ADOPTION OF THE CITY OF SOUTH LAKE TAHOE'S TAHOE VALLEY AREA PLAN

- **MOTIONS**

- **AMENDMENT TO THE 1987 LAND CAPABILITY MAP, AREA PLAN ADOPTION, AND CODE AMENDMENT FINDINGS**

- **ORDINANCE 2015-**

MOTIONS FOR ADOPTION OF THE LAND CAPABILITY MAP AMENDMENT, TAHOE VALLEY AREA PLAN, AND CODE AMENDMENTS

In order to recommend approval of the Tahoe Valley Area Plan and associated Land Capability Map and TRPA Code of Ordinances amendments, the Advisory Planning Commission should make the following motions:

A motion to recommend Governing Board approval of the required findings, including a finding of no significant effect, for adoption of an amendment to the 1987 Land Capability Map ("Baily Overlay Map"), based on the findings in the Stream Environment Zone Report for the Tahoe Valley Area Plan prepared by Terra Science, Inc. (July 2014) as shown in Attachment C.

A motion to recommend Governing Board approval of the required findings, including a finding of no significant effect, for adoption of the Tahoe Valley Area Plan and TRPA Code of Ordinances amendments as shown in Attachment F.

A motion to recommend Governing Board adoption of Ordinance 2015-__ ,amending Ordinance 87-9, as previously amended, to amend TRPA's Regional Plan and Code of Ordinances to include the City of South Lake Tahoe's Tahoe Valley Area Plan as shown in Attachments F.

REQUIRED FINDING FOR RECOMMENDATION OF ADOPTION OF THE LAND CAPABILITY MAP AMENDMENT

Required Finding: The following Chapter 30 finding must be made prior to recommending approval of the Land Capability Map Amendment for the Tahoe Valley Area Plan (TVAP):

Finding: TRPA finds that an amendment of the Regional Plan pursuant to subsection 30.3.5: *Amendment of Land Capability Overlays by Amendment of the Regional Plan* of the TRPA Code is warranted, based on the findings in the Stream Environment Zone Report for the TVAP, prepared by Terra Science, Inc. (July 2014), and that pertinent land within the TVAP, due to natural characteristics specifically identified in the Report, properly belong in land capability districts other than that in which they are presently classified in the Land Capability Classifications of the Lake Tahoe Basin, Bailey, R.G., 1974 ("Bailey Report").

Rationale: The City of South Lake Tahoe hired Cardno/Entrix and Terra Sciences, experts in the field of soil science and hydrology, to review the existing mapped Stream Environment Zones (SEZs) and verify the land capability districts for the TVAP. The consultants analyzed previous land capability verifications, site assessments and land capability challenges that have occurred in the planning area, conducted a visual inspection of SEZs (reviewing vegetation, landforms, topography and aerial photography, and examined soil samples to closely examine near-surface soil conditions). In July 2014, Terra Science, Inc. completed a Stream Environment Zone Report for the TVAP pursuant to the provisions of Chapter 30: *Land Coverage* of the TRPA Code.

The Report includes an SEZ map for the TVAP that updates the map prepared in 1974 ("Baily Overlay Map"). The map was prepared in AutoCAD, using linework transcribed from field maps (aerials and parcel maps). The SEZ mapping utilized multiple parameters to assure accurate boundaries, particularly for situations having naturalistic conditions. The refined SEZ mapping is the product of several layers of investigation, not reliance only soils and/or vegetation observations. In addition, the refined SEZ mapping reflects over 60 hours of field examination for the study area. Such effort is substantially greater and more detailed than previous soil mapping and vegetation observations for the same area.

The incorporation of the refined SEZ map into the TVAP does not result in any environmental change or impact; it acts to provide an accurate reflection of the extent and location of SEZ in the Area Plan. The revised SEZ mapping will be considered a planning-level tool that represents best available information regarding SEZs. Parcel-specific TRPA land capability and SEZ verifications will still be required to determine development potential and parcel entitlements. If adopted, the more refined historic SEZ mapping will be utilized by the City to identify specific parcels and/or areas where SEZ restoration should be prioritized.

These efforts have result in a new SEZ and land capability district map which is included as Figure 15 in the TVAP. It should also be noted that even with an updated land capability map, property owners are still required to obtain parcel level site assessments and/or land capability verifications from TRPA prior to project submittal (IS/IEC, Pg. 97 – 101).

REQUIRED FINDINGS FOR RECOMMENDATION OF ADOPTION FOR THE TAHOE VALLEY AREA PLAN

Required Findings: The following Chapters 3, 4, and 13 findings must be made prior to recommending adoption of the proposed Tahoe Valley Area Plan (TVAP):

Chapter 3 Finding: The following finding must be made prior to adopting the proposed TVAP:

1. Finding: The proposed TVAP and associated Land Capability Map and TRPA Code amendments could have a significant effect on the environment, but due to the listed mitigation measures in the Initial Study/Initial Environmental Checklist which have been added to the area plan, the area plan would have no significant effect on the environment and a mitigated finding of no significant effect has been prepared in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code and Rules of Procedure, Article 6.

   Rationale: Based on the joint City of South Lake Tahoe Initial Study/Mitigated Negative Declaration prepared pursuant the California Environmental Quality Act (CEQA) and TRPA Initial Environmental Checklist/Finding of No Significant Effect prepared pursuant to the TRPA Code and Rules of Procedure, referred to hereafter as the "Initial Study/Initial Environmental Checklist (IS/IEC)," it has been determined that the proposed Area Plan would not have significant effects on the environment that were not previously addressed or adequately addressed in the 2012 Regional Plan Update Environmental Impact Statement, Regional Transportation Plan Environmental Impact Report/Environmental Impact Statement, or City General Plan Update Environmental Impact Report, or that cannot be mitigated to a level of insignificance, therefore, a Mitigated Finding of No Significant Effect has been prepared.

   The IS/IEC was prepared to evaluate the potential environmental impacts of the TVAP and tiers from and incorporates by reference specific analyses and mitigation measures contained in the following environmental review documents:

   - TRPA, *Regional Plan Update Environmental Impact Statement (EIS),* certified by the TRPA Governing Board on December 12, 2012 (RPU EIS);
   - TRPA/Tahoe Metropolitan Planning Organization (TMPO), *Mobility 2035: Regional Transportation Plan/Sustainable Communities Strategy EIR/EIS*, certified by the TMPO Board and the TRPA Governing Board on December 12, 2012 (RTP EIR/EIS);

and

- City of South Lake Tahoe (CSLT), *General Plan Update EIR*, certified by the City on May 17, 2011.

These program-level environmental documents include a regional and city-wide cumulative scale analysis and a framework of mitigation measures that provide a foundation for subsequent environmental review at an Area Plan level. In areas where the TVAP includes provisions which do not fall within the scope of these program-level EIS/EIRs, additional analysis has been provided in the IS/IEC for the TVAP.

Additional analysis in the IS/IEC is focused on the following substitute standards:

1) A proposed Land Capability Map Amendment, with revisions to the Stream Environment Zone (SEZ) delineation within the TVAP;
2) A proposed standard to allow secondary residential units on parcels less than one acre within the Town Center Neighborhood Professional District (TVAP Policy H-1.2 Housing Incentives);
3) A proposed Town Center amendment to include a vacant parcel, located at 1117 Bonanza Avenue, to facilitate the development of multi-family housing;
4) A proposed policy that would consider Barton Hospital healthcare facilities in the Town Center Healthcare District as public services exempt from the Commercial Floor Area (CFA) entitlement requirements of TRPA Code, upon the adoption of a Campus Master Plan (TVAP Policy ED-2.3); and
5) A proposed substitute standard to allow for coverage transfers to the Barton Hospital site beyond 70 percent (TVAP, Appendix C, Standard F(5)(a)).

As specified in Section 13.3.1 of the TRPA Code, all plans, policies, and regulations in the Regional Plan and the TRPA Code shall remain in effect unless superseded by the provisions of an Area Plan. Thus, existing baseline conditions for the purposes of the IS/IEC reflects current 2015 conditions (at the time the IS/IEC was prepared) including the fact that the Regional Plan, RTP, TRPA Code, City General Plan, and City Code are in effect, and the existing plans (Plan Area Statement (PAS) 110 “South Y” and PAS 114 “Bonanza”), maps and ordinances are also in effect. Like the Regional Plan, the TVAP has a 20-year planning horizon.

The proposed project evaluated by the IS/IEC is the adoption and implementation of the proposed TVAP. If adopted, the TVAP will become part of the Regional Plan and will replace existing plans, maps, and ordinances for this geographical area within the City of South Lake Tahoe. The IS/IEC analyzed the potential environmental impacts associated with adopting and implementing the TVAP over its

approximately 20-year plan horizon.

