

Exhibit D

Public Comments on April 25, 2012 Draft Regional Plan

Introduction:

On April 25, 2012, TRPA distributed Draft Regional Plan Update Documents for public review and comment. Updated documents included:

- Draft Regional Plan
- Draft Code of Ordinances
- Draft Regional Plan Update Environmental Impact Statement (EIS)
- Draft Regional Transportation Plan
- Draft Regional Transportation Plan Environmental Impact Report / Environmental Impact Statement (EIR/EIS)

Comments regarding the environmental analyses in the Regional Plan EIS and Regional Transportation Plan EIR/EIS (collectively “Environmental Documents”) were accepted through June 28, 2012. Comments on planning and policy matters continue to be accepted.

During the comment period for the Environmental Documents, 357 comment letters were received; including 45 from public agencies, 54 from stakeholder organizations (including environmental and business organizations), 141 from individuals, 18 comment forms from open houses and 99 form letters sponsored by two organizations (Friends of West Shore with 42 form letters and Lake Tahoe Community Realtors with 57 form letters). An additional 41 comment letters regarding the April Draft Plans were received before and after the Environmental Document comment period. These comment letters address policy matters as well as the environmental analysis.

The Final Environmental Documents provide detailed written responses to all comments regarding the environmental analysis.

This Exhibit summarizes and responds to public comments on policy matters that do not involve the environmental analysis, organized into ten topic areas. See **Master Response 1** of the FEIS stating that comments on policy matters would be addressed separately. Each topic discussion begins with a broad overview of comments and relevant changes that were made in response (restated from attached staff summary for ease of reference), followed by a more detailed summary of public input. The response details how that input is reflected in the Final Draft Plan and Code. Topic areas include:

1. Planning and Permitting using Area Plans
2. Development Allocations and Transfers
3. Community Character
4. Recreation Areas and Uses
5. Land Coverage
6. Transportation
7. Water Quality
8. Air Quality
9. Noise Control
10. Other

Topic #1 – Planning and Permitting using Area Plans

Introduction (Restated from Staff Summary)

Most Agency and public comments related to the Planning Process and Area Plans involved the TRPA oversight system for Area Plans and delegated permitting.

The April Draft Plan included provisions that would have *exempted* additional activities from TRPA review if Area Plans included provisions to ensure that development activities would not have a substantial impact on resources in the Region. Importantly, the Final Draft Plan includes modifications endorsed by the Board since the April Draft Plan providing for *delegated* project review, with appeal provisions.

Detailed comments on the April Draft focused on having more TRPA oversight of project permitting as a safeguard, the extent that permitting activities could be properly exempted from TRPA review and on opportunities to appeal local government decisions to TRPA. Many stakeholders supported more prescriptive procedural guidelines with increased TRPA involvement and oversight, while other stakeholders supported TRPA taking on a more regional role with increased entrustment of site-specific permitting decisions to other public agencies.

Generally, business interests, local governments, and state and federal land management agencies supported entrusting more permitting authority to other public agencies and levels of government, citing improved processes, socioeconomic benefits, and protections integrated into the Area Plan process. In contrast, environmental interests and state/federal environmental agencies generally opposed increased permitting exemptions, citing a need for TRPA to be the arbitrator on decisions that could impact the environment, along with language in the Compact calling for TRPA review of all activities that “may substantially affect the land, water, air, space or any other natural resources of the region.”

The Draft EIS and Final EIS did not identify any potentially significant impacts related to Area Plans. Mitigation is not required.

The Final Draft Plan includes a robust and predictable project appeal process to address public concerns, along with a reduction in the size of projects that would be eligible for delegated permitting.

Specific comments on this topic are summarized below, followed by a more detailed explanation of how the comments are addressed in the Final Draft Plan.

Topic #1 - Summary of Comments

Public Agency Comments:

Local Governments generally supported the Area Plan framework and focused on suggestions to make the Area Planning process more efficient and predictable. Comment points included:

- The TRPA oversight process should be less complex and burdensome. Some comments suggested that existing mechanisms, such as the Area Plan approval findings and the legal

system, already require that Local Government permitting be consistent with the Regional Plan. Concerns were raised that excessive procedural requirements could be infeasible or divert available resources away from more important priorities.

- The process and requirements for Area Plan development should be more clearly defined.
- The requirements associated with Area Plan development could be costly and the timeline for adoption will be protracted.
- Ensure sufficient TRPA financial and staff resources are available to assist with Area Plan development, including making the chapter 4 findings, as well as address priority issues identified for future action.
- The Regional Plan should identify topics to be addressed in Area Plans, but should be less prescriptive and allow greater flexibility to address topics through the Area Plans.
- TRPA should avoid duplicative and inconsistent reporting requirements.

Comments from California State Agencies emphasized procedural protections and provided suggestions to make the Area Planning process more efficient and predictable.

Comments from the California Department of Justice focused on “safeguards” to ensure that all exempted and delegated permitting activities maintained consistency with the Regional Plan. Specific suggestions include:

- Exempting development from TRPA permitting may be inconsistent with the Compact because it is not possible for a plan to verify that larger developments will not create significant environmental impacts. Robust “right of appeal” procedures are needed.
- The size criteria for “Projects of Regional Significance” are too large.
- A strong recertification process is needed.

The California Tahoe Conservancy (CTC) was concerned that an annual recertification process without an appeals process would only catch non-conforming projects after they were permitted or constructed. CTC also suggested that the requirements for direct TRPA review are more applicable to developed settings than public lands and offered the following suggestion:

- Because many State lands include property in the Conservation District, Area Plans should provide more flexibility for State and Federal agencies to approve permits on Public Land in the Conservation District. The Draft Plan requires direct TRPA review of all (public or private) development in the Conservation District, except for the exempt activities that are currently specified in Code Section 13.7.3. Code language could be updated to require TRPA review of residential, commercial, or tourist development in conservation districts.

The California Department of Parks and Recreation suggested that Area Plans include stronger and more comprehensive urban bear requirements.

The State of Nevada did not submit written comments on policy matters. Staff has met with various Nevada State Agencies and understands the State is generally supportive of the Area Plan process. State of Nevada staff raised the same concern as the California Tahoe Conservancy about permitting requirements on public Conservation District lands.

The U.S. Forest Service did not submit written comments. Staff has met with the U.S. Forest Service and understands the Forest Service is generally supportive of the Area Plan process. Like the California Tahoe Conservancy and State of Nevada, the U.S. Forest Service suggested that the plan provide increased permitting authority to State and Federal agencies on public Conservation District lands.

Comments from Organizations and Advocacy Groups:

Comments from environmental organizations focused on maintaining procedural safeguards to ensure that permits issued by other agencies are in conformance with the Regional Plan. Major concerns include:

- Exempting development from TRPA permitting may be inconsistent with the Compact.
- Appeal procedures are needed.
- All of the environmental impacts of exempted projects would not be addressed through the environmental review of Area Plans.
- The size limits for “Projects of Regional Significance” are too large.
- The criteria for determining if an Area Plan is in conformance with the Regional Plan must be specific and well-vetted.
- Testimony before the Governing Board should not be limited to issues raised before the Advisory Planning Commission.
- Clarify the process for replacing Community Plans with Area Plans and clarify what findings will have to be made to approve a project under an Area Plan.
- There must be a mechanism to stop or remove non-conforming projects if they are permitted under an Area Plan.

Comments from business organizations generally supported the Area Plan framework and focused on suggestions to make the Area Planning process more efficient and predictable. A sample of relevant comments is noted below:

- Provide as much flexibility as possible to local jurisdictions and use the annual review to ensure Area Plans are consistent with the Regional Plan.
- Support shifting more permitting responsibilities to the local jurisdictions to provide more direct connection with residents and businesses, increase accountability and reduce duplication and shorten timeframes.
- Support for TRPA’s shift from local control to Regional planning, empowering local jurisdictions to develop local Area Plans consistent with the Regional Plan and Compact.
- Support for allowing each Area Plan the flexibility to be creative in addressing concerns identified in the Regional Plan.

Comments from Individuals and Businesses:

Comments from individuals and businesses generally reflected the different views expressed by Agencies and Organizations in the Region. Many comments were generally supportive of the Area Plan framework as drafted. Some comments recommended increased flexibility for local government planning, while other comments generally opposed the level of flexibility outlined in the April Draft Plan. Several comments suggested the inclusion of an appeals process and others requested clarification regarding which projects would be reviewed by TRPA. Some comments raised questions about the “trustworthiness” of local governments to properly review development proposals.

Topic #1 - Response to Comments

Agency and public comments related to the Planning Process and Area Plans generally involved two related topics:

1. The types, locations and sizes of development activities that could be exempted from TRPA review, along with appeal provisions and related oversight mechanisms to ensure consistency with the Regional Plan; and
2. The level of flexibility afforded to local governments when preparing Area Plans and the clarity of approval requirements.

Many comment letters articulated competing views for these topics, while others suggested that they were appropriately addressed in the April Draft Plan.

The April Draft Plan had proposed to transfer a large majority of project reviews to Local Governments in order to return TRPA to a more regional focus. Overall, the changes in the Final Draft Plan retain the policy shift towards a more regional role for TRPA and increased flexibility for local, state and federal agencies; but these changes add significant procedural and regulatory safeguards to ensure that Area Plans and developments permitted under Area Plans are fully consistent with the Regional Plan.

Permitting Process: Regarding the development permitting process, the concerns of stakeholders that generally opposed increased permitting exemptions are addressed to a significant degree with two modifications in the Final Draft Plan to serve as safeguards – the appeal provisions (Policy LU-4.12; Code Section 13.9) and the tightened eligibility requirements for delegated permitting (Policy LU-4.12; Code Section 13.7.3).

The change to *delegated* project review retains opportunities for permitting *exemptions* compared to the 1987 Regional Plan. The introduction of detailed appeal provisions for delegated project review addresses the additional concerns that exempting more development from TRPA permitting may be inconsistent with the Compact, that appeal procedures are needed, that all of the environmental impacts of exempted projects might not be addressed through the environmental review of Area Plans, and that there must be a mechanism to stop or remove non-conforming projects if they are improperly permitted under an Area Plan.

The tightening of eligibility requirements for delegated permitting further addresses these comment points. The size of projects requiring direct TRPA review was adjusted downward so that more projects now fall within the definition of regional significance and therefore more projects would require direct TRPA review, including development in the Resort Recreation District and many mid-sized projects that were eligible to be exempted from TRPA permitting by the April Draft Plan, but are not eligible for delegated permitting by the Final Draft Plan (Staff Summary, page 9).

Comments recommending increased permitting exemptions were generally not embraced in the Final Draft Plan. Instead, provisions were added to “consider increasing levels of delegation” (as compared to “exemption”) after four years (Policy LU-4.12). The appeal process also contains several procedural requirements to ensure a timely and predictable appeal process, which was an important topic of concern during the plan development process.

The tentative resolution of this policy debate involves a more gradual transition to permitting delegation than was outlined in the April Draft Plan. The Final Draft Plan retains the focus on improving and simplifying the permitting process (compared to the 1987 Regional Plan), while establishing additional safeguards to protect against unintended consequences.

