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MEMORANDUM

Date: July 21, 2010
To: TRPA Governing Board
From: TRPA Staff
Subject: "FactSheet FollowUp" for Regional Plan Update Milestone #3: Land Use

Requested Action: Governing Board direction that the attached FactSheet FollowUp #3 (Attachment A) has accurately portrayed the results of the third Milestone in the Regional Plan Update process and should be inserted into the FactBook behind FactSheet #3.

Staff Recommendation: Governing Board members review the attached FactSheet FollowUp #3 to ensure that it has accurately portrayed the results of the third Milestone in the Regional Plan Update process. Staff recommends that if the Board confirms that there are no discrepancies in FactSheet FollowUp #3 and the document has accurately portrayed the results of the Land Use Milestone in the Regional Plan Update process, it should direct staff to insert the document into the FactBook behind FactSheet #3.

Requested Motion: The Board is requested to make a motion directing staff on how to proceed with FactSheet FollowUp #3. A majority straw vote of the Board is requested to provide staff with direction.

Background: This Land Use Milestone was the third in a series of Milestone discussions to be conducted as part of the Regional Plan Update process. It took place at the May 26, 2010 and June 23, 2010, Governing Board meetings. Each of the Milestones deals with a part of the Plan, and each is preceded by a stakeholder process to vet the proposed policy alternatives with Agency partners and constituents.

To support the discussion at the Board meeting, staff presented the Governing Board with FactSheet #3, which served as a summary of the stakeholder process for Land Use. It outlined the major issues identified by staff and stakeholders and provided a framework for the Board in making decisions and providing policy direction to staff. There were eleven major issues called out in FactSheet #3.

Staff prepared a FactSheet FollowUp to Land Use Milestone #3 to recap the direction that the Governing Board gave to staff for each of the eleven issues raised and voted (straw vote) on at the June 23, 2010, meeting. Staff will continue to produce FollowUps for the other FactSheets after every Milestone. The nature of the FollowUp documents is summarize and to memorialize the direction given.

Contact Information: If you have any questions, please contact Harmon Zuckerman, Director, Regional Plan Update, at hzuckerman@trpa.org or (775) 589-5236, or John Hitchcock, Land Use Team Lead, Regional Plan Update, at jhitchcock@trpa.org or (775) 589-5220.

Attachment A

FactSheet FollowUp

Land Use, Milestone #3*

What is a FactSheet FollowUp?

A FactSheet FollowUp is a set of Milestone meeting summary notes that serve as a companion to the FactSheet prepared for each Milestone. It documents each policy issue discussed in the FactSheet, the staff proposal, and direction given by the Governing Board. The FollowUp is not intended to serve as regular minutes of the meetings. These will be prepared for the Board and made available in the usual way.

What was the direction given by the Governing Board concerning Land Use policy issues?

Land Use Issue #1: Should TRPA develop additional measures to facilitate land bank programs? Through dialogue with stakeholders, staff has become aware of certain Code restrictions that are having negative effects on land restoration efforts. The land banks and TRPA are partners in achieving the Stream Environment Zone (SEZ) Threshold. During the stakeholder process, staff and the land banks developed potential solutions to assist in achieving our mutual goals. These are discussed below as three Sub-Issues: Excess Land Coverage Mitigation Program, soft coverage transfers, and transfer of coverage from sensitive lands.

Sub-Issue 1A) Should TRPA change the way the Excess Land Coverage Mitigation Program (ELCMP) operates?

Staff Proposal: TRPA is already proposing to change the ELCMP in the plan alternatives. Based on stakeholder input, *staff proposes to amend the language in the Project Description and add a new Implementation Measure to the Matrix to state “excess land coverage mitigation program regulations would be revised to substantially restrict access to the in-lieu mitigation fee option. Large projects would only be ~~Only projects with relatively small amounts of excess land coverage would be eligible to pay in-lieu fees a fee in lieu of removing excess land coverage on- or off-site after demonstrating that all present opportunities for removing excess land coverage on- or off-site have been exhausted.~~ The use of in-lieu mitigation fees to remove coverage from sensitive lands should be allowed across Hydrologically Related Area boundaries.”*

Governing Board Direction: The Board expressed concerns that “large projects” was not defined and directed staff to provide a definition. Staff will incorporate this direction and develop the definition during the implementation phase with input from

* Milestone Meeting #3 was held on May 26, 2010 at the Chateau in Incline Village, NV and on June 23 and 24, 2010 at TRPA Offices, Stateline, NV.

stakeholders. A majority of the Board concurred with the staff proposal with two members abstaining.