The IS/IEC is a program-level environmental document. No specific development projects are proposed at this time and no specific development projects were analyzed by the IS/IEC. All future projects within the IS/IEC are subject to the appropriate project-level environmental review and permitting by TRPA and/or City of South Lake Tahoe based on the size, nature and location of the project (Section 13.7.3 of the TRPA Code of Ordinances). Project-level environmental documents will require identification of, and mitigation for, any potentially significant environmental impacts.

The IS/IEC assessed potential impacts to the affected physical environment from implementation of the TVAP. Based on the review of the evidence, the analysis in the IS/IEC determined the implementation of the TVAP will not have a significant impact on the environment not otherwise evaluated in the RPU, RTP, and GP EISs and/or EIRs and potential significant impacts will be mitigated or addressed through adoption and implementation of the RPU, RTP, GP, and TVAP and associated mitigation measures.

Chapter 4 Findings: The following findings must be made prior to adopting the TVAP:

1. Finding: The proposed Area Plan is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

Rationale: Land Use Policy 4.6 of TRPA's Goals and Policies encourages the development of Area Plans that improve upon existing plan area statements and community plans or other TRPA regulations in order to be responsive to the unique needs and opportunities of the various communities in the Tahoe Region. The TVAP includes all required elements identified in Land Use Policies 4.8, 4.9 and 4.10 as demonstrated in the Regional Plan Conformance Review Checklist.

The TVAP was prepared in conformance with the substantive and procedural requirements of the Regional Plan Goals and Policies, as implemented through TRPA Code of Ordinances, Chapter 13: *Area Plans*. The TVAP is consistent with and furthers the Goals and Policies of the 2012 Regional Plan and Code, as shown in the Regional Plan Conformance Review Checklist and as demonstrated by the IS/IEC. The TVAP contains the required contents of an Area Plan and when implemented will have a beneficial impact on the Regional Plan's ability to achieve and maintain the thresholds as demonstrated below in the Chapter 4 and 13 findings.

Pursuant to Code Section 4.4.2, TRPA considers, as background for making the Section 4.4.1.A through C findings, the proposed project's effects on compliance measures (those implementation actions necessary to achieve and maintain

thresholds), supplemental compliance measures (actions TRPA could implement if the compliance measures prove inadequate to achieve and maintain thresholds), the threshold indicators (adopted measureable physical phenomena that relate to the status of threshold attainment or maintenance), additional factors (indirect measures of threshold status, such as funding levels for Environmental Improvement Program (EIP) projects), and interim and target dates for threshold achievement. TRPA identifies and reports on threshold compliance measures, indicators, factors and targets in the Threshold Evaluation Reports prepared pursuant to TRPA Code of Ordinances, Chapter 16: *Regional Plan and Environmental Threshold Review*.

TRPA relies upon the project's accompanying environmental documentation, staff's professional analysis, and prior plan level documentation, including findings and EISs, to reach the fundamental conclusions regarding the project's consistency with the Regional Plan and thresholds. A project that is consistent with all aspects of the Regional Plan and that does not adversely affect any threshold is, by definition, consistent with compliance measures, indicators and targets. In order to increase its analytical transparency, TRPA has prepared worksheets related specifically to the 4.4.2 considerations, which set forth the 220 compliance and supplemental compliance measures, the 150 indicators and additional factors, and interim and final targets. Effects of the proposed project (here the TVAP) on these items, if any, are identified and to the extent possible, described. TRPA cannot identify some target dates, status and trends for some threshold indicators because of a lack of available information. TRPA may still determine whether the project will affect the 4.4.2 considerations (and ultimately consistency with the Regional Plan and impact on thresholds) based on the project's specific environmental impacts related to those threshold indicators.

Based on the TVAP IS/IEC, the RPU, RTP, and GP EISs and/or EIRs, the RPU and RTP findings made by TRPA on December 12, 2012, Section 4.4.2 staff analysis, and using applicable measurement standards consistent with the available information, the TVAP will not adversely affect applicable compliance and supplemental compliance measures, indicators, additional factors, and attainment of targets by the dates identified in the 2011 Threshold Evaluation. The TVAP incorporates and/or implements relevant compliance measures, and with the implementation of the measures with respect to development within the TVAP, the effects are not adverse, and with respect to some measures, are positive. (See TVAP Threshold Indicators and Compliance Measures Worksheets) Furthermore, TRPA anticipates that implementation of the TVAP will accelerate threshold gains as demonstrated below.

Because the principal beneficial impacts of implementation of the TVAP depend upon the number and size of redevelopment projects, the utilization of transfer provisions and stream environment zone (SEZ) restoration, available funding for the implementation of identified implementation projects, and participation in and the implementation of area-wide Best Management Practices (BMPs), the

specific extent and timing or rate of these beneficial effects of the TVAP cannot be determined at this time. However, pursuant to Chapter 13: *Area Plans*, TRPA will monitor all development projects within the TVAP through quarterly and annual compliance reports. These reports will be presented to the Governing Board annually for Area Plan recertification and used every four years to evaluate the status and trends related to thresholds.

Section 4.4.2.B also requires TRPA to disclose the impact of the proposed project on its cumulative accounting of units of use (e.g., residential allocations, commercial floor area). The TVAP does not affect the cumulative accounting of units of use as no additional residential, commercial, tourist, or recreation allocations are proposed to be allocated as part of this Regional Plan amendment. For specific development projects proposed within the TVAP, accounting for units of use, resource utilization and threshold attainment will occur as a part of the review and approval process.

Similarly, Section 4.4.2.C requires TRPA to confirm whether the proposed project is within the remaining capacity for development (e.g., water supply, sewage, etc.) identified in the EIS for the Regional Plan and Regional Transportation Plan. As documented in the TVAP IS/IEC, Section 6.4.16: *Public Services*, the TVAP does not affect the amount of the remaining capacities available, identified and discussed in the RPU EIS. The TVAP does not allocate capacity or authorize any particular development. To the extent the TVAP enables the use of redevelopment incentives, those incentives are within the scope of the incentives analyzed by the RPU EIS and RTP EIR/EIS or, where incentives differ, have been further analyzed in the IS/IEC for the TVAP. The IS/IEC analysis demonstrates no significant environmental impacts associated with potential incentives and potential significant environmental threshold gain, specifically SEZ restoration if transfer provisions are utilized, water quality improvements if SEZs are restored, water quality benefits if area-wide water quality projects are implemented and area-wide/individual BMPs are installed, and scenic improvements as a result of the redevelopment of the built environment.

TRPA therefore finds that the TVAP is not only consistent, but will help further the implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, other TRPA plans and programs, and will facilitate environmental threshold attainment and gain.

2. Finding: The proposed Area Plan will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: As demonstrated in the IS/IEC, no significant environmental effects were identified as a result of the proposed TVAP that could not be mitigated, and the IS/IEC did not find any thresholds that would be adversely affected or exceeded. As found above, the proposed Area Plan is consistent with and will help to implement the 2012 Regional Plan and facilitate environmental threshold attainment and gain.

TRPA has reviewed the proposed TVAP against the 220 compliance measures and supplemental compliance measures, the over 150 indicators and additional factors that measure threshold progress and threshold target, and interim attainment dates. TRPA found that the TVAP will not adversely affect applicable compliance measures, indicators, additional factors and supplemental compliance measures and target dates as identified in the 2011 Threshold Evaluation indicator summaries. TRPA anticipates that implementation of the TVAP will accelerate threshold gains as demonstrated below. Because the principal beneficial impacts of implementation of the TVAP depend upon the number and size of redevelopment projects, utilization of transfer provisions, and funding for identified implementation projects, and participation in and implementation of area-wide BMPs, the specific extent and timing or rate of effects of the TVAP cannot be determined at this time. However, pursuant to Chapter 13: *Area Plans*, TRPA will monitor all development projects within the TVAP through quarterly and annual reports. These reports will then be used to evaluate the status and trend of the threshold every four years.

The TVAP does not affect the cumulative accounting of units of use as no additional residential, commercial, tourist or recreation allocations are proposed or allocated as part of this Regional Plan amendment. Accounting for units of use, resource utilization and threshold attainment will occur as a part of the project review and approval process.

The TVAP does not affect the amount of the remaining capacity available, as the remaining capacity for water supply, sewage collection and treatment, recreation and vehicle miles travelled have been identified and evaluated in the RPU EIS, RTP EIR/EIS, and TVAP IS/IEC. TRPA therefore finds that the TVAP will not cause the environmental threshold carrying capacities to be exceeded.

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

Rationale: Based on the following: (1) TVAP IS/IEC; (2) RPU EIS; (3) RTP EIR/EIS; (4) GP EIR; (5) 2011 Threshold Evaluation Report; and (6) 2011 Indicator Summaries, adopted by the Governing Board and/or City Council, no applicable federal, state or local air or water quality standard will be exceeded by adoption of the TVAP. The proposed Area Plan does not affect or change Federal, state or local air or water quality standards applicable for the Region. Projects developed under the TVAP will be required to meet the strictest applicable air or water quality standards and implement water quality improvements consistent with TRPA BMP requirements, the Lake Tahoe Total Maximum Daily Load (TMDL), and the City's Pollutant Load Reduction Plan (PLRP). Federal, state, and local air and water quality standards remain applicable for all parcels in the TVAP, thus ensuring environmental standards will be achieved or maintained pursuant to the Tahoe Regional Planning Compact.