Area Plans: Regarding Area Plan preparation and approval requirements, the Final Draft Plan retains most provisions from the April Draft Plan, but with more detailed criteria for development within Centers (Policy CD-2.1; Code Section 13.5.3.D.1) and the future expansion of Center Boundaries (Policy CD-2.1; Code Section 13.5.3.E). Provisions requiring consistency with TMDL Load Reduction Plans were also added (Policy LU-4.12; Code Sections 13.6.5.B, 13.8.2 and 13.8.5) Like the new appeal provisions, the new Area Plan provisions strengthen the TRPA oversight process for authorities delegated to other public agencies – thereby addressing comments that Area Plan approval requirements were too flexible.

Comments requesting increased flexibility for Area Plans were generally not embraced in the Final Draft Plan, although most provisions in the April Draft that significantly increase flexibility for other public agencies (compared to the 1987 Plan) were retained the Final Draft Plan.

Like provisions for delegated permitting, the tentative resolution of this policy debate provides a more gradual transition to delegation of planning decisions compared to the April Draft Plan. The Final Draft Plan retains the focus on improving and simplifying the planning process, while establishing additional safeguards to protect against unintended consequences.

Several comments regarding Area Plans requested that TRPA clarify plan development and approval requirements. Applicable requirements are outlined in Chapter 13 of the Final Draft Code of Ordinances (Code Section 13.4 through 13.8). Additionally, since April, staff has met with all involved agencies to clarify plan development and approval requirements.

Other comments requested that TRPA staff be available to assist with the Area Plan development process. TRPA staff has been actively participating in (but not leading) the Area

Plan development process in several jurisdictions that have begun the planning process and will continue to be available to assist with Area Plan development, as required by Policy LU-4.13.

In combination, the range of comments that were received on Area Plans and the permitting process were addressed with Final Draft Plan provisions that retain the policy shift towards a more regional role for TRPA and increased flexibility for local, state and federal agencies; while adding significant procedural and regulatory safeguards.

Topic #2 – Development Allocations and Transfers:

Introduction *(Restated from Staff Summary)*

This issue category was addressed in many comment letters. Agency and public comments focused on the appropriate amount of new development, details of the allocation release system, whether the modified transfer ratios would meaningfully incentivize restoration and redevelopment, and appropriate size limits for transferred TAUs.

Comments from environmental interests emphasized limiting the number of new commodities as an important element of continued growth and development constraints. Comments from business interests and some local governments expressed a desire for additional commodities, citing the dated and deteriorating condition of existing development, and the need for increased economic activity, redevelopment incentives and jobs.

Additionally, for all allocation release levels that were evaluated, the Draft EIS identified potentially significant impacts to vehicle miles travelled (VMT) and roadway levels of service (LOS). Mitigation measures would release allocations in four-year increments while implementing alternative transportation programs; and provide for allocation reductions and/or roadway improvements as necessary to maintain compliance with adopted standards. No other potentially significant impacts were identified.

The Final Draft Plan includes development allocation and transfer provisions from the Draft Plan (Alternative 3), with additional limitations. Overall, amendments authorize a reduced rate of development compared with the 1987 Plan, along with strong incentives for redevelopment. Important provisions include:

- Codify proposed EIS mitigations;
- Authorize 2,600 new residential allocations, 600 new residential bonus units (for use only in Centers), 200,000 sf of new CFA (released only after existing supplies are used) and no new TAUs;
- Maintain the development transfer ratios in the Draft Plan, limit opportunities for alternative ratios, and review the efficacy of the ratios following plan adoption;
- Further limit the size of transferred TAUs and add other provisions; and
- Establish a pilot program for on-site conversion of TAUs to Residential Units.

Specific comments on this topic are summarized below, followed by a more detailed explanation of how the comments are addressed in the Final Draft Plan.

Topic #2 - Summary of Comments

Public Agency Comments:

Two local governments suggested that more commodities would be needed than were included in Alternative 3, and that fewer restrictions should be placed on the release of commodities. Other local governments were silent/neutral on the number and release of commodities. Local Government comments generally supported the transfer of development framework and

focused on suggestions to make the transfer of development system more effective. One local jurisdiction suggested that existing provisions control the environmental impacts of TAUs, and a larger TAU size limit would not have negative impacts. Specific suggestions include:

- More than 200,000 sq. ft. of new CFA is required to meet demand within the City of South Lake Tahoe and Placer County.
- The phased release of commodities should not be tied to achieving LOS standards as recommended in the EIS mitigation measure 3.3-1. The number of commodities is not directly tied to LOS, the mitigation could provide a disincentive for redevelopment in the more developed community centers, and the mitigation could work against the goal of reducing dependence on the private automobile.
- Commodity release requirements should vary from jurisdiction to jurisdiction to allow each jurisdiction to have a sufficient number of commodities to facilitate redevelopment.
- Transfer ratios might not be high enough to incentivize transfers in jurisdictions with fewer available commodities. The plan should allow different transfer ratios in different jurisdictions based on the number of commodities available for transfer in that jurisdiction.

California State Agencies tended to be silent/neutral on the number and release of commodities and the transfer of development program, although the California Department of Justice did express concern that the bonus units proposed in Alternative 3 would increase development and the CTC expressed a concern that the proposed transfer ratios could increase property values and the cost of sensitive land acquisitions. Few comments were received on TAU size limits. Specific suggestions from California State Agencies include:

- Transfer incentives should not apply to un-developed SEZ lots because other restrictions prohibit development on those parcels.
- Need to account for all “banked” commodities held by the Tahoe Conservancy and others.
- Would TAU size limits apply to banked TAUs?
- Designated Town Centers may be too large or be in the wrong configuration to promote transit and pedestrian use.
- Transfers from sensitive land within Town Centers should get incentives.
- Transfer incentives might increase the value of sensitive lands making sensitive land acquisition more difficult.
- Public funding will be required for acquisition programs to support transfer incentives.
- Need interim targets for transfers of development and regular monitoring to be able to adjust the transfer program.

The State of Nevada did not submit written comments. Staff has met with various Nevada State Agencies and understands the State is generally supportive of the transfer of development program. State of Nevada staff did not comment on the number and release of commodities or the size of TAUs.

Comments from Organizations and Advocacy Groups:

Comments from environmental organizations focused on limiting the number of new commodities. Environmental organizations had mixed views of the transfer of development program. Some organizations expressed concerns about impacts at transfer receiving sites, others did not believe the program would work, and others were supportive of the program. Major comments include:

- There is no demand for additional commodities.
- Language in policy LU-3.6 requires TRPA to continually add more commodities to maintain a pool of commodities for incentives.
- New commodities should be reduced to account for banked commodities held by the California Tahoe Conservancy and others.
- Bonus units increase the overall development potential in the Region.
- Concentrating development through the transfer program could result in negative effects at the receiving site, such as nearshore, traffic, or community character impacts.
- The transfer of development program will not provide enough incentive for homeowners to participate.

Comments from business organizations generally expressed a desire for additional commodities. Business organizations were generally supportive of the transfer of development program and included suggestions to improve the viability of the program. Several organizations expressed concern over a local government's ability to prevent transfers out of its jurisdiction. Major comments include:

- There is a need for approximately 200 new TAUs, particularly on the north shore.
- Need to monitor the release of commodities to ensure enough commodities are available to facilitate redevelopment.
- Local governments should not be able to prohibit transfers out of their jurisdiction; this provides a barrier to a successful transfer program.
- Incentives should be provided to local governments that allow transfers out of their jurisdiction.
- Identify urban strip motel renewal districts and provide specific incentives to encourage redevelopment.

Comments from Individuals and Businesses:

Comments from individuals and businesses generally reflected the different views expressed by Agencies and Organizations in the Region. Many comments suggested that there was an existing oversupply of TAUs, especially on the South Shore. Public and business comments on the transfer of development program were mixed, with many comments supporting the program and many comments opposed or suggesting the program would not work. Major comments include:

- Should include a publicly funded TAU buyout program and/or allow TAUs to be converted to residential units.
- Redevelopment incentives should focus on blighted areas.

Topic #2 - Response to Comments

Agency and public comments related to Development Allocations and Transfers generally involved three related topics:

1. The appropriate amount of new development and requirements for release of development allocations;
2. Whether the modified transfer ratios would meaningfully incentivize restoration, redevelopment, and environmental improvement; and
3. Transfer and conversion of use provisions involving TAUs.

Many comment letters articulated competing views for these topics, while others suggested that they were appropriately addressed in the April Draft Plan.

Overall, the Final Draft Plan retains the April Draft Plan's emphasis on removing barriers to environmentally-beneficial redevelopment, while gradually slowing the rate of new development as the Region approaches buildout. The Final Draft Plan also adds significant environmental protections to maintain compliance with adopted standards and accelerate threshold attainment.

Amount of Development Allocations and Requirements for Release: Comments related to the appropriate amount of development generally involved recommendations for "more" or "less".

Overall, the number of residential allocations was the least controversial, comments regarding residential Multi-Residential Bonus Units were somewhat more prevalent, and comments regarding the amount of new commercial and tourist development were the most prevalent and divergent in view.

The Final Draft Plan includes the number of allocations reflected in Alternative 3 with additional restrictions for their release (Policy DP-2.2; Code Sections 50.4 and 52.3.1).

New allocations include 2,600 residential allocations (of the remaining 4,243 Development Rights), 600 new Residential Bonus Units, 200,000 square feet of new CFA, and no new tourist units.

A major restriction involves releasing allocations in four year increments, not to exceed 20% of the 20 year supply, and only in compliance with adopted VMT and LOS standards (Policy DP-2.2; Code Section 50.4). This restriction ensures consistency with adopted transportation standards and substantially reduces the margin of error that is inherently associated with the "out-years" in long-range transportation modeling. Please reference **Master Responses 11 and 12** of the Final EIS for a more detailed response to comments related to VMT and LOS limitations.

The April Draft Plan was also modified to limit the release of new bonus units (only in Centers) and new CFA (only after existing supplies are exhausted) to further address environmental concerns (Policy DP-2.2; Code Sections 50.4 and 52.3.1).

These new allocation levels and restrictions appear to address many of the environmental concerns, while providing opportunities for orderly growth and development consistent with environmental threshold standards.

Concerns that policies in the April Draft Plan appeared to require the future release of additional allocations were addressed with language clarifying that there will be no automatic release of allocations (Policies LU-3.6 and LU-3.7; Code Section 50.4)

Regarding residential allocations, recommendations for “no new development” or “more new development” were generally not embraced. The Final Draft plan would release up to 130 new allocations per year for the next 20 years (a reduced rate compared to the 1987 Plan), subject to the above-described limitations.

Regarding Multi-Residential Bonus Units: Concerns that bonus units increase the total number of residences that may exist in the region and that the increased capacity for multi-family units could negatively impact the environment are addressed in the Final EIS, including **Master Response 11**. Related concerns that the additional bonus units could impact the character of the Region’s communities are addressed with changes in the Final Draft Plan that limit new bonus units to Centers (Policy DP-2.2; Code Section 52.3.1), establish additional design requirements for Centers (Policy CD-2.1; Code Section 13.5.3.D.1), and enact strict limitations for the future expansion of Centers (Policy CD-2.1; Code Section 13.5.3.E). Comments suggesting that there should be relaxed bonus unit limitations, or none at all, were generally not embraced.

