

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION  
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting at **9:30 a.m.** on **Wednesday, October 9, 2019** at the **TRPA Offices**, located at **128 Market Street, Stateline, NV**. The agenda for the meeting is attached hereto and made a part of this notice.

October 2, 2019

A handwritten signature in blue ink, appearing to read "J Marchetta", with a long horizontal flourish extending to the right.

Joanne S. Marchetta  
Executive Director

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

TRPA  
Stateline, NV

October 9, 2019  
9:30 a.m.

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AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Advisory Planning Commission on any item listed or not listed on the agenda may do so at this time. TRPA encourages public comment on items on the agenda to be presented at the time those agenda items are heard. Individuals or groups commenting on items listed on the agenda will be permitted to comment either at this time or when the matter is heard, but not both.

All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated. The Chair shall have the discretion to set appropriate time allotments for individual speakers (3 minutes for individuals and 5 minutes for group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for speakers will be permitted by the ceding of time to others. Written comments of any length are always welcome. So that names may be accurately recorded in the minutes, persons who wish to comment are requested to sign in by Agenda Item on the sheets available at each meeting. In the interest of efficient meeting management, the Chair reserves the right to limit the duration of each public comment period to a total of 2 hours. In such an instance, names will be selected from the available sign-in sheet. Any individual or organization that is not selected or otherwise unable to present public comments during this period is encouraged to submit comments in writing to the Advisory Planning Commission. All such comments will be included as part of the public record.

*NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.*

- IV. DISPOSITION OF MINUTES

V.	PUBLIC HEARINGS		
	A. Technical amendments to Chapters 2, 21, 30, 37, 50, 51, 53, and 84 of the TRPA Code of Ordinances to clarify existing language and incorporate technical corrections	<b>Recommendation</b>	<b><u>Page 1</u></b>
	B. Amendment of Performance Review System, Code Amendment, Section 50.5.2, regarding Short-Term Rentals: and Short-Term Rental Neighborhood Compatibility Guidelines	<b>Recommendation</b>	<b><u>Page 59</u></b>
VI.	PLANNING MATTERS		
	A. Briefing on Annual Local Government Report	<b>Informational Only</b>	<b><u>Page 115</u></b>
VII.	REPORTS		
	A. Executive Director	<b>Informational Only</b>	
	1) Quarterly Report: April – June 2019	<b>Informational Only</b>	<b><u>Page 149</u></b>
	2) Upcoming Topics	<b>Informational Only</b>	
	B. General Counsel	<b>Informational Only</b>	
	C. APC Members	<b>Informational Only</b>	
VIII.	PUBLIC COMMENT		
IX.	ADJOURNMENT		



TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

TRPA  
Stateline, NV

July 10, 2019

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Teshara called the meeting to order at 9:33 a.m.

Members present: Ms. Beckman for Mr. Buelna, Mr. Callicrate, Mr. Cariola, Ms. Carr, Mr. Ferry, Mr. Grego, Mr. Larsen, Mr. Plemel, Mr. Hitchcock for Ms. Roverud, Ms. Stahler, Mr. Teshara, Mr. Young

Members absent: Mr. Alling, Mr. Drake, Mr. Drew, Mr. Guevin, Mr. Hill, Washoe Tribe

II. APPROVAL OF AGENDA

Ms. Marchetta said Agenda Item No. VI.A, Amendments to Chapter 36 of the Code of Ordinances regarding outdoor lighting will be heard first.

Mr. Grego moved approval.

Mr. Larsen seconded the motion.  
Motion carried.

III. PUBLIC INTEREST COMMENTS

None.

IV. DISPOSITION OF MINUTES

Mr. Teshara provided Ms. Ambler with his clerical edits.

Mr. Larsen moved approval as amended.  
Ms. Carr seconded the motion.

Ms. Beckman abstained.  
Motion carried.

V. PLANNING MATTERS

A. Update on Local Water and Wastewater Infrastructure, South Tahoe Public Utility District,

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General Manager, Mr. Thiel

Mr. Thiel, South Tahoe Public Utility District provided the presentation.

Mr. Thiel said the South Tahoe Public Utility District (STPUD) is a public utility and the rate payers are the owners. They have five board of directors that are elected every two years. The annual water and sewer revenues are \$40 million dollars. Over the next ten years, they'll be making \$150 million dollars in capital improvements for water and sewer. They have over \$1.5 billion in assets at work for the community on water, wastewater, and recycled water systems. STPUD has 115 full time employees and 20 seasonal employees.

The district provides about 85 percent of the water service for south shore customers and on a peak day they'll deliver over 5,000 gallons per minute or 7 million gallons per day. There are over 13 wells available and are a 100 percent ground water system. There are over 250 miles of water lines and 31 pressure zones that are systems within the main system. This is done through the wells, 16 booster stations and 19 storage tanks. The Lukins Brothers Water Company serves about 1,000 customers, and the Tahoe Keys Water Company serves 1,500 customers in the Tahoe Keys, and the Lakeside Park Water District has 134 customers that are primarily commercial connections. In addition to these water purveyors there are over 400 private wells in the south shore for hotels and individual homes.

In the Y area of South Lake Tahoe, there is a Perchloroethylene (PCE) plume that was used by a dry cleaning facility in the 1980s. That plume impacted Lukins Brothers Water Company wells which were shut down and also impacted two wells for the Tahoe Keys Water Company. The district is providing water to the Lukins Brothers Water Company customers. They're also working with the Lahontan Regional Water Quality Control Board on how to clean this up, it will be a 20 plus year cleanup operation.

STPUD has 17,800 wastewater connections and over 300 miles of gravity sewer lines with 41 pump stations. The gravity sewer goes downhill to a pump station then it's pumped back to the wastewater treatment plant through 19 miles of force mains. On average there's about 3.5 million gallons per day being treated and exported out of the Basin. In the winter if they receive rain on snow and because of the age of the system, a lot of the stormwater is getting into the sanitary sewer. Then that 3.5 million gallons can be up to 18 million gallons per day. Twice, their facility has been named the US EPA number one plant of the year; 1994 and 2001. The bio solids are collected through the treatment process and are dewatered before being trucked to Bently Nevada for composting.

Their recycled water export system is 26 miles. From the treatment plant it goes through the Luther Pass pump station and another 4.5 miles over Luther Pass before gravity takes it to the Woodfords area. In the Diamond Valley area, they have two dams and two reservoirs with one for recycled water and the other for fresh water. Overall, 3,000 acres are utilized for pasture irrigation and grazing. Last year, they completed a \$10 million dollar project to improve reliability and 70 acres of pivot irrigation rigs for alfalfa production. They also installed a hydro recovery facility that delivers 55,000 watts of energy for about 50 average homes.

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About ten percent of the districts service area doesn't have adequate fire flow or hydrants. There are about 100,000 linear feet of water lines that need to be replaced and upsized and 200 hydrants added which will be approximately \$50 million dollars over the next ten years. The district is working with other water purveyors to provide community wide fire flow. They're starting a South Shore Fire Security Task Force to look at hydrants and firefighting and determine how to put the resources to best use.

The district started in 1950 as a sewer agency and started providing water in the mid-1970s. The system is 50 to 60 years old and needs replacement and rehabilitation of water lines, water tanks, wells, and booster stations. They're accelerating an asset management program that identifies the risks of failures, prioritizes those risks, and extends the useful life of the system. The district has camera equipment to video the inside of their 300 miles of pipe and the goal is to do 10 to 20 percent of the entire system in one year to identify the problem areas and fix them before they become major problems.

Presentation can be viewed at:

[Agenda Item No. V.A South Tahoe Public Utility District.pdf](#)

#### Commission Comments & Questions

Mr. Grego asked what material is used when replacing the steel water lines.

Mr. Thiel, South Tahoe Public Utilities District said typically PVC has been the cost effective option for up to 12 inches in diameter. They're also considering the use of ductile iron pipe. It's more expensive to install but has about double the life expectancy of PVC.

Ms. Carr asked what the district's plan was to pump water during power outages.

Mr. Thiel, South Tahoe Public Utilities District said they have redundancy and resiliency built into their system, especially the sewer system. They're currently constructing a diesel generator at the plant and once completed; they'll be able to operate the treatment plant during those storm conditions and power outages. They have three different units that provide stand by power now, but this new generator system will meet new air standards and will be more cost efficient. This project will be over \$4 million dollars. All the wastewater pump stations have some level of stand by power but there's not as much on the water side and they are looking to expand that stand by power capability. They're working with Liberty Utilities and are applying to FEMA for grants for additional stand by power generation capabilities.

Mr. Ferry asked if they've mapped where the majority of the stormwater inputs are going into the system. It would be beneficial for El Dorado County and South Tahoe Public Utility District to coordinate when the county does stormwater projects.

Mr. Thiel, South Tahoe Public Utilities District said they measure flows at pump stations and know the tributary area to those pump stations that see those large spikes. The Upper Truckee pump station is the second largest pump station in the service area. In 2020, they're scheduled to start a project to upsize the pumps and improve the standby power for that pump station. This area is where they receive the most stormwater intrusion into the system. There is

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approximately 100 miles of sewer within that tributary area. There are also occasions where people remove manholes to drain properties and one single manhole can cause major problems in the system. In flow can be from a manhole that's been compromised. They've installed 21 flow meters in the sewer system to try and find out what tributary areas of that 100 miles are getting more in flow. They do have some indication of location but that is an ongoing process. He looks forward to collaborating with El Dorado County.

Mr. Ferry asked what work the district is doing near the Y and if they did regular perchloroethylene testing of the water wells.

Mr. Thiel, South Tahoe Public Utilities District said there's been work at the Y with the South Tahoe Public Utility District and the Lahontan Regional Water Quality Control Board. They've been drilling up to 200 feet deep to the aquifers (water storage) areas. Perchloroethylene (PCE) is heavier than water and they believe that this contamination started in the 1970s and continued into the 1980s primarily at the previous site of Lake Tahoe Laundry Works. Lahontan has a treatment system at that site where they've removed over 1,000 pounds of PCE in the past 15 years. About five years ago, PCE started showing up again in the wells of the Lukins Brothers Water Company and the Tahoe Keys Water Company. It's going down into different aquifers and the lower aquifers are what many of these other wells are pulling their drinking water from. They test for PCE and the wells that don't meet the standards are turned off. The district has been providing water to the Lukins Brothers Water Company customers for the past two years because of the well contamination. The district had some wells shut down in the 1980s and 1990s due to PCE but currently there is no trace of PCE in the South Tahoe Public Utility Districts wells and they continue to do monthly monitoring.

Mr. Ferry asked what do the "W's" and "triangles" represent on the PCE contamination slide.

Mr. Thiel, South Tahoe Public Utilities District said they represent different well sites. The purple is Lukins Brothers Water Company wells, the orange is the Tahoe Keys Water Company wells, and the blue are South Tahoe Public Utility Districts wells.

Ms. Stahler said if the counties are doing stormwater improvement projects as part of the environmental improvement program, she sees that as a natural fit with the district's infrastructure upgrades as well.

#### Public Comments & Questions

None.

#### B. Lake Tahoe Sustainable Recreation Working Group – Background and Status Update

TRPA team member Mr. Middlebrook provided the presentation.

Mr. Middlebrook said as the demand for outdoor recreation grows impacts are seen all over the globe. By 2030, the forecast is for 1.8 billion international trips and that doesn't account for the couple hundred million domestic trips. The Outdoor Industry Association reported in 2016 that California's outdoor recreation economy generated \$92 billion dollars in consumer spending and

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700,000 jobs. In Nevada, there were \$12.6 billion dollars in consumer spending and 90,000 jobs directly related to the outdoor recreation industry. Our local economy is heavily based on tourism. The Tahoe Prosperity Center reported that of the \$5.1 billion dollar local economy, \$3.2 billion dollars is directly related to visitor serving positions related to recreation and tourism. There are a number of states that are looking at offices of outdoor recreation and starting to plan at a statewide level on how to address outdoor recreation. Nevada recently approved their office of outdoor recreation that will be under the Nevada Department of Conservation and Natural Resources. California Assembly Bill 1111, for the Office of Outdoor Recreation is waiting for approval from the California State Senate.

Cell phone data from the Tahoe Transportation District shows that there are ten million visitor vehicles every year. This flood of visitation points out those hot spots as traffic, congestion, issues with parking, and crowding. Those have impacts not only to the visitor experience but to the natural resources. Emerald Bay is seeing more trail erosion and loss of vegetation. This increased visitation is not new to Lake Tahoe and as there are increases in population and disposable income in northern Nevada and California, Lake Tahoe is only a short drive for many to visit.

Sustainable recreation is being able to provide these world class recreation opportunities without degrading the future generations ability to also enjoy. One of the biggest challenges for Lake Tahoe is that we have a plethora of recreation activities.

There are three primary issues to address: The first one is the increasing recreation demand with static or declining funding. For example, fire has taken over the vast majority of the budget for the Forest Service and has taken away from other activities such as providing recreation. This is a similar situation for the states as well. The second one is that the peak visitation levels often exceed the capacity of the infrastructure. There needs to be new strategies to handle those pressure points on peak weekends. Prior to this current effort, the third one was insufficient coordination amongst agencies, recreation partners, and user communities.

In 2017, the Tahoe Interagency Executives Steering Committee identified sustainable recreation as a top priority. They conducted a series of executive interviews led by the Forest Service to determine what the problem was, what was being done, and what steps needed to be taken to address those issues. From that, the Sustainable Recreation Working Group was created and is co-chaired by Mr. Middlebrook and the US Forest Service. The working group members are a cross section of public and private partners and the goal and vision is to connect people to Lake Tahoe. It's about providing high quality recreation experiences but not take away from the natural and cultural resources, and community well-being.

The first step to achieve this vision is to increase coordination among the recreation managers, non-profits, and the private and public sector. They'll identify and address ongoing sustainable recreation topics and integrate recreation management into ongoing planning and implementation. In addition, establish basin wide recreation indicators, thresholds, and monitoring protocols. The Forest Service, California State Parks, Nevada State Parks, and the local public utility districts collect different sets of data on recreation. They all collect somewhat general concepts but ask different question and count people differently so there's no consistent measure of recreation across the Basin. Lastly, there's a goal to develop a basin wide

sustainable recreation strategy to guide this. Through a stakeholder workshop they developed a shared set of recreation principals that will guide the work. There needs to be balance between access, experience, community well-being, and the health and well-being components of nature.