Sub-Issue 1B) Should TRPA expand the Alternative 2 proposal to allow soft coverage to be transferred to Community Plans?

Staff Proposal: In the staff-proposed alternative, Implementation Measure LU.IMP-18 states, "Amend Chapter 20, Coverage, to allow soft coverage to be transferred for commercial, tourist accommodation, and mixed-use facilities located within adopted community plans when transferred from sensitive lands (land capability districts 1-3)." A stakeholder (CTC staff) recommended that this Implementation Measure be expanded to allow soft coverage to be transferred from all land capability districts, not just from sensitive lands; there would be weighting factors to make transfers from sensitive lands worth more than transfers from higher capability lands. However, staff does not propose to expand the proposal to allow soft coverage to be transferred to Community Plans from all land capability districts.

Governing Board Direction: A majority of the Board concurred with the staff proposal with two members abstaining and one voting no.

Sub-Issue 1C) Should TRPA remove Hydrologically Related Area restrictions for coverage transfers?

Staff Proposal: Staff proposes to amend the PD and Matrix (LU.IMP-20) to read: "Amend Chapter 20, Coverage, to allow land coverage from sending parcels located within TRPA-designated impaired watersheds to be transferred across Hydrologically Related Hydrologic Transfer Area boundaries, ~~(i.e., anywhere in the Tahoe Basin)~~ as long as the receiving area is in a TRPA-designated non-impaired watershed."

Governing Board Direction: A majority of the Board expressed concern that "impaired watershed" was not defined and directed staff to provide a definition. Staff will incorporate this direction and develop the definition during the implementation phase with input from stakeholders. The Board concurred with the staff proposal with three members abstaining.

LU Issue #2: What is the relationship between CPs and the RPU?

Staff Proposal: Staff proposes to create a new Community Plan model with the Regional Plan Update. This model would allow mixed-use development, provide incentives for environmental redevelopment, streamline the update process, add a significant environmental component, and implement a transect planning system that can be tailored to local context and need.

Governing Board Direction: A majority of the Board concurred with the staff proposal (with one member abstaining) and directed staff to review the availability of allocations in the interim period between adoption of the updated Regional Plan and the update of the Community Plans.

Land Use Issue #3: Is transect zoning a better system than the Plan Area Statements we have today?

Staff Proposal: Transect planning is very different. It represents an innovative step forward. Staff proposes to implement transect planning as TRPA's new zoning system, as a tool to protect the environment, and as a way to promote place-based planning.

Governing Board Direction: A majority of the Board concurred with the staff proposal with one member abstaining.

Land Use Issue #4: Will PTOD really work in Tahoe?

Staff Proposal: This question is so subjective that there can be no simple answer. However, we know that the participants in Pathway embraced a vision for Tahoe as a region of vibrant, walkable communities surrounded by wild mountains overlooking a pristine, clear lake. Therefore, TRPA staff proposes to retain the policies in Alternative 2 that promote Pedestrian- and Transit-Oriented Development.

Governing Board Direction: A majority of the Board concurred with the staff proposal with one member abstaining.

Land Use Issue #5: Should TRPA amend the "two-step" subdivision provisions?

Staff Proposal: Staff does not propose to amend the "two-step" subdivision process with the new Regional Plan but proposed to the Board that a disclaimer would be included in TRPA's application packet that notified applicants of local jurisdiction's building code requirements for subdivisions of multifamily dwellings.

Governing Board Direction: A majority of the Board concurred with the staff proposal with three members abstaining.

Land Use Issue #6: Should TRPA continue to link CFA allocation to environmental performance?