4. Finding: The Regional Plan and all of its elements, as amended, achieves and maintains the thresholds.

Rationale: **I. Introduction**

In 1980, Congress amended the Compact to accelerate the pace of environmental progress in the Tahoe Region by tasking TRPA with adopting a regional plan and implementing regulations that protect the unique national treasure that is Lake Tahoe. First, Article V(b) required that TRPA, in collaboration with Tahoe's other regulatory agencies, adopt "environmental threshold carrying capacities" ("thresholds" or "standards") establishing goals for a wide array of environmental criteria, including water quality, air quality, and wildlife. Second, Article V(c) directed TRPA to adopt a "regional plan" to "achieve[] and maintain[]" these thresholds, and to "continuously review and maintain" implementation of the plan.

The 1980 Compact inaugurated an era of establishing and enforcing rigorous controls on new development. In 1982, TRPA adopted the necessary thresholds for the Tahoe Region. These thresholds are a mix of both long- and short-term goals for the Tahoe Region. The Region was "in attainment" of a number of these thresholds shortly after the adoption of the Regional Plan and remains in attainment today. Other thresholds address more intractable problems; for example, TRPA established numeric water quality standards that, even under best-case conditions, could not be attained for decades. *See*, *e.g.*, *League to Save Lake Tahoe v. Tahoe Reg'l Planning Agenc*y, 739 F. Supp. 2d 1260, 1265 (E.D. Cal. 2010).

The second phase in this process was establishing a regional plan that, when implemented through rules and regulations, would ultimately "achieve and maintain" these thresholds over time. In 1987, following years of negotiation and litigation, TRPA adopted its Regional Plan. The 1987 plan employed a three-pronged approach to achieve and maintain the adopted environmental standards. First, the plan established a ceiling on development in Tahoe and restricted the placement, timing, and extent of new development. Second, the plan sought to prevent new harm to the environment as well as repair the environmental damage caused by existing development, particularly for projects that pre-dated TRPA's existence (i.e., correcting the "sins of the past"); to this end, the plan created incentives to redevelop urbanized sites under more protective regulations and to transfer development out of sensitive areas that would then be restored. Third, TRPA adopted a capital investment program that was largely but not exclusively publicly funded to achieve and maintain thresholds by improving infrastructure and repairing environmental damage. In 1997, TRPA replaced this program with its "Environmental Improvement Program" ("EIP"). In subsequent years, TRPA generated investments of well over $1 billion in public and private money to restore ecosystems and improve infrastructure under the EIP. Recent litigation confirmed that the Regional Plan

as established in 1987 and subsequently amended over time will achieve and maintain the adopted environmental thresholds. *Sierra Club v. Tahoe Reg'l Planning Agency*, 916 F.Supp.2d 1098 (E.D. Cal. 2013) [Homewood litigation].

Regional Plan Update Process

Even though implementation of the 1987 Regional Plan would achieve and maintain the thresholds, in 2004 TRPA began public outreach and analysis of the latest science and monitoring results to identify priority areas in which the Regional Plan could be comprehensively strengthened to accelerate the rate of threshold attainment. TRPA's policymakers realized that the challenges facing the region differed from those confronting the agency when it adopted its original Regional Plan in 1987. Uncontrolled new growth that had been the primary threat decades earlier had been brought into check by the strict growth limitations in the 1987 Plan. Today's problems differed, resulting from the continuing deterioration and lack of upgrades to existing "legacy" development. In essence, to make the greatest environmental difference, the Tahoe Basin needed to fix what was already in place. In addition, TRPA realized some existing land-use controls could be improved to remove barriers to redevelopment that would address ongoing environmental degradation caused by sub-standard development constructed before TRPA had an adopted Regional Plan or even came into existence. Land use regulations and public and private investment remain essential to attaining the thresholds for Lake Tahoe.

Furthermore, TRPA recognized that the social and economic fabric of the Tahoe Region could not support the level of environmental investment needed. The economic foundation of gaming had fallen away, and the level of environmental investment needed could not be supported solely by an enclave of second homes for the wealthy. Businesses and the tourism sector were faltering. Affordable housing and year-round jobs were scarce. Local schools were closing, and unemployment was unusually high. In light of these realities, TRPA sponsored an ongoing outreach program to obtain input on how to advance TRPA's environmental goals. Between 2004 and 2010, TRPA conducted over 100 public meetings, workshops, and additional outreach. More than 5,000 people provided input regarding their "vision" for TRPA's updated Regional Plan. Based on this input, TRPA identified a number of priorities to be addressed by the updated Regional Plan, including:

1. Accelerating water quality restoration and other ecological benefits by supporting environmental redevelopment opportunities and EIP investments.

2. Changing land-use patterns by focusing development in compact, walkable communities with increased alternative transportation options.

3. Transitioning to more permitting by local governments to create "one-stop" and "one permit" for small to medium sized projects, where local

government wanted to assume these duties.

On December 12, 2012, TRPA's nine-year effort culminated with the approval of the Regional Plan Update.

Regional Plan Update Amendments

The Regional Plan Update ("RPU") uses multiple strategies targeting environmental improvements to accelerate achieving and maintaining threshold standards in the Region. First, the RPU maintains both regulatory and implementation programs that have proven effective in protecting Lake Tahoe's environment. TRPA's regional growth control regulatory system, strict environmental development standards, and inter-agency partnerships for capital investment and implementation (e.g., EIP) remain in place.

Second, the RPU promotes sensitive land restoration, redevelopment, and increases the availability of multi-modal transportation facilities. The implementation of the RPU will facilitate transferring existing development from outlying, environmentally-sensitive areas into existing urbanized community centers. The RPU provides incentives so that private capital can be deployed to speed this transformation.

Third, the RPU authorizes the Area Plan process, pursuant to Chapter 13: *Area Plans* of the TRPA Code of Ordinances, for local jurisdictions in the Lake Tahoe Region in order to eliminate duplicative and unpredictable land use regulations that deterred improvement projects. Chapter 13 also allows TRPA and local, state, federal, and tribal governments to expand the types of projects for which local, state, federal, and tribal governments apply TRPA rules to proposed projects within the Tahoe Region. After approval of an Area Plan by TRPA, this process allows a single government entity to review, permit, and inspect projects in their jurisdiction. All project approvals delegated to other government entities may be appealed to the TRPA for final decision. In addition, the performance of any government receiving delegated authority will be monitored quarterly and audited annually to ensure proper application of TRPA rules and regulations.

As noted above, a variety of strategies in the Regional Plan will work together to accelerate needed environmental gains in the categories where threshold benefits are most needed – water quality, restoration of sensitive lands, scenic quality advances in developed roadway units, and efforts to continue maintenance and attainment of air quality standards. Area Plans for urban centers play a key role in the Regional Plan's overall strategy by activating environmental redevelopment incentives (e.g., increases in density and height) that also provide the receiving capacity for transfers of units from sensitive lands. The next section of this finding establishes how the City of South Lake Tahoe's TVAP fulfills the role anticipated by the RPU and the expected threshold gain resulting from its implementation.

II. TVAP and Threshold Gain

The TVAP accelerates threshold gain, including water quality restoration and other ecological benefits, by supporting environmental redevelopment opportunities and EIP investments. The TVAP retains the Regional Plan established growth control system and provides incentives for property owners to hasten the transfer of development rights from sensitive lands, particularly SEZs in the proposed Tahoe Valley Greenbelt, the TRPA designated Stream Restoration Plan Area, and the Upper Truckee Watershed Hydrologically Related Area located within City limits to the Town Center, or from outlying areas to the Town Center where redevelopment is better suited and will have beneficial or reduced adverse environmental impacts. The TVAP will help to promote environmental redevelopment within existing developed areas by allowing increased density and height within the Town Center (within the sideboards established under the Regional Plan) to serve as an incentive for private investment in redevelopment projects. Significant threshold gain will result from the application of existing Codes and requirements to individual projects. These redevelopment incentives are intended to increase the rate of redevelopment and will likewise increase the rate of threshold gain by accelerating the application of controls designed to enhance water quality, air quality, soil conservation, scenic quality and recreational improvements to projects that wouldn't otherwise be redeveloped absent TVAP provisions.

The TVAP's proposed Development and Design Standards represent a significant step forward in enhancing the aesthetics of the built environment and will result in improvements to the scenic threshold as projects are approved and built. Redevelopment of Town Centers is identified in the Regional Plan as a high priority, as many of the Region's environmental problems can be traced to existing "legacy" developments that were constructed without recognition of the sensitivity of the Region's natural resources and impacts to Lake Tahoe. To correct this, environmentally beneficial redevelopment and rehabilitation of identified urban centers is a priority, and the Goals, Policies and Implementation Strategies identified in the TVAP along with application of existing City and TRPA codes and regulations encourage environmentally beneficial redevelopment and rehabilitation.

