

Ms. Fortier suggested that height, bulk, texture, form, etc., in the introduction should be included in the local plan.

Mr. Robinson asked if Ms. Fortier is specifically referring to landscaping.

Ms. Fortier said she feels that many of the elements should be under local plans with an overarching guidance.

Mr. Stockham said additional language could be added that would specify that the TRPA requirements could be superseded by local plan provisions.

Ms. Fortier said if we use the local plan provisions, then it needs to define what needs to be achieved and not have the TRPA's plan be so prescriptive.

Mr. Shute said on Community Design-2.1 B(1), should specify “32 feet” after two stories.

Mr. Stockham said staff concurs with the recommendation and also under that subsection he suggested to add “exceptions for affordable housing and or public safety structures.”

Mr. Shute said he is concerned that “redevelopment projects” as stated in “provisions for additional height requirements may be provided for unique situations...” is overly broad,

Ms. Aldean asked if that is “R” or “r.”

Mr. Hitchcock said it is a “R.”

Mr. Hitchcock said it the provisions for additional height requirements on redevelopment projects that were intended for redevelopment projects that were adopted by the City of South Lake Tahoe.

Mr. Shute suggested it should specify redevelopment projects authorized under state law.

Mr. Robinson asked staff to clarify why specificity is needed in order to meet thresholds, Legal, and the Compact.

Mr. Stockham said TRPA must achieve the Scenic Threshold and all new development shall consider these issues.

Mr. Robinson asked about the reference to the word “supersede.”

Mr. Stockham said it would supersede TRPA code, as written it would not supersede the Regional Plan policy language.

Mr. Marshall said there still has to be mechanisms for review and approval of projects and developments that are going to occur outside of the context of a local plan.

Mr. Severson said he is not sure verbiage regarding redevelopment projects authorized under state law should be added because it may preclude some private redevelopment from moving forward.

Mr. Marshall said this existing code section was written for “R” redevelopment projects as a way of differentiating between redevelopment on private parcels that would be subject to the height limitations of above.

Mr. Stockham said staff has incorporated the “R” redevelopment allowances into the Regional Centers and have policies to address those allowances; “redevelopment project” could be eliminated.

Mr. Shute asked how the height limits applied to tourist accommodation facilities under the new proposal.

Mr. Stockham said the existing allowance for tourist accommodation units would remain.

Mr. Shute asked why they should be called out as being eligible for additional height as a whole general category.

Mr. Stockham said because some of them are not located in Town Centers and would need to utilize this provision in order to build more than two stories.

#### Public Interest Comments and Questions

Ann Nichols, North Tahoe Preservation Alliance suggested the language for tourist accommodation in regards to height needs to be more specific.

Ellie Waller, Tahoe Vista suggested that if the local plans are defining their designs, there should be a cap on additional height. She is also concerned about the affordable housing component.

Lew Feldman said he would propose that the addition of approved ski area master plans follow the Regional Center.

Tim Alameda said the North Tahoe Fire District suggested that the language for Community Design-2.1 B(1) say "shall" instead of "may" and also includes buildings for public safety essential services in the language.

Mr. Stockham said staff recommended adding affordable housing, public safety structures and tourist accommodation facilities.

Ms. Aldean suggested that exceptions should be made for public safety facilities if it is determined that additional height is required.

Mr. Stockham said staff's intent from changing it to "shall" from "may" was to not require that additional height be allowed for every situation.

Ms. Aldean said we should confine the requirement that exceptions be made just for public safety facilities.

Mary Huggins said Cal Fire agrees with language in 2.1B (1) to be "shall" rather than "may." She also suggested that the language in Landscaping, C.1 to remain as stated.

#### Local and State Representatives Comments & Questions

Hilary Roverud, City of South Lake Tahoe said she is concerned with the specificity in the Community Design element and how it may not allow the local jurisdictions the flexibility to develop their own design standards and still meet the TRPA and Regional Plan guidelines. Brandy McMahon said Douglas County concurs with the comments of the City of South Lake Tahoe.