Comments regarding the amount of new Commercial and Tourist development were prevalent and made widely divergent recommendations. The Final Draft Plan includes no new tourist units (unchanged from Alternative 3) and up to 200,000 new square feet of commercial space, but only if the existing supply of CFA is first exhausted.

Specific concerns were raised that there is an inadequate supply of tourist units that could be earned or transferred, especially in Placer County. Changes were not made in response to these comments. There are 252 tourist bonus units currently available for new tourist development plus an additional 90 units that have been reserved for unbuilt projects in Placer and Washoe Counties. Additionally, there are 400 existing tourist units located in Stream Environment Zones in Placer County that could be transferred and used in conjunction with available bonus units to support new tourist development in Placer County – and a total of approximately 3,210 existing tourist units in SEZs region-wide. The Final Draft Plan incentivizes the transfer of environmentally impactful tourist development, but does not increase opportunities for new tourist units.

The above-described release levels and limitations for commercial and tourist units represent a compromise between stakeholders requesting more supply and stakeholders requesting less.

Comments related to banked commodities were addressed with changes in the development right accounting tables, as further described in **Master Response 9** in the Final EIS.

Development Transfer Ratios: Many comments related to the development transfer program focused on whether the modified ratios would meaningfully incentivize redevelopment. **Master Response 8** in the Final EIS directly addresses these comments. The April Draft Plan allowed for approval of bonus transfer ratios if proposed and approved in a conforming Area Plan. In response to interests concerned about abuse and open-endedness, the Final Draft Plan reduced opportunities for modified transfer ratios to only specific and limited geographic areas and added future review of the efficacy of transfer ratios (Code Section 13.5.3.B.4, Regional Plan Policy ME-3.6 and Attachment 5) to further address these comments.

Comments suggesting that TRPA should not require local government approval for inter-jurisdictional development transfers were not embraced in the Final Draft Plan.

Language was added to the Final Draft Plan in response to suggestions to increase policy support for development right acquisition programs (Policy LU-3.8).

TAU Transfer and Conversion of Use Provisions: The TAU transfer provisions have been contentious for many years, and the concerns involve the size and style of the unit at the receiving site. Under existing rules, a small motel-style TAU unit (e.g., 200-300 sf) can be removed from one site and rebuilt at the receiving site without specific size restrictions as long as other development and environmental standards are met. Like many topics involving development, some comments recommended stricter transfer requirements and others recommended less strict requirements.

The Final Draft Plan includes compromise provisions that create somewhat more strict TAU transfer requirements than the April Draft Plan to further discourage very large residential style tourist units, including different provisions for professionally managed receiving sites with specified amenities and those without (Code Section 51.5.2.K). While not as strict as some commenters requested, the new size limits for transferred TAUs would be the first standards of their kind at Lake Tahoe and would substantially limit the size of transferred tourist units. In response to comments about greater flexibility for conversion from one type of commodity to another, the Final Draft Plan added a pilot program for on-site conversion of existing tourist units to smaller multi-family units. No more than 200 tourist units can be converted under the program (Code Section 50.10.2).

In combination, the Final Draft Plan retains the April Draft Plan's emphasis on removing barriers to environmentally-beneficial redevelopment while gradually slowing the rate of new development as the Region approaches buildout. The Final Draft Plan also adds significant environmental protections to maintain compliance with adopted standards and accelerate threshold attainment.

Topic #3 - Community Character

Introduction *(Restated from Staff Summary)*

This issue category was addressed in many comment letters. The majority of agency and public comments focused on the concentration of development within Town Centers, the Regional Center and the High Density Tourist District; and on the localities designated as Centers. Some reviewers supported increasing land use intensities in Centers, primarily to make redevelopment more financially feasible. Others opposed increasing concentration of development due to concerns about scenic impacts, traffic and/or community character.

The Draft EIS and Final EIS identified beneficial land use and scenic impacts related to revitalized Centers and more compact development patterns. The Draft EIS also identified potentially significant scenic impacts related to increasing building heights in Centers. Scenic mitigation measures would require no net increase in visual prominence for projects in the High Density Tourist District and additional height findings for projects in Regional and Town Centers.

The Final Draft Plan includes modifications that:

- Codify proposed EIS mitigations;
- Limit opportunities for increased building height in the High Density Tourist District (supplementing the mitigation measures);
- Establish additional requirements for the location of Centers and development in Centers;
- Outline additional requirements for Level of Service exceptions; and
- Provide additional policy support for sensitive land and development right acquisition programs.

Specific comments on this topic are summarized below, followed by a more detailed explanation of how the comments are addressed in the Final Draft Plan.

Topic #3 - Summary of Comments

Public Agency Comments:

For local governments, Placer County, Douglas County and the City of South Lake Tahoe submitted written comments related to community character. Staff has met with other local government representatives and generally local governments support the proposed height and density changes and prefer to address community character issues primarily through approved Area Plans. Comments from South Lake Tahoe and Douglas County were general in nature and supportive of community character policies. South Lake Tahoe recommended increased reference to the recently adopted City General Plan. Placer County was also generally supportive and offered specific suggestions, including:

- Measure height in feet only, not by the number of stories.
- Support for the LOS exception when alternative transit opportunities exist.
- Provide more opportunities for neighborhood scale mixed uses in residential areas.

Comments by the California Tahoe Conservancy on behalf of California state agencies “strongly endorse the Plan’s emphasis on creating sustainable transit, bike, and pedestrian-friendly communities”. Comments further note the consistency of this strategy with State Policy and the potential for “significant environmental, social and economic benefits”. Additional comments emphasize the need for continued public investment to supplement the incentives in the April Draft Plan.

The California Department of Transportation (CalTrans) submitted written comments addressing roadway levels of service. CalTrans recommended removing the rural and urban LOS designations and applying the proposed LOS exception region-wide. This change would be more consistent with state LOS standards and better reflect existing LOS conditions.

The California Department of Justice did not directly address community character, but did question if existing and allowed densities in designated centers would be sufficient to support pedestrian and transit activity.

The State of Nevada did not submit written comments. Staff has met with various Nevada State Agencies and the State Agencies generally support Draft Plan provisions related to community character.

No Federal Agencies provided comments addressing community character issues.

Comments from Organizations and Advocacy Groups:

Comments from environmental organizations were generally opposed to any increases in allowable height or density. Major concerns include:

- Increased height and density could change the character of small communities and result in projects that are out of scale with the surrounding areas.
- Increased height and density would result in concentrated development, which could have localized environmental impacts such as increased traffic or nearshore degradation.

Comments from business organizations generally supported the proposed changes to height and density. Specific comments included a suggestion to use an average gradient method to measure height.

Comments from Individuals and Businesses:

Comments from individuals and businesses generally reflected the different views expressed by Agencies and Organizations in the Region. Many comments were generally opposed to any changes in height or density, while other comments supported the proposed changes. Fewer comments from individuals and businesses addressed the LOS exception, but comments on the topic were generally supportive of the proposed change. Some comments from individuals appeared to address opposition to recently-approved projects more than regional policies. Comments were also received to make the “Dark Sky” Lighting standards for Area Plans more specific and to incorporate the new lighting policies into the TRPA code.

Comments from Edgewood Companies, a major landowner in the High Density Tourist District with long term redevelopment ideas, recommended that the draft mitigation measure for increased building height in the High Density Tourist District utilize the established “scenic rating” system to address scenic issues rather than the new “visual prominence” requirement in the draft mitigation measure.

Topic #3 - Response to Comments

The majority of agency and public comments focused on height, density and coverage standards for Town Centers, the Regional Center and the High Density Tourist District; and on the designation of certain localities as Centers. Some reviewers supported increasing land use intensities in Centers, primarily to make redevelopment more financially feasible. Others opposed increasing land use intensities due to concerns about scenic impacts, traffic and/or community character. Some comments also addressed community character issues outside Centers.

The April Draft Plan proposed to allow increased development concentration within Centers and outside Centers in limited cases, through the Area Plan process, to incentivize redevelopment and accelerate improvement of the built environment (Policy CD-2.1; Code Section 13.5.3.A).

Overall, the Final Draft Plan retains the April Draft Plan’s emphasis on accelerating environmentally-beneficial redevelopment, while instituting significant new restrictions to reduce allowable development intensities in many areas compared with the April Draft Plan.

Modifications in the Final Draft Plan respond to a variety of concerns regarding potential effects resulting from concentrated development, as described below:

Comments suggesting that concentrated development in Centers will create scenic impacts and/or would negatively impact the existing character of communities in the Region are addressed with important new provisions in the Final Draft Plan that:

- Limit increased height opportunities in the High Density Tourist District to replacement of existing high-rise buildings (Policy CD-2.1; Code Section 13.5.3.A);
- Require new height findings for increased building height in Centers that implement scenic mitigation measures from the Draft EIS (Code Section 13.5.3.A, 37.7.16 and 37.7.17);
- Eliminate new provisions that would have provided opportunities for increased height outside Centers through the Area Plan process (Policy CD-2.1; Code Sections 13.5.3.A and 37.4.1);
- Establish additional requirements for the location of Centers and for development in Centers (Policy CD-2.1; Code Section 13.5.3.D.1.b and 13.5.3.E); and
- Retain existing maximum coverage limitations for community plan areas outside Centers (Policy LU-2.11; Code Section 30.4.2.B).

Collectively, these modifications significantly reduce opportunities for increased height and provide additional protections against negative effects on scenic resources or community character resulting from redevelopment activities.

Recommendations for further increases in height allowances (above those in the April Draft Plan) were not embraced in the Final Draft Plan. Similarly, comments recommending that the draft mitigation measure for increased building height in the High Density Tourist District utilize the established “scenic rating” system to address scenic issues rather than the new “visual prominence” requirement in the draft mitigation measure were not embraced.

Comments related to potential transportation impacts resulting from concentrated development are addressed in **Master Responses 11 and 12** of the Final EIS. Additional requirements for LOS exceptions (Policy T-10.7) further address policy concerns.

Comments requesting additional opportunities for commercial and mixed use development outside of Centers were not embraced in the Final Draft Plan because of the emphasis on concentrating development in Centers to encourage mixed use, compact development with less need for motorized vehicle use; nor were comments recommending relaxed LOS standards on regional roadways because of the general need to encourage congestion management through planned transit and transportation projects.

Comments raising concerns about the impact of additional concentrated development on nearshore water quality were addressed with reduced coverage allowances within 300 feet of Lake Tahoe (Policy LU-2.11; Code Sections 13.5.3.B.1 and 30.4.2), supplementing existing TMDL and TRPA requirements.

The allowances for additional concentrated development in Centers were not increased in response to comments suggesting that the existing and allowed densities in designated centers would not be sufficient to support pedestrian and transit activity because environmental analysis suggests otherwise.

Comments requesting more detailed “Dark Sky” lighting standards in the TRPA code and reduced flexibility for Area Plans were also not embraced because this proposal is best addressed through a specific Area Plan for each locality.

In combination, the Final Draft Plan retains the April Draft Plan’s emphasis on accelerating environmentally-beneficial redevelopment, while instituting significant new restrictions to reduce allowable development intensities in many areas compared with the April Draft Plan.