There are the objectives, values, visions, and a mission that will be integrated into everyday practices through four avenues. First, the environmental improvement program is going through an update for the next five years of the EIP vision and sustainable recreation with transportation being elevated as a more solid focus area for the program. As more of the sustainable recreation gets baked into the EIP, these recreation visions and principals will be integrated within the EIP. Through the environmental improvement program, sustainable recreation touches all the threshold categories. Second, is the State Route 89 corridor management plan that is being worked on similar to the State Route 28 improvements. Traditionally, the corridor plans were transportation focused but didn't do much once people were there. They're integrating transportation and recreation and looking at how they're getting people to and from the corridor and what they're doing with them once they are at a destination. They'll look at new recreation infrastructure such as trail heads, restrooms, and wayfinding signage. Orca Consulting is addressing how to move people around through the cycle of anticipation. Some of the key take aways in this corridor plan are the opportunities to do things differently within the State Route 89 corridor. Incremental changes around Emerald Bay and Camp Richardson aren't going to make the kind of differences that we need during peak periods. There's support for parking management strategies, relocating roadside parking, reservation systems, transit alternatives, and more bike access. Constraints in the corridor are that Emerald Bay is very steep and narrow. They're looking at how to manage the average number of visitors and then have special strategies to address those peak weekends. The corridor is being looked at as a whole but in addition the corridor will be broken up into segments because each one has unique geographical constraints and recreation assets.

They're working with the Tahoe Science Advisory Council who completed a review of recreation impacts in the Tahoe Basin. The summary table looked at all the potential recreation activities and threshold categories to determine which activities have impacts to our natural resources and what the connections are to existing thresholds and metrics. They're going through the science based adaptive management structure with the Tahoe Science Advisory Council to create a basin wide set of metrics and thresholds that are monitored consistently for public access, quality experience, and the natural resource conditions. Relative to TRPA, this will lead to an updated set of recreation threshold standards. Lastly, is the sustainable recreation strategy and what we're thinking about, how are we going to get there, why are we doing it, and what tools will we use to implement it. Before the Sustainable Recreation Working Group, they were reviewing the idea of isolated impact. For example, the Forest Service was doing their projects and not looking beyond their park boundaries and what the impacts would be to state parks on their project across the highway. Individual projects were being done and not coordinated. In the past two years they've brought that collaboration together with monthly meetings with the Forest Service and state parks.

The recreation strategy will move us towards that collective impact. The focus areas of transportation, visitor use management, stewardship, shared monitoring and metrics, existing conditions, the status of what's on the ground today, where do we want to go, what do we want to be in the future, and how are we going to get there. The goal is to have controlled visitation

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and not the massive peaks that are flooding the beaches and parking lots and, in some cases, leaving behind trash. To help control visitation and spread it out to reduce the peak visitation, there are items such as reservation systems, promoting other activities in other locations through education, real time tools, transportation management, increasing transit connections, and increasing staff levels at parks. Within the Sustainable Recreation Strategy, they'll identify a set of short, medium, and long term actions such as wayfinding signage, a trails master plan, and identify individual actions that landowners, private businesses, concessionaires, and hotels can take to help move towards a sustainable recreation and tourism system. They're also working with the Town of Mammoth Lakes who recently received a \$600,000 grant from the Sierra Nevada Conservancy to create the office of sustainable outdoor recreation and tourism for the eastern sierra.

Presentation can be viewed at:

[Agenda Item No. V.B Sustainable Recreation Working Group Update.pdf](#)

#### Commission Comments & Questions

Mr. Young said the carrying capacity of visitors in the Basin is of concern. The peak visitation and what we experience on a regular basis are starting to merge. What we're experiencing recently is not normal and is only going to get worse. This is only the start and we need to continue to monitor it.

Ms. Carr said the "shoulder" seasons are rapidly disappearing. How do we collectively balance the need for everyone's personal space? She said people have different perceptions of what that personal space might be. She appreciated that the science based adaptive management structure that was developed from the stakeholder working group was being utilized.

Mr. Middlebrook said they're seeing changing demographics and would like to have the Tahoe Science Advisory Council put social science with metrics and numbers behind it. They're also seeing changing demographics for visitors who have different recreation demands. Winter is seeing more non-skier visitation. A lot of the items they are addressing are different, they're seeing stuff that is out of their control locally such as changing demographics, population booms, and economic prosperity. Ten years ago, paddle boards weren't really seen and now there's the rise in electric bikes. The working group now has a venue to have these conversations with the Forest Service, California State Parks, Nevada State Parks, the League to Save Lake Tahoe, the chambers and visitors authorities.

Mr. Callicrate said he's seen changes in his community of Incline Village. He suggested monitoring the access points before people get to the Basin. Because what we've been doing for many years is once people are here, then we're looking at how to get them around. Maybe there's an opportunity if the states could get together and charge day use fees to come to Tahoe. He hopes we can get there sooner than later because there are no more "shoulder" seasons.

Mr. Middlebrook said those are many items that have been identified as needed actions.

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Mr. Teshara said the State Route 89 Corridor Management Plan Existing Conditions Report is a good report for additional information.

Mr. Middlebrook said the Draft State Route 89 Corridor Management Plan will be ready in September.

Mr. Teshara said the Tahoe Transportation District will review and discuss the first cut of the One Tahoe initiative at their meeting on July 12<sup>th</sup>. This initiative looks at how to raise money to fund the transit and transportation systems in the Basin.

Public Comments & Questions

None.

VI. PUBLIC HEARINGS

A. Amendments to Chapter 36 of the Code of Ordinances regarding outdoor lighting

TRPA team member Mr. Conger provided the presentation.

Mr. Conger said the regulations in the Code of Ordinances help to implement the Regional Plan which help achieve the thresholds. The exterior lighting standards in section 36.8 of the Code of Ordinances relate to the scenic resources and recreation thresholds. One of the pertinent thresholds states that the Regional Plan shall ensure that design elements including lighting are compatible with the natural scenic and recreational values of the region. Section 36.8 lays out several types of lighting regulations, but the one standard of today's focus is the prohibition of lighting fixtures projecting light above the horizontal (up-lighting). Prohibiting up-lighting is a common practice used to preserve the integrity of the night sky by reducing glare and light pollution. Lighting of the US Flag is a topic that comes up in communities with dark sky-oriented lighting codes. The US Flag code states that it is customary to display the flag between sunrise and sunset, however, when a patriotic effect is desired it can be displayed 24 hours per day if properly illuminated during the hours of darkness. There are a wide variety of products to properly illuminate a flag. The two most common forms of flag lighting are down-lighting and up-lighting. As currently written, the Code of Ordinances would support downlighting of a flag. This discussion has come up as a result of a proposal at Happy Homestead Cemetery in South Lake Tahoe, CA. A flagpole was erected there in 2015 in tribute to veterans. The community now wishes to display the flag 24 hours per day and to accomplish this the flag would need to be properly illuminated. There's been substantial concerns raised that downward directed lighting required by TRPA's Code of Ordinances would not properly illuminate the flag. As a result, an exception from that standard is being requested. The proposed amendment would provide for a limited exception to the up-lighting prohibition and the exception would be limited to certain criteria. For example, it would only apply to the lighting of the US Flag within the veteran's section of an existing cemetery. In reviewing dark sky ordinances from other jurisdictions that allow up-lighting of flags, staff realized that it was a common practice to limit the lighting output that helps to minimize the potential for localized light pollution impacts. Staff recommends that the output be limited to 2,500 lumens which is equivalent to a 125-watt halogen lamp. Because the criteria will limit its applicability and potential lighting output, staff does not anticipate that

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this amendment will have a measurable effect on threshold attainment. The Regional Plan Implementation Committee unanimously recommended approval as proposed.

Presentation can be viewed at:

[Agenda Item No. VI.A Outdoor Lighting Flags.pdf](#)

#### Commission Comments & Questions

Mr. Plemel asked if down-lighting was explored and what were the results that led to the need to up-light.

Mr. Conger said the City of South Lake Tahoe worked on down-lighting options at the request of South Lake Tahoe resident, Mr. Brown.

Mr. Cariola asked if the neighbors in this area were sent notices.

Mr. Conger said no, standard noticing for ordinance amendments were done but there was not a localized mail notice to the neighbors.

#### Public Comments & Questions

Dan Brown, South Lake Tahoe resident said the City of South Lake Tahoe was instrumental in trying to install down-lighting on the flag. It was done with a solar powered device and due to the height of the trees, there was not enough sunlight to keep it lit for more than about two hours. They're requesting up-lighting so the flag can be lit 24 hours per day, 365 days per year in honor of the past veteran's interred at the Happy Homestead Cemetery. The only time the flag is raised is if there's staff available to raise it or take it down and doesn't fly on weekends or holidays.

#### Commission Comments & Questions

Mr. Grego asked why the proposed changes are restricted to an existing cemetery. If there's good cause to allow for the amendment, it should apply to existing and possible future cemeteries.

Mr. Conger said the intention was to keep this as a limited exception.

Mr. Teshara asked if the removal of the word "existing" would impact the ability to make the findings.

Mr. Conger said no, because any new cemetery would be subject to a separate environmental review.

Mr. Young said Mr. Grego had a good point but feels it would be covered with the required process for a new cemetery and supported staff's recommendation.

Mr. Larsen said in this instance down-lighting may have been difficult because it was not

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envisioned that the flag would need to be lit 24 hours per day. This is an easy solution to a limited situation. If a new cemetery is constructed it would need to comply with the Code of Ordinances.

Mr. Grego referred to Section 3.a. He said that it already urges the applicant to look at down-lighting alternatives. If a new cemetery was built, then staff would need to review a change in the ordinance. If this is good for the existing one, then it should be good for the ones that could exist.

Mr. Hitchcock asked if it was correct that once a project is approved and constructed it is considered existing so these standards would then apply. Then a flag could potentially have up-lighting if it met the standards.

Mr. Hester said that is correct.

#### Public Comments & Questions

Dan Brown, South Lake Tahoe resident said the memorial is completely constructed. They investigated down-lighting the flag with electricity, but the monument would have to be dismantled. The cost and disturbance of the area would be prohibitive. The flagpole is 25 feet high and most of the trees are at least twice the height. The impact to the neighborhood is negligible as the up-lighting would not face residences or open areas.

#### Commission Comments & Questions

Mr. Young made a motion to recommend approval of the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the staff report.

Mr. Grego seconded the motion.

**Motion carried.**

Mr. Young made a motion to recommend adoption of Ordinance 2019-\_\_\_, amending Ordinance 87-9, as previously amended, to amend the Code of Ordinances as shown in Attachment A.

Mr. Grego seconded the motion.

**Motion carried.**

## VII. REPORTS

### A. Executive Director

Mr. Hester said Mr. Teshara and the Tahoe Chamber have organized a tour of the Carson City redevelopment area on July 16<sup>th</sup> and that APC member, Mr. Plemel will be providing part of the presentation that day. The Local Government & Housing Committee will meet on July 17<sup>th</sup>, 1:00 p.m. at TRPA to provide an update on the status of local government housing activities.

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B. General Counsel

No report.

C. APC Members

Ms. Stahler said the Nevada Division of State Lands, Resource Team Program Manager, Meredith Gosejohan started on July 8<sup>th</sup>. She was previously their Water Quality Program Manager. Ms. Stahler has submitted the paperwork to the Treasurer's Office to support a \$3.85 million dollar bond sale in the fall for the Nevada Tahoe Environmental Improvement Program.

VIII. PUBLIC COMMENT

None.

IX. ADJOURNMENT

Chair Mr. Teshara adjourned the meeting at 11:08 a.m.

Respectfully Submitted,



Marja Ambler  
Clerk to the Board

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





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## STAFF REPORT

Date: October 2, 2019

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Proposed amendments to the TRPA Code of Ordinances to incorporate technical corrections for clarity and consistency.

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### Summary and Staff Recommendation:

Staff recommends that the Advisory Planning Commission recommend Governing Board approval of the proposed technical amendments to the Code of Ordinances. The proposed amendments constitute technical corrections and clarifications. No substantive policy modifications are proposed. The amendments affect Chapters 2, 21, 30, 37, 50, 51, 53, and 84.

### Required Motions:

In order to recommend adoption of the ordinance amendments, the Advisory Planning Commission must make the following motion(s), based on the staff summary:

- 1) A motion to recommend approval of the Required Findings, as described in Attachment C, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the staff summary; and
- 2) A motion to recommend adoption of Ordinance 2019-\_\_, amending Ordinance 87-9, as previously amended, to amend the Code of Ordinances as shown in Attachment A.

In order for the motions to pass, an affirmative vote of a majority of the quorum in attendance is required.

### Background:

The Code of Ordinances sets forth the regulations that implement the Regional Plan. TRPA staff recommends technical amendments of the Code of Ordinances from time to time in order to ensure that language is clear and correct. Making these routine corrections helps to ensure that TRPA can effectively administer the Code of Ordinances, and the public can understand its provisions.

### Project Description:

The project involves making 12 amendments to eight chapters of the Code of Ordinances. The individual amendments and rationale are shown in Attachment B. The proposed code amendments constitute technical corrections and clarifications. No substantive policy changes are proposed. The amendments fall into four categories:

- **References to Area Plans** – These amendments clarify that certain sections apply within Area Plans where references to the Area Plans were inadvertently omitted. The amendments proposed are all in relation to the transfer of development rights. They are consistent with the 2012 Regional Plan Update, which seeks to replace Community Plans and Plan Area Statements with Area Plans and to focus commercial development in existing Town Centers.
- **Considerations for Achievable Housing** – These amendments clarify that certain sections apply to achievable housing, where such references were inadvertently omitted. They are consistent with the 2018 Development Rights initiative, which established the new affordability classification of “achievable” and applied the same ordinance provisions as used for the “moderate” and “affordable” classifications.
- **Other Clarifications** – These amendments represent miscellaneous opportunities for clarification identified by TRPA staff. The four amendments in this category include:
  - Clarifying that the provisions for accessory residential living space in Subsection 21.3.6 apply only to parcels that are otherwise ineligible for a secondary dwelling.
  - Clarifying that building height calculations can be performed either on the whole building or on individual building segments, consistent with other provisions.
  - Clarifying that TMDL annual performance reports may be requested in October of each year but would not be provided until March of the following year.
  - Clarifying how the boundaries of a buoy field are determined, which affects how buoy capacity is calculated.
- **Editorial Changes** – These amendments are necessary to correct errors and to consistently apply the established numbering scheme for tables and figures.

Attachment B contains the recommended amendments and discusses the rationale and effect of each amendment.

Environmental Review:

The proposed Code amendments have been reviewed in an Initial Environmental Checklist (IEC) pursuant to Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The IEC found that the proposed amendments would not result in significant effects on the environment (see Attachment D).

Regional Plan Compliance:

The proposed amendments to the Code of Ordinances are consistent the goals and policies of the Regional Plan.

Contact Information:

For questions regarding this item, please contact Michael Conger, AICP, Senior Planner, at (775) 589-5221 or [mconger@trpa.org](mailto:mconger@trpa.org).