Steve Buelna, Placer County suggested that the language be written to create enough flexibility so that the local jurisdictions could further refine it with the local plans.

Jennifer Merchant, Placer County said the intent is ok, but the Community Design Goal 1 and 2 are too detailed, suggested staff work on the language and specificity.

### Committee Questions and Comments

Ms. Aldean said she would encourage staff to amend the language and make it more permissive rather than mandatory, with some minimum requirements incorporated.

Mr. Shute said he is concerned with delegating to the local jurisdictions without maintaining some sideboards.

Mr. Stockham said staff is recommending that the special height exception remains and qualifying types of developments to address public safety and affordable housing.

Mr. Shute said the public safety provision should be made a separate standalone provision. Also, he does not support leaving the tourist accommodation unit's proposal as is.

Mr. Hitchcock said it would not be possible for a tourist accommodation unit outside a Town Center to have six stories with the permitting process, etc.

Ms. Reedy said she is not clear on this discussion.

Mr. Shute said the exceptions should be tailored to unique situations and does not believe that a tourist accommodation is unique.

Mr. Marshall said the current language provisions are referencing code, so implementing code would be needed to allow for these provisions.

Ms. Reedy asked what the process would be if additional height was requested.

Mr. Marshall said staff wants the above height limitations to be the cap in those areas and then outside those areas there are provisions, existing language would stay if it is not a cap.

Mr. Robinson asked if Mr. Shute's scenario could play out then.



Mr. Marshall said that would be correct.

Ms. Reedy said the language is confusing.

Ms. Aldean said this relates to local plans, if there is a situation where this provision for additional height is exercised, that it be subject to TRPA Governing Board review.

Ms. Fortier said the ski area master plans are critical for the City and flexibility is needed for height.

Mr. Shute said he does not have an issue if there is language such as, "tourist accommodation facilities within approved master ski area plans."

Mr. Stockham said he is concerned if it was deleted, a tourist accommodation facility under the current allowance for an exception or limited it to only outside Town Centers; a project may not have the opportunity to apply for additional height through the special exception provisions.

Ms. Reedy asked if we could we grandfather in an existing height.

Mr. Stockham said if the direction is to change the approach, staff may need additional time to work on a recommendation.

Ms. Aldean suggested that any application for additional height for a unique situation would go through TRPA. Although, it is in the current Code, she suggested referencing it the new proposal "pursuant to the existing Code."

Mr. Stockham said there were two recommendations; one that the unique situations would require TRPA review and the second would be to lock it into the TRPA Code.

Mr. Sevison said another way to allow for agency review is to add "as provided for in specific plans."

Mr. Stockham said that is how this is structured and what staff is recommending.

Mr. Shute suggested language additions "any unique situation or any situation where additional height can be justified, can be approved through a local plan subject to TRPA direct approval."

Mr. Stockham said staff is in agreement that a local plan could specify the additional height for a special circumstance or it could be done through direct TRPA review.

Ms. Fortier suggested in 2.1 B (1) where the sentence starts with, within Regional Centers, adding the language "and ski area master plans."

Mr. Stockham said staff believes it is too broad making six stories a default height throughout a ski area master plan. He suggested doing it in the local plan through the exception process.

Ms. Fortier said she does not see the issue since a local plan has to be in conformance with the Regional plan.

Mr. Stockham said staff is not in support of having a broad expectation that six stories are acceptable anywhere within a ski area master plan and agrees there should be a review point.

Mr. Shute said that he does not have an issue including the ski areas, but that height is too high.

Ms. Aldean suggested rather than incorporating ski area master plan in that provision, add it to the “black language” below; then buildings added within ski area master plans, it would be possible to increase the height and subject to TRPA review.

Ms. Fortier said that is agreeable.