Topic #4 - Recreation Areas and Uses

Introduction *(Restated from Staff Summary)*

The April Draft Plan proposed new allowances for subdivision and additional uses, subject to approval in Area Plans or Master Plans, in all designated Recreation Districts. In the April Draft Plan, tourist, commercial and residential uses would have been allowed in any Recreation area. Approvals would have been required to meet threshold findings and general approval requirements for Area Plans or Master Plans, but would not have been subject to additional restrictions or approval requirements.

The April Draft Plan proposal was the subject of extensive public concern and a Draft EIS finding of a potentially-significant impact. In response, the Bi-State Recommendation proposed the Resort Recreation district as a tool to substantially reduce new development allowances for the Recreation District that were included in the April Draft Regional Plan.

The majority of agency and public comments focused on concerns about new and potentially-widespread development and harmful environmental effects in Recreation Areas. Some comments supported the amendment, noting that environmental improvement would be required and the Region's ski areas would benefit from locating on-slope lodging and housing close to recreation sites to reduce the pattern of daily in-and-out vehicle trips.

The Draft EIS identified potentially significant impacts related to the possibility for development in many areas that are not currently planned for development. Mitigation measures would have required that new development in the Recreation District be compatible with Recreation District uses, not induce substantial growth (either directly or indirectly), and not conflict with any environmental policy or regulation. Mitigation specific to each plan would have been required.

Most comments that were received on Recreation Districts and uses are directly addressed with changes in the Final Draft Plan, including:

- Substantially scaling back the designated areas eligible for new proposed allowances;
- Eliminating the new land use allowances in the Recreation District;
- Creating a new "Resort Recreation" designation with limited allowances for Tourist, Commercial and Residential uses and additional development restrictions;
- Designating the Heavenly Cal-Base and the Edgewood Mountain Property "Resort Recreation"; and
- Requiring that any development in the Resort Recreation District be identified in a Conforming Area Plan and only be the result of development transfers that result in the retirement of existing development.

The Draft mitigation measure that had been proposed is also addressed by the new requirements and is no longer necessary.

Specific comments on this topic are summarized below, followed by a more detailed explanation of how the comments are addressed in the Final Draft Plan.

Topic #4 - Summary of Comments

Public Agency Comments:

Local Governments did not provide comments on zoning and allowable uses in Recreation Districts.

California State Agencies expressed concern about the amount of recreation lands potentially affected by the change in allowable uses. Several Agencies offered detailed comments and recommendations. Specific comments include:

- Need to limit the locations where additional uses are allowed.
- Transfers of development into Recreation Districts would compete with transfers into Town Centers and would be counter to the goal of having compact development.
- Edwin L. Z'berg Natural Preserve should be zoned Conservation not Recreation to be consistent with the California Department of Parks and Recreation management designation.

The State of Nevada did not submit written comments. Staff has met with various Nevada State Agencies. Nevada is generally supportive of the Recreation designation of Van Sickle State Park to be consistent with designations for other state parks in the Region. The discussions did not focus on allowable land uses in Recreation areas.

The U.S. Forest Service did not submit written comments. Staff has met with the U.S. Forest Service, but the discussion did not focus on Recreation areas or uses.

Comments from Organizations and Advocacy Groups:

Comments from environmental organizations expressed significant concern over environmental impacts from allowing new uses in Recreation Districts. Major concerns include:

- The new allowable uses in Recreation Districts would expand the amount of urbanized land in the Region and would result in the development of currently protected lands.
- The allowable uses are not consistent with the Recreation designation and would negatively impact the recreational experience and ecological values of recreation lands.

Comments from business organizations did not focus on Recreation areas and uses.

Comments from Individuals and Businesses:

The majority of comments from individuals and businesses were opposed to the changes to zoning and allowable uses in Recreation Districts as proposed in the April Draft Plan. Many comments expressed similar concerns as the California State Agencies or environmental organizations. Several comments were supportive of the proposed changes, some of which indicated that the change would enhance recreational experiences.

A few comments, including comments from Heavenly Mountain Resort, recommended that the rezoning of PAS 085 proposed in Alternative 5 be incorporated into the Draft Plan. This change would make the Recreation District consistent with Heavenly Mountain Resort's U.S. Forest Service permit boundary.

Topic #4 - Response to Comments

The majority of agency and public comments focused on concerns about the expanse of Recreation District lands and the potentially-widespread development and harmful environmental effects if the provision were implemented in all Recreation areas. Many commenters suggested that Recreation areas and uses should remain unchanged from the 1987 Regional Plan, while others suggesting reducing the eligibility and scope of proposed the changes and implementing additional protective requirements. Fewer commenters expressed support for the change, as proposed in the April Draft Plan.

Most public concerns related to recreation areas and uses, and involved environmental impacts as well as policy matters. These concerns are addressed in detail in **Master Response 10** of the Final EIS, which should be referenced for additional information on this topic.

To mitigate potential environmental impacts, the Draft EIS proposed a mitigation measure that would have required that new development in the Recreation District be compatible with Recreation District uses, not induce substantial growth (either directly or indirectly) and not conflict with any environmental policy or regulation. Mitigation specific to each plan would be required. To the extent that environmental analysis indicated mitigation measures are required, those measures could include, but would not be limited to, the following:

1. The development shall be an accessory use to a primary recreation use as defined by Code Section 21.3;
2. The development shall not increase in development potential the number of existing units of use at the site unless it is the result of transfers of existing residential and tourist units of use and existing commercial floor area from outside designated Town Centers, the Regional Center, and the High Density Tourist District;
3. The development shall transfer existing units of use at a ratio of more than 1:1 or require that units of use be transferred from sensitive lands;
4. The development shall provide transportation options such as bike trails, chairlifts, dedicated transit, sidewalk, and trails that link to community centers and recreation access opportunities in the vicinity and demonstrate a net decrease in VMT; and
5. The geographic extent of development shall be limited.

In response to policy concerns, the Final Draft Plan significantly reduces the scope of the amendment and establishes stricter requirements than would have been required by the draft mitigation measure (Policy LU-4.1; Regional Plan Map 1; Code Section 13.5.3.C.3), including:

- Eliminating the April Draft Plan proposal for new land use allowances in the Recreation District;
- Creating a new "Resort Recreation" designation with limited allowances for Tourist, Commercial and Residential uses and additional development restrictions;

- Designating the Heavenly Cal-Base and the Edgewood Mountain Property “Resort Recreation”;
- Limiting subdivision allowances in the new Resort Recreation District to “air space condominiums” and prohibiting “lot and block” subdivisions; and
- Requiring that any development in the Resort Recreation District be identified in a Conforming Area Plan and only be the result of development transfers that result in the retirement of existing development.

The new limitations in the Final Draft Plan expand upon limitations that were determined to be necessary to prevent significant environmental impacts and address the majority of comment letters; including concerns about the amount of recreation lands potentially affected by the change in allowable uses, suggestions to limit the locations where additional uses are allowed, the possibility that transfers of development into Recreation Districts would compete with transfers into Centers and would be counter to the goal of having compact development, comments that the new allowable uses in Recreation Districts would expand the amount of urbanized land in the Region and would result in the development of currently protected lands, and suggestions allowable uses are not consistent with the Recreation designation and would negatively impact the recreational experience.

While the new limitations are considerably stricter than those in the April Draft Plan, they still provide additional opportunities for limited development in two newly designated Resort Recreation areas, albeit only in conjunction with a net reduction in development and net environmental improvement. This balance responds to comments in opposition as well as comments suggesting that there was value in allowing additional tourist-serving facilities in centrally located recreation areas, such as already developed ski area bases and the South Stateline Area, as long as the development could improve existing environmental conditions and would support the Region’s transition from a gaming focused economy to a recreation based economy.

As recommended in comments, the Final Draft Plan also retains the redesignation of Van-Sickle State Park from a Conservation District to Recreation District to be consistent with the current land use designation of other State Parks in the Region.

Changes were not made in response to comments that the Edwin L. Z’berg Natural Preserve be re-zoned Conservation from Recreation to be consistent with the California Department of Parks and Recreation management designation. As noted above, all State Parks are designated Recreation in the Regional Plan and the suggested change would be inconsistent with that approach. Additional more restrictive or tailored requirements for this State Park could be established by the property owner (California State Parks in this case) and by the more detailed plans for the specific geographic area (Plan Area Statement or Area Plan).

Similarly, the suggested expansion of the Heavenly Mountain Recreation area to match the US Forest Service permit area was not embraced in the Final Draft Plan. This outcome is consistent with the overall approach of redesignating properties primarily through the Area Plan process so more detailed analysis can be completed and more focus can be given to site-specific issues.

Topic #5 - Land Coverage

Introduction *(Restated from Staff Summary)*

Many agency and public comments supported proposed coverage amendments in the April Draft Plan because they promoted coverage reductions, less impactful forms of coverage, and increased financial feasibility of bike trails. Other comments raised concerns that the amendments would increase total coverage and allow coverage to be concentrated in more impactful areas.

The Draft EIS and Final EIS identified beneficial impacts related to accelerated coverage transfers, sensitive land restoration and alternative transportation, along with potentially significant water quality impacts related to the coverage exemptions and credits. Mitigation measures would establish additional design requirements and size limits for coverage exemptions and credits.

The Final Draft Plan includes modifications that:

- Codify relevant EIS mitigations;
- Continue to restrict coverage transfers to within an HRA, while allowing mitigation of excess coverage across HRA boundaries and initiating a detailed review of coverage transfers across HRAs;
- Create additional restrictions for coverage within 300 feet of Lake Tahoe; and
- Incorporate the Alternative 4 coverage exemption for retrofits necessary to comply with ADA requirements.

Specific comments on this topic are summarized below, followed by a more detailed explanation of how the comments are addressed in the Final Draft Plan.

Topic #5 - Summary of Comments

Public Agency Comments:

Local Governments submitted few comments specific to proposed coverage changes. Staff has met with various Local Governments and understands that most Local Governments are generally supportive of the proposed coverage changes. Specific comments include:

- The coverage exemption for non-motorized public trails is essential to reduce project costs and complete missing links in the bike trail network with reduced public funding.
- Transfers of coverage should consider the connectivity of coverage in addition to land capability.

California State Agencies provided a combined summary of comments from multiple agencies. Several agencies also provided separate recommendations.

Combined comments from multiple California State Agencies were generally supportive of the proposed coverage changes and strongly supported the proposed changes for the use of excess coverage mitigation fees and the non-motorized public trail exemption. The State Agencies recommended that TRPA collaborate with key stakeholders to implement a more

comprehensive reform of the coverage management system including incorporating recommendations from a recently released study of the coverage system and considering alternate approaches to the excess coverage mitigation program.

Comments from the California Department of Justice focused on potential environmental impacts resulting from the proposed coverage amendments. Specific concerns include:

- Coverage limits should be applied at the parcel or sub-watershed scale, rather than across larger areas.
- Coverage exemptions could result in a significant increase in coverage that is inconsistent with the Bailey Land Capability system.
- Area-wide coverage management and increased maximum allowable coverage on developed parcels in Town Centers would result in concentrated coverage. Water quality BMPs might not be sufficient to address runoff and nearshore degradation or impacts to tributaries could result.