Staff Proposal: Staff believes that using the allocation of Commercial Floor Area as an incentive for local jurisdictions to meet their environmental targets is a sound concept. However, the way that CFA is proposed to be allocated in the plan alternatives ought to be amended. To provide a better approach to implementing this concept, staff proposes to revise the allocation of CFA as follows:

Allocation to:	Alternative 1 (in square feet)	Alt. 2 (in sf)	Alt. 3 (in sf)	Alt. 4 (in sf)
Special Projects	187,770 (existing from CEP projects)	187,770 (existing from CEP projects)+ 160,000 (new allocation)	187,770 (existing from CEP projects) + 300,000	187,770 (existing from CEP projects)
Community Plans	160,000 (existing in CPs)	160,000 (existing in CPs) + 80,000 <u>200,000</u> (new allocation)	160,000 (existing in CPs) + 300,000 (new)	160,000 (existing in CPs)
Transfer of Development Match	-0-	160,000 <u>200,000</u> (new)	-0-	200,000 (new)
TOTAL	347,770	747,770	947,770	547,770
Breakdown of TOTAL	347,770 (existing)	400,000 (new) + 347,770 (existing)	600,000 (new) + 347,770 (existing)	200,000 (new) + 347,770 (existing)

Governing Board Direction: The Governing Board directed staff to incorporate the recommendation by the APC for LU Issue #6 to analyze whether existing CFA is enough to promote environmental redevelopment. A majority of the Board concurred with the modified proposal with one member abstaining.

Land Use Issue #7: Should TRPA limit the size of Tourist Accommodation Units (TAUs) that are redeveloped?

Staff Proposal: Staff proposes to amend the definition of Tourist Accommodation Unit as follows: “One bedroom, ~~or a group of two or more rooms with a bedroom~~ with or without cooking facilities, primarily designed to be rented by the day or week and occupied on a temporary basis.”

Governing Board Direction: The Governing Board directed staff to convene a TAU working group to help staff develop recommended policy and implementation strategies for consideration by the full Board.

What was the direction given by the Governing Board concerning Air Quality policy issues?

AQ Issue #1: Should TRPA change how Air Quality Mitigation Funds are disbursed?

Staff Proposal: Staff proposes to update the 1992 Air Quality Plan (AQP) to identify and rank projects for inclusion in the Environmental Improvement Program (EIP). The projects would be prioritized by cost-effectiveness in providing air quality improvements. EIP projects requesting Air Quality Mitigation Funds would be disbursed to the highest-ranked projects first.

Governing Board Direction: The Board concurred with the staff proposal but directed staff to amend the proposal to incorporate APC recommendations. The proposed language would read as follows:

“Staff proposes to update the 1992 Air Quality Plan (AQP) to identify and rank projects for inclusion in the Environmental Improvement Program (EIP). The projects would be prioritized ~~by cost-effectiveness~~ in providing air quality improvements; EIP projects requesting Air Quality Mitigation Funds would be disbursed to the highest-ranked projects first, based in part on cost-benefit. A portion of these funds may be allocated to Basin-wide projects.”[†]

AQ Issue #2: Why is TRPA proposing changes to the existing wood stove program?

Sub-Issue 2A) Should TRPA adopt new emissions standards for wood stoves and implement a deadline for removal or replacement of all non-compliant stoves?

Staff Proposal: Staff does not propose to amend Implementation Measure AQ.IMP-16, which states: “Clean Wood Stoves – All wood stoves not certified to emit less than 4.5g/hr of PM for a non-catalyst and 2.5 g/hr of PM for a catalyst-equipped stove must be removed by 2020.”

Governing Board Direction: The Board directed staff to create a policy for wood smoke emissions, define the appropriate terms, adopt emissions standards based on best available technology for all wood stoves, existing, in new construction, and at change of ownership, and implement a deadline for removal or replacement of all non-compliant stoves.

Sub-Issue 2B) Should TRPA prohibit installation of wood stoves in new construction?