As described in more specific detail below, the TVAP beneficially affects multiple threshold areas.

A. Water Quality

The TVAP responds to the needed improvements in water quality by continuing to require installation of on-site BMPs and encourages the development of area-wide BMPs to further BMP compliance, implementation of water quality improvement projects, and facilitating the transfers and permanent retirement of development from sensitive lands. The City will also continue to implement projects under the City's Pollutant Load Reduction Plan (PLRP). As provided in Section 10: *Natural and Cultural Resources* of the TVAP, the TVAP includes the following Goal and Policies to promote water quality threshold attainment:

Goal NCR-5: Water Quality
To protect and enhance Lake Tahoe's unique transparency, color and clarity, and improve the water quality in the South Shore's rivers, creeks, marshes, and groundwater.

Policy NCR-5.1 – System
Construct the Tahoe Valley Water Quality Improvement Project as part of the Greenbelt Project to treat stormwater from Tahoe Valley and adjacent residential areas, in order to reduce fine sediment loads to the Upper Truckee River and Lake Tahoe, and restore disturbed SEZs.

Policy NCR-5.2 – Low Impact Development (LID) Techniques
Incorporate site design elements to mimic and enhance natural hydrologic functions such as preserving and protecting environmentally sensitive site features and providing runoff storage, infiltration and groundwater recharge BMPs to reduce the transport of runoff and pollutants from the site at which they are generated.

Policy NCR-5.3 – Best Management Practices
Ensure installation and maintenance of Best Management Practices (BMPs) as required by the City's NPDES Permit and memoranda of understanding with TRPA.

Policy NCR-5.4 – Best Management Practices Retrofit Certification
Coordinate with TRPA to support private property BMP certification with a near-term focus on commercial and multi-family land uses that have drainage directly connected to Lake Tahoe and/or the Upper Truckee River, or are in the same catchment as Environmental Improvement Program (EIP) or public water quality improvement projects.

Policy NCR-5.5 – Environmental Improvement Program (EIP)
Coordinate with TRPA to implement the EIP water quality improvement projects in the Tahoe Valley area, with priority on Total Maximum Daily Load (TMDL) pollutant load reduction opportunities.

Policy NCR-5.6 – Lake Tahoe Total Maximum Daily Load
Collaborate with Lahontan Water Quality Control Board and refine the *Pollutant Load Reduction Strategy* for load reduction targets beyond the year 2016 and update the *Pollutant Load Reduction Plan* as necessary to achieve the Lake Tahoe TMDL load reduction targets. The Tahoe Valley Area Plan hereby incorporates by reference all monitoring, operations, maintenance, and reporting required by the City's NPDES permit, the adopted *Pollutant Load Reduction Plan* and the *Stormwater Management Plan*, which will also be utilized by TRPA in the 4-year Area Plan recertification process pursuant to TRPA Code Sections 13.8.2 and 13.8.5.

Policy NCR-5.7 – Source Water Protection

Prevent contamination of source water in the Tahoe Valley area by requiring projects located in a Source Water Protection Zone, as defined by Chapter 60 of the TRPA Code, to incorporate appropriate source water protection and site-specific best management practices including pretreatment technologies.

Policy NCR-5.8 – Drainage Incentives

Allow projects within the Tahoe Valley area, to provide in-lieu funding for an area-wide municipal stormwater treatment if sufficient treatment capacity exists within an area-wide water quality treatment system, subject to the requirements of TRPA Code Section 13.5.3.B.3. Properties participating in an area-wide system would be considered as meeting their water quality mitigation and BMP requirements of the TRPA Code. Require that full pretreatment of drainage occurs on a private property before it is accepted into a City system.

Policy NCR-5.9 – Off Site Improvements

Ensure that all new development or redevelopment projects, and projects subject to a special use permit install and maintain off-site water quality improvements, including but not limited to curb, gutter, drainage facilities, stabilized road shoulders, at the direction of the City engineer.

Thus, the TVAP includes a number of goals and policies, as well as implementation strategies, aimed at improving the water quality threshold.

As discussed in Section 6.4.11: *Hydrology and Water Quality* of the IS/IEC, the City also analyzed the impacts concentrating coverage within the Area Plan's Town Center on water quality using the Pollutant Load Reduction Model (PLRM), which is the model that was used to inform the Lake Tahoe TMDL, and found that pollutant loadings to surface waters would be reduced overall when compared to baseline conditions. This can be attributable to provisions in the Area Plan aimed at facilitating the implementation of individual and area-wide BMPs, the planned construction of water quality improvement projects, and provisions incentivizing coverage reduction in sensitive lands. Overall, the IS/IEC found that the water quality impacts of concentrated coverage in the Tahoe Valley Town Center will be beneficial. (IS/IEC, Pg. 150-151.)

B. Air Quality

The Tahoe Basin has made air quality gains. The majority of air quality indicators in the Lake Tahoe Basin were at or better than attainment with adopted thresholds and standards. (2011 Threshold Evaluation Report, Chapter 3, Air Quality.) In addition, indicators for carbon monoxide and vehicle-miles-traveled moved from non-attainment status to attainment. (2011 Threshold Evaluation Report at pages 3-12 to 3-18 and 3-49 to 3-50.) Federal and state tailpipe and industrial emission standards have likely contributed to this achievement along with local projects which delivered walkable, transit-friendly improvements such

as the Heavenly Gondola. 2011 Threshold Evaluation Report at pages 3-14, 3-16, and 3-18; Yang et al. 2010, Park Avenue/U.S. 50 Redevelopment Phase 1, Case Study, available at: http://lafoundation.org/myos/my-uploads/2012/10/31/park-ave-methodology.pdf**.** The RPU and supporting Regional Transportation Plan propose a suite of strategies to help the Region meet Air Quality threshold standards. (TRPA Goals and Policies: Air Quality Subelement at pages 2-33 to 2-35; Regional Transportation Plan Chapter 3, Sustainable Communities Strategy, Chapter 5, Transportation Management Programs, Chapter 6, Funding and Implementation Strategy.) While there are many elements that contribute to air quality threshold attainment, the two primary regional strategies are:

Supporting environmental redevelopment. Land Use policies outlined in the RPU support clustering population and employment in compact Town Centers that are well served by transit, pedestrian, and bicycle infrastructure. The RPU achieves this by incentivizing redevelopment and transfers of development from outlying and sensitive areas into existing town center areas. (TRPA Goals and Policies: Chapter 2, Land Use.)

Creating walkable communities and increased alternative transportation options. The RPU, via the Regional Transportation Plan: Mobility 2035, outlines the policies, programs and projects that provide a transportation system that supports this compact form of development and that will help to create an environment where walking, biking, and transit are convenient modes of transportation. (Mobility 2035: Funding and Implementation Strategy Chapter p.6-1, Goals and Policies p.2-1.)

The combination of compact land-uses and convenient, diverse transportation options is intended to allow more travel to be conducted on foot, by bike, or by transit, resulting in fewer and shorter vehicle trips per person and reducing negative impacts to air quality associated with motor vehicle travel. The benefits of these two strategies are further articulated in the Sustainable Communities Strategy chapter of Mobility 2035 (p.3-1). Additionally, the RPU EIS and Regional Transportation Plan EIR/EIS demonstrated that the combination of improvements would allow the Region to achieve and maintain air quality thresholds, including the vehicle miles traveled (VMT) threshold (see Regional Plan Update Draft EIS, Chapter 3.3: Transportation, and Chapter 3.4: Air Quality; Regional Transportation Plan Draft EIR/EIS, Chapters 3.3: Transportation and Chapter 3.4: Air Quality).

The approved Area Plans will represent an integral component in implementing these regional air quality strategies and improvements at a community level. (TRPA Goals and Policies, Chapter 2: Land Use) Because the land use and transportation strategies identified in the TVAP lead to implementation of the Regional Plan, they directly contribute to achieving and maintaining the Air Quality threshold.

The TVAP, Section 8: *Transportation and Circulation*, includes goals and policies aimed at improving the pedestrian and bikeway system, and expanding transit

options to reduce VMT, improve air quality, and ensure the attainment of air quality standards. For example, the Area Plan calls connecting the Tahoe Valley trail system to the Meyers-Stateline Greenway bike trail, a bike trail that will connect the Area Plan to Meyers, California, as well as the California/Nevada Stateline (casino core area) where it will connect to the Nevada Stateline-to-Stateline Bikeway. It also calls for the development of multi-use paths through the proposed Tahoe Valley Greenbelt and expansion of transit services.