The California Tahoe Conservancy was generally supportive of proposed coverage amendments and provided the following more detailed suggestions:

- Area-wide coverage management plans should require written consent of affected landowners.
- The proposal to allow excess coverage mitigation fees to be used across Hydrologically Related Areas (HRAs) should apply to fees that have already been collected.
- The requirement in the land bank MOUs to restore a sq. ft. of coverage for each sq. ft. of mitigation fee is not realistic and should be removed.

The California Department of Parks and Recreation was generally supportive of proposed coverage amendments including the Alternative 4 exemption for coverage associated with ADA requirements. The department provided the following more detailed suggestions:

- Provide coverage exemptions for all Environmental Improvement Program projects to accelerate implementation of environmentally beneficial projects.
- Expand the non-motorized public trail coverage exemption to apply to other agencies non-motorized trail plans.

The State of Nevada did not submit written comments. Staff has met with various Nevada State Agencies and understands the State Agencies are generally supportive of the proposed coverage amendments. State of Nevada staff indicated that removal of HRA restrictions for both coverage transfers and mitigation, and making maximum allowable coverage the same for developed and undeveloped parcels would allow existing environmentally beneficial programs to operate more efficiently.

The Tahoe Transportation District provided comments through their Advisory Planning Commission representative. The District recommended including the Alternative 4 provision that requires each project to prioritize excess coverage mitigation in the following order: 1)

direct on-site coverage removal, 2) direct off-site coverage removal, and 3) payment of an excess coverage mitigation fee.

The U.S. Forest Service did not submit written comments. Staff has met with the U.S. Forest Service and understands the Forest Service is generally supportive of the proposed coverage amendments.

The U.S. Natural Resource Conservation Service provided comments through their Advisory Planning Commission representative. Comments expressed concern that exempting some parcels from field verification of land capability could miss isolated areas of low capability land and would provide an incentive for landowners with sensitive land not to challenge inaccurately mapped land capability.

The U.S. Environmental Protection Agency provided written comments addressing the proposal to allow coverage to be transferred across HRA boundaries. The agency suggested that coverage transfers should show that the transferred coverage would not increase pollutant loading at the catchment scale, consistent with TMDL requirements.

Comments from Organizations and Advocacy Groups:

Comments from environmental organizations expressed concerns over environmental impacts from the proposed coverage amendments. Several organizations provided specific suggestions to reduce impacts of the proposed coverage amendments. Major concerns include:

- Increasing maximum allowable coverage on developed parcels in Town Centers and allowing coverage transfers across HRAs could result in more concentrated coverage and localized impacts, such as nearshore degradation.
- Coverage exemptions are inconsistent with the Bailey Land Capability system at the parcel scale.
- Area-wide coverage management could concentrate coverage where it is more impactful, and could lead to the development of potential coverage that would otherwise never be developed.
- Coverage transfers need to consider the connectivity of sending and receiving sites.
- Soft coverage has less of an impact than hard coverage and should not be converted to hard coverage.

Specific suggestions from environmental organizations include:

- TRPA should perform a comprehensive scientific re-evaluation of the soils thresholds and land coverage system rather than providing exemptions to the existing system.
- The coverage exemption for non-motorized public trails should not apply to sensitive lands.
- Excess coverage mitigation fees should be increased.
- No coverage should be able to be transferred from less sensitive to more sensitive lands.

Comments from business organizations generally supported the proposed coverage amendments and many comments suggested that the amendments would reduce unnecessary burdens and accelerate coverage reductions and environmental redevelopment. Several business organizations provided specific suggestions to expand or adjust proposed coverage amendments. Specific suggestions include:

- Include the Alternative 4 coverage exemption for infrastructure required to comply with the Americans with Disability Act in the Draft Plan. The requirement that BMPs be in place before receiving the exemption could be too costly for struggling businesses trying to comply with federal law.
- Area-wide coverage management should be tied to water quality improvements not coverage reductions. Parcels should be able to achieve 100% coverage if infrastructure is in place to handle runoff.
- Pervious deck exemptions should apply to multi-family and commercial uses and should apply to sensitive land if the water quality impacts are mitigated.
- Tahoe City has a significant amount of SEZ. Specific coverage allowances should be put in place to incentivize redevelopment in Tahoe City.

Comments from Individuals and Businesses:

Comments from individuals and businesses generally reflected the different views expressed by Agencies and Organizations in the Region. The majority of individual and business comments addressing coverage exemptions were supportive of the proposed coverage exemptions, with some comments opposed. The majority of the comments addressing changes in maximum allowable coverage were opposed to the changes, with some comments supporting. Comments on other coverage topics were somewhat evenly mixed. Some comments suggested that coverage transfers should be limited to community centers or developed parcels, and be restricted to transfers of hard coverage not potential coverage. Other comments suggested that more than 70% coverage should be allowed to incentivize redevelopment of existing developments that are near 100% covered.

Topic #5 - Response to Comments

Overall, comments on coverage matters were contentious and split, reflecting the diversity of views in the Tahoe Region. Coverage amendments in the April Draft Plan related to bike trails, coverage transfer reforms and credits for less impactful forms of coverage received the most support; while amendments related to increased coverage in community centers and certain coverage exemptions received the most opposition. Some were concerned that more coverage and added transfers of coverage would be environmentally impactful in unwanted places, such as close to the Lake, and would risk changing the desired character of communities if too much coverage was transferred from one locality to another. Others noted that new approaches to coverage management are needed to show a better result than management at the parcel scale and to be more consistent with TMDL management strategies.

Many public concerns related to coverage involved environmental impacts as well as policy matters. These concerns are addressed in detail in **Master Responses 3 and 5** of the Final EIS, which should be referenced for additional information on coverage comments.

Policy comments generally involved six related topics:

1. Maximum allowable coverage in community centers;
2. Transfers of coverage;
3. Excess coverage mitigation;
4. Coverage exemptions;
5. Area-wide coverage management, and
6. Streamlining land capability verifications.

Overall, the Final Draft Plan retains the April Draft Plan's emphasis on modernizing coverage standards to better reflect the relative environmental impacts and benefits of different types and locations of coverage, responding to widespread support for many of the coverage amendments. The Final Draft Plan also adds significant environmental protections, responding to comments that TRPA must maintain compliance with adopted standards and should implement coverage reforms in a more cautious and incremental manner.

Maximum allowable coverage in community centers: The April Draft Plan proposed to increase maximum allowable coverage in Centers, through the transfer program, as a component of the policy changes that incentivize environmental redevelopment. For vacant commercial parcels, maximum allowable coverage would remain at 70 percent of high capability lands. For other vacant parcels and developed parcels, maximum allowable coverage would increase from 50 percent of high capability lands to 70 percent of high capability lands.

Comments in support focused on the environmental benefits of redevelopment, economic benefits and the fact that many properties in centers already have more than the proposed maximum allowable coverage. Comments in opposition focused on localized environmental impacts that could occur with additional concentrated coverage, particularly for nearshore water quality and the condition of tributaries.

The Final Draft Plan responds to public comments by retaining maximum allowable coverage provisions from April Draft Plan for areas that are more than 300 feet from Lake Tahoe, or on the landward side of State Highways in the Tahoe City and Kings Beach Town Centers (Policy LU-2.11; Code Sections 13.5.3.B.1 and 30.4.2.B). Retaining the April Draft Plan's maximum allowable coverage provisions in these portions of Centers is consistent with the overall approach of accelerating attainment of Thresholds by incentivizing environmentally beneficial redevelopment, and transfers of development and associated restoration of sensitive lands. To address concerns that concentrating additional coverage closer to Lake Tahoe could result in impacts to nearshore water quality, the Final Draft Plan would reduce maximum allowable coverage (compared to both the 1987 Plan and the April Draft Plan) to 50% of high capability lands for all use types within 300 feet of Lake Tahoe, or on the lakeward side of State Highways in the Tahoe City and Kings Beach Town Centers. Coverage for community plan areas outside Centers would remain unchanged from the 1987 Plan, which would address concerns that

changes in maximum allowable coverage were to far-reaching, but still retain incentives for environmental redevelopment within Centers and associated transfers of coverage and restoration of sensitive lands. The compromise retains the new incentives for redevelopment for most properties within Centers, while reducing coverage limits near Lake Tahoe's shoreline.

Transfers of coverage: The April Draft Plan proposed to eliminate the existing prohibition on the transfer of coverage between different HRAs (Hydrologically Related Areas); to allow soft coverage to be transferred from SEZs and converted to hard coverage for commercial and tourist uses in Centers; and to allow non-conforming coverage to be transferred to Centers when the sending site is restored and retired.

Comments in support focused on existing regulatory impediments to coverage transfers and the environmental benefits that could be realized by accelerating coverage transfers and redevelopment of Centers. Comments in opposition focused on potential impacts resulting from opportunities to increase the concentration of coverage in some areas and the movement of coverage into already impacted areas.

The Final Draft Plan responds to comments by reversing the proposed allowance to transfer coverage across HRA boundaries and identifying it as a topic for further study following adoption of the Regional Plan (Policies LU-2.11, ME-3.6 and Attachment 5; Code Section 30.4.3). This reversal maintains existing coverage transfer areas and represents a more conservative "go-slow" approach, which will ensure that no unintended impacts result from the change proposed in the April Draft Plan. It will also allow for a more focused and detailed evaluation of coverage transfer policies that further considers the best available information and the range of input received, prior to any potential future changes to coverage transfer areas. The Final Draft Plan retains proposed allowances for transfers of soft coverage from SEZs and for transfers of non-conforming coverage to Centers. These provisions support the overall strategy of the Plan to accelerate removal of coverage from SEZs, the most sensitive and over-covered land capability district.

Excess coverage mitigation: Like the above-described coverage transfer proposal, the April Draft Plan proposed to eliminate the existing prohibitions on projects mitigating excess coverage by directly removing coverage in different HRAs and on land banks using excess coverage mitigation fees in different HRAs than where the fees were collected in.

Public comments were largely supportive of the proposed amendments. Several commenters also recommended increasing coverage mitigation fees and/or establishing new requirements for coverage mitigation, including stricter criteria to pay mitigation fees rather than mitigating coverage directly.

The Final Draft Plan responds to comments by retaining the excess coverage mitigation provisions from the April Draft Plan allowing mitigation fees to be used Region-wide because in some HRAs, project fees are accumulating and cannot be used on high priority mitigation projects if constrained to use within the HRA. The Final Draft Plan also requires that any project mitigating excess coverage by directly removing coverage in a different HRA, must remove

coverage from more sensitive land than where the excess coverage exists (Code Section 30.6.1.B.2). This change addresses comments that sought stricter requirements for off-site excess coverage mitigation. The existing Code includes a process for setting excess coverage mitigation fees. The Final Draft Plan does not change excess coverage mitigation fees or the existing process used to update mitigation fees.

Coverage exemptions: The April Draft Plan proposed several coverage exemptions or partial credits to facilitate environmentally beneficial projects, incentivize the use of less impactful types of coverage, and incentivize BMP installation.

Comments in support focused on the net environmental benefit of reducing the cost of bike trails (and accelerating installation) and promoting BMP installation. Commenters further pointed out that decks and pervious coverage with BMPs infiltrate water the same as uncovered land and should not be treated the same as impervious surfaces. Other commenters requested that the proposed coverage exemptions be expanded to include facilities required by the Americans with Disabilities Act (ADA) and/or additional facilities on sensitive lands.