Ms. Aldean clarified the suggested language; “provisions for additional height requirements, may be provided for unique situations, such as, lighting towers, ski towers, buildings within ski area master plans, steep sites, tourist accommodation facilities, affordable housing and public safety facilities subject to TRPA review.”

Mr. Marshall said staff does not have a definition for public safety facilities, but we have one for local public health safety facilities. Suggested that staff be recommended to work with the fire officials for language that is inclusive of the specific structures.

Mr. Robinson said this could also be for a 100’ training towers, communication towers, etc.

Ms. Reedy said her immediate thought is that it would be that it is a fire station.

Ms. Marchetta suggested the committee direct staff to create an implementation measure to draft a Code provision that allows for additional height in appropriate circumstances.

Ms. Aldean said to leave one of the possible exceptions as public safety facilities, but in the implementation provision expand on the specific exception related to fire facilities.

Mr. Stockham said staff wants to allow flexibility for local plans to address unique design requirements as long as they comply with the Regional plan. He suggested adding “F” that local plans may include replacement community design requirements, if they address topics in “A” through “E.”

Mr. Marshall said we have made progress on threshold attainment because of Code sections implementing these policies, and is concerned if we substitute open ended requirements.

#### Local and State Representatives Comments & Questions

Hilary Roverud, City of South Lake Tahoe said that meeting the Scenic Thresholds, etc. would remain in TRPA Code whether a jurisdiction adopted a local plan or not, but the jurisdictions need to have the opportunity to address issues differently and still achieve the same effect.

Jennifer Merchant said Placer County has done that in our existing community design guidelines, and it will be in our codes until they get superseded by the Regional plan and the new local plans. She also commented that these policies are written like Code language.

Ms. Aldean suggested in the language “to be found in conformance with the Regional plan, local government plans shall require that all projects comply with the following design requirements. Local government plans may also include additional requirements.” She suggested striking the balance of the language and say “or different or equivalent requirements.”

Ms. Fortier said some of the language could be reworded, but should TRPA review material, colors, etc.

Ms. Aldean suggested by using the language “different or equivalent requirements” would allow the local governments to use their own design requirements while moving towards attaining thresholds.

Ms. Reedy asked if what local jurisdictions are asking for inconsistent with us achieving thresholds.

Mr. Marshall suggested in the conformance findings, local plans would have the same effect on the measurement of scenic improvement in our Thresholds.

Brandy McMahon, Douglas County said they liked the recommend language in the letter from Place County. She asked if Clarion could provide more specific language in the Code.

Mr. Marshall said he is concerned that if you remove the Regional plan language for which the code is implemented, the basis for which you have that code language no longer exists.

Mr. Stockham said the local plans are going to need to take ownership of threshold attainment in order to be able to replace our system.

### Public Interest Comments and Questions

Nicole Gergans, League to Save Lake Tahoe said that any decisions made that Resolution 82-11 requirements are being met.

Ellie Waller, Tahoe Vista concern about redefining how height is measured on steep slopes, and how that relates to the current scenic threshold criteria and analyzes.

Mary Huggins, Basin Chiefs suggested safety services be a standalone item outside of Community Design-2.1 B (1) since it is a “shall” and not “may.”

Ms. Aldean said the intent is to include more specificity in the implementation measure. All that would remain in CD-2.1 B (1) would be a general reference to public safety facilities.

### Committee Comments & Questions

Mr. Stockham suggested the following language modifications: In the introductory policy after the “red” strike out text, “local government plans may also include additional or substitute requirements not listed below that do not undermine threshold attainment.” In 2.1 E (1), off premise signs to read, “off premise signs should be minimized.”

Ms. Aldean said she also wants to add the affordable housing and public safety facilities.