Attachments:

- A. Adopting Ordinance
  - Exhibit 1 Code Amendments
- B. Amendments and Rationale
- C. Required Findings
- D. Initial Environmental Checklist (IEC)

Attachment A  
Adopting Ordinance

TAHOE REGIONAL PLANNING AGENCY  
ORDINANCE 2019-

AN AMENDMENT TO ORDINANCE NO. 87-9, AS PREVIOUSLY AMENDED, TO AMEND THE TRPA CODE OF ORDINANCES, CHAPTERS 2, 21, 30, 37, 50, 51, 53, AND 84 TO (1) INCORPORATE REFERENCES TO AREA PLANS; (2) CLARIFY PROVISIONS RELATED TO ACHIEVABLE HOUSING; (3) PROVIDE ADDITIONAL REVISIONS FOR CLARITY AND CONSISTENCY; AND (4) CORRECT ERRORS IN WORDING AND NUMBERING; AND OTHER MATTERS PROPERLY RELATED THERETO

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

Section 1.00 Findings

- 1.10 It is desirable to amend TRPA Ordinance 87-9 by amending the TRPA Code of Ordinances to further implement the Regional Plan pursuant to Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 The TRPA Code of Ordinances amendments were the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The TRPA Code of Ordinances amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirement of an Environmental Impact Statement (EIS) pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC) and the Governing Board have each conducted a noticed public hearing on the proposed TRPA Code of Ordinances amendments. The APC has recommended Governing Board adoption of the necessary findings and adopting ordinance. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.40 The Governing Board finds that the TRPA Code of Ordinances amendments adopted hereby will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.50 Prior to the adoption of this ordinance, the Governing Board made the findings required by Section 4.5 of the TRPA Code of Ordinances, and Article V(g) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 TRPA Code of Ordinances Amendments

Ordinance 87-9, as previously amended, is hereby amended by amending the TRPA Code of Ordinances, as set forth in Exhibit 1.

Section 3.00    Interpretation and Severability

The provisions of this ordinance amending the TRPA Code of Ordinances adopted hereby shall be liberally construed to affect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan Package are hereby declared respectively severable.

Section 4.00    Effective Date

The provisions of this ordinance amending the TRPA Code of Ordinances shall become effective on\_\_\_\_\_

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on \_\_\_\_\_, 2019, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

---

William Yeates, Chair  
Tahoe Regional Planning Agency,  
Governing Board

Exhibit 1 to Attachment A  
Code Amendments

## EXHIBIT 1: CODE AMENDMENTS

Language to be added is shown in blue with an underline. Language to be removed is ~~shown in red with a strikeout~~.

### 1. Amend Subsection 2.2.2, Paragraph B

*Revise Paragraph B of Subsection 2.2.2 as follows:*

## CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

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### 2.2. PROJECT REVIEW

#### 2.2.2. Projects and Matters to be Approved by the Governing Board or Hearings Officer

Categories of projects and matters listed in this subsection 2.2.2 or as otherwise required by law shall require Governing Board or Hearings Officer approval, as indicated.

#### B. Residential Projects

##### 1. Governing Board Review

Residential projects involving the following require review and approval by the Governing Board:

- a. Allocation of ten or more residential bonus units for ~~to-affordable-or-moderate~~-income-~~restricted~~ housing; and
- b. Mobile home developments involving the creation or elimination of ten or more mobile homes, including conversions to other uses.

##### 2. Hearings Officer

Residential projects involving the following require review and approval by the Hearings Officer:

- a. Multi-residential and employee housing greater than four units;
- b. Projects that require special use findings (except those identified for Governing Board review) involving changes, expansions or intensification of existing uses; and
- c. Allocation of more than two, but less than ten, residential bonus units for ~~to-affordable-or-moderate~~-income-restricted housing.

## 2. Amend Subsection 2.3.2, Paragraph D

*Revise Paragraph D of Subsection 2.3.2 as follows:*

### CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

#### 2.3. EXEMPT ACTIVITIES

##### 2.3.2. General Activities

The following general activities are exempt.

##### D. Excavation, Filling, or Backfilling

Excavation, filling, or backfilling for a volume not in excess of three cubic yards, provided the activity is completed within a 48-hour period and the excavation site is stabilized to prevent erosion. ~~Theis following exemptions~~ shall not be construed to exempt a series of excavations, filling, or backfilling that collectively would constitute a project.

## 3. Amend Subsection 21.3.2, Subparagraph B.3

*Revise Paragraph Subparagraph B.3 of Subsection 21.3.2 as follows:*

### CHAPTER 21: PERMISSIBLE USES

#### 21.3. ACCESSORY USES

##### 21.3.2. Secondary Residence

##### A. Residential Secondary Unit Parcel Size

A secondary residence may be permitted as accessory to a single-family house if:

1. The parcel on which the residence is located is greater in size than one acre; or
2. The parcel on which the secondary residence would be located is within a jurisdiction certified by TRPA to possess an adequate local government housing program and the secondary unit is restricted to affordable, moderate, or achievable housing.

##### B. TRPA-Certified Local Government Housing Program

TRPA may certify by resolution a local government housing program upon a finding that it adequately addresses, at a minimum, subparagraphs 1 through 3 below.

1. A local government-adopted housing element that addresses the housing needs and issues of the jurisdiction pursuant to state standards;

2. Special ordinance standards for development of secondary residences, including but not limited to:
  - a. Minimum parcel size;
  - b. Maximum unit floor area for the secondary unit;
  - c. Parking standards; and
  - d. Building setback standards; and
3. An adequately funded and staffed compliance and monitoring program. This program shall through deed restriction limit the project area to the approved use and restrict both rental rates and occupants' household income to affordable, moderate, or achievable housing limits. Secondary units approved under this program shall be made available for long-term occupancy and shall be occupied for at least ten months in each calendar year. Failure to comply for more than six months with use, rental rates/household income levels, or occupancy requirements shall require removal of the unit or modification of the use to bring the project area into compliance with otherwise applicable development standards.

The local government shall document and enforce the special standards through an MOU with TRPA. The MOU shall include objective compliance standards to ensure adequate funding, staff resources, permitting, compliance, and monitoring consistent with the local government housing program.

#### 4. Amend Subsection 21.3.6

*Revise Subsection 21.3.6 as follows:*

### CHAPTER 21: PERMISSIBLE USES

#### 21.3. ACCESSORY USES

##### 21.3.6. Living Area Associated with Residential Accessory Structures

Living area associated with a permissible residential accessory structure ~~under subparagraph A~~ may be permitted for parcels otherwise ineligible for a secondary residence under Subsection 21.3.2 or an Area Plan adopted under Chapter 13 provided that such living area does not constitute a secondary residence. Residential accessory structures, other than an authorized secondary residence, shall not contain any of the following:

- A. Any item listed under "cooking facilities" as defined in Chapter 90: Definitions, or areas for the insertion of these items;
- B. Both a bathing facility and a wet bar (either a bathing facility or a wet bar may be permitted);

- C. More than one toilet or more than one bathing facility; or
- D. Living area greater than 50 percent of the living area of the primary residence, or greater than 640 square feet, whichever area is less.

**5. Amend Subsection 30.4.3, Subparagraph A.2.b and Table 30.4.4-1**

*Within Subsection 30.4.3, Subparagraph A.2.b, renumber Table 30.4.4-1 as Table 30.4.3-1 and update the internal reference as follows:*

**CHAPTER 30: LAND COVERAGE**

**30.4. LAND COVERAGE LIMITATIONS**

**30.4.3. Method of Transferring Land Coverage**

- A. Land Coverage Transfer Ratios
  - 2. Uses Within Approved Community Plans or Centers
    - b. Transfers from Non-Sensitive Lands

From non-sensitive lands, land coverage shall be transferred at a ratio of 1:1 up to 50 percent, and shall be transferred at the ratio set forth in Table 30.4.3-1 for projects with coverage in excess of 50 percent until the total land coverage reaches the maximum allowed except as provided in subparagraph c. below:

TABLE 30.4.3-1: TRANSFER RATIOS	
Maximum Percent of Final Coverage	Transfer Ratio
>50 – 51	1.05:1
> 51 – 52	1.1:1
...	
> 67 – 68	1.95:1
> 68 – 70	2:1

**6. Amend Subsection 37.3.1**

*Revise Subsection 37.3.1 as follows:*

## CHAPTER 37: HEIGHT

### 37.3. DEFINITIONS

#### 37.3.1. Height

The height of a building, [or building segment pursuant to Subparagraph 37.4.2.A](#), is the difference between the point of lowest natural ground elevation along an exterior wall of the building, [or building segment pursuant to Subparagraph 37.4.2.A](#), and the elevation of the coping of the highest flat roof, the highest point of a mansard roof or the ridge of the highest hip, gable, gambrel, shed or other pitched roof, whichever is highest (see Figure 37.3.1-A below). The maximum height of a structure other than a building is the difference between the point of lowest natural ground elevation along the exterior foundation of the structure and the elevation of the highest point of the structure. Maximum height for buildings in Special Projects within adopted Ski Area Master Plans shall be measured as provided in subsection 37.5.9.

## 7. Amend Subsection 50.5.2, Subparagraph E.2

*Revise Subparagraph E.2 of Subsection 50.5.2 as follows:*

## CHAPTER 50: ALLOCATION OF DEVELOPMENT

### 50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

#### 50.5.2. Distribution and Administration of Residential Allocations

##### E. Performance Review System

##### 2. Total Maximum Daily Load (TMDL) Implementation

By October 1 of each year, TRPA shall request annual conformance reports for the prior year from the Lahontan Regional Water Quality Control Board and Nevada Department of Environmental Protection. [The reports shall be provided to TRPA by March 15 of the following year.](#) The base allocation for each jurisdiction may be awarded or reduced by the PRC as follows:

- a. For 2015 a jurisdiction shall receive their base allocation for conformance with California National Point Discharge Elimination System (NPDES) permits and Nevada Interlocal Agreements; and
- b. Beginning in 2016, a jurisdiction shall receive their base allocation for achieving above 90 percent or greater conformance with State approved annual Lake Clarity Credit targets; or
- c. A jurisdiction shall be penalized one increment of deduction for less than 90 percent to 75 percent conformance with State approved annual Lake Clarity Credit targets; or

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- d. A jurisdiction shall be penalized two increments of deduction for less than 75 percent conformance with State approved annual Lake Clarity Credit targets.

## 8. Amend Subsection 50.8.4, Subparagraph C

*Revise Subparagraph C of Subsection 50.8.4 as follows:*

## CHAPTER 50: ALLOCATION OF DEVELOPMENT

### 50.8. REGULATION OF ADDITIONAL PUBLIC SERVICE FACILITIES

#### 50.8.4. Transfer or Relocation Onsite of Commercial Floor Area Related to a Public Service Use

Transfer or relocation of commercial floor area from an existing commercial use may be permitted when a public service use is approved that displaces commercial floor area. The transfer shall be subject to the standards of Chapter 51, and the following standards:

- A. The owner of sending project area shall comply with subparagraphs A through D of subsection 50.8.3 above;
- B. The public service use displacing the commercial use is one of the following: Local Public Health and Safety Facilities, Regional Public Health and Safety Facilities, Collection Stations, Cultural Facilities, Day Care Centers/Pre-Schools, Government Offices, Local Post Offices, Social Service Organizations, or Transit Stations and Terminals;
- C. The commercial floor area displaced is transferred to a site in a designated community plan area [or Town Center](#);
- D. In order for a receiving project area to qualify for transferred commercial floor area, the receiving project area shall meet the criteria applicable to allocations under the applicable adopted community plan allocation system. If the community plan area does not have an adopted allocation system, the applicable local jurisdiction shall be required to adopt a system pursuant to the requirements of subparagraph 50.6.4.C before the transfer may occur; and
- E. TRPA determines that, when combined with all other public service-commercial transfers since January 1, 1998, the additional public service floor area associated with the transfer is within the 60,000 square feet of additional public service floor area estimated to be created by such transfers.

## 9. Renumber Figures 51.2 and 51.4 as Figure 51.2-A and Figure 51.4-A.

**Within Chapter 51, renumber Figures 51.2 and 51.4 (“Existing Reference”) as Figures 51.2-A and Figure 51.4-A (“Proposed Reference”), respectively, as indicated in the following table:**

**TABLE 1: REVISED FIGURE NUMBERS – CHAPTER 51**

Section	Existing Reference	Title	Proposed Reference
51.2	Figure 51.2	Development Rights	Figure 51.2-A
51.4	Figure 51.4	Convertible Development Rights	Figure 51.4-A

## 10. Amend Subsection 51.5.1, Subparagraph C.1

**Revise Subparagraph C.1 of Subsection 51.5.1 as follows:**

## CHAPTER 51: BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT

### 51.5. TRANSFER OF DEVELOPMENT RIGHTS

#### 51.5.1. Transfer of Potential Residential Unit of Use

##### C. Receiving Area

##### 1. Parcels Eligible to Receive One or More Potential Residential Units of Use

Parcels located in a plan area, ~~or~~ adopted community plan, or [subdistrict within an adopted area plan](#) designated as a receiving area for multi-residential units shall be eligible to receive one or more potential residential units of use; or

## 11. Renumber the tables and graph in Section 53.10 and correct internal references within Chapter 53.

**Revise the numbering (“Existing Reference”) for the tables and graph in Section 53.10 to comply with the Code of Ordinances numbering convention (“Proposed Reference”), as indicated in the following table:**

**TABLE 2: REVISED TABLE AND GRAPH NUMBERS – CHAPTER 53**

Subsection	Existing Reference	Title	Proposed Reference
53.10.2	Table 53.11.2-1	Runoff Potential	Table 53.10.2-1
53.10.3	Table 53.11.3-1	Upsloping Parcels without Existing Access	Table 53.10.3-1
	Table 53.11.3-2	Factors for Gradient of Ground above Cut Slope	Table 53.10.3-2
	Table 53.11.3-3	Downsloping Parcels without Access	Table 53.10.3-3
	Table 53.11.3-4	Factors for Gradient and Ground below Fill Slope	Table 53.10.3-4

	Table 53.11.3-5	Parcels with Existing Access	Table 53.10.3-5
	Table 53.11.3-6	Disturbance in Stream Environment Zone (SEZ) for Access	Table 53.10.3-6
53.10.4	Table 53.11.4-1	Extent of Disturbance in SEZ	Table 53.10.4-1
53.10.5	Table 53.11.5-1	Condition of Watershed	Table 53.10.5-1
53.10.6	Table 53.11.6-1	Vegetative Groups	Table 53.10.6-1
	Graph 53.11.6-1	Aspect and Gradient of Parcel	Graph 53.10.6-1
	Table 53.11.6-2	Elevation of Parcel	Table 53.10.6-2
53.10.7	Table 53.11.7-1	Needed Water Quality Improvements	Table 53.10.7-1
53.10.10	Table 53.11.10-1	Per Unit Cost	Table 53.10.10-1

**Update the references to the tables and graph from Section 53.10 (“Existing Reference”) in Sections 53.6, 53.7, and 53.10 to comply with the revised table and graph numbers identified above (Table 1, “Proposed Reference”), as indicated in the following table:**

**TABLE 3: REVISED TABLE AND GRAPH REFERENCES – CHAPTER 53**

Subsection	Subparagraph	Existing Reference	Proposed Reference
53.6.1	--	Table 53.11.7-1	Table 53.10.7-1
53.7.2	--	Table 53.11.2-1*	Table 53.10.2-1
53.7.3	A.1	Table 53.11.3-1*	Table 53.10.3-1
	A.2	Table 53.11.3-2	Table 53.10.3-2
	B.1	Table 53.11.3-3*	Table 53.10.3-3
	B.2	Table 53.11.3-4	Table 53.10.3-4
	C	Table 53.11.3-5*	Table 53.10.3-5
	C.1	Table 53.11.3-5	Table 53.10.3-5
	C.2	Table 53.11.3-5	Table 53.10.3-5
	D	Table 53.11.3-6	Table 53.10.3-6
53.7.4	--	Table 53.11.4-1	Table 53.10.4-1
	A	Table 53.11.4-1	Table 53.10.4-1
	B	Table 53.11.4-1	Table 53.10.4-1
53.7.5	--	Table 53.11.5-1	Table 53.10.5-1
53.7.6	A	Table 53.11.6-1*	Table 53.10.6-1
	B.1	Graph 53.11.6-1	Graph 53.10.6-1
	B.2	Table 53.11.6-2*	Table 53.10.6-2
53.7.7	A	Table 53.11.7-1*	Table 53.10.7-1
53.10.10	A.2	Table 53.11.10-1	Table 53.10.10-1

\* - Reference appears twice.