Comments in opposition focused on increases in total allowed coverage that would likely result from exempting certain types of coverage. Some commenters suggested that the bike trail exemption should not apply on sensitive lands.

In response to comments, the Final Draft Plan retained proposed coverage exemptions and credits, added an exemption for ADA facilities on high capability lands (Code Section 30.4.6). The addition of the ADA coverage exemption responded to numerous comments that indicated the exemption was necessary to provide disabled access and comply with federal law. The Final Draft Plan also expanded requirements for coverage exemptions to implement mitigation measures recommended in the Draft EIS that supplement the limitations and BMP requirements that were outlined in the April Draft Plan (Code Section 30.4.6). These additional environmental protections and limitations address some of the general concerns about environmental impacts associated with exempted coverage.

Area-wide coverage management: The April Draft Plan proposed to allow Area Plans to include area-wide coverage management systems anywhere in the region if the systems comply with a series of requirements, including no increase in base allowable coverage and decreased total allowable coverage (both overall and for classes 1 and 2) compared to parcel level coverage requirements.

Many comments in support were received. These comments focused on increased efficiencies associated with area wide coverage programs, consistency with the TMDL, improved maintenance, the potential for reduced costs for property owners and opportunities to accelerate BMP implementation.

Comments in opposition focused on the potential for localized impacts to water quality and community character if coverage is concentrated near Lake Tahoe or in other sensitive areas.

These comments are addressed in **Master Response 5** in the Final EIS. Other commenters suggested that approval of affected property owners should be required.

In response to comments in support of area-wide coverage management, the Final Draft Plan retains opportunities for area-wide coverage management systems, which can result in increased efficiencies, consistency with the TMDL, improved maintenance, the potential for reduced costs for property owners and opportunities to accelerate BMP implementation. In response to comments that expressed concern over localized water quality impacts of coverage concentrated near Lake Tahoe, and the Final Draft Plan adds a requirements that coverage not be increased within 300 feet of Lake Tahoe (excluding areas landward of State Highways in the Tahoe City and Kings Beach Town Centers) (LU-2.11; Code Section 13.5.3.B.1). As described in **Master Response 5** in the Final EIS, provisions retained from the April Draft Plan prevent significant localized impacts to water quality. Other comments raised concerns about site-specific environmental impacts from area-wide coverage management systems. The Final Draft Plan retains requirements that area-wide coverage management systems can only be approved as part of a conforming Area Plan, which would undergo additional review to address any potential site-specific impacts.

Streamlining land capability verifications:

The April Draft Plan proposed to eliminate the requirement for land capability field verifications when a series of criteria are met and called for a certified contractor program to be developed following adoption of an updated Regional Plan to improve the process.

Comments in support focused on process improvement and reduced costs for permitting. Comments in opposition focused on the possibility that areas of sensitive lands could be missed if land capability is not verified in every case.

In response to comments that highlighted potential unintended environmental impacts, the Final Draft Plan reversed the proposed exceptions to requirements for field verification and called for a certified contractor program to be developed following adoption of an updated Regional Plan to improve the process (Regional Plan Policy ME-3.6 and Attachment 5; Code Section 30.3.3.H [Deleted]). No comments opposed the development of a certified contractor program, and the Final Draft Plan retains this provision.

Topic #6 - Transportation

Introduction (Restated from Staff Summary)

Agency and public comments were generally supportive of policies that promote multi-modal forms of transportation. Some stakeholders raised concerns related to LOS standards and tying the release of allocations to LOS standards. Another concern stated that requiring easements for bicycle and pedestrian facilities could increase costs and delay construction. Some commenters supported individual projects, such as waterborne transit or bike trails, while others opposed them, primarily due to potential environmental impacts and costs.

The EIS did not identify any potentially significant impacts (other than those addressed above under *Development Allocations and Transfers*). Mitigation is not required.

Transportation-related policy modifications include changes that are summarized above under the *Development Allocations and Transfers* and *Community Character* topic areas. Additional modifications include:

- Modify Transportation Policies (T-1.5, T-13.1 and T-13.2) to help fund environmentally-beneficial transportation programs; and
- Modify the Pedestrian and Bicycle facility map to improve trail connectivity and better reflect topographic constraints.

Specific comments on this topic are summarized below, followed by a more detailed explanation of how the comments are addressed in the Final Draft Plan.

Topic #6 - Summary of Comments

Public Agency Comments:

Local Government comments generally supported land use policies, LOS provisions and bicycle path coverage waiver.

- Placer County and the City of South Lake Tahoe were concerned about tying the release of commodities to LOS. This issue is addressed in Issue Sheet #2, Commodities and Development Transfers.

Comments from the California Tahoe Conservancy, on behalf of California State Agencies, “strongly endorse the Plan’s emphasis on creating sustainable transit, bike and pedestrian-friendly communities.” Comments noted the need for significant public investments to complement the policy framework.

California Department of Parks and Recreation expressed a concern about increased impacts to operations of managed destination recreation areas with an increase in accessibility by non-auto modes of transportation. Their specific concerns included:

- Loss of revenue due to an increase in pedestrian and bicycle traffic and a decrease in vehicle traffic (vehicle traffic is charged a parking fee, bicycle and pedestrian traffic is not, due to the dispersed nature of bicycle and pedestrian travel);

- Greater congestion on trails and beaches will create increased need for law enforcement and medical response and will negatively affect the park operations along with the visitors' experience.

Caltrans also expressed concern with the bicycle and pedestrian accommodation requirements for projects:

- Concern over the feasibility of bicycle and pedestrian requirements when constructing projects and that language as it is written now will increase cost and lead to project delays. They request clarification on what qualifies as "construction, alteration, or improvement of roadways..." that would require bicycle and pedestrian facilities and that routine maintenance, surface overlays, etc. be considered for exclusion from this trigger.

The State of Nevada did not submit written comments. Staff has met with Nevada State agencies and understands that they generally support the Transportation policies.

Comments from Organizations and Advocacy Groups:

Many organizations expressed support for the transportation policy focus. Reducing automobile reliance is a policy objective that appears to be widely supported.

Some organizations felt that the draft plan increases total VMT as a means to reduce per capita emissions. These commenters felt that this was inappropriate.

Comments from some organizations supported waterborne transit, while others were concerned about potential environmental impacts.

One citizen organization questioned the appropriateness of Tahoe being a Metropolitan Planning Organization, and the appropriateness of the Sustainable Community Strategy requirement for Tahoe.

Comments from Businesses and Individuals:

Comments from individuals tended to focus on bicycle, pedestrian and transit improvements and other transportation projects. The vast majority of comments supported bicycle, pedestrian and transit improvements, especially for a connected network around the Lake and for safe routes to schools. Some commenters noted specific projects that they supported or opposed. Other comments had concern over environmental impacts and costs of bicycle and pedestrian improvements.

Comments from one business focused on the feasibility of requiring bicycle pedestrian easements in all new development, and had concerns that requiring bicycle and pedestrian easements could preclude or limit development on a site.

Comments from Harrah's / Harveys recommended that designs for the South Shore Community Revitalization Project should maintain 4 lanes on the road segment between Stateline Avenue and West Lake Parkway, in addition to re-routing U.S. 50 behind the casinos.

Several commenters requested consideration of a Development Rights Acquisition and Land Restoration program, whereby excess Tourist Accommodation Units (TAUs) could be retired, and Commercial Floor Area (CFA) in sensitive areas could be more easily transferred to Town Centers or retired. This suggestion is addressed in greater detail in Issue Sheet #2, Commodities and Development Transfers.

Topic #6 - Response to Comments

Agency and public comments related to transportation were largely supportive of provisions in the April Draft Plan. As a result, most provisions were retained in the Final Draft Plan.

Local government concerns related to tying the release of development allocations to roadway LOS are addressed under Topic #2 (Development Allocations and Transfer) and **Master Response 12** in the Final EIS. These comments did not result in changes to the April Draft Plan and related Draft EIS Mitigation Measures.

Given the important air and water quality benefits from policies that reduce reliance on use of the automobile, changes were not made in response to concerns from the California Department of Parks and Recreation related to reduced parking revenue that could result from increased use of alternative transportation facilities.

Similarly, Changes were not made in response to concerns from the Caltrans related to increased roadway maintenance costs and timelines if bicycle lanes are provided on State Highways. Safety considerations will continue to be addressed with each project under the Final Draft Plan.

Project specific comments are evaluated in the Regional Transportation Plan EIR/EIS and will be addressed in the design and environmental review of each project.

Topic #7 - Water Quality

Introduction *(Restated from Staff Summary)*

Many agency and public comments focused on area-wide BMP provisions, BMP enforcement programs, and TMDL coordination between the States and TRPA. Comments were also received on fertilizer provisions and the Section 208 Water Quality Management Plan. Many comments supported area-wide BMP treatments and increased State-TRPA coordination with the TMDL. Other comments raised concerns about the potential for duplicative and inconsistent requirements, about the effectiveness and impact of BMP enforcement programs and about the appropriateness and adequacy of various water quality requirements.

The Draft EIS did not identify any potentially-significant impacts related to water quality policy amendments. Water quality impacts related to other policies (e.g. coverage) are summarized under other topic areas.

The Final Draft Plan includes modifications that:

- Require additional coordination between TRPA and the TMDL regulatory agencies, including new provisions for Area Plan recertification every four years;
- Clarify and modify water quality policy language, water quality reporting requirements and criteria for BMPs on constrained sites to improve consistency with the TMDL; and
- Initiate a Governing Board-stakeholder workgroup to review BMP compliance options.

Specific comments on this topic are summarized below, followed by a more detailed explanation of how the comments are addressed in the Final Draft Plan.

Topic #7 - Summary of Comments

Public Agency Comments:

Most Public Agency comments generally supported area-wide BMP treatments because they would provide increased flexibility to Local Jurisdictions and are consistent with the TMDL strategies. Agencies that expressed support for area-wide stormwater treatment approaches, either in general or specific recommendations include:

- Lahontan Regional Water Quality Control Board (Lahontan);
- California Tahoe Conservancy (CTC);
- Douglas County
- El Dorado County
- The City of South Lake Tahoe;
- TRPA Advisory Planning Commission (APC) members; and
- California State Lands

Some agencies recommended more details on funding components and how area-wide treatments would affect existing BMP compliant properties.

Comments from Local Governments, Lahontan and the CTC focused on improving consistency to avoid duplicative, inconsistent, or ineffective monitoring and reporting requirements. Some

comments stated that as policies are written now, there are conflicting requirements with water quality thresholds, roadway operations, maintenance activities and monitoring. Additional comments addressed differences between TRPA floodplain ordinances and local government ordinances.

Several agencies suggested that the Regional Plan should discuss respective roles, responsibilities and authorities for implementing the TMDL in more detail. Comments generally supported more detailed descriptive text, but did not support the Regional Plan directly incorporating TMDL load allocations, milestones, and related permit requirements.

More detailed comments from Lahontan identified opportunities for the Regional Plan to transition from the existing concentration-based stormwater effluent limit to load-based limits used in the TMDL. Lahontan also emphasized a desire for increased coordination between Regional Plan and Code and the Lake Clarity Crediting Program. California State Lands commented that Lakefront property BMP compliance should be a priority.

Generally, comments supported fertilizer regulations. There were suggestions for additional provisions by Lahontan and the Nevada Tahoe Conservation District.