The TVAP also encourages a greater mixing of uses, which will result in fewer and shorter vehicle trips and associated improvements in air quality and traffic as research indicates that mixing of multiple uses can reduce daily vehicle trips over 20 percent. (Sperry, B. R., Internal Trip Capture for Mixed-Use Developments, Texas A&M University, Presentation at 2007 Winter TexITE Meeting.) Furthermore, it calls for replacing older buildings with newer, more energy efficient buildings that take advantage of new provisions in the California Green Building Code and the City's Green Building Program to improve air quality and ensure the attainment of air quality standards. (TVAP, Policy NCR-2.1 and Appendix D, CSLT Green Building Program.)

The TVAP also includes Policy NCR-8.1, requiring the City to incorporate measures to reduce construction-generated emissions to the extent feasible on a project-specific basis. Such measures may include, but are not limited to, the following:

- Implement measures recommended by the El Dorado County Air Quality Management District.
- Prohibit open burning of debris from site clearing unless involved with a fuels reduction project.
- Utilize low emission construction equipment and/or fuels and use existing power sources (e.g., power poles), wherever feasible.
- Restrict idling time for construction equipment and vehicles.
- Apply water to control dust as needed to prevent dust impacts.

Furthermore, TRPA is requiring each local jurisdiction to develop a Greenhouse Gas (GHG) reduction strategy, using the Lake Tahoe Sustainability Action Plan as a guide in order to attain a 15 percent reduction below the existing emissions inventory for Area Plans. According to the IS/IEC, accounting for the GHG emissions reduction associated with the removal of existing lodging units for operation would result in a 71 percent reduction under the proposed TVAP. Therefore, the TVAP would offset the contribution of GHG emissions greater than 15 percent. The IEC/IS also recognizes other strategies in TVAP that are intended to reduce GHG, such as the Sustainable Communities Strategy, Green Building Standards, and Mobility and Connectivity, Redirection of Development, and Mixed-Use Development Policies (refer to IS/IEC, Page 86). Thus, the TVAP includes a number of provisions to improve and maintain the air quality threshold.

C. Soil Conservation

The threshold for SEZs is as follows:

> Soil Conservation – Stream Environment Zones (Numerical Standard). Preserve existing naturally functioning SEZ lands in their natural hydrologic condition, restore all disturbed SEZ lands in undeveloped, unsubdivided lands, and restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided, to attain a 5 percent total increase in the area of naturally functioning SEZ lands.

The Goals and Policies in the Regional Plan that provide direction for the SEZ Program and attainment of the SEZ Threshold are contained in the SEZ, Soils, and Land Use Subelements. (TRPA Goals and Policies: Chapter 4: *Conservation* at pages 4-14 to 4-16 and 4-24 to 4-27; TRPA Goals and Policies Chapter 2: *Land Use* at pages 2-2 to 2-19.) The SEZ Subelement currently contains one goal and eight associated policies. The goal calls for the long-term preservation, enhancement, and restoration of SEZ lands as a means of achieving various environmental thresholds, most notably the numeric threshold standard for SEZs. The policy statements direct the restoration, preservation, and management of SEZ lands by setting numeric goals for restoration of degraded/developed SEZ lands and requiring their protection and management for natural functions and values.

The Code implements this policy and includes regulatory strategies and measures to achieve the goals listed in the SEZ Subelement of the Regional Plan. The TVAP includes all of the existing SEZ protections and policies for enhancement designed to achieve threshold gain, as well as new provisions to help accelerate SEZ restoration.

In order to clearly delineate the boundaries of SEZs within the TVAP, the City hired Cardno/Entrix and Terra Sciences, experts in the field of soil science and hydrology, to review the existing mapped SEZs and verify the land capability districts for the plan area. The consultants analyzed previous land capability verifications, site assessments and land capability challenges that have occurred in the planning area, conducted a visual inspection of SEZs (reviewing vegetation, landforms, topography and aerial photography, and examined soil samples to closely examine near-surface soil conditions). In July 2014, Terra Science, Inc. completed a Stream Environment Zone Report for the Tahoe Valley Area Plan pursuant to the provisions of Chapter 30: *Land Coverage* of the TRPA Code.

The Report includes an SEZ map for the Tahoe Valley plan area that updates the map prepared in 1974 (“Baily Overlay Map”). The map was prepared in AutoCAD, using linework transcribed from field maps (aerials and parcel maps). The SEZ mapping utilized multiple parameters to assure accurate boundaries, particularly for situations having naturalistic conditions. The refined SEZ mapping is the product of several layers of investigation, not reliance only soils

and/or vegetation observations. In addition, the refined SEZ mapping reflects over 60 hours of field examination for the study area. Such effort is substantially greater and more detailed than previous soil mapping and vegetation observations for the same area.

The incorporation of the refined SEZ map into the Tahoe Valley Area Plan does not result in any environmental change or impact; it acts to provide an accurate reflection the extent and location of SEZ in the plan area. The revised SEZ mapping will be considered a planning-level tool that represents best available information regarding SEZs. Parcel-specific TRPA land capability and SEZ verifications will still be required to determine development potential and parcel entitlements. If adopted, the more refined historic SEZ mapping will be utilized by the City to identify specific parcels and/or areas where SEZ restoration should be prioritized.

TVAP, Section 10: *Natural and Cultural Resources*, includes the following goals and policies regarding SEZs and land coverage:

Goal NCR-4: Stream Environment Zones
To protect Stream Environment Zone (SEZ) restoration projects and areas of undisturbed SEZ within the Tahoe Valley area.

Policy NCR - 4.1 – Stream Environment Zones
Increase the area of naturally functioning SEZ by preserving existing SEZ and restoring/rehabilitating disturbed SEZ in the Tahoe Valley area, prioritizing the Greenbelt area.

Policy NCR - 4.2 – Redirection and Transfer of Development
Direct new development away from SEZs and encourage the removal and transfer of existing development from disturbed SEZs that can be feasibly restored. Encourage property owners to use TRPA's transfer incentives available in Chapter 51 of the TRPA Code. Development rights and existing development that are transferred from SEZs and other sensitive lands are eligible to earn residential bonus units, commercial floor area, and tourist accommodation bonus units, when transferred to Centers.

Policy NCR - 4.3 – Stream Environment Zone Mapping and Restoration
Utilize the updated Bailey Mapped Land Capability map to more accurately delineate the SEZs within the Tahoe Valley area (See Figure 15). Coordinate with public agencies and private property owners to prioritize and target the removal of development and land coverage from the delineated SEZs and from the TRPA designated Stream Restoration Plan Area.

Goal NCR-7: Excess Coverage Mitigation
To maximize opportunities to remove and mitigate excess land coverage and facilitate environmental redevelopment in the Tahoe Valley area and to benefit

environmental thresholds.

Policy NCR-7.1 – Land Coverage
Provide redevelopment incentives in centers that promote reduction, relocation and transfer of land coverage to reduce onsite land coverage. The City will endeavor to reduce overall coverage in order to benefit the objectives of the Tahoe Valley Area Plan.

Policy NCR-7.2 – Land Coverage Transfer Incentives
To promote SEZ restoration in the Tahoe Valley plan area and the Upper Truckee Hydrologic watershed, all projects transferring and removing coverage from designated sending areas to offset existing excess coverage pursuant to Section 30.6 of the TRPA Code or to go up to the maximum coverage of 70 percent within land capability districts 4-7, inclusive, may be awarded coverage from the City's coverage pool, subject to availability. Bonus coverage from the City may be earned pursuant to the transfer ratios in the following table:

Sending Area	Bonus Coverage Earned (per sq. ft.)
TRPA Designated Stream Restoration Plan Area	1
Tahoe Valley Greenbelt and Associated	1
Other SEZs in the Upper Truckee Watershed Hydrologically Related Area Located within the City Limits	0.5

Thus, the TVAP includes a number of incentives to facilitate soil restoration, many of which are targeted at the restoration of SEZs, within and outside of the Area Plan that will benefit the Soil Conservation Threshold.

D. Scenic Quality

The Tahoe Basin continues to make gains in scenic quality. (2011 Threshold Evaluation Report: Chapter 9: Scenic Resources.) Overall, compliance with scenic quality standards is at 93 percent with an improving trend in scenic quality for the built environment. (2011 Threshold Evaluation Report at pages ES-4, and 9-5 to 9-7.) As set forth in the Regional Plan EIS (at 3.9-17), the increasing trend in scenic quality is primarily due to redevelopment activities that replace old structures with updated, more scenically compatible design and the undergrounding of utilities. Examples of documented scenic improvement from redevelopment activities include the Ski Run, Heavenly Village/Gondola, Chateau, and South Lake Tahoe Safeway projects.

The following Goal and Policies have been included in the TVAP to ensure

environmental redevelopment contributes toward attainment of scenic thresholds:

Goal NCR-3: Scenic Resources
To achieve threshold attainment for Scenic Roadway Unit #1, Unit #35, and Unit #36A within the Tahoe Valley Area Plan.

Policy NCR-3.1 – Scenic
Improve the visual quality of the built environment consistent with the general recommendations for site planning found in the TRPA Scenic Quality Improvement Program (SQIP) for Scenic Roadway Unit #1, Unit #35, and Unit #36A and ensure consistency with the Development and Design Standards contained in Appendix C.