Mr. Stockham said the following would read: 2.1 B (1) “outside Town Centers building heights shall be limited to two stories (32 feet). Within Town Centers building height may be allowed up to four stories (56 feet) as part of a local plan that has been found in conformance with the Regional plan. Within Regional Centers building height may be allowed up to six stories (95 feet) as part of a local plan that has been found in conformance with the Regional plan. Within the High Density Tourist District building height may be allowed up to 197 feet as part of a local plan that has been found in conformance with the Regional plan. Provisions for additional height requirements may be provided for unique situations such as lighting towers, ski towers, buildings within ski area master plans, steep sites, tourist accommodation facilities, affordable housing and essential public safety facilities as provided in Code or conforming local plans.”

Ms. Fortier asked if there would still be a TRPA review.

Mr. Stockham said a TRPA review will be done automatically through local plans.

Mr. Shute said we are writing a plan not a Code, so whatever requirements we want need to be in the plan.

Ms. Fortier suggested language modifications in 2.1 A (3), replacing “BMP” with “water quality.”

Mr. Shute said he would support a motion on 2.1 B (1) because of the provision for TRPA approval, but is unsure why tourist accommodation facilities are unique.

**Mr. Robinson moved to approve Community Design 2.1 A from the preface through 2.1 B (1) including the modifications to 2.1 A (3).**

**Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Aldean, Ms. Fortier, Mr. Shute**

**Nays: None**

**Abstain: None**

Mr. Marshall asked if the last sentence in B.1 was Ms. Marchetta's suggestion.

Ms. Fortier said Mr. Shute's comment was that it should be in the plan itself.

Mr. Shute said it was including the language for TRPA approval at the local plan or otherwise.

Ms. Marchetta said the last phrase is subject to TRPA Code or an approved local plan.

Mr. Robinson said he heard it as TRPA "review."

Mr. Marshall asked for clarification on what the committee is suggesting review of. He asked if there should be a specific reference to TRPA approved code or TRPA approved local plan.

Mr. Shute said he understands now why staff is using the reference to Code.

Mr. Marchetta said it would read "provisions for additional height requirements may be provided for unique situations such as, lighting towers, ski towers, buildings within ski area master plans, steep sites, tourist accommodations facilities, affordable housing and essential public safety facilities subject to TRPA Code or an approved local plan."

Mr. Shute said the reference to the Code is ambiguous. He suggested that if it is not subject to a local approved plan, that it is subject to TRPA approval through a Code amendment.

Mr. Marshall suggested a language modification "pursuant to TRPA approval, pursuant to a local plan conformance approval or Code amendment, provisions for additional height requirements may be provided for unique situations such as lighting towers, ski towers, buildings within ski area master plans, steep sites, affordable housing units, tourist accommodation facilities, essential public safety facilities."

**Ms. Reedy asked for a confirmation vote on language proposed by staff:**  
**Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Aldean, Ms. Fortier, Mr. Shute**  
**Nays: None**  
**Abstain: None**

Community Design Sub Section 2.1 B (2) through E

No Introduction was provided by staff.

Local and State Representatives Comments & Questions

Hilary Roverud, City of South Lake Tahoe suggested the following language modifications: CD-2.1 B (2) “building height shall be established to detract from view sheds.” CD-2.1 B (4) “the scale of structures should be consistent with the surrounding structures.” CD-2.1 B (6) changing “shall” to “should.” Landscaping, number 2; “vegetation could be used to screen....” Number 3, “plants could be used to give privacy...” Lighting, number 4, there should be exceptions for large gateway changeable message signs. Signing, number 1 eliminate “off premise signs are prohibited.”

Steve Buelna, Placer County said they agree with many of the City of South Lake Tahoe’s comments. He suggested in CD2.1 B (4) language modification to say “consistent with desirable surrounding structures.

Brandy McMahon, Douglas County said in CD-2.1 B (2) it conflicts with allowing the redevelopment of the Stateline area. She agrees with Placer County on CD-2.1 B (4). In regards to CD-2.1 D (3), are changeable message signs allowed in the basin?

Jennifer Merchant, Placer County suggested in CD-2.1 B (3) the language is should be “may” instead of “shall.”