Comments from the California Department of Transportation focused on proposals to limit road abrasives and the need for the Regional Plan to consider public safety, while a TRPA APC member wanted stricter standards from Alternative 2 for road abrasives and dust control in the final plan.

The State of Nevada did not submit written comments. TRPA staff has met with various Nevada State Agencies and understands the State is generally supportive of TRPA's approach related to water quality management. The Nevada Division of Environmental Protection is willing to further coordinate with TRPA to address water quality issues as needed.

The U.S. Forest Service did not submit written comments. Staff has met with the U.S. Forest Service and understands the Forest Service is generally supportive of Draft Plan proposals that affect water management.

The U.S. Environmental Protection Agency provided written comments focusing on Water Quality Agency Coordination, including the process to update the 208 Plan and differences between existing TRPA programs and TMDL programs. The EPA suggested that the Regional Plan more clearly explain the relationship between the various planning documents.

More detailed and technical comments from public agencies addressed the Water Quality Mitigation Program, snow disposal provisions, invasive species policies, grading season exceptions, the water quality impact of snowmobiles and other off-highway vehicles, and the use treated effluent for wildfire suppression.

Comments from Organizations and Advocacy Groups:

Comments from environmental organizations focused on stricter standards for stormwater and raised concerns about nearshore water quality and the ability of Draft Plan provisions to attain

water quality Threshold Standards. Environmental organizations generally supported area-wide treatment but wanted more details on approval requirements, funding and how new programs would affect BMP compliant properties.

Numerous surveys from Friends of the West Shore, including one submitted by the Sierra Club, supported focusing on infiltration to treat stormwater pollutants. More detailed comments submitted with the survey questioned the water quality benefits from VMT reduction through infill development.

Comments from business organizations generally supported water quality provisions in the Draft Plan and emphasized a desire to avoid duplicative or inconsistent requirements. Several organizations favored stricter BMP enforcement, especially point-of-sale BMP requirements.

Comments from Businesses and Individuals:

Comments from businesses and individuals generally reflected the range of recommendations from agencies and organizations. Generally, businesses and individuals supported area-wide treatment because it could reduce the cost of BMPs and increase the rate of water quality improvements from redevelopment.

Some comments supported stricter BMP enforcement (including point of sale requirements), while other comments (including numerous form letters from individuals and businesses) opposed point of sale enforcement. The form letters raised concerns about the efficiency and fairness of point of sale requirements for BMPs. Concerns also included potential impacts on real estate transactions, how the requirements would be implemented in the winter and forcing real estate professionals from an educational to an enforcement role.

Individual comments generally supported fertilizer policies, with more detailed comments wanting greater focus on Tahoe Keys pollutant loading. Some comments supported stricter water quality standards, while other comments suggested that provisions are too strict.

Topic #7 - Response to Comments

TRPA received numerous comments generally supporting the water quality provisions in April Draft Plan, including provisions for sensitive land restoration, environmental redevelopment, reduced auto dependency and area-wide BMPs as part of a conforming area plan.

Other comments opposed strategies in the April Draft Plan, suggesting that water quality was not adequately protected. Concerns included potential impacts from concentrated development, insufficient development requirements and fees, and the fact that most of the developed properties in the Region do not have BMPs installed. Many commenters suggested that TRPA should focus more on enforcing existing regulations, and less on incentivizing the installation of water quality improvements.

In response to these general comments, the Final Draft Plan retained the strategy of targeting areas that are generating the highest pollution loads (including the urban upland), incentivizing private funding for water quality improvements, and incrementally modernizing TRPAs water

quality requirements as TMDL load reductions plans are prepared and implemented – while adding provisions to increase TMDL coordination and strengthen water quality requirements.

TMDL Coordination: The April Draft Plan included provisions to compliment but not duplicate new TMDL requirements.

Many of the more detailed comments focused on further improving consistency between the Regional Plan and the TMDL. Some comments suggested that TMDL requirements should be incorporated into the Regional Plan, while others noted that the States are responsible for implementing the TMDL and repeating relevant requirements in the Regional Plan would be duplicative and could lead to inconsistent implementation.

In response to comments received, the Final Draft Plan includes a set of amendments to integrate TMDL data and plans into the recertification process for Area Plans. Modifications include:

- TRPA will utilize the water quality improvement plan for registered catchments, or TRPA default standards when there are no registered catchments, in the conformance review of area plans (Code Section 13.6.5.B);
- The TMDL regulatory agencies will, through the TMDL adaptive management system, provide to TRPA (Code Section 13.8.2):
 - Annual progress reporting and analysis;
 - Copies of all MOAs and NPDES permits;
 - Notification of all breaches or violations of MOAs or NPDES permits; and
- TRPA will use catchment data and all reporting to inform area plan re-certification every four years (Code Section 13.8.5).

A related concern with the April Draft Plan involved inconsistencies between the Regional Plan and TMDL, including reporting requirements and criteria for BMPs in special circumstances. In response, the Final Draft Plan includes a set of amendments that were jointly developed by Lahontan, NDEP and TRPA to improve coordination and remove duplicative reporting requirements, including:

- The Draft Plan would allow for local jurisdictions to submit their annual TMDL reports to TRPA instead of a separate Maintenance Efficiency Plan, including very similar information (Code Section 50.5.2.E.3);
- The Draft Plan would also allow large users of road deicers and abrasives to provide TRPA with information on their use through reporting required by TMDL rather than through a separate report (Code Section 60.1.5); and
- The Draft Plan would make TRPA stormwater requirements consistent with TMDL standards in special circumstances where TRPA's infiltration standards cannot be met (Code Section 60.4.8.B).

Water Quality Standards and BMP Compliance: The April Draft Plan generally retained water quality standards and BMP compliance strategies from the existing Regional Plan; instead focusing on accelerating implementation of water quality improvements through development transfers and redevelopment activities.

A number of comments suggested stricter water quality standards and enforcement programs, including strengthening the 20 yr/1hr infiltration requirements and more aggressively enforcing BMP compliance. Other comments suggested that the Regional Plan's water quality requirements were unnecessary now that the TMDL has been approved.

Requiring BMP installation at the point-of-sale was suggested in a number of comment letters and opposed in many others.

Many comments supported area-wide BMPs; while others questioned how these projects would be paid for. Comments suggested other means such as grants or taxes then a fee to property owners.

Generally, comments supported the new provisions to phase out the use of phosphorus chemical fertilizer for lawns through education and outreach. Other comments questioned the various drainage pipes entering the Lake and emphasized the need for filtration of stormwater.

Comments involving the water quality impact of coverage modifications are addressed under Topic #5 (Land Coverage) above.

In response to the broad range of comments received, the Final Draft Plan retains the fundamental water quality improvement strategies from the April Draft Plan and calls for further review of BMP compliance options following adoption of an updated Regional Plan (Regional Plan Policy ME-3.6 and Attachment 5). This will allow for a more focused future review of BMP compliance strategies with a range of stakeholders to improve the equity and effectiveness of the program.

Other Water Quality Comments: The Final Draft Plan responds to detailed comments on additional water quality topics as follows:

Some comments discussed details of the Water Quality Mitigation Program and offered suggestions for program. The Final Draft Plan does not modify the Water Quality Mitigation Program because this was not within the range of alternatives analyzed in the Draft EIS. However, the Final Draft Plan does identify it as a possible topic for further study (Regional Plan Policy ME-3.6 and Attachment 5).

Some comments addressed differences between TRPA floodplain ordinances and FEMA and local government ordinances and suggested that TRPA regulations should either be relaxed or are not being implemented. The Final Draft Plan does not modify the floodplain ordinance, but does identify it as a possible topic for further study (Regional Plan Policy ME-3.6 and Attachment 5).

Caltrans questioned whether Snow Disposal provisions in the Code pertain to their activities. Snow Disposal provisions in the Code do pertain to Caltrans activities.

California State Parks suggested that there be one policy that addresses aquatic and terrestrial invasive species. The Final Draft Plan does not modify the policy framework for invasive species

because terrestrial and aquatic invasive species present different challenges and require different protection strategies. Regional Plan Policy FI-1.9 applies to aquatic invasive species and Policy VEG-1.10 applies to terrestrial species.

Comments received questioned what was proposed as "other Criteria" for grading season exceptions and expressed concern over negative environmental impacts. The Final Draft Plan does not modify the current process for granting grading season exceptions, but does identify it as a possible topic for further study (Regional Plan Policy ME-3.6 and Attachment 5).

Other comments suggested stronger restrictions on snowmobiles and other off-highway vehicles because of their impacts to water quality and soil compaction. The Final Draft Plan does not modify applicable policies or regulations.

Comments received from California State Parks opposed use of treated effluent for wildfire suppression, other than for the Luther Pass Pump Station, citing potential conflicts with California State Law. The Final Draft Plan retains broader allowances for the use of treated effluent for to prevent catastrophic wildfire, but only when allowed by applicable laws.

Overall, changes made in the Final Draft Plan retained the basic water quality improvement strategies from the April Draft Plan, while adding provisions to increase TMLD coordination and strengthen water quality requirements.

Topic #8 – Air Quality

Introduction *(Restated from Staff Summary)*

Some stakeholders expressed concern over the feasibility of mitigation measures proposed in the Draft EIS. Environmental interests supported more specific mitigation measures, while others questioned the need for the proposed mitigations. Local governments and business interests expressed support for the provision (then in Alternative 4) to extend the time that businesses may be closed before having to pay new air quality mitigation fees. Comments addressing the biomass facility project suspension and mitigation fee changes were generally split.

The EIS did not identify any significant impacts from the proposed air quality amendments, but did identify potentially significant air quality impacts related to construction practices and building/facility operations. Mitigation measures would require Region-wide policies for construction emissions and for the design and operation of buildings and other facilities.

The Final Draft Plan includes modifications that:

- Require new programs addressing EIS mitigations be developed and implemented in 2013;
- Include the Alternative 4 changes related to the disbursement of air quality mitigation fees in the Draft Plan; and
- Establish a pilot program for drive-up pharmacy windows in the City of South Lake Tahoe.

Specific comments on this topic are summarized below, followed by a more detailed explanation of how the comments are addressed in the Final Draft Plan.

Topic #8 - Summary of Comments

Public Agency Comments:

Local Government comments on the proposed Air Quality amendments were mixed, with the majority of Local Governments silent/neutral on the topics. One Local Government expressed concern that allowing mitigation fees to be used outside of the jurisdictions where they were collected and extending the time basis used to calculate mitigation fees could impact project development for departments that use mitigation fees. One Local Government expressed support for the Alternative 4 proposal to extend the time of business closure before triggering new payment of mitigation fees. One Local Government opposed the prohibition of in-Region biomass facilities and indicated that existing project review criteria would address any negative impacts from biomass facilities. One local government expressed support for adopting the most stringent air quality standard Region-wide.

Two Local Governments provided comments on air quality mitigation measures 3.4-2 and 3.4-5 in the Draft EIS, which require TRPA to develop and implement a best construction practices policy for construction emissions. The governments expressed concern that the measures would duplicate existing state and local requirements, could be infeasible in some cases, and could add cost to the construction of environmental improvement projects.