## 12. Amend Subsection 84.3.3, Subparagraph E.1.c

**Revise Subparagraph E.1.c of Subsection 84.3.3 as follows:**

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## CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

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### 84.3. MOORING STRUCTURES

#### 84.3.3. Mooring Buoys

##### E. Buoy Fields.

##### 1. Eligibility.

- c. The total number of buoys allowed within a buoy field shall not exceed the buoy field capacity. The maximum buoy field area, for the purposes of determining capacity, is the length of the littoral property's lake frontage by a width of ~~within the area defined by the lake frontage, not including setbacks from parcel boundary projection lines, multiplied by~~ 300 feet (Figure 84.3.3-2). The capacity within the calculated buoy field area shall be limited by a 50-foot grid spacing pattern.

Attachment B

Amendments and Rationale

## AMENDMENTS AND RATIONALE

12 amendments are proposed to 8 chapters of the Code of Ordinances. The amendments are listed in sequential order and are numbered for quick reference (“Ref #”). The amendments fall into four categories that are described below. Language to be added is shown in blue with an underline. Language to be removed is ~~shown in red with a strikethrough~~.

### CHAPTERS AND SECTIONS BEING AMENDED

Ref #	Chapter	Action	Page	Category
1	2	Amend Subsection 2.2.2, Paragraph B	3	B
2		Amend Subsection 2.3.2, Paragraph D	5	D
3	21	Amend Subsection 21.3.2, Subparagraph B.3	6	B
4		Amend Subsection 21.3.6	8	C
5	30	Amend Subsection 30.4.3, Subparagraph A.2.b and Table 30.4.4-1	9	D
6	37	Amend Subsection 37.3.1	10	C
7	50	Amend Subsection 50.5.2, Subparagraph E.2	11	C
8		Amend Subsection 50.8.4, Subparagraph C	13	A
9	51	Re-number Figures 51.2 and 51.4 as Figure 51.2-A and Figure 51.4-A.	15	D
10		Amend Subsection 51.5.1, Subparagraph C.1	16	A
11	53	Re-number the tables and graph in Section 53.10 and correct internal references within Chapter 53.	17	D
12	84	Amend Subsection 84.3.3, Subparagraph E.1.c	19	C

### AMENDMENT CATEGORIES

#### A. References to Area Plans (2)

As part of the 2012 Regional Plan Update, the concept of Area Plans was introduced. Area Plans are intended to replace the former planning documents, Community Plans and Plan Area Statements. Due to an oversight, some sections were not updated to include Area Plans when referencing local planning documents. The proposed amendments are necessary to clarify that (1) commercial floor area may be transferred into Town Centers, not just Community Plans, when a public service use displaces a commercial use; and (2) residential units of use may be transferred into subdistricts of an approved Area Plan that have been designated to receive transferred multi-residential units, in addition to Plan Areas and Community Plans with this designation.

#### B. Considerations for Achievable Housing (2)

In October 2018, the Governing Board adopted revisions to the development rights system. These revisions allowed residential bonus units to be used towards a new affordability classification,

“achievable” housing. Due to an oversight, some sections were not updated to reflect this new classification level. The proposed amendments would correct this oversight.

**C. Other Clarifications (4)**

As part of administering the Code of Ordinances, staff and our agency partners identified additional opportunities for clarification. These include the following:

- Clarifying that the provisions for accessory residential living space in Subsection 21.3.6 apply to parcels that are otherwise ineligible for a secondary dwelling.
- Clarifying that building height calculations can be performed on the building itself or individual building segments.
- Clarifying that TMDL annual performance reports may be requested in October of each year but would not be provided until March of the following year.
- Clarifying the boundaries of a buoy field, based on which buoy capacity is calculated.

**D. Editorial Changes (4)**

Several editorial changes are proposed to correct errors in the text and ensure a consistent table and figure numbering scheme.

**PROPOSED AMENDMENTS****1. Amend Subsection 2.2.2, Paragraph B****B**

<i>Description</i>	This amendment would identify when allocation of residential bonus units for achievable housing projects requires Hearings Officer or Governing Board approval. At present, the subsection only identifies the review authority for allocation of residential bonus units to affordable and moderate-income units.
<i>Purpose</i>	To recognize that residential bonus units may be allocated to achievable housing, in addition to moderate and affordable housing. In October 2018, the Governing Board adopted the Development Rights initiative, which expanded the use of residential bonus units to the new “achievable” housing classification. The sections discussing the review authority for allocation of bonus units were not, however, modified to include the new category. This amendment would correct that oversight.
<i>Result</i>	Allocation of residential bonus units for achievable housing would be reviewed and approved in the same manner as residential bonus unit allocations to affordable and moderate housing.

**Revise Paragraph B of Subsection 2.2.2 as follows:**

**CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES****2.2. PROJECT REVIEW****2.2.2. Projects and Matters to be Approved by the Governing Board or Hearings Officer**

Categories of projects and matters listed in this subsection 2.2.2 or as otherwise required by law shall require Governing Board or Hearings Officer approval, as indicated.

**B. Residential Projects****1. Governing Board Review**

Residential projects involving the following require review and approval by the Governing Board:

- a. Allocation of ten or more residential bonus units ~~for to-affordable-or moderate-income-restricted~~ housing; and
- b. Mobile home developments involving the creation or elimination of ten or more mobile homes, including conversions to other uses.

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**2. Hearings Officer**

Residential projects involving the following require review and approval by the Hearings Officer:

- a. Multi-residential and employee housing greater than four units;
- b. Projects that require special use findings (except those identified for Governing Board review) involving changes, expansions or intensification of existing uses; and
- c. Allocation of more than two, but less than ten, residential bonus units ~~for to affordable or moderate~~ income ~~restricted~~ housing.

## 2. Amend Subsection 2.3.2, Paragraph D

D

<i>Description</i>	This amendment would correct an error in the exemption for excavation, filling, and backfilling.
<i>Purpose</i>	To correct an error in the wording of an exemption. Until 2012, the Code of Ordinances included a sentence stating that this exemption did not apply to serial projects working towards a common endeavor that cumulatively exceed the 48-hour threshold. Since 2012, the sentence was reworded to apply to “the following exemptions,” rather than the prior sentence. There are no exemptions following in Subparagraph D.
<i>Result</i>	The exemption would appropriately state that it cannot be applied to a series of projects. Additionally, the sentence would apply to serial filling and backfilling projects in addition to serial excavations.

*Revise Paragraph D of Subsection 2.3.2 as follows:*

## CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

### 2.3. EXEMPT ACTIVITIES

#### 2.3.2. General Activities

The following general activities are exempt.

##### D. Excavation, Filling, or Backfilling

Excavation, filling, or backfilling for a volume not in excess of three cubic yards, provided the activity is completed within a 48-hour period and the excavation site is stabilized to prevent erosion. ~~The following exemptions~~ shall not be construed to exempt a series of excavations, filling, or backfilling that collectively would constitute a project.

### 3. Amend Subsection 21.3.2, Subparagraph B.3

B

<i>Description</i>	This amendment would modify the provision that describes the components of a “TRPA-certified local housing program” to include deed-restricted moderate and achievable housing.
<i>Purpose</i>	To consistently recognize the multiple deed-restricted income levels that may be established under a certified local government housing program. In October 2018, the Governing Board adopted the Development Rights initiative, which expanded the use of residential bonus units to the new “achievable” housing classification. As set forth in Subparagraph A.2, secondary residences may be permitted if a local jurisdiction has adopted a TRPA-certified local housing program for affordable, moderate, or achievable housing. Subparagraph B.3, however, only references the affordable classification and omits the moderate- and achievable-income levels. This amendment would make Subparagraph B.3 consistent with Subparagraph A.2
<i>Result</i>	The criteria for the certified local government housing program will be consistently applied.

**Revise Paragraph Subparagraph B.3 of Subsection 21.3.2 as follows:**

## CHAPTER 21: PERMISSIBLE USES

### 21.3. ACCESSORY USES

#### 21.3.2. Secondary Residence

##### A. Residential Secondary Unit Parcel Size

A secondary residence may be permitted as accessory to a single-family house if:

1. The parcel on which the residence is located is greater in size than one acre; or
2. The parcel on which the secondary residence would be located is within a jurisdiction certified by TRPA to possess an adequate local government housing program and the secondary unit is restricted to affordable, moderate, or achievable housing.

##### B. TRPA-Certified Local Government Housing Program

TRPA may certify by resolution a local government housing program upon a finding that it adequately addresses, at a minimum, subparagraphs 1 through 3 below.

1. A local government-adopted housing element that addresses the housing needs and issues of the jurisdiction pursuant to state standards;

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2. Special ordinance standards for development of secondary residences, including but not limited to:
  - a. Minimum parcel size;
  - b. Maximum unit floor area for the secondary unit;
  - c. Parking standards; and
  - d. Building setback standards; and
3. An adequately funded and staffed compliance and monitoring program. This program shall through deed restriction limit the project area to the approved use and restrict both rental rates and occupants' household income to affordable, moderate, or achievable housing limits. Secondary units approved under this program shall be made available for long-term occupancy and shall be occupied for at least ten months in each calendar year. Failure to comply for more than six months with use, rental rates/household income levels, or occupancy requirements shall require removal of the unit or modification of the use to bring the project area into compliance with otherwise applicable development standards.

The local government shall document and enforce the special standards through an MOU with TRPA. The MOU shall include objective compliance standards to ensure adequate funding, staff resources, permitting, compliance, and monitoring consistent with the local government housing program.

#### 4. Amend Subsection 21.3.6

C

<i>Description</i>	This amendment would modify the language for residential accessory structures to apply only in circumstances when a parcel is otherwise ineligible for secondary residences.
<i>Purpose</i>	To clarify that Subsection 21.3.6 applies only to properties that are ineligible for secondary residences. The present language, which refers in error to Subparagraph A, appears to have been mistranslated during the comprehensive Code of Ordinances update in 2012. The proposed amendment restores the reference from earlier versions of the Code. Additionally, the revised language recognizes that Area Plans may allow secondary residences, in addition to the criteria in Subsection 21.3.2.
<i>Result</i>	The residential accessory structure living area limitations would clearly apply only to properties that are ineligible for a secondary residence, including where an Area Plan established alternative criteria for a secondary residences.

**Revise Subsection 21.3.6 as follows:**

## CHAPTER 21: PERMISSIBLE USES

### 21.3. ACCESSORY USES

#### 21.3.6. Living Area Associated with Residential Accessory Structures

Living area associated with a permissible residential accessory structure ~~under subparagraph A~~ may be permitted for parcels otherwise ineligible for a secondary residence under Subsection 21.3.2 or an Area Plan adopted under Chapter 13 provided that such living area does not constitute a secondary residence. Residential accessory structures, other than an authorized secondary residence, shall not contain any of the following:

- A. Any item listed under “cooking facilities” as defined in Chapter 90: Definitions, or areas for the insertion of these items;
- B. Both a bathing facility and a wet bar (either a bathing facility or a wet bar may be permitted);
- C. More than one toilet or more than one bathing facility; or
- D. Living area greater than 50 percent of the living area of the primary residence, or greater than 640 square feet, whichever area is less.

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**5. Amend Subsection 30.4.3, Subparagraph A.2.b and Table 30.4.4-1**

**D**

<i>Description</i>	This amendment would revise a table number to match the subsection that it is a part of.
<i>Purpose</i>	To consistently apply the Code of Ordinance’s numbering convention. The table numbering convention is based upon the subsection. Table 30.4.4-1 is presently located in Subsection 30.4.3.
<i>Result</i>	Table 30.4.4-1 will be renumbered as Table 30.4.3-1 for consistency.

**Within Subsection 30.4.3, Subparagraph A.2.b, renumber Table 30.4.4-1 as Table 30.4.3-1 and update the internal reference as follows:**

**CHAPTER 30: LAND COVERAGE**

**30.4. LAND COVERAGE LIMITATIONS**

**30.4.3. Method of Transferring Land Coverage**

**A. Land Coverage Transfer Ratios**

**2. Uses Within Approved Community Plans or Centers**

**b. Transfers from Non-Sensitive Lands**

From non-sensitive lands, land coverage shall be transferred at a ratio of 1:1 up to 50 percent, and shall be transferred at the ratio set forth in Table 30.4.34-1 for projects with coverage in excess of 50 percent until the total land coverage reaches the maximum allowed except as provided in subparagraph c. below:

<b>TABLE 30.4.43-1: TRANSFER RATIOS</b>	
<b>Maximum Percent of Final Coverage</b>	<b>Transfer Ratio</b>
>50 – 51	1.05:1
> 51 – 52	1.1:1
...	
> 67 – 68	1.95:1
> 68 – 70	2:1

## 6. Amend Subsection 37.3.1

C

<i>Description</i>	This amendment would modify the description of how building height is calculated to recognize that the calculation can be performed on individual building segments, as authorized in Subparagraph 37.4.2.A.
<i>Purpose</i>	To ensure internal consistency. This modification would specify that procedures for establishing height calculations may be done on either a building (as a whole) or individual building segments. This is consistent with Subparagraph 37.4.2.A, which states that, for the purposes of determining compliance with the standards in Chapter 37, <i>Height</i> , a building may be divided into up to three segments.
<i>Result</i>	The procedures for calculating height will consistently recognize that height calculations can be done on individual building segments.