Committee Comments & Questions

Ms. Fortier said she does not agree with the word “desirable.”

Ms. Aldean said scale is different than aesthetic appearance and suggested using the word “compatible” with surrounding structures.

Mr. Hitchcock said TRPA does permit changeable message signs in the basin. They are allowed to change copy four to six times per hour.

Mr. Stockham said in CD-2.1 staff agrees to that “BMP” should be replaced with “water quality” in A.3. In B.4 staff would prefer exempting out those areas rather than eliminating the statement.

Ms. Aldean said “ridgeline” should remain, delete “forest canopy” and “or otherwise detract from the view shed” would remain.

Mr. Stockham said staff agrees.

Mr. Marshall said if you delete “forest canopy” that you are relying on four story maximum requirements, height limitations and exceptions.

Mr. Stockham suggested that building heights, etc. shall not project above the forest canopy or ridgelines except where existing development already projects above the forest canopy or ridgelines.

Ms. Aldean said what staff is acknowledging is that we have buildings that currently project above the tree line and they for all intensive purposes are grandfathered in.

Mr. Marshall said the maximum would have to be analyzed under the Environmental Impact Statement.

Ms. Aldean suggested a language modification to read “buildings that already exist that are in excess of the surrounding tree canopies.”

Mr. Marshall said those buildings are grandfathered; we do not have to make an exception.

Mr. Shute said we have non-conforming existing in uses already covered.

Mr. Stockham said staff intended language to be that those uses could redevelopment.

Mr. Shute said is if you have an existing building that is above the tree canopy it is grandfathered.

Ms. Aldean said if some projects are not entitled to the same height, we would they make the investment to build.

Mr. Stockham suggested language such as “ensure the buildings do not project above the forest canopy or ridgelines. Where existing buildings project above the forest canopy or ridgelines, redevelopment activities shall not increase the scenic impact of those buildings.”

Mr. Shute said he understands when you are amending a plan; you have to move toward achievement.

Mr. Marshall said he is not as concerned about project by project redevelopment. The existing language does not limit the ability to redevelopment certain projects to their same height.

Mr. Stockham said in 2.1 B (3), staff does not concur with the recommendation for buffer requirements to delete “shall” and replace with “may.” Staff recommendation is to replace “shall” with “should.”

Mr. Shute asked for clarification on “should.”

Mr. Stockham said “should” is a common word in policy documents that gives direction but is not as strict.

Ms. Aldean suggested adding “if possible” at the end of the sentence.

Mr. Stockham said staff has noise related policy amendments later. He suggested “buffer requirements or alternative provisions shall be established.”

Jennifer Merchant, Placer County said we are talking about building design, not the Noise Threshold.

Mr. Stockham said it may be an establishment that would need a buffer area between the business and residential area.

Mr. Sevison suggested specifying that noise, etc. should not be elevated above current standards.

Mr. Marshall said this seems to be a neighborhood issue rather than a threshold issue.

Jennifer Merchant, Placer County Suggested it say “buffer requirements shall be established for environmental purposes when necessary” or possibly strike the entire statement.

Mr. Stockham said the Noise Threshold issues are not driven by building activities.

Mr. Stockham asked if there is agreement to change “shall” to “should.”  
Mr. Marshall said yes.

Mr. Stockham said sub item B.4. The scale of structures replace “consistent” with should be “compatible.”

Steve Buelna, Placer County said the word “compatible” is better, but still could be problematic if you have a non-conforming use.

Ms. Aldean said we talking about scale, not aesthetics.

Mr. Stockham suggested in B.4 “The scale of structures should be compatible with existing and planned land uses in the area.” In B.6, staff is unsure about the concern on the recommendation to replace “shall” with “should.”



Jennifer Merchant, Placer County said there are certain areas where it is not feasible.

Mr. Stockham said in Landscaping, sub items 1 & 3, recommendations were to replace “should” with “could.”