Lake Tahoe Fire Protection Agencies and California State Agencies provided comments that opposed a categorical prohibition of biomass facilities. The agencies indicated that the prohibition could unintentionally prohibit small-scale facilities or new technologies that would have little or no environmental impact. The Fire Protection Agencies indicated that a prohibition on biomass facilities was inconsistent with several recommendations from the Emergency California-Nevada Tahoe Basin Fire Commission Report, which was prompted by the Angora Fire. The Fire Protection Agencies submitted specific policy language for consideration that is intended to clarify when biomass facilities could be considered.

The California Department of Justice recommended that additional specificity be included in mitigation measure 3.4-9, which addresses impacts from the Alternative 4 proposal to extend the time of business closure before triggering new payment of air quality mitigation fees.

Nevada State Agencies did not provide written comments.

The U.S. EPA provided written comments with a specific recommendation to expand the implementation of mitigation measure 3.5-1, which addresses overall greenhouse gas emissions.

Comments from Organizations and Advocacy Groups:

Comments from environmental organizations focused on the level of specificity in the Air Quality and Greenhouse Gas mitigation measures. In general environmental organizations suggested that the mitigation measures include additional detail with regard to performance standards and implementation. One environmental organization opposed allowing a portion of mitigation fees to be used region-wide, and suggested that mitigation fees be used as close to the site generating the impact as possible.

Comments from business organizations generally supported the Alternative 4 proposal to extend the time of business closure before triggering new payment of air quality mitigation fees. Some comments suggested a more comprehensive review of the Air Quality Mitigation Fee program. Several business organizations suggested that an extended wait period before triggering new payment of mitigation fees would not result in a physical impact on the environment and should not require mitigation. Several Business Organizations also expressed concerns that mitigation measures related to construction practices and greenhouse gas emissions would duplicate existing requirements, could serve as a disincentive to redevelopment and may not be feasible to implement.

Comments from Businesses and Individuals:

Comments from businesses and individuals generally reflected the views expressed by agencies and organizations. A strong majority of comments supported the Alternative 4 proposal to extend the time of business closure before triggering new payment of air quality mitigation fees and suggested this extension would not result in environmental impacts.

Topic #8 - Response to Comments

The Regional Plan Update's primary Air Quality improvement strategies involve improvements to land use patterns and transportation systems. These strategies and comments regarding them are addressed under other topic areas.

Comments related to specific Air Quality requirements and programs generally involved four topics:

1. The feasibility and impact of mitigation measures proposed in the Draft EIS;
2. The Air Quality Mitigation Fee Program, including proposals allow the use of fees outside the jurisdiction where fees were collected and proposals to extend the time that businesses may be closed before having to pay new air quality mitigation fees;
3. Biomass facility restrictions; and
4. Drive-Up Windows.

Mitigation Measures: The Draft and Final EIS identified potential air quality impacts resulting from construction activities in the Region. A series of mitigation measures were proposed to require that best practice guidelines for construction activities and building sustainability be developed within twelve months of Regional Plan adoption. Comments related to these mitigation measures are also addressed in **Master Response 13** (Programmatic Mitigations) of the Final EIS.

Some commenters expressed concern over the need for and feasibility of the mitigation measures proposed in the Draft EIS, suggesting that they were unnecessary, redundant, inflexible, had not been vetted through a public process, and could create significant economic impacts. Commenters noted that California jurisdictions already have strict air quality requirements for construction activities, as required by the California Air Resources Board (CARB) and strict building efficiency requirements.

Other commenters suggested that the mitigation measures were needed, but were excessively flexible and should be more detailed and specific.

The Final Draft Plan implements the mitigation measures as proposed in the Draft EIS (Regional Plan Policy ME-3.4 and Attachment 4). Each mitigation measure establishes a performance standard and identifies a list of methods that may be used to achieve the performance standard. As described in **Master Response 13** in the Final EIS, this approach addresses concerns that the mitigation is too flexible because implementation of the mitigation measure must attain the identified performance standard. The mitigations measures may be implemented by TRPA or local governments. Where local regulations already require best practices for construction emissions, no further action would be required, which addresses concerns that the mitigations are unnecessary or redundant. This outcome reflects the need for additional specific construction and energy efficiency standards in order to achieve air quality Threshold Standards, while providing a reasonable schedule and level of flexibility to develop the specific standards through a focused public process.

Air Quality Mitigation Fees: To help fund regional priorities and more effectively utilize available funding for air quality improvements, the April Draft Plan allowed the use of Air Quality Mitigation Fees outside the jurisdiction where they were collected, if identified in a plan that is developed in coordination with local governments, such as the EIP Priority Project List.

Alternative 4 of the Draft EIS also included an extension of the time that businesses may be closed before having to pay new air quality mitigation fees.

Comments regarding the Alternative 4 time extension were largely supportive. The proposal is included in the Final Draft Plan (Code Section 65.2.3.F).

The comment raising concerns that using air quality mitigation fees outside the jurisdiction where the fees were collected could impact local government budgets and the availability of funding for air quality improvements appears to be addressed with code language requiring that any such use be developed in coordination with local governments (Code Section 65.2.6.B).

Biomass Facilities: The April Draft Plan suspends the acceptance of applications for biofuel facilities unless further research demonstrates the safety and environmental compatibility of such facilities within the Tahoe Region. Comments from the Lake Tahoe Basin Fire Chiefs raised concerns that the change would adversely impact wildfire safety and could negatively impact air quality at the regional scale by increasing reliance on pile burning. Other comments supported the amendment, citing improved air quality. The Final Draft Plan retains the suspension of biofuel permitting from the April Draft Plan. As drafted, the provision would allow for future consideration of biomass facilities if further research demonstrates the safety and environmental compatibility of such facilities within the Tahoe Region (Code Section 65.1.6.F).

Drive-Up Windows: Several commenters opposed the existing prohibition on drive-up windows; citing improved vehicle emission standards since the prohibition was instituted and safety concerns related to the elderly and disabled having to walk through snow covered or icy parking lots to get prescriptions.

In response to these comments, the Final Draft Plan establishes a pilot program allowing up to two drive-up pharmacy windows in the City of South Lake Tahoe (Code Section 65.1.8.B). The Pilot Program may be expanded or discontinued in the future based on monitoring of the pilot project.

Topic #9 – Noise Control

Introduction *(Restated from Staff Summary)*

During preparation and peer review of the 2011 Threshold Evaluation, the feasibility and array of existing Noise Threshold Standards were called into question. The evaluation indicated that existing Threshold Standards for noise may be overly complex and unachievable if based on a zero tolerance policy. Concerns focused on single event noise standards and exterior noise standards in developed areas. An evaluation and update to the existing Threshold Standards for noise was recommended.

Few comments were received on noise policies or mitigation measures. Comments that were received focused on the feasibility and potential negative effects of proposed mitigation measures; or expressed concern over Policy language related to airport noise and suggested that the Plan should include more stringent regulations on airport uses.

The Draft and Final EIS did not identify any significant environmental impacts from the proposed noise policy revisions, but did identify potentially significant impacts based on existing Threshold Standards. Potentially significant impacts resulted from cumulative traffic noises, construction related noise and ground vibration, and redevelopment in areas where existing noise levels exceed Threshold Standards. Mitigation measures would require the development and implementation of a Region-wide traffic noise reduction program, a Region-wide policy on construction noise, and exterior noise standards.

The Final Draft Plan includes modifications that require new programs addressing EIS mitigations be developed and implemented in 2013.

Specific comments on this topic are summarized below, followed by a more detailed explanation of how the comments are addressed in the Final Draft Plan.

Topic #9 - Summary of Comments

Public Agency Comments:

One Local Government sought clarification on how the noise mitigation measures would be implemented to avoid duplication of existing requirements.

One California State Agency submitted comments on mitigation measure 3.6-1, which would require TRPA to coordinate development and implementation of a Region-wide noise reduction program. The comment suggested that some of the potential noise reduction measures listed in the mitigation measure would be infeasible.

Nevada State Agencies and Federal Agencies did not provide written comments on noise.

Comments from Organizations and Advocacy Groups:

Comments from environmental organizations focused on changes to the policy N-1.1 and the level of specificity and feasibility of mitigation measure 3.6-1. Several environmental organizations suggested that the change to the policy N-1.1 could lead to a less stringent noise standard for the airport. These organizations suggested that additional restrictions on the type of aircraft and timing of flights should be instituted to achieve Noise Thresholds. One organization suggested that the impacts from snowmobiles should be emphasized in noise policies.

One business organization provided comments on noise mitigation measures 3.6-2 and 3.6-3, which require that TRPA coordinate the development and implementation of a policy to minimize construction-generated noise and ground vibration. The comment suggested that the mitigation measure could duplicate existing requirements and that it could increase construction costs, serving as a disincentive for redevelopment.

Comments from Businesses and Individuals:

No businesses or individuals provided comments on noise policies or mitigation measures.

Topic #9 - Response to Comments

Comments related to noise generally involved the proposed mitigation measures and noise policies for aircraft and other vehicles.

Mitigation Measures: The Draft EIS identified potential resulting from construction noise and vibrations, roadway noise and exterior noise in mixed-use areas. Like the air quality mitigations, a series of programmatic mitigation measures were proposed and would need to be implemented within twelve months of Regional Plan adoption. Comments related to these mitigation measures are also addressed in **Master Response 13** (Programmatic Mitigations).

Some commenters expressed concern over the need for and feasibility of the mitigation measures proposed in the Draft EIS, suggesting that they were unnecessary, inflexible, had not been vetted through a public process, and could create significant economic impacts. Other commenters suggested that the mitigation measures were needed, but were excessively flexible and should be more detailed and specific.

The Final Draft Plan implements the mitigation measures as proposed in the Draft EIS (Regional Plan Policy ME-3.4 and Attachment 4). Each mitigation measure establishes a performance standard and identifies a list of methods that may be used to achieve the performance standard. As described in **Master Response 13** in the Final EIS, this approach addresses concerns that the mitigation is too flexible because implementation of the mitigation measure must attain the identified performance standard. The mitigations measures may be implemented by TRPA or local governments. Where applicable local regulations already meet the performance standard (e.g. for construction noise), no further action would be required, which addresses concerns that the mitigations are unnecessary or redundant. This outcome reflects the need for additional approaches to achieve existing Threshold Standards, while

providing a reasonable schedule and level of flexibility to develop the approaches through a focused public process.

Noise Policies: The April Draft Plan did not substantively modify noise policies, but did revise some policy language to better reflect the 1986 Airport Master Plan and the related settlement agreement. Some commenters suggested that the policy language change could lead to a less stringent noise standard for the airport; while others suggested that noise standards for snowmobiles and other off-highway vehicles should be more stringent. The Final Draft Plan retains noise Policies from the April Draft Plan, which do not affect the existing noise standards related to aircraft or snowmobiles.

Topic #10 – Other

A number of commenters provided suggestions for topics that were not identified by the Board as amendment priorities for the Regional Plan Update; including shorezone ordinances, buoys, the Olympics, bear policies, trout policies, wildlife policies and cultural resource policies. The April Draft Plan did not include substantive amendments in these topic areas.

Because these topics were not identified as amendment priorities by the Board and the suggested amendments were not evaluated in the Draft EIS, the Final Draft Plan does not reflect the various suggestions that were received for these topics.