Policy NCR-3.2 – New Scenic Resources
Designate the views of Tahoe Mountain, Monument Peak, and Heavenly Valley as scenic resources.

Policy NCR-3.3 – Viewshed Protection
Implement design standards and guidelines (Appendix C) to preserve, improve, and enhance the scenic quality of the natural environment and take full advantage of scenic views in the Tahoe Valley area through building orientation, setbacks, and design.

Policy NCR-3.4 – Open Space
Maintain existing open spaces, SEZs, and stormwater drainage basins as view corridors to provide visual relief from the urban environment

As discussed in Section 10.2: *Implementation Strategies*, within the Tahoe Valley plan area, continued improvements in the built environment are anticipated through the implementation of the recommendations of the Scenic Quality Improvement Program, implementation of the development and design standards of the Area Plan that are intended to facilitate the upgrade of the overall architectural quality, the preservation of open space and viewsheds, and installation of curbs and gutters along US 50 and SR 89.

It should also be noted that while the incentives provided by the TVAP will likely result in increased rates of redevelopment and thereby help achieve and maintain scenic quality thresholds within the area, the transfer incentives of the Regional Plan will also beneficially affect scenic quality outside of the TVAP. As discussed in the RPU DEIS (at 3.9-22), transfer incentives will pull units from outside the urban centers into the urban centers. The removal and restoration of sending parcels to a natural condition will improve scenic quality of those outlying areas, potentially aiding scenic threshold achievement and maintenance.

E. Vegetation

The Regional Plan and partner agencies have successfully protected sensitive plant species and kept those thresholds in attainment. (2011 Threshold Evaluation Report: Chapter 6, Vegetation Preservation.) A few uncommon plant communities fell short of attainment primarily because of non-native species. Aquatic invasive species, noxious weeds, and beaver were identified as potential threats to the integrity of uncommon plant communities. Progress is being made on fuels reduction and forest ecosystem restoration. (2011 Threshold Evaluation Report: Chapter 6, Vegetation Preservation ; Environmental Improvement Program Accomplishments 1997-2012 available at: http://www.trpa.org/wp-content/uploads/EIP_1pager_Summit2013_FINAL2.pdf.)

The IS/IEC concludes that potential effects on vegetation resulting from adoption and implementation of the TVAP are the same as those effects earlier identified in the certified RPU EIS. Therefore, the analysis in the IS/IEC was tiered from the RPU EIS and the findings previously made by the TRPA Board for the RPU in December 2012 apply to the TRPA Board's approval of the TVAP. (RPU EIS, Chapter 3.10; and December 5, 2012.) As a result, the TVAP IS/IEC did not identify any potential significant impacts to vegetation from the adoption of the Area Plan. The IS/IEC also found that goals in policies in the Area Plan aimed at SEZ restoration, redirection and transfer of development, and natural habitat preservation/open space management would likely benefit the vegetation threshold. (Refer to IS/IEC, Section 6.4.6, Biological Resources – Stream Environment Zones, Wetlands, Wildlife and Vegetation.)

F. Recreation

Both Recreation Thresholds have been implemented and are in attainment. (2011 Threshold Evaluation Report: Chapter 11, Recreation.) TRPA partners have made substantial progress in upgrading recreational facilities through the EIP. (2011 Threshold Evaluation Report at pages 11-6 to 11-10.)

The Area Plan's vision is to transform Tahoe Valley into a Recreation Gateway. There are informal recreational facilities available throughout the TVAP including bicycling, running, jogging, walking, skateboarding, and in-line skating. The proposed Tahoe Valley Greenbelt will create additional space for informal recreational activities. The TVAP also proposes policies and implementing strategies to enhance public transit and biking and pedestrian linkages to recreation uses within and beyond the boundaries of the TVAP. Thus, it is anticipated that the implementation of the TVAP will benefit the Recreation Threshold. (Refer to IS/IEC, Section 6.4.17, Recreation.)

G. Fisheries

TRPA and partner agencies have implemented a robust aquatic invasive species control and prevention program; however, aquatic invasive species continue to be a major area of concern because of their threat to fisheries and other aquatic biota. (2011 Threshold Evaluation Report: Chapter 7, Fisheries.)

The TVAP will not alter the Resource Management and Protection Regulations, Chapters 60 through 68, or Shorezone regulations, Chapters 80 through 85, of the TRPA Code of Ordinances. Chapter 63: *Fish Resources* includes the provisions to ensure the protection of fish habitat and provide for the enhancement of degraded habitat. The TVAP does not include any property within the Shorezone.

The potential effects on fisheries resulting from adoption of the TVAP are the same as those effects earlier identified in the certified RPU EIS. Therefore, the analysis in the IS/IEC was tiered from the RPU EIS and the Findings previously made by the TRPA Board for the RPU in December 2012. The IS/IEC did not identify any potential significant impacts to the Fisheries Threshold because existing environmental safeguards will remain in place. The IS/IEC also recognized that the TVAP could benefit the Fisheries Threshold through Goals and Policies aimed at the restoration of SEZs and implementation of water quality improvement projects.

H. Wildlife

Indicators for special interest wildlife species show stable or improving conditions. (2011 Threshold Evaluation Report: Chapter 8, Wildlife.) TRPA's development regulations have protected riparian wildlife habitats, and partner agencies are making progress restoring these valuable habitats. (2011 Threshold Evaluation Report at pages 8-26 to 8-27.)

The TVAP will not alter the Resource Management and Protection Regulations, Chapters 60 through 68, of the TRPA Code of Ordinances. In addition, any future projects allowed within the TVAP would be subject to additional project-level environmental review and permitting. Consistent with existing conditions, permit applicants would be required to demonstrate that any proposals would occur consistent with TRPA Code provisions related to resource management, including specifically the provisions of Chapters 62 and 63 that address protection of wildlife and fish resources, respectively. For these reasons, adoption of the TVAP will not result in a change in the diversity or distribution of species or numbers of any species or animals.

The potential effects on wildlife resulting from adoption of the TVAP are the same as those effects earlier identified in the certified RPU EIS. Therefore, the analysis in the TVAP IS/IEC was tiered from the RPU EIS and the Findings previously made by the TRPA Board for the RPU in December 2012. The TVAP IS/IEC did not identify any potential significant impacts to the Wildlife Threshold because existing environmental safeguards will remain in place. The TVAP may help to improve the wildlife threshold through the expansion of habitat made available through SEZ restoration projects.

I. Noise

TRPA has adopted noise standards for the Tahoe Basin. The noise thresholds are

Community Noise Equivalent Level (CNEL) values for the various land use categories and single event (Lmax) standards for specific noise sources. CNEL is the metric used by TRPA for determining land use compatibility. The maximum CNEL standard for the Tahoe Valley Area is 65, except for the Neighborhood Professional, Healthcare, and Open Space Districts where 55 CNEL is the standard. The maximum community noise equivalent level for the SR 89 and US 50 corridors is 65 CNEL. The CNEL threshold of 65 dBA that applies to industrial areas was adopted as a result of the 1996 threshold evaluation recommendations. No one activity, nor combination of activities, is allowed to exceed the applicable CNEL level. CNELs are calculated pursuant to Chapter 23 of the TRPA Code of Ordinances. The Tahoe Valley CNEL standards are consistent with the Threshold Evaluation Noise Standards. Therefore, no impacts to the Noise Threshold are anticipated with the adoption of the Area Plan.

It should also be noted that the Area Plan includes Goal HNS-2 and Policies HNS 2.1, 2.2, and 2.3 to protect residents from the harmful and annoying effects of exposure to excessive noise. In addition, the City recognizes and is adopting the project-specific noise reduction measures described in the RPU EIS with the TVAP. Therefore, no impacts to the Noise Threshold as a result of implementation of the TVAP have been identified. (Refer to IS/IEC, Section 6.4.14, Noise.)

III. Conclusion

Based on the foregoing: the completion of the Tahoe Valley IS/IEC; the previously certified RPU EIS and RTP EIR/EIS; and the findings made on December 12, 2012 for the RPU, TRPA finds the Regional Plan and all of its elements, as amended by the TVAP, achieves and maintains the thresholds. As described above in more detail, the TVAP actively promotes threshold achievement and maintenance by, *inter alia*, (1) incentivizing environmentally beneficial redevelopment, (2) requiring the installation of BMP improvements for all projects in the Area Plan and encouraging participation in and the implementation of area-wide BMPs to further BMP compliance, (3) requiring conformance with the Development and Design Standards that will result in improvements to scenic quality, (4) encouraging alternative modes of transportation in order to reduce vehicle miles traveled (VMT); (5) incorporating projects identified in the City's Pollutant Load Reduction Plan (PLRP) and the EIP 5-Year Project List to guarantee the assigned reductions necessary to meet water quality objectives; and (6) facilitating SEZ restoration through transfer incentives. In addition, as found in Chapter 4 Findings 1 through 3 and the Chapter 13 findings, no element of the TVAP interferes with the efficacy of any of the other elements of the Regional Plan. Thus, the Regional Plan, as amended by the TVAP, will continue to achieve and maintain the thresholds.