Ms. Aldean suggested that “should” be replaced with “can.”

Mr. Stockham said staff is promoting the use of native vegetation.

Hilary Roverud, City of South Lake Tahoe said it was numbers 2 & 3 for changing “should” to “could.” There were no changes to number one.

Mr. Stockham said most landscape codes require some form of landscape buffer.

Ms. Aldean suggested adding “where feasible” to number 3 as well and change it back to “should.”

Jennifer Merchant, Placer County suggested on C.2 & C.3 being consistent between “vegetation” and “plants.”

Mr. Stockham said staff will use “vegetation.” In D.4 the recommendation was to say “except for gateways”, this is referring to blinking and flashing and intensity changes, and staff recommends that “should” remain.

Mr. Sevison asked about changeable signs during construction periods.

Ms. Aldean suggested that temporary safety signs be included.

Mr. Stockham said that is already permitted, but it is not specified in the policy.

Ms. Fortier asked if we can add in “approved gateway signs.”

Mr. Stockham asked if we want flashing gateway signs.

Mr. Stockham said in E.1 the recommendation to delete the limitation on the off premise signs, staff recommend that “off premise signs should be minimized.”

Mr. Marshall suggested “off premises signs may be allowed when doing so improves scenic quality.”

Mr. Hitchcock said the way finding signs that the City adopted is covered under a Memorandum of Understanding with Caltrans.

Jennifer Merchant, Placer County said that they have worked with TRPA on this and were not able to use that way finding sign provision for directional signs.  
Mr. Stockham suggested “off premise signs are only allowed for directional signs or signs that reduce visual clutter.”

Hilary Roverud, City of South Lake Tahoe said this is a 20 year plan and suggested using the minimized language and have it proposed in the local plans.

Mr. Shute suggested “off premises signs should be discouraged.”

Ms. Fortier said that is the same as saying prohibited.

Mr. Shute said “discouraged” is not as strong as “prohibited.”

Ms. Reedy said in some places they should be encouraged.

Ms. Aldean said that directional sign, way signs fall into this category as an off premise sign.  
Mr. Hitchcock said directional signs can be located off premise.

Ms. Aldean said she agrees with Mr. Marshall’s suggestion that off premise signs may be allowed if they scenic quality.

Ms. Marchetta said that way finding signs do not necessarily improve scenic quality, but we would like to encourage in a tourist areas as appropriate.

**Ms. Fortier moved to approve Community Design 2.1 B (2) through 2.1 D (4) with modifications. The committee deferred action on CD-2.1 E and directed staff to work with local jurisdictions and return with recommendations on January 26.**

#### Public Interest Comments and Questions

Ellie Waller, Tahoe Vista said she is concerned with allowing gates and walls as screening because it may become too wide spread and the noise issue. In addition, she supports way finding signs.

Dave McClure, North Tahoe Citizens Action Alliance is concerned with the building heights and the forest canopy and the effect on the thresholds.

#### Committee Comments & Questions

Mr. Sevison is it correct that off premise signs are going to be deferred?

Ms. Fortier said the local jurisdictions want flexibility so their plans accomplish the same goals as the TRPA.

Mr. Stockham said the summary of changes in Community Design-2.1. Under "Policies", after the red strike out text it would read "additional or substitute requirements not listed below that promote threshold attainment." Item A.3 replaced "BMP" with "water quality." B.2 is unchanged. B.3 replaced "shall" with "should." B.4 "The scale of structures should be compatible with existing and planned land uses in the area." Added "where feasible" in B.6. C3 replaced "plants" with "vegetation" and added "where feasible." D.4 "Lights should not blink, flash or change intensity except for temporary public safety signs." The committee has suggested deferring signage.

Ms. Aldean asked if we eliminated number3.

Mr. Stockham said it is remaining because Noise is a plan sub element and we are addressing the drivers of noise in the Region in that sub element.