Staff Proposal: Staff proposes to amend Implementation Measure AQ.IMP-15 as follows: “Wood Stoves in New Construction – Wood stoves in all new construction must be certified to emit less than 4.5g/hr of PM for a non-catalyst and 2.5 g/hr of PM for a catalyst-equipped stove ~~are prohibited in all new construction. Wood stoves are prohibited in all project areas requiring a TRPA permit.~~”

Governing Board Direction: With three members voting yes, a motion by the Board to prohibit the installation of wood stoves in new construction failed. A majority of the Board concurred with the staff proposal not to ban woodstoves in new construction but to implement the highest standards applicable.

[†] New wording proposed by staff is underlined, and deleted wording is ~~struck-through~~. New wording approved by the Governing Board is double underlined, and deleted wording is ~~double struck-through~~.

Sub-Issue 2C) Should TRPA require certification in escrow documents that wood stoves are compliant?

Staff Proposal: Staff proposes the following Implementation Measure AQ.IMP-17: “Wood Stove Certification – All properties purchased, sold, transferred title shall ensure the wood stove is compliant with all current regulations. Evidence of such will be included in escrow documents.”

Governing Board Direction: The Board unanimously concurred with the staff proposal and also directed staff to amend AQ Sub-Issue 2C to include a “change in ownership” clause, provide exemptions for changes in ownerships that do not involve escrow documentation (transfer instruments such as Trusts and Limited Liability Corporations) and create incentives for residents to retrofit their wood stoves.

Sub-Issue 2D) Should TRPA create a Wood Stove Mitigation Program?

Staff Proposal: Staff proposes to delete Implementation Measure AQ.IMP-18, which states: ~~“Wood Stove Mitigation Program -- All properties containing a wood stove shall pay an air quality mitigation fee per unit.”~~

Governing Board Direction: The Board unanimously concurred with the staff proposal to delete Implementation Measure AQ. IMP-18.

AQ Issue #3: Should TRPA require a reduction in pile burning?

Staff Proposal: Staff proposes to amend AQ.IMP-14 to state “Forest Fuels 40% -- ~~Forest fuels reduction efforts shall reduce PM emissions by 40% compared to open burning emissions levels. Fire agencies will provide smoke management plans and collaborate with TRPA to develop the best methods for reducing forest fuels with the least impact to air quality. Fire agencies will continue to follow the air quality regulations of their respective state regulatory agencies. The Tahoe Fire and Fuels Team will collaborate with fire agencies to refine smoke management best practices.~~”

Governing Board Direction: The Board unanimously concurred with staff’s proposal to amend the implementation measure to incorporate recommended language underlined above, which was provided by the Lake Tahoe Basin Fire Chiefs and the APC.

AQ Issue #4: Should TRPA require Basin-wide air quality standards?

Staff Proposal: Staff proposes to change the Implementation Measures regarding air quality standards as follows in the table below:

Alternative 1	Alt. 2	Alt. 3	Alt. 4
No change.	AQ.IMP-27: “ <u>Emissions Standards & Practices – adopt and implement air quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.</u> Region Wide Program – TRPA will adopt the most stringent AQ standards, control strategies, and implementation plans Region-wide.”	No change. AQ.IMP-30: “Emissions Standards & Practices—adopt and implement different air quality standards and implementation practices between the two states.”	AQ.IMP-2730: “Region Wide Program – TRPA will adopt the most stringent AQ standards, control strategies, and implementation plans Region-wide.”

Governing Board Direction: The board suggested that the current language in Implementation Measures AQ.IMP-27 does not reflect staff’s intent. The Board unanimously directed staff to amend the language to change “adopt or implement” to “recognize.” The proposed language is amended as follows:

Alternative 1	Alt. 2	Alt. 3	Alt. 4
No change.	AQ.IMP-27: “ <u>Emissions Standards & Practices – adopt and implement Recognize air quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.</u> Region Wide Program – TRPA will adopt the most stringent AQ standards, control strategies, and implementation plans Region-wide.”	No change. AQ.IMP-30: “Emissions Standards & Practices – adopt and implement different air quality standards and implementation practices between the two states.”	AQ.IMP-2730: “Region Wide Program – TRPA will adopt the most stringent AQ standards, control strategies, and implementation plans Region-wide.”