Chapter 13 Findings: The following findings must be made prior to adopting the TVAP:

1. Finding: The proposed Area Plan, including all zoning and development Codes that are a part of

the Area Plan, is consistent with and furthers the goals and policies of the Regional Plan.

Rationale: Regional Plan Land Use Policy 4.6 encourages the development of area plans that supersede existing plan area statements and community plans or other TRPA regulations in order to be responsive to the unique needs and opportunities of communities. The proposed TVAP land use map is consistent with the TRPA Conceptual Regional Land Use Map adopted as part of the 2012 Regional Plan, with the following exception:

The TVAP proposes to amend the TRPA Town Center Overlay boundary to incorporate an approximately 41,544 square foot vacant parcel located at 1117 Bonanza Avenue (APN 32-141-18), within PAS 114, "Bonanza", Special Area #1. The parcel located at 1117 Bonanza Avenue is proposed to be included in the Town Center Gateway District to facilitate multi-family housing development. Pursuant to TRPA Code, Subsection 13.5.3.F, the site is eligible for inclusion in a Town Center boundary because it is an undeveloped parcel with at least three sides adjacent to developed parcels; is less than ¼ mile from existing commercial and public services; and is near existing transit services.

The TVAP includes all General Review Standards identified in sub-section 13.6.5.A of the Code as stated below:

A. General Review Standards for all Area Plans

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

The TVAP includes zoning designations, allowed land uses, and development and design standards in Section 5: *Land Use and Community Design* and Appendix C: *Development and Design Standards*.

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

The TVAP is consistent with all Regional Plan Policies (refer to the Regional Plan Conformance Review Checklist). The TVAP does not propose any additional growth, development allocations, or coverage beyond that anticipated and analyzed for the Regional Plan Update, with the following exceptions:

The TVAP would allow for Barton facilities to convert CFA to public service uses pursuant to TRPA Code Section 50.8.1 if they are located in the Town Center Healthcare District (approximately 30 parcels and 27.5 acres), and only after the development of a focused Campus Master Plan. Within the Healthcare District, only three vacant parcels remain totaling approximately 1.33 acres. Therefore, the likely potential CFA that would be converted is estimated in the IS/IEC to be

40,000 square feet. The IS/IEC concluded that the proposed impact of this policy would not result in significant environmental impacts (IS/IEC, Page 167).

Under the Area Plan, coverage on the Barton Hospital site (El Dorado County APNs 023-081-03 and 023-081-09) may be increased beyond 70 percent at a 1:1 ratio from sensitive lands and 2.5:1 ratio from non-sensitive lands that have not installed permanent BMPs up to the minimum amount needed (Appendix C, Standard F(5)(a).). The effects of allowing for concentrated coverage, including the Barton Hospital provision, on water quality was analyzed using the PLRM and it was determined that the impacts of the Area Plan on water quality would be beneficial (IS, IEC, Pg. 150 and 151).

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

The proposed TVAP land use map is consistent with the TRPA Conceptual Regional Land Use Map adopted as part of the 2012 Regional Plan, with the following exception:

> The TVAP proposes to amend the TRPA Town Center Overlay boundary to incorporate an approximately 41,544 square foot vacant parcel located at 1117 Bonanza Avenue (APN 32-141-18), within PAS 114, "Bonanza", Special Area #1. The parcel located at 1117 Bonanza Avenue is proposed to be included in the Town Center Gateway District to facilitate multi-family housing development. Pursuant to TRPA Code, Subsection 13.5.3.F, the site is eligible for inclusion in a Town Center boundary because it is an undeveloped parcel with at least three sides adjacent to developed parcels; is less than ¼ mile from existing commercial and public services; and is near existing transit services.

The TVAP land use designations are consistent with both TRPA's Regional Plan Conceptual Land Use Map and the City's General Plan Land Use Diagram.

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

The TVAP recognizes and supports EIP projects through Policy NCR-5.5, which requires the City to coordinate with TRPA to implement the EIP water quality improvement projects in the Tahoe Valley area and to prioritize TMDL pollutant load reduction opportunities.

5. Promote environmentally beneficial redevelopment and revitalization within Centers.

The TVAP promotes environmental beneficial redevelopment and revitalization by encouraging the use of incentives to create a compact, mixed-use, transit-oriented, and higher-density development pattern on high capability lands within the Town Center (see Policy LU-2.10).

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

The majority of the TVAP is located within a Town Center. In order to mitigate impacts to adjacent uses (including existing residential neighborhoods), the TVAP requires that the TRPA height findings for Town Centers be met when approving projects that include additional height (TVAP, Appendix B, TRPA Height Findings). The TVAP Development and Designed Standards also include standards and guidelines targeted at reducing impacts to established residential uses. For example, the Development and Design Standards establish maximum heights, building setbacks, roof slope requirements, and roof height requirements, as well as require buildings located adjacent to residential neighborhoods be stair-stepped back. See Table 7 Height and Roof Standards in Appendix C. Furthermore, to ensure compatibility with adjacent residential uses, buildings that are permitted additional height will be required to mitigate impacts by: reducing height; increasing side yard or rear yard setbacks; adjusting the building orientation; and/or including landscape buffering with oversized trees. Projects will also have to undergo an environmental review pursuant to both CEQA and TRPA requirements, which require the mitigation of significant environmental impacts. Thus, the TVAP, along with existing CEQA, TRPA, and City requirements, includes the necessary safeguards to ensure future projects will not negatively impact established residential neighborhoods outside of the Town Center.

The TVAP also includes provisions to establish additional open space, such as the Tahoe Valley Greenbelt, and facilitates the construction of additional multi-use paths, which will create greater connectivity from adjacent residential neighborhoods to the Area Plan where commercial services are available.

The TVAP includes some established residential development, both within the Town Center and outside of the Town Center in the CMX-S (Commercial Mixed-Use Services District) zoning district. Appendix C, Table 1, Permitted Uses by Land Use District, identifies permitted residential uses by zoning district in the Area Plan. Single-family residential units are proposed to be allowed in all zoning districts, with the exception of the TC-HC (Town Center – Health Care) and OS (Open Space) zoning districts. Multiple-family dwellings are proposed to be allowed in the TC-G (Town Center Gateway), TC-NP (Town Center Neighborhood Professional), TC-HC, and CMX-S zoning districts with a special use permit. For additional proposed permitted residential uses within the Area Plan, refer to Table 1. Design standards and guidelines are included in Appendix

C, Section A, to ensure secondary residences on parcels less than one acre are compatible with existing residential development within the TC-NP (Town Center – Neighborhood Professional) District. Thus, the TVAP includes provisions to preserve the character of established residential areas within and outside of the Town Center, as well as includes provisions to facilitate environmental improvements within residential areas.

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

According to TRPA's existing Land Capability Overlay Map, just over a third (36.4%) of the Area Plan is SEZs with the remaining areas being high capability lands (63.4%) (refer to TVAP, Table 2, for an accounting of mapped land capability districts in the Area Plan). SEZs can be found in vicinity of James Avenue and Seventh Avenue, and just north and south of the "Y" intersection (see TVAP, Figure 6). According to TRPA GIS Impervious LiDAR Dataset (2010), approximately 58.7 acres of SEZs within the Area Plan are covered with impervious surfaces (see TVAP, Table 3). Thus, there has been extensive disturbance of SEZs in the plan area.

As discussed in Section 10, *Natural and Cultural Resources*, of the TVAP, the City hired Cardno/Entrix and Terra Sciences, experts in the field of soil science and hydrology, to review the existing mapped SEZs in the Area Plan. The consultants analyzed previous land capability verifications, land capability challenges and Individual Parcel Evaluation System (IPES) analyses that have occurred in the planning area, conducted a visual inspection of SEZs (reviewing vegetation, landforms, topography and aerial photography, and examined soil samples retrieved from publicly-owned lands to closely examine near-surface soil conditions). As a result of this more site specific land capability and SEZ delineation process, the experts concluded that the SEZ boundaries adopted in TRPA's 1987 Baily Land Capability Map were not entirely accurate to the Area Plan scale.

These efforts have resulted in a request by the City to amend TRPA's 1987 Bailey Land Capability Map, which is included as Figure 14 of the Area Plan. Specifically, this would amend the area of SEZ and adjust the land capability delineation of the Bailey overlay based upon a host of factors including a LiDAR slope analysis. The City is pursuing the amendment because verifying and delineating more accurate SEZ boundaries will help with implementing area-wide BMPs, improving drainage systems, and increasing SEZ restoration to benefit SEZ function. The revised SEZ boundaries were determined at a large scale and are still considered to be a planning level tool. Therefore, property owners will still be required to obtain parcel level site assessments and/or land capability verifications from

TRPA prior to project submittal.