Ms. Aldean said she wanted to clarify how number B.4 would read, "the scale of structures should be compatible with existing and planned uses in the area."

Mr. Sevison suggested that an off premise signs should be permitted only when made part of a local temporary or permanent use permit consistent with the Regional plan.

**Ms. Reedy asked for a vote on the above motion.**

**Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Aldean, Ms. Fortier, Mr. Shute**

**Nays: None**

**Abstain: None**

#### Community Design-2 Implementation Measures

Mr. Stockham said we have an additional one which is to develop a definition of essential public safety facilities in coordination with local public safety agencies. He said there will be three bullets total. 1. "Amend code to be consistent with policy changes in this subsection. 2. The second bullet will remain and is not addressed in the policy. This will not change how height is measured, but will allow stair stepping. 3. Staff will develop the definition of essential public safety facilities.

#### Committee Comments & Questions

Mr. Stockham said if you endorse the concept of amending Code to allow the stair stepping, staff would bring back the Code language next month for committee review.

Mr. Shute asked for an explanation of how steep slope measurement would occur.

Mr. Stockham said if you have multiple buildings, each building would have to meet height requirements as a separate building. If they are separate and touch, they would be treated as one and the measurement would be from the lowest point.

Mr. Hitchcock said the current height ordinance discourages buildings that step back with articulation, by doing that they would exceed the height ordinances.

Mr. Stockham said staff recommended this change and would include a graphic for stair stepping.

Ms. Reedy said we are voting on having that being brought back to this committee.

#### Public Interest Comments and Questions

None

#### Local and State Representatives Comments & Questions

Steve Buelna, Placer County asked if staff is going to look at the way Placer County measures height

Mr. Stockham said the numeric height limit that staff recommends are premised on the way height is currently measured from the low point.

Jennifer Merchant asked if we will be discussing this in the future.

Mr. Stockham suggested that any recommendations be made now.

Steve Buelna, Placer County asked why we would not look at the Placer County method of measuring since two of Placer County's adopted projects used that method.

Mr. Stockham said staff's recommendation to permit four stories where those projects are in a Town Center, they would be allowed to do four stories and permissible under staff recommendations.

Mr. Marshall said we added height to make it consistent with TRPA measurements, but the net result would be the same.

Mr. Stockham said proposal is for a new first bullet; "amend Code to reflect policy changes in the Community Design sub element," no changes to the second bullet, and the new third bullet would read "develop a definition of essential public safety facilities in coordination with local public safety agencies." All of the other ones are captured within the new first bullet.

**Ms. Aldean moved to approve the implementation measure with modifications.**

**Ayes: Ms. Reedy, Mr. Robinson, Mr. Sevison, Ms. Aldean, Ms. Fortier, Mr. Shute**

**Nays: None**

**Abstain: None**

## Committee Comments & Questions

Ms. Aldean suggested some clerical changes and will coordinate with staff. Also, in the December 15 meeting there was a unanimous approval for changing land capability district from a low land capability to a high land capability; she asked why number three is specified as high capability land.

Mr. Stockham said staff will make the corrections as it should be four through seven for high land capability.

Mr. Stockham said on page II-23, action was deferred on the implementation items. There was a tentative endorsement of the transfer ratio table on the following page, but no endorsement for the introductory language for the transfer table. Staff will bring back recommended language for the third bullet along with the recommendations on subdivisions, facilities and recreation areas.

Mr. Stockham said action on the bullets for subdivisions will be deferred until January 24.

### VI. PUBLIC COMMENT

Jennifer Merchant, Placer County asked for a list of topics for January 10.

Mr. Stockham said Transportation, remaining Land Use items, Tourist Accommodation transfers, Regional Land Use Map and two related policy adjustments, Housing policies, Plan Introduction, and Allocations.

### VII. ADJOURNMENT

Chair Ms. Reedy adjourned the meeting at 4:08 p.m.

*The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.*