**Revise Subsection 37.3.1 as follows:**

## CHAPTER 37: HEIGHT

### 37.3. DEFINITIONS

#### 37.3.1. Height

The height of a building, or building segment pursuant to Subparagraph 37.4.2.A, is the difference between the point of lowest natural ground elevation along an exterior wall of the building, or building segment pursuant to Subparagraph 37.4.2.A, and the elevation of the coping of the highest flat roof, the highest point of a mansard roof or the ridge of the highest hip, gable, gambrel, shed or other pitched roof, whichever is highest (see Figure 37.3.1-A below). The maximum height of a structure other than a building is the difference between the point of lowest natural ground elevation along the exterior foundation of the structure and the elevation of the highest point of the structure. Maximum height for buildings in Special Projects within adopted Ski Area Master Plans shall be measured as provided in subsection 37.5.9.

## 7. Amend Subsection 50.5.2, Subparagraph E.2

C

<i>Description</i>	This amendment would specify that the reports on TMDL implementation will be provided to TRPA by March 15 of the following year.
<i>Purpose</i>	To recognize an existing practice. The Code of Ordinances presently implies that TRPA would be collecting data on TMDL implementation in October of each year. Because jurisdictions do not need to submit credit declarations until January 15 of the following year, this data is typically not available in October. Additional time beyond January 15 is needed to ensure any issues and discrepancies are worked out with credit awards before the Nevada Department of Environmental Protection (NDEP) and Lahontan Regional Water Quality Control Board finalize their reports to TRPA. The proposed amendment would modify the standard to recognize that TRPA would request the report in October of each year but would not anticipate its submission until March 15 of the following year.
<i>Result</i>	The Code will recognize that reports on TMDL implementation would be submitted by March 15 of the following year, consistent with current practice.

*Revise Subparagraph E.2 of Subsection 50.5.2 as follows:*

## CHAPTER 50: ALLOCATION OF DEVELOPMENT

### 50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

#### 50.5.2. Distribution and Administration of Residential Allocations

##### E. Performance Review System

##### 2. Total Maximum Daily Load (TMDL) Implementation

By October 1 of each year, TRPA shall request annual conformance reports for the prior year from the Lahontan Regional Water Quality Control Board and Nevada Department of Environmental Protection. [The reports shall be provided to TRPA by March 15 of the following year.](#) The base allocation for each jurisdiction may be awarded or reduced by the PRC as follows:

- a. For 2015 a jurisdiction shall receive their base allocation for conformance with California National Point Discharge Elimination System (NPDES) permits and Nevada Interlocal Agreements; and
- b. Beginning in 2016, a jurisdiction shall receive their base allocation for achieving above 90 percent or greater conformance with State approved annual Lake Clarity Credit targets; or
- c. A jurisdiction shall be penalized one increment of deduction for less than 90 percent to 75 percent conformance with State approved annual Lake Clarity Credit targets; or

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- d. A jurisdiction shall be penalized two increments of deduction for less than 75 percent conformance with State approved annual Lake Clarity Credit targets.

## 8. Amend Subsection 50.8.4, Subparagraph C

A

<i>Description</i>	This amendment would specify that commercial floor area can be transferred from a commercial site that has been converted to a public service use into a Town Center, in addition to Community Plan Areas.
<i>Purpose</i>	To consistently apply transfer benefits to Town Centers, as Community Plans become replaced by Area Plans. Prior to the 2012 Regional Plan Update, several sections in the Code of Ordinances encouraged focused development in Community Plan areas. Under the Regional Plan Update, many of the Community Plans have already been replaced with Area Plans. The Regional Plan now focuses development towards designated Town Centers, rather than Community Plans. This amendment will correct an oversight from the 2012 Code of Ordinances update by allowing commercial floor area to be transferred into Town Centers, as well as Community Plan areas.
<i>Result</i>	As Area Plans replace Community Plans, commercial floor area can continue to be transferred into areas designated for focused development when a public service use displaces a former commercial use.

**Revise Subparagraph C of Subsection 50.8.4 as follows:**

## CHAPTER 50: ALLOCATION OF DEVELOPMENT

### 50.8. REGULATION OF ADDITIONAL PUBLIC SERVICE FACILITIES

#### 50.8.4. Transfer or Relocation Onsite of Commercial Floor Area Related to a Public Service Use

Transfer or relocation of commercial floor area from an existing commercial use may be permitted when a public service use is approved that displaces commercial floor area. The transfer shall be subject to the standards of Chapter 51, and the following standards:

- A. The owner of sending project area shall comply with subparagraphs A through D of subsection 50.8.3 above;
- B. The public service use displacing the commercial use is one of the following: Local Public Health and Safety Facilities, Regional Public Health and Safety Facilities, Collection Stations, Cultural Facilities, Day Care Centers/Pre-Schools, Government Offices, Local Post Offices, Social Service Organizations, or Transit Stations and Terminals;
- C. The commercial floor area displaced is transferred to a site in a designated community plan area [or Town Center](#);

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- D.** In order for a receiving project area to qualify for transferred commercial floor area, the receiving project area shall meet the criteria applicable to allocations under the applicable adopted community plan allocation system. If the community plan area does not have an adopted allocation system, the applicable local jurisdiction shall be required to adopt a system pursuant to the requirements of subparagraph 50.6.4.C before the transfer may occur; and
- E.** TRPA determines that, when combined with all other public service-commercial transfers since January 1, 1998, the additional public service floor area associated with the transfer is within the 60,000 square feet of additional public service floor area estimated to be created by such transfers.

**9. Renumber Figures 51.2 and 51.4 as Figure 51.2-A and Figure 51.4-A.**

**D**

<i>Description</i>	This amendment would renumber figures in Chapter 51 to follow the established numbering convention.
<i>Purpose</i>	To consistently apply the Code of Ordinance’s numbering convention.
<i>Result</i>	Figures 51.2 and 51.4 will be renumbered as Figures 51.2-A and 51.4-A, respectively, for consistency.

**Within Chapter 51, renumber Figures 51.2 and 51.4 (“Existing Reference”) as Figures 51.2-A and Figure 51.4-A (“Proposed Reference”), respectively, as indicated in the following table:**

**TABLE 1: REVISED FIGURE NUMBERS – CHAPTER 51**

Section	Existing Reference	Title	Proposed Reference
51.2	Figure 51.2	Development Rights	Figure 51.2-A
51.4	Figure 51.4	Convertible Development Rights	Figure 51.4-A

## 10. Amend Subsection 51.5.1, Subparagraph C.1

A

<i>Description</i>	This amendment would clarify that residential units of use can be transferred into areas that are designated as a receiving area for multi-residential units within an adopted Area Plan.
<i>Purpose</i>	To clarify that transfer of development rights procedures are also applicable within designated areas under an adopted Area Plan. Under the 2012 Regional Plan Update, Area Plans have begun to replace the former Plan Area Statements and Community Plans. Similar to the former plans, Area Plans may designate certain subdistricts as receiving areas for multi-residential units.
<i>Result</i>	The amendment will clarify that parcels in areas designated to receive transfer of multi-residential units in an approved Area Plan are eligible to receive transferred residential units of use.

*Revise Subparagraph C.1 of Subsection 51.5.1 as follows:*

## CHAPTER 51: BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT

### 51.5. TRANSFER OF DEVELOPMENT RIGHTS

#### 51.5.1. Transfer of Potential Residential Unit of Use

##### C. Receiving Area

1. **Parcels Eligible to Receive One or More Potential Residential Units of Use**  
Parcels located in a plan area, ~~or~~ adopted community plan, or [subdistrict within an adopted area plan](#) designated as a receiving area for multi-residential units shall be eligible to receive one or more potential residential units of use; or

## 11. Renumber the tables and graph in Section 53.10 and correct internal references within Chapter 53.

D

<i>Description</i>	This amendment would modify the table and graph numbers in Chapter 53 to match the Code of Ordinances' numbering convention. It would also update internal references to the tables and graph.
<i>Purpose</i>	To consistently apply the Code of Ordinance's numbering convention. Numbering is based upon subsection number. All tables beginning with "53.11" are actually within Section 53.10.
<i>Result</i>	The amendment will result in the renumbering of tables and graph in Chapter 53 in accordance with the established numbering convention.

**Revise the numbering ("Existing Reference") for the tables and graph in Section 53.10 to comply with the Code of Ordinances numbering convention ("Proposed Reference"), as indicated in the following table:**

**TABLE 2: REVISED TABLE AND GRAPH NUMBERS – CHAPTER 53**

Subsection	Existing Reference	Title	Proposed Reference
53.10.2	Table 53.11.2-1	Runoff Potential	Table 53.10.2-1
53.10.3	Table 53.11.3-1	Upsloping Parcels without Existing Access	Table 53.10.3-1
	Table 53.11.3-2	Factors for Gradient of Ground above Cut Slope	Table 53.10.3-2
	Table 53.11.3-3	Downsloping Parcels without Access	Table 53.10.3-3
	Table 53.11.3-4	Factors for Gradient and Ground below Fill Slope	Table 53.10.3-4
	Table 53.11.3-5	Parcels with Existing Access	Table 53.10.3-5
	Table 53.11.3-6	Disturbance in Stream Environment Zone (SEZ) for Access	Table 53.10.3-6
53.10.4	Table 53.11.4-1	Extent of Disturbance in SEZ	Table 53.10.4-1
53.10.5	Table 53.11.5-1	Condition of Watershed	Table 53.10.5-1
53.10.6	Table 53.11.6-1	Vegetative Groups	Table 53.10.6-1
	Graph 53.11.6-1	Aspect and Gradient of Parcel	Graph 53.10.6-1
	Table 53.11.6-2	Elevation of Parcel	Table 53.10.6-2
53.10.7	Table 53.11.7-1	Needed Water Quality Improvements	Table 53.10.7-1
53.10.10	Table 53.11.10-1	Per Unit Cost	Table 53.10.10-1

**Update the references to the tables and graph from Section 53.10 (“Existing Reference”) in Sections 53.6, 53.7, and 53.10 to comply with the revised table and graph numbers identified above (Table 1, “Proposed Reference”), as indicated in the following table:**

**TABLE 3: REVISED TABLE AND GRAPH REFERENCES – CHAPTER 53**

Subsection	Subparagraph	Existing Reference	Proposed Reference
53.6.1	--	Table 53.11.7-1	Table 53.10.7-1
53.7.2	--	Table 53.11.2-1*	Table 53.10.2-1
53.7.3	A.1	Table 53.11.3-1*	Table 53.10.3-1
	A.2	Table 53.11.3-2	Table 53.10.3-2
	B.1	Table 53.11.3-3*	Table 53.10.3-3
	B.2	Table 53.11.3-4	Table 53.10.3-4
	C	Table 53.11.3-5*	Table 53.10.3-5
	C.1	Table 53.11.3-5	Table 53.10.3-5
	C.2	Table 53.11.3-5	Table 53.10.3-5
	D	Table 53.11.3-6	Table 53.10.3-6
	D.1	Table 53.11.3-6	Table 53.10.3-6
53.7.4	--	Table 53.11.4-1	Table 53.10.4-1
	A	Table 53.11.4-1	Table 53.10.4-1
	B	Table 53.11.4-1	Table 53.10.4-1
53.7.5	--	Table 53.11.5-1	Table 53.10.5-1
53.7.6	A	Table 53.11.6-1*	Table 53.10.6-1
	B.1	Graph 53.11.6-1	Graph 53.10.6-1
	B.2	Table 53.11.6-2*	Table 53.10.6-2
53.7.7	A	Table 53.11.7-1*	Table 53.10.7-1
53.10.10	A.2	Table 53.11.10-1	Table 53.10.10-1

\* - Reference appears twice.

## 12. Amend Subsection 84.3.3, Subparagraph E.1.c

C

<i>Description</i>	This amendment would clarify how the area within a buoy field is established. This delineation determines buoy capacity.
<i>Purpose</i>	To clarify awkwardly worded language. In October 2018, the Governing Board adopted a comprehensive set of shorezone regulations which included Chapter 84. These regulations are now being implemented, with registration of existing moorings occurring this year and permitting of new moorings beginning next year. The shorezone steering committee has recommended that the language in this subparagraph be revised for clarity, as the existing language is open to interpretation.
<i>Result</i>	The language will clearly delineate the boundaries of the buoy field area in order to allow for consistent calculation of the maximum buoy field capacity.

*Revise Subparagraph E.1.c of Subsection 84.3.3 as follows:*

## CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

### 84.3. MOORING STRUCTURES

#### 84.3.3. Mooring Buoys

##### E. Buoy Fields.

##### 1. Eligibility.

- c. The total number of buoys allowed within a buoy field shall not exceed the buoy field capacity. The maximum buoy field area, for the purposes of determining capacity, is the length of the littoral property's lake frontage by a width of ~~within the area defined by the lake frontage, not including setbacks from parcel boundary projection lines, multiplied by~~ 300 feet (Figure 84.3.3-2). The capacity within the calculated buoy field area shall be limited by a 50-foot grid spacing pattern.

Attachment C

Required Findings

## REQUIRED FINDINGS / RATIONALE

### TRPA Code of Ordinances Section 3. 3 – Determination of Need to Prepare an Environmental Impact Statement

Finding: TRPA finds that the proposed Code amendment will not have a significant effect on the environment if certain mitigation measures are incorporated into and made a part of the project.

Rationale: An Initial Environmental Checklist (IEC) has been prepared to evaluate the effects of the proposed amendments to the Code of Ordinances (see Attachment C). The IEC found that the proposed Code amendments would not have a significant effect on the environment.

The proposed amendments are consistent with and will implement the 2012 Regional Plan, the 2018 Development Rights Initiative, and the 2018 Shoreline Plan. The technical corrections proposed will clarify existing Code provisions without changing substantive requirements or policies. The proposed amendments are consistent with the assumptions and analysis supporting the 2012 Regional Plan Update EIS and threshold findings, the 2018 Development Rights Initiative IEC, and the 2018 Lake Tahoe Shoreline Plan EIS. As demonstrated in the findings for the Regional Plan EIS, Development Rights Initiative, and the Shoreline Plan EIS, implementation of the policies of the Regional Plan, Development Rights Initiative, and Shoreline Plan will not result in an unmitigated significant impact on the environment or cause the environmental threshold carrying capacities to be exceeded.

### TRPA Code of Ordinances Section 4. 4 – Threshold-Related Findings

1. Finding: The project (amendment to the Code of Ordinances) is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs;

Rationale: The proposed amendments to the Code correct and clarify existing language in the Code of Ordinances. The technical corrections proposed do not change the substantive provisions of the Code. The Code amendments will improve understanding of the Code and increase the efficiency of Code administration and compliance. These changes will improve implementation of the Regional plan and support the achievement and maintenance of thresholds. The Code amendments are consistent with the Regional Plan goals and policies and all implementing elements of the Regional Plan.