The TVAP will continue to protect undisturbed SEZs through the continued enforcement of land coverage restrictions in Chapter 30: *Land Coverage* of the TRPA Code. Chapter 30 restricts land coverage in SEZs to 1 percent. The TVAP also includes transfer incentives to facilitate the transfer of development from SEZs in the proposed Tahoe Valley Greenbelt, the TRPA designated Stream Restoration Plan Area, and the Upper Truckee Watershed Hydrologically Related Area located within City limits to the Town Center. With all transfers of development, SEZs will be required to be restored. In disturbed SEZs with coverage above 1 percent (base allowable coverage), excess coverage will be required to be mitigated pursuant to the provisions of Chapter 30.6: *Excess Land Coverage Mitigation Program* of the TRPA Code, which requires excess coverage above base allowable be reduced onsite or offsite or for a land coverage mitigation fee to be paid.

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

TVAP, Section 8: *Transportation and Circulation,* sets forth goals and policies for transportation and circulation and implementation strategies to enhance pedestrian, bicycling, and transit opportunities in order to reduce automobile dependency.

B. Utilization of Load Reduction Plans

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

TVAP Policy NCR-5.6 states that the Area Plan incorporates by reference all monitoring, operations, maintenance, and reporting required by the City's NDPES permit, the adopted Pollutant Load Reduction Plan and the Stormwater Management Plan. The City's selected approach to meet load reduction targets combines the registration of Water Quality Improvement Projects (WQIP) with the Lake Crediting Program with the implementation of a pilot program to improve road operations for water quality. One of the seven WQIP projects that the City plans to register is located within Tahoe Valley; the Glorene and 8th Street WQIP will treat runoff from within the Area Plan and from adjacent neighborhoods. Using the Lake Clarity Credits as the defining performance metric, the Pollutant Load Reduction Model (PLRM) analysis estimates that the City will obtain the necessary credits to achieve the required 10 percent reduction by 2016.

Figure 16 of the Area Plans depicts proposed EIP and TMDL water quality improvement projects within the Area Plan and its vicinity to be implemented

to improve the water quality, soils and SEZ thresholds. TRPA will be able to evaluate the effectiveness of the implementation of the PLRP in the conformance review of Area Plan.

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

The TVAP includes a Town Center, not a Regional Center. The TVAP includes all additional required review standards for Area Plans with Town Centers identified in sub-section 13.6.5.C of the Code as stated below:

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

TVAP, Appendix C, Development and Design Standards, provides development and design standards, including building and site design standards, that reflect the unique character of the Tahoe Valley, respond to local design issues, and consider viewshed protection. The TVAP does not include any ridgelines that require protection.

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

TVAP, Section 8: *Transportation and Circulation,* sets forth goals and policies for transportation and circulation and implementation strategies to enhance pedestrian, bicycling, and transit opportunities and shared parking in order to reduce automobile dependency in the Town Center, as well as to connect the Town Center to adjacent neighborhoods and recreational amenities.

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

The Development and Design Standards address the form of development within the Town Center (refer to Table 5: Building Placement Standards, Table 7: Height and Roof Standards and Table 8: Building Form Standards in Appendix C). Section 8: Transportation and Circulation includes Goals and Policies requiring projects in the TVAP to promote pedestrian activity and transit use.

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

The TVAP height and density standards are in conformance with the Regional Plan and Chapter 13 allowances for Town Centers. The proposed height and density allowances provide adequate capacity for redevelopment and the Area Plan includes incentives to facilitate the transfers of development from sensitive lands to high capability lands within the Town Center. (Refer to Appendix C, Development and Design Standards, Table 4: Development Standards and Table 7: Height and Roof Standards.)

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

The TVAP incorporates all of the Regional Plan and TRPA Code provisions to facilitate the transfer of development from sensitive lands and outlying areas to the Town Center, as well as includes additional incentives to encourage the transfer of development from SEZs located within the Tahoe Valley Greenbelt, Stream Restoration Plan Area, and Upper Truckee River Hydrologically Related Area (refer to NCR-7.2). The IS/IEC concluded that the transfer provisions in the Area Plan may potentially reduce coverage overall (see response to Questions 61 and 62). The Area Plan also includes area wide stormwater management projects to meet TMDL load reduction targets.

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

The TVAP implements, without change or substitute standards, the Regional Plan regulations pertaining to height, density, BMPs, and all standards in the TRPA Code of Ordinances related to the protection and enhancement of the Environmental Threshold Carrying Capacities. In order to improve water quality, the TVAP includes new transfer and coverage incentives to facilitate the removal of older legacy development from SEZs and the transfer of development to high capability lands within the Town Center where redevelopment is encouraged.

Findings regarding how implementation of the TVAP will contribute threshold gain are included above, and also described in the Staff Summary which is hereby fully incorporated by reference.

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

The TVAP does not include the High-Density Tourist District.

REQUIRED FINDINGS FOR CODE AMENDMENTS

Required Findings: The following Chapter 3 and 4 findings must be made prior to adopting the Code amendments:

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

1. Finding: TRPA finds that the TVAP and associated code amendments may have a significant effect on the environment and an IEC (or "IS/IEC") has been prepared in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and the Rules of Procedure, Article 6 and CEQA.

   Rationale: The IS/IEC and the findings for adoption of the TVAP demonstrate that the Area Plan will not have a significant effect on the environment. Therefore, proposed amendments to the TRPA Code to reflect the adoption of the TVAP development and design standards will not have a significant effect on the environment.

TRPA Code of Ordinances Section 4.4 – Threshold Related Findings

1. Finding: The project (ordinance) is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

   Rationale: The proposed Code amendments will refer readers to the TVAP for development and design standards that pertain to development within the TVAP boundary. The Code amendments are consistent with the 2012 Regional Plan and Code and the associated EIS, and are therefore consistent with the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, other TRPA plans and programs. Also, see the Chapter 4 Findings made for adoption of the TVAP.

2. Finding: The project will not cause the environmental thresholds to be exceeded.

   Rationale: The proposed amendments are consistent with the provisions of the 2012 Regional Plan and will help to implement the TVAP. As demonstrated in the RPU EIS, the findings for adoption of the RPU, and the IS/IEC for the TVAP and associated code amendments, implementation of the Regional Plan will not cause the environmental threshold carrying capacities to be exceeded. Also, see the Chapter 4 findings made for adoption of the TVAP.

3. Finding: Wherever federal, state, and local air and water quality standards applicable to

the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: The proposed Code amendments do not affect or change the Federal, state, or local air and water quality standards applicable for the Region. Also, see the Chapter 4 findings made for adoption of the TVAP.

TRPA Code of Ordinances Section 4.6 – Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs

1. Finding: The Regional Plan and all of its elements as implemented through the Code, rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: Based on the rationale for the foregoing findings, including the findings for adoption of the TVAP, completion of the IS/IEC, and the findings made on December 12, 2012, for the Regional Plan Update (all of which are incorporated herein by reference), TRPA finds the Regional Plan and all of its elements, as implemented through the Code, rules, and other TRPA plans and programs, as amended, achieves and maintains the thresholds. The Code amendments necessary to implement the TVAP do not conflict with any Regional Plan provision designed to achieve and maintain thresholds. Also, see the Chapter 4 findings made for adoption of the TVAP.

TAHOE REGIONAL PLANNING AGENCY

ORDINANCE 2015-

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO ADOPT THE CITY OF SOUTH LAKE TAHOE'S TAHOE VALLEY AREA PLAN AND ASSOCIATED LAND CAPABILITY MAP AND CODE AMENDMENTS

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

Section 1.00	**Findings**
1.05	The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region.
1.10	The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.
1.15	The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.
1.20	Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.
1.25	In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances ("Code").
1.30	It is necessary and desirable to amend TRPA Ordinance 87-9, as previously amended, as it relates to the Regional Plan of the TRPA by amending the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact in order to accelerate attainment and ensure maintenance of the threshold standards.

1.35 TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.

1.45 The Advisory Planning Commission (APC) and Regional Plan Implementation Committee (RPIC) conducted a public hearing on the amendments and issued a recommendation regarding the adoption of these amendments. The Governing Board has also conducted noticed public hearings on the amendments. At these hearings, oral testimony and documentary evidence were received and considered.

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.55 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 **Amendment of TRPA Regional Plan**

2.10 Ordinance 87-9 is hereby amended to include the City of South Lake Tahoe's Tahoe Valley Area Plan and fully incorporated herein.

Section 3.00 Amendment of TRPA Code of Ordinances

3.10 The Code of Ordinances is hereby amended to include the City of South Lake Tahoe's Tahoe Valley Area Plan and fully incorporated herein.

Section 4.00 Interpretation and Severability

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

Section 5.00 Effective Date

5.10 The provisions of this ordinance shall be effective 60 days after adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held _____, 2015, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

_____
Casey Beyer, Governing Board Chair
Tahoe Regional Planning Agency