2. Finding: The project will not cause the environmental threshold carrying capacities to be exceeded; and

Rationale: The proposed amendments are consistent with the threshold attainment strategies in the Regional Plan. As demonstrated in the EIS and findings for adoption of the 2012 Regional Plan, the 2018 Development Rights Initiative, and the 2018 Shoreline Plan, implementation of the Regional Plan, Development Rights Initiative, and Shoreline plan will not cause environmental threshold carrying capacities to be exceeded. The proposed amendments to the Code of Ordinances are intended to more effectively facilitate Regional Plan, Development Rights, and Shoreline Plan implementation.

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

Rationale: The proposed amendments would not adversely affect any state, federal, or local standards. As described above, the amendments correct and clarify existing Code provisions, which were designed to maintain adopted threshold standards as well as state and federal standards.

TRPA Code of Ordinances Section 4. 6 – Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs.

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

Rationale: As demonstrated in the findings for Sections 4.5 and 4.6 in the Regional Plan Update (Attachment E.2 of the December 12, 2012 Governing Board packet), the amended Regional Plan will achieve and maintain thresholds. The proposed amendments to the Code of Ordinances will implement the Regional Plan. Specifically, the Code provisions will improve implementation of threshold attainment strategies by improving the efficiency of administering the Code and reducing the staff and public resources being expended as a result of errors or omissions in the currently adopted Code.

Therefore, the Code of Ordinances, as amended by the proposed amendments, and in combination with other regulatory and implementation programs, will attain and maintain thresholds.

Attachment D

Initial Environmental Checklist (IEC)

# **INITIAL DETERMINATION OF ENVIRONMENTAL IMPACT CHECKLIST**

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**Project Name:**

Autumn 2019 Code Amendment Package

**Project Description:**

The project involves amending the TRPA Code of Ordinances as shown in Attachment B.

Since the last technical Code corrections were adopted in April 2019, staff has identified a number of proposed amendments to the Code of Ordinances. The project involves making 12 amendments to eight chapters of the Code of Ordinances. The proposed code amendments constitute technical corrections and clarifications. No substantive policy changes are proposed. The amendments fall into four categories:

- **References to Area Plans** – These amendments add references to Area Plans where they were inadvertently omitted in relation to the transfer of development rights. They are consistent with the 2012 Regional Plan Update, which seeks to replace Community Plans and Plan Area Statements with Area Plans and to focus commercial development in existing Town Centers.
- **Considerations for Achievable Housing** – These amendments add references to achievable housing where they were inadvertently omitted. They are consistent with the 2018 Development Rights initiative, which established a new affordability classification of “achievable.”
- **Other Clarifications** – These amendments represent miscellaneous opportunities for clarification identified by TRPA staff. The four amendments in this category include:
  - Clarifying that the provisions for accessory residential living space in Subsection 21.3.6 apply to parcels that are otherwise ineligible for a secondary dwelling.
  - Clarifying that building height calculations can be performed on the building itself or individual building segments.
  - Clarifying that TMDL annual performance reports may be requested in October of each year, but would not be provided until March of the following year.
  - Clarifying the boundaries of a buoy field, based on which buoy capacity is calculated.
- **Editorial Changes** – These amendments are necessary to correct errors and to consistently apply the established numbering scheme for tables and figures.

Attachment B contains the recommended amendments and discusses their purpose and effect.

The proposed amendments are consistent with and will continue to implement threshold attainment strategies in the Regional Plan. The proposed amendments are consistent with the assumptions and analysis incorporated into the Final EIS for the 2012 Regional Plan Update and the Final EIS for the Lake Tahoe Shoreline Plan and the IEC for the Development Rights Strategic Initiative.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments.

**I. ENVIRONMENTAL IMPACTS:**

**1. Land**

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

- Yes                       No
- No, With Mitigation       Data Insufficient

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

- Yes                       No
- No, With Mitigation       Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

- Yes                       No
- No, With Mitigation       Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

- Yes                       No
- No, With Mitigation       Data Insufficient

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

- Yes                       No
- No, With Mitigation       Data Insufficient

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

- Yes                       No

No, With Mitigation       Data Insufficient

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

Yes       No  
 No, With Mitigation       Data Insufficient

**2. Air Quality**

Will the proposal result in:

a. Substantial air pollutant emissions?

Yes       No  
 No, With Mitigation       Data Insufficient

b. Deterioration of ambient (existing) air quality?

Yes       No  
 No, With Mitigation       Data Insufficient

c. The creation of objectionable odors?

Yes       No  
 No, With Mitigation       Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

Yes       No  
 No, With Mitigation       Data Insufficient

e. Increased use of diesel fuel?

Yes       No  
 No, With Mitigation       Data Insufficient

### 3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Alterations to the course or flow of 100-yearflood waters?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Change in the amount of surface water in any water body?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Alteration of the direction or rate of flow of ground water?

- Yes       No  
 No, With Mitigation       Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

- Yes       No  
 No, With Mitigation       Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

- Yes             No
- No, With Mitigation     Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

- Yes             No
- No, With Mitigation     Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

- Yes             No
- No, With Mitigation     Data Insufficient

#### 4. Vegetation

Will the proposal result in:

a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

- Yes             No
- No, With Mitigation     Data Insufficient

b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

- Yes             No
- No, With Mitigation     Data Insufficient

c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

- Yes             No
- No, With Mitigation     Data Insufficient

d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

- Yes                       No  
 No, With Mitigation       Data Insufficient

e. Reduction of the numbers of any unique, rare or endangered species of plants?

- Yes                       No  
 No, With Mitigation       Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

- Yes                       No  
 No, With Mitigation       Data Insufficient

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

- Yes                       No  
 No, With Mitigation       Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

- Yes                       No  
 No, With Mitigation       Data Insufficient

## 5. Wildlife

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

- Yes                       No  
 No, With Mitigation       Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

- Yes       No  
 No, With Mitigation       Data Insufficient

## 6. Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Exposure of people to severe noise levels?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

## 7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

c. Cause light from exterior sources to be cast off -site or onto public lands?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

- d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

- Yes                       No
- No, With Mitigation       Data Insufficient

**8. Land Use**

Will the proposal:

- a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

- Yes                       No
- No, With Mitigation       Data Insufficient

- b. Expand or intensify an existing non-conforming use?

- Yes                       No
- No, With Mitigation       Data Insufficient

**9. Natural Resources**

Will the proposal result in:

- a. A substantial increase in the rate of use of any natural resources?

- Yes                       No
- No, With Mitigation       Data Insufficient

- b. Substantial depletion of any non-renewable natural resource?

- Yes                       No
- No, With Mitigation       Data Insufficient

**10. Risk of Upset**

Will the proposal:

- a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

- Yes                       No
- No, With Mitigation       Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

- Yes                       No
- No, With Mitigation       Data Insufficient

**11. Population**

Will the proposal:

a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

- Yes                       No
- No, With Mitigation       Data Insufficient

b. Include or result in the temporary or permanent displacement of residents?

- Yes                       No
- No, With Mitigation       Data Insufficient

**12. Housing**

Will the proposal:

a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

(1) Will the proposal decrease the amount of housing in the Tahoe Region?

- Yes                       No
- No, With Mitigation       Data Insufficient

(2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

- Yes                       No
- No, With Mitigation       Data Insufficient

Number of Existing Dwelling Units: \_\_\_\_\_

Number of Proposed Dwelling Units: \_\_\_\_\_

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

### 13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Changes to existing parking facilities, or demand for new parking?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

d. Alterations to present patterns of circulation or movement of people and/or goods?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

e. Alterations to waterborne, rail or air traffic?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

**14. Public Services**

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Police protection?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

c. Schools?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

d. Parks or other recreational facilities?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

e. Maintenance of public facilities, including roads?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

f. Other governmental services?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No     |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

## 15. Energy

Will the proposal result in:

- a. Use of substantial amounts of fuel or energy?

Yes             No  
 No, With         Data  
Mitigation        Insufficient

- b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

Yes             No  
 No, With         Data  
Mitigation        Insufficient

## 16. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

- a. Power or natural gas?

Yes             No  
 No, With         Data  
Mitigation        Insufficient

- b. Communication systems?

Yes             No  
 No, With         Data  
Mitigation        Insufficient

- c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

Yes             No  
 No, With         Data  
Mitigation        Insufficient

- d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

Yes             No  
 No, With         Data  
Mitigation        Insufficient

e. Storm water drainage?

- Yes                       No
- No, With Mitigation       Data Insufficient

f. Solid waste and disposal?

- Yes                       No
- No, With Mitigation       Data Insufficient

**17. Human Health**

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

- Yes                       No
- No, With Mitigation       Data Insufficient

b. Exposure of people to potential health hazards?

- Yes                       No
- No, With Mitigation       Data Insufficient

**18. Scenic Resources/Community Design**

Will the proposal:

a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

- Yes                       No
- No, With Mitigation       Data Insufficient

b. Be visible from any public recreation area or TRPA designated bicycle trail?

- Yes                       No
- No, With Mitigation       Data Insufficient

c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

Yes  No

No, With Mitigation  Data Insufficient

d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

Yes  No

No, With Mitigation  Data Insufficient

e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

Yes  No

No, With Mitigation  Data Insufficient

## 19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

Yes  No

No, With Mitigation  Data Insufficient

b. Create additional recreation capacity?

Yes  No

No, With Mitigation  Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

Yes  No

No, With Mitigation  Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

Yes  No

No, With Mitigation  Data Insufficient

## 20. Archaeological/Historical

- a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

Yes                       No  
 No, With Mitigation       Data Insufficient

- b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

Yes                       No  
 No, With Mitigation       Data Insufficient

- c. Is the property associated with any historically significant events and/or sites or persons?

Yes                       No  
 No, With Mitigation       Data Insufficient

- d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

Yes                       No  
 No, With Mitigation       Data Insufficient

- e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

Yes                       No  
 No, With Mitigation       Data Insufficient

**21. Findings of Significance.**

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

- Yes
- No
- No, With Mitigation
- Data Insufficient

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Determination:

On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Yes       No

- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

Yes       No

- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure

Yes       No



\_\_\_\_\_  
Signature of Evaluator

Date September 24, 2019

Michael T. Conger, AICP, Senior Planner

\_\_\_\_\_  
Title of Evaluator



## STAFF REPORT

Date: October 2, 2019

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Performance Review System, Code Amendment, Section 50.5.2, regarding Short-Term Rentals; and Short-Term Rental Neighborhood Compatibility Guidelines

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### Summary and Staff Recommendation:

On April 24, 2019, prior to the Tahoe Regional Planning Agency (TRPA) Governing Board distribution of the 2019 and 2020 residential allocations to local jurisdictions, the Local Government and Housing Committee agreed to develop a code amendment to make Short-Term Rental (STR) neighborhood compatibility a third criterion of the Performance Review System for the future distribution of residential allocations and to bring the amendment before the Governing Board by the end of the calendar year (December 2019). Since that time, the Committee endorsed a Short-Term Rental Neighborhood Compatibility Work Program (Work Program), which included the formation of a Working Group. The Working Group spent the summer developing the proposed Performance Review System Code Amendment and Short-Term Rental Neighborhood Compatibility Guidelines. Based on the Working Group recommendation, staff recommends that the Advisory Planning Commission (APC) recommend that the Governing Board adopt the attached Ordinance approving the Code Amendment and direct staff to use the Guidelines in the future application of the Performance Review System.

### Required Motions:

In order to recommend approval of the proposed Code Amendment and Guidelines to the Governing Board, the APC must make the following motions, based on this staff summary and the evidence in the record:

- 1) A motion to recommend approval of the required findings, including a finding of no significant effect, for adoption of the Code Amendment to the Performance Review System (TRPA Code, Section 50.5.2.E), as provided in Attachments A.
- 2) A motion to recommend adoption of Ordinance 2019-\_\_\_, amending Ordinance 87-9, as previously amended, to amend Section 50.5.2.E of the TRPA Code of Ordinances to add Short-Term Rental Neighborhood Compatibility as a third criterion to the Performance Review System, as provided in Attachment B.
- 3) A motion to recommend that the proposed Short-Term Rental Neighborhood Compatibility Guidelines be used during the future application of the Performance Review System, as provided in Attachment C.

In order for the motions to pass, an affirmative vote of a majority of a quorum of the APC members present is required.

Short-Term Rental Neighborhood Compatibility Working Group: On September 25, 2019, the Working Group reviewed the proposed Code Amendment and Guidelines and voted unanimously to recommend them to the APC, Regional Plan Implementation Committee (RPIC), and Governing Board.

Background:

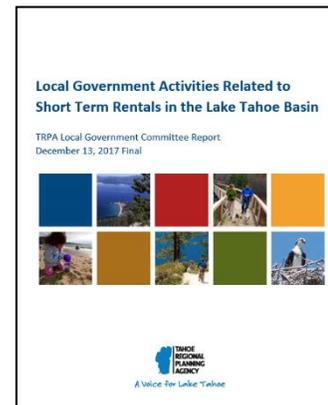
On March 24, 2004, the TRPA Governing Board updated the definition of Single-Family Dwelling and Multiple-Family Dwelling to recognize the rental of a residence as an allowed use provided that the jurisdiction in which they were located established neighborhood compatibility requirements as defined in TRPA Code. TRPA Code, Section 90.2, defines local government neighborhood compatibility requirements as:

*Requirements implemented and enforced by a local government through a cooperative agreement with TRPA that regulate vacation rentals to ensure neighborhood compatibility. Such requirements include, but are not limited to, mitigating the potential adverse impacts related to refuse/garbage, parking, occupancy, noise, lighting, and signage.*

The 2004 TRPA/local jurisdiction vacation rental interlocal agreements are available at: [www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility). In the case of Douglas County, only the minutes from the County Commission meeting when the interlocal agreement was discussed and the resulting ordinance are available.

On December 13, 2017, the Local Government Committee released the report entitled *Local Government Activities Related to Vacation Home Rentals in the Lake Tahoe Basin*, available at: [www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility). The conclusion of this report read:

*The local jurisdictions are acting responsibly to resolve VHR issues so that the concerns of residents and stakeholders, and policies of the Regional Plan are addressed. The TRPA Board and Local Government Committee played a productive role in raising important questions and organizing an overview of best practices and current actions underway on VHR management. We recommend that the Local Government Committee convene periodically (e.g., once a year) for an update on VHR management strategies and actions within the Region, and report to the full Governing Board and public with updates on this report.*



On April 24, 2019, prior to the TRPA Governing Board distribution of the 2019 and 2020 residential allocations to local jurisdictions, the Local Government and Housing Committee (Committee) agreed to develop a code amendment to make STR neighborhood compatibility a third criterion of the Performance Review System for the future release of residential allocations and to bring the amendment before the Governing Board by the end of the calendar year (December 2019).

On June 12, 2019, the Committee endorsed a Short-Term Rental Neighborhood Compatibility Work Program (Work Program), including the formation of a Working Group that included Committee members, representatives from neighborhood and environmental groups, the real estate community, the building industry, and the community in general. The Working Group was created to ensure stakeholder and public interest was represented and considered throughout the process. The Work Program and information on the Working Group is available at: [www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility).

On June 12, 2019, members of the Working Group and public identified examples of STR Neighborhood Compatibility Best Practices, including locational, operational, and enforcement requirements, that could be included in local jurisdiction STR neighborhood compatibility programs. This list has been included in the updated version of the *Local Government Activities Related to Vacation Home Rentals in the Lake Tahoe Basin Report (2019)*.

On July 17, 2019, the Working Group reviewed and provided input on an updated draft of the *Local Government Activities Related to Vacation Home Rentals in the Lake Tahoe Basin Report (Report)*. The Report includes the best practices developed at the Committee meeting on June 12, 2019, a summary of best practices being implemented or under consideration at the local level, and a summary of current local jurisdiction STR programs. The Report has since been finalized and is now available on the Working Group website ([www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility)), along with additional information on local jurisdiction STR permitting, enforcement, and educational programs.

On August 14, 2019, the Working Group reviewed and provided input on the first draft of the Code Amendment and Guidelines. The draft Code Amendment would add a third criterion to the Performance Review System. The Performance Review System (TRPA Code, Section 50.5.2.E) currently requires residential allocation deductions if a local jurisdiction does not score 90 percent or greater on:

**Criterion 1:** Annual Residential Permit Review and Code Compliance Audit

**Criterion 2:** Lake Tahoe Total Maximum Daily Load (TMDL) Implementation

The proposed Code amendment would require TRPA also deduct residential allocations if a local jurisdiction does not achieve a score of 90 percent or greater based on the proposed STR Neighborhood Compatibility Guidelines. The draft Code Amendment is provided as **Attachment B**.

On August 14, 2019, TRPA staff presented draft Guidelines that included the best management practices, including locational, operational, and enforcement requirements, for STR neighborhood compatibility developed by the Working Group and tied them to Regional Plan Goals and Policies and environmental threshold categories. As directed by Working Group members, proposed numerical values for scoring purposes were included.

The draft Guidelines included the following categories:

**1) Locational**

The locational component requires local jurisdictions demonstrate that STRs will be located consistent with land uses and the transportation goals in the Regional Plan and through policies that address issues such as the proximity to town centers, major tourist facilities, transportation, etc.

**2) Operational**

The operational component requires local jurisdictions demonstrate that they have an ordinance in place that addresses noise, occupancy, parking, refuse, defensible space, water quality, public health and safety, public/visitor education and other program elements, such as on-line permitting and annual renewal/registration.

**3) Enforcement**

The enforcement component requires local jurisdictions demonstrate that they have a program in place for enforcing the locational and operational STR requirements, bringing illegal STRs into conformance, and addressing “bad actors.”

On September 25, 2019, the Working Group reviewed an updated version of the draft Guidelines that included the feedback provided by Working Group members and public at the previous August 14, 2019, meeting, provided additional comments, and voted unanimously to recommend that the proposed Code Amendment and Guidelines be forwarded to the APC, RPIC, and Governing Board for review and consideration. The proposed draft Guidelines are provided as **Attachment C**.

Prior to applying the Performance Review System for the distribution of residential allocations and convening the Performance Review Committee, which is a Committee convened every two years that consists of local jurisdiction and TRPA staff and is tasked with ensuring the Performance Review System is applied appropriately, the Agency anticipates giving local jurisdictions an opportunity to provide a written response as to how they are managing STR neighborhood compatibility based on the Guidelines.

Location of Short-Term Rentals:

In response to Working Group members expressing the need to know the location of STRs for regional planning purposes, TRPA staff reached out to all five local jurisdictions in the Tahoe Basin and mapped the density of permitted STRs. The only jurisdiction that has not provided location information is Washoe County because room tax is collected by the Convention and Visitors Authority, which is subject to confidentiality requirements. For the below analysis, TRPA created alternate data for Washoe County using online sources. Washoe County has committed to providing its source data once it has a STR permitting program in place. The **Tahoe Region Short-Term Rental Interactive Map** is available on the Working Group website, available at: [www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility).

The below Tables show the location of existing STRs in the Tahoe Region by jurisdiction. This information is provided to analyze the percentage of existing STRs that would meet proposed locational guidelines in each jurisdiction.

**Table 1: Percentage of STRs within a Town Center, Within a Quarter Mile of a Town Center, Transit Stop, and Major Highway by Jurisdiction in the Tahoe Region**

	City of South Lake Tahoe**	Douglas County**	El Dorado County**	Placer County**	Washoe County***
<b>Total STRs</b>	1,545	469	860	2,653	963
<b>% within a Town Center</b>	10%	0%	0.2%	5%	9%
<b>% within a quarter mile of a Town Center</b>	35%	10%	3%	15%	46%
<b>% within a quarter mile of a Transit Stop</b>	28%	34%	3%	41%	33%

<b>% within a quarter mile of a Major Highway</b>	45%	55%	43%	71%	68%
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\*Percentages in the above table are calculated independently of each other, so they do not total to 100%.

\*\* STR permit data from El Dorado County, Douglas County, and City of South Lake Tahoe and STR Transit Occupancy Tax (TOT) certificate data from Placer County.

\*\*\* Washoe County percentages were calculated using the locations identified off of AirBnB (547 locations were recorded), while the total number of STRs (963) is what was counted by Host Compliance and reported to TRPA via the North Lake Tahoe Fire Protection District.

**Table 2: Percentage of STRs within Regional Land Use Districts by Jurisdiction in the Tahoe Region**

	<b>City of South Lake Tahoe**</b>	<b>Douglas County**</b>	<b>El Dorado County**</b>	<b>Placer County**</b>	<b>Washoe County***</b>
<b>Total STRs</b>	1,545	469	860	2,653	963
<b>% within Residential Regional Land Use</b>	89.4%	97.6%	97.9%	86.2%	85.6%
<b>% within Mixed Use Regional Land Use</b>	5.8%	0.3%	0.5%	5.9%	5.1%
<b>% within Tourist Regional Land Use</b>	4.6%	0.0%	0.0%	7.7%	7.9%
<b>% within Other Regional Land Use</b>	0.2%	2.1%	1.6%	0.2%	1.4%

\*Percentages in the above table are dependent of each other (i.e. they add up to 100%).

\*\* See note below Table 1.

\*\*\*See note below Table 1.

\*\*\*\*The Regional Land Use Map depicts the dominate land use for area within the Tahoe Region. In the future, TRPA plans to analyze the location of STRs based on permissible uses within Area Plans, Community Plans, and Plan Area Statements.

In addition, in response to concerns raised with STRs contributing to the increased traffic congestion, and impacting access for first-responders, TRPA staff prepared a memorandum regarding STR trip generation and the Regional Plan locational strategy for reducing trips in the Lake Tahoe Basin. The memorandum is provided as **Attachment D**.

Environmental Review:

As required by TRPA Code, Chapter 3: *Environmental Documentation*, TRPA completed an Initial Environmental Checklist (IEC). Based on the information provided in the IEC, this staff report, and other information known to TRPA, the Agency has determined that the proposed Code Amendment and Guidelines will not have a significant effect on the environment. The IEC is provided as **Attachment E**.

Public Comment:

Public comment related to this item has been posted on the Short-Term Rental Neighborhood Compatibility Working Group website, available at: [www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility).

Regional Plan Compliance:

The proposed Code Amendment and Guidelines have been developed to evaluate local jurisdiction compliance with Local Government Neighborhood Compatibility requirements (TRPA Code, Section 90.2), as well as to encourage local jurisdictions to develop STR locational, operational, and enforcement programs that will further implementation of Regional Plan Land Use and Transportation Goals and Policies.

Contact Information:

For questions regarding this agenda item, please contact Brandy McMahon, AICP, Local Government Coordinator, at (775) 589-5274 or [bmcMahon@trpa.org](mailto:bmcMahon@trpa.org).

Attachments:

- A. Findings
- B. Ordinance 2019- \_\_\_\_ (Code Amendment)
  - Exhibit 1 Code Amendment
- C. STR Neighborhood Compatibility Guidelines
- D. Memorandum on STR Trip Generation and the Regional Plan Locational Strategy for Trip Reduction
- E. Initial Environmental Checklist

Attachment A

Required Findings/Rationale

## REQUIRED FINDINGS / RATIONALE

### TRPA Code of Ordinances Section 3. 3 – Determination of Need to Prepare an Environmental Impact Statement

Finding: TRPA finds that the proposed Code amendment will not have a significant effect on the environment.

Rationale: An Initial Environmental Checklist (IEC) has been prepared to evaluate the effects of the proposed amendment to the Code of Ordinances (see Attachment E). The IEC found that the proposed Code amendment would not have a significant effect on the environment.

The proposed amendment is consistent with and will assist in implementing the 2012 Regional Plan by incentivizing local jurisdictions through the Performance Review System to develop Short-Term Rental (STR) Neighborhood Compatibility Programs that include locational, operational, and enforcement provisions. It also supports Regional Plan Goals and Policies aimed at directing development and uses, such as STRs, towards Town Center and transportation amenities.

### TRPA Code of Ordinances Section 4. 4 – Threshold-Related Findings

1. Finding: The project (amendment to the Code of Ordinances) is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs;

Rationale: The proposed amendment to the Code is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs in that it includes incentives to encourage local jurisdictions to develop STR neighborhood compatibility programs that support regional locational strategies for reducing vehicle trips and dependence on the automobile, as well as include operational provisions that address, for example, noise, water quality, refuse, occupancy, public health and safety, and parking.

2. Finding: The project will not cause the environmental threshold carrying capacities to be exceeded; and

Rationale: The proposed amendments are consistent with the threshold attainment strategies in the Regional Plan. As demonstrated in the EIS and findings for adoption of the 2012 Regional Plan, implementation of the Regional Plan will not cause the environmental threshold carrying capacities to be exceeded. The proposed amendment to the Code of Ordinances is intended to more effectively facilitate Regional Plan implementation.

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

Rationale: The proposed amendment would not adversely affect any state, federal, or local air or water quality standards.

TRPA Code of Ordinances Section 4. 6 – Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs.

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

Rationale: As demonstrated in Section 4. 5 and 4. 6 findings for adoption of the Regional Plan Update (see Attachment E-2 of December 12, 2012 Governing Board packet), the amended Regional Plan will achieve and maintain thresholds. As discussed above, the proposed Code amendment will encourage local jurisdictions to develop STR neighborhood compatibility programs that support regional locational strategies for reducing vehicle trips and dependence on the automobile, as well as include operational provisions that address, for example, noise, water quality, refuse, occupancy, public health and safety, and parking. Therefore, the Code of Ordinances, as amended by the proposed amendment, and in combination with other regulatory and implementation programs, will attain and maintain thresholds.

Attachment B

Ordinance 2019 \_\_\_\_\_ – Code Amendment to the Performance Review System

TAHOE REGIONAL PLANNING AGENCY  
ORDINANCE 2019-

AN AMENDMENT TO ORDINANCE NO. 87-9, AS AMENDED, TO AMEND CHAPTER 50 OF THE TRPA CODE OF ORDINANCES TO ADD SHORT-TERM RENTAL NEIGHORHOOD COMPATIBILITY AS A THIRD CRITERION TO THE PERFORMANCE REVIEW SYSTEM FOR THE DISTRIBUTION OF RESIDENTIAL ALLOCATIONS OTHER MATTERS PROPERLY RELATED THERETO

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

Section 1.00 Findings

- 1.10 It is desirable to amend TRPA Ordinance No. 87-9 by amending the TRPA Code of Ordinances to further implement the Regional Plan pursuant to Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 The TRPA Code of Ordinances amendments were the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The TRPA Code of Ordinances amendments have been determined not to have a significant effect on the environment and are therefore exempt from the requirement of an Environmental Impact Statement (EIS) pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC) and the Governing Board have each conducted a noticed public hearing on the proposed TRPA Code of Ordinances amendment. The APC has recommended Governing Board adoption of the necessary findings and adopting ordinance. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.40 The Governing Board finds that the TRPA Code of Ordinances amendments adopted hereby will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.50 Prior to the adoption of this ordinance, the Governing Board made the findings required by Section 4.5 of the TRPA Code of Ordinances, and Article V(g) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 TRPA Code of Ordinances Amendments

Ordinance 87-9, as amended, is hereby amended by amending the TRPA Code of

Ordinances, as set forth in Exhibit 1.

Section 3.00    Interpretation and Severability

The provisions of this ordinance amending the TRPA Code of Ordinances adopted hereby shall be liberally construed to affect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan Package are hereby declared respectively severable.

Section 4.00    Effective Date

The provisions of this ordinance amending the TRPA Code of Ordinances shall become effective on\_\_\_\_\_

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on \_\_\_\_\_, 2019, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

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William Yeates, Chair  
Tahoe Regional Planning Agency,  
Governing Board

Exhibit 1 to Attachment B

Code Amendment

## 50.1. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

TRPA shall allocate the development of additional residential units as follows:

### 50.1.1. Requirement of Residential Allocation

No person shall construct a residential project or commence a residential use that creates one or more additional residential units without first receiving an allocation approved by TRPA and awarded by the appropriate jurisdiction. This requirement does not apply to affordable, moderate, or achievable housing units approved after January 1, 1986, but shall apply to conversions of such affordable, moderate, or achievable housing to market-priced status. In order to construct the project or commence the use for which the allocation or the exemption has been approved, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

#### A. Applicable Residential Uses

The following residential uses referred to in Chapter 21: *Permissible Uses*, contain residential units: secondary residences; employee housing; mobile home dwellings; multi-family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single-family dwellings; and summer homes.

#### B. Definition of "Additional Residential Unit"

"Residential unit" is defined in Chapter 90: *Definitions*. For purposes of this chapter, a residential unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1986.

The following are not "additional" residential units:

1. The reconstruction or replacement, on the same parcel, of a residential unit legally existing on or approved before January 1, 1986;
2. The reconstruction or replacement, on the same parcel, of a residential unit that was allocated and approved pursuant to this Code;
3. Legally established additions and accessory uses to an existing residential structure that do not create additional residential dwelling units;
4. The relocation of an existing residential unit legally established on January 1, 1986, other than a mobile home dwelling, through a transfer approved by TRPA;
5. The relocation of a legally established mobile home dwelling with existing water, sewer, and electrical services to a mobile home development or to a multi-family dwelling of five units or more, pursuant to a transfer approved by TRPA;
6. An existing, legally established mobile home pad with water, sewer, electrical services, and vehicular parking, whether or not a mobile home is located on the pad; or

7. One or more new residential units permitted by TRPA prior to February 24, 2010, provided that;
  - a. Application is made to TRPA prior to the expiration of the permit, as determined in subsection 2.2.4, to reissue a permit for a project for which an allocation(s) was assigned;
  - b. All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit are updated to meet the requirements of the Code and all other applicable TRPA ordinances, rules, or regulations at the time of permit reissuance; and
  - c. This subparagraph 7 has not previously been used in relation to the same project.

**C. Maximum Number of Residential Units and Distribution of Allocations Among Jurisdictions**

**1. Annual Release**

Up to 120 residential allocations shall be released to local governments in the following proportions:

<b>TABLE 50.5.1-1: MAXIMUM YEARLY ALLOCATIONS</b>		
<b>Jurisdiction</b>	<b>Current % of Allocations</b>	<b>Maximum Allocation</b>
Douglas County	8	10
EL Dorado County	25	30
Placer County	31	37
City of South Lake Tahoe	28	33
Washoe County	8	10
<b>Total</b>	<b>100%</b>	<b>120</b>

**2. Additional Bonus Residential Units**

In addition to the annual maximum allocations in Table 50.5.1-1, a total of 1,124 (as of December 24, 2018) additional potential residential units of use from the TRPA pool shall be available as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of the Regional Plan. Potential residential units of use shall be subject to the foregoing allocation limitations.

**3. Reassignment of Allocations**

Local jurisdictions may assign allocations to other local jurisdictions. All reassignments must be reported to TRPA before they become effective.

**4. Water and Sewage Capacity Limitations**

- a. Allocations shall not be distributed to a local jurisdiction if TRPA determines, based on reliable facts, that the jurisdiction lacks sufficient

water or sewer capacity to serve new residential development. If the jurisdiction demonstrates to TRPA's reasonable satisfaction that there is sufficient capacity, the TRPA shall distribute the affected allocations to the jurisdiction.

- b. In the event a lack of water and sewage capacity results in an imbalance of allocations to a jurisdiction, a program to recognize the imbalance shall be developed if capacity becomes available.

**D. Residential Allocation Incentive Pool**

Beginning on January 1, 2015, 20 residential allocations shall be placed in the residential allocation incentive pool. Thereafter, for every four-year allocation release pursuant to subsection 50.4.2, 40 allocations shall be placed in the residential allocation incentive pool. At the beginning of each year, unused allocations from the previous year shall be assigned to the residential allocation incentive pool administered by TRPA. However, beginning January 1, 2009, local jurisdictions may elect to retain those allocations earned through the annual performance review process, and assigned pursuant to subparagraph 4 below, and unused by December 31 of the year distributed.

1. TRPA may assign allocations from the residential allocation incentive pool to parcels throughout the region provided the recipient retires a sensitive parcel within the region.
2. TRPA may assign up to, but not exceeding, 200 allocations from the residential allocation incentive pool to parcels throughout the region provided the local jurisdiction maintains a Certified Local Government Moderate Income Housing Program as described in subsection 52.3.6.
3. TRPA may assign allocations from the residential allocation incentive pool for Residential Development Right Transfers to Centers as described in subparagraph 51.5.1.C.3 when a transfer earns a bonus unit or portion thereof.
4. In addition to allocations earned through the annual Performance Review System, TRPA may assign allocations to local jurisdictions as follows:
  - a. One allocation for every 10,000 square feet of existing Land Capability Class 1b (SEZ) coverage removed and permanently retired in accordance TRPA Code Section 30.5.3.; and/or
  - b. One allocation for every two new attached residential units constructed within Centers provided the allocation is used within a Center; and/or
  - c. One allocation for each project constructed from the 5-year EIP project list tied to a measurable EIP Performance Measure and not already credited under the TMDL provision in subsection 50.5.2.E.1 below, and/or
  - d. One allocation for improving three of nine of the TLOS criteria from the previous year by five to ten percent as determined by the

jurisdiction-specific TLOS Criteria Matrix in the TLOS Guidelines Handbook. To receive an allocation pursuant to this provision TLOS criteria must be submitted the prior year.

To maintain sufficient allocations for the programs described in subsection 50.5.2.B below, the number of allocations distributed to all local jurisdictions pursuant to this provision in a calendar year shall not exceed 50 percent of the residential allocation incentive pool. Unless otherwise agreed upon by all participating local jurisdictions, in no case shall an individual jurisdiction be assigned more than 25 percent of the pool. If insufficient allocations exist in the residential allocation incentive pool to meet the demand earned by local jurisdictions, the allocations available and earned in accordance with a.-d. above shall be distributed based on the percent distribution set forth in Table 50.5.1-1.

**E. Disposition of Unused Allocations**

When the final conditions of a residential permit issued by TRPA are not met and that permit expires, the residential allocation associated with the permit is transferred to the TRPA pool or the local jurisdictional pool from where the allocation was distributed, and no residential unit of use is created.

**50.1.2. Distribution and Administration of Residential Allocations**

Residential allocations shall be distributed and administered in accordance with the Goals and Policies, this Code, and the Rules of Procedure.

**A. Reserved Allocations**

Distribution of allocations shall be by a method or system that permits the participation of parcels with scores below the numerical level defining the top rank in the applicable jurisdiction.

1. TRPA shall reserve ten percent of each jurisdiction's annual allocations for distribution to parcels below the Individual Parcel Evaluation System (IPES) line. The reserved allocations shall be distributed by a method of random selection by TRPA. A county or city may elect to distribute the reserved allocations, or may be exempt from the set-aside requirement, provided TRPA finds the substitute system or the city/county distribution system, as applicable, provides an equal or superior opportunity for participation of parcels below the IPES line.
2. Allocations distributed by TRPA under this subsection may either be transferred or returned to TRPA for reissuance to the jurisdiction of origin. Unclaimed reserved allocations after June 1 of the year awarded shall be given to the appropriate jurisdiction for issuance.
3. Failure to submit a complete application for a transfer by June 1 of the year in which the allocation was distributed shall result in the forfeiture of the allocation to the jurisdiction of origin.

**B. Distribution of the Residential Allocation Incentive Pool**

TRPA shall distribute allocations from the allocation pool as follows:

1. Owners of eligible parcels may apply to TRPA on a first-come, first-served basis for available allocations in the allocation pool.
2. Owners of parcels located within jurisdictions that maintain a Certified Local Government Moderate Income Housing Program as described in subsection 52.3.6, may apply to TRPA on a first-come, first-served basis for any available allocations in the allocation pool. Allocations received under the Certified Local Government Moderate Income Housing Program are not limited to areas designated for the Multi-residential Incentive Program.
3. Annual allocations and sensitive lot retirements shall be made available on a first-come, first-served basis.

**C. Distribution Requirements**

Distribution of allocations, within the limits set in subsection 50.5.1 and consistent with subparagraph 50.5.2.A, shall be determined by the counties and city. If any county or city chooses not to distribute allocations within its jurisdiction, then TRPA shall distribute the allocations pursuant to an allocation system adopted by TRPA.

1. Each county and the city shall notify TRPA, in writing, of its election to not distribute allocations for a given year or years. Notification shall be received by TRPA no later than December 31 of the preceding year. The Governing Board may waive this deadline for good cause.
2. TRPA shall deliver allocations to the counties and city no later than January 15 of the year for which the allocations are reserved, or within 15 days of the effective date of an ordinance providing for award and distribution of residential allocations for that year, whichever is later.
3. Delivery of allocations shall be accomplished by providing each county and city with the number of allocation certificates that corresponds to the original allocations available to the jurisdiction in that year. The counties and city shall determine the receiving parcels pursuant to their respective allocation systems and shall indicate the county assessor's parcel number (APN) of the receiving parcel on the allocation certificate. The counties and city shall provide TRPA with a list of assessor parcel numbers that received an allocation. The original allocation forms shall be delivered to the owner of record of the receiving parcel and shall, in addition to the list, constitute evidence of receipt of an allocation.
4. TRPA shall number each allocation as shown in the following table:

TABLE 50.5.2-1: NUMBERING OF ALLOCATIONS		
Indicator	Name	Examples
First set of letters	County or city of origin	WA, DG, PL, EL, SLT
First set of numbers	Year of issuance	87,88,89,90,91
Second set of letters	Type of allocation	O = original R = reissued LS = litigation settlement AP = allocation pool
Second set of numbers	Sequence of allocation	Douglas County: 1 through 23

**Example: PL – 87 – R – 56**

5. The counties and city shall notify each owner of a parcel receiving an allocation.
6. In the event an allocation is returned or forfeited for any reason, the county or city shall notify TRPA by returning the original allocation certificate and requesting a reissued allocation for assignment to another parcel. If the original allocation certificate cannot be returned to TRPA, the county or city shall notify TRPA of the reason, and the allocation shall be cancelled by depositing a notice of cancellation in the U. S. Mail, first class, postage prepaid, addressed to the last known address of the owner of the receiving parcel.

**D. Administration**

An allocation shall entitle the owner of the receiving parcel to either apply for a TRPA permit to construct an additional residential unit or to transfer the allocation to another parcel pursuant to Chapter 51: *Banking, Conversion, and Transfer of Development Rights*. Distribution of, and other transactions concerning allocations, shall be tracked, accounted for, and otherwise treated in accordance with Chapter 6: *Tracking, Accounting, and Banking*.

1. Upon receipt of the allocation certificate from the county, TRPA, or city, the owner of the parcel may file an application with TRPA to either construct a residential unit or transfer the allocation. Residential allocation application submission deadlines are set by local jurisdictions.

**E. Performance Review System**

**1. Allocation Performance Table**

Each jurisdiction shall receive a base allocation according to Table 50.5.2-2. The base allocation may be reduced incrementally according to subparagraphs 2 and 3 following the table.

- a. Each jurisdiction’s final allocation for the year shall be determined by TRPA by October 1.
- b. Beginning in 2015, allocations shall be released in two year increments. The Performance Review Committee (PRC) shall review the

performance of the local jurisdictions and TRPA every two years. The review committee shall consist of representatives of the participating counties, city, and TRPA. The committee shall review the performance criteria, and rate of allocation distribution, contained in subparagraphs 2 and 3 below. TRPA may establish guidelines to establish consistent evaluations and/or audits for subparagraphs 2 and 3 to assist the Performance Review Committee’s review. No jurisdiction shall receive more allocations than the maximum or fewer allocations than the minimum allocations for that jurisdiction shown in Table 50.5.2-2. When the total number of allocations available for distribution is fewer than the number shown in the table, TRPA shall apply the performance system proportionality to the remaining allocations.

<b>TABLE 50.5.2-2: ALLOCATION PERFORMANCE TABLE FOR 2015-2032</b>			
<b>Jurisdiction</b>	<b>Minimum Allocation with Deductions</b>	<b>Deduction Increments</b>	<b>Base Allocation</b>
<b>Douglas County</b>	2	2	10
<b>El Dorado County</b>	8	5.5	30
<b>Placer County</b>	11	6.5	37
<b>City of South Lake Tahoe</b>	10	5.75	33
<b>Washoe County</b>	3	1.75	10
<b>Total</b>	34		120

Note: One deduction increment equals the number of allocations shown for individual jurisdictions. If the final allocation results in a decimal ending in 0.5 or higher the allocation will be rounded up to the nearest whole number, if the decimal is below 0.5 the allocation will be rounded down to the nearest whole number.

**2. Total Maximum Daily Load (TMDL) Implementation**

By October 1 of each year, TRPA shall request annual conformance reports for the prior year from the Lahontan Regional Water Quality Control Board and Nevada Department of Environmental Protection. The base allocation for each jurisdiction may be awarded or reduced by the PRC as follows:

- a. For 2015 a jurisdiction shall receive their base allocation for conformance with California National Point Discharge Elimination System (NPDES) permits and Nevada Interlocal Agreements; and
- b. Beginning in 2016, a jurisdiction shall receive their base allocation for achieving above 90 percent or greater conformance with State approved annual Lake Clarity Credit targets; or
- c. A jurisdiction shall be penalized one increment of deduction for less than 90 percent to 75 percent conformance with State approved annual Lake Clarity Credit targets; or

- d. A jurisdiction shall be penalized two increments of deduction for less than 75 percent conformance with State approved annual Lake Clarity Credit targets.

**3. Permit Monitoring and Compliance**

By October 1 of each year, TRPA shall conduct a representative sample audit of not less than ten percent of the single-family residential permits issued in the prior year and compliance inspections performed the prior year by the counties, city, and TRPA. The base allocation may be awarded or reduced by the PRC according to the score as follows:

- a. A jurisdiction shall receive its base allocation for an average score of 90 percent or greater for both the project review portion and the compliance portion of the audit; or
- b. A jurisdiction shall be penalized one increment of deduction for average audit scores for both the project review portion and the compliance portion of the audit between 75 and 90 percent; or
- c. A jurisdiction shall be penalized two increments of deduction for average audit scores for both the project review portion and the compliance portion of the audit below 75 percent.

**4. Short-Term Rental Neighborhood Compatibility**

- a. A jurisdiction shall receive its base allocation for a score of 90 percent or greater based on short-term rental neighborhood compatibility guidelines established by TRPA that address short-term rental location, operations, and enforcement; or
- b. A jurisdiction shall be penalized one increment of deduction for a short-term rental neighborhood compatibility score between 75 and 89 percent; or
- c. A jurisdiction shall be penalized two increments of deduction for a short-term rental neighborhood compatibility score below 75 percent.

- 5. Allocations not distributed under the Performance Review System shall be assigned to TRPA's residential allocation incentive pool.

**F. Monitoring Requirement**

TRPA hereby establishes a monitoring fee that shall be collected by the entity issuing the allocation from each allocation recipient. The fee shall be used to monitor water quality impacts and permit conformance in accordance with the Rules of Procedure. The allocation monitoring fee shall be established in the Rules of Procedure.

**50.1.3. Multi-Residential Allocations**

A portion of the residential allocations set forth in subparagraph 50.5.1.C may be reserved for multi-residential use. These reserved allocations shall be used in connection with transfer of

development rights pursuant to Chapter 51: *Banking, Conversion, and Transfer of Development Rights*.

**A. Reservation Pool**

On an annual basis, a pool of allocations representing the desired level of multi-residential development for a given jurisdiction may be established by TRPA after consultation with the jurisdiction. Allocations assigned to the pool shall be within the limitations of Table 50.5.1-1. Unused allocations may be carried over to the next year's pool.

**B. Allocations for Residential Projects**

Except for allocations obtained by transfer pursuant to Chapter 51, or obtained directly as provided in subsection 50.5.2, allocations for residential projects shall be made upon project approval. Previously issued allocations or a letter from the appropriate county or city indicating allocations that are available from the reservation pool or have been reserved from a future year's allocation shall be required as part of the project application. TRPA may review residential projects for which allocations are reserved from future years, except that project approval shall be limited to units for which allocations are available at the time of approval.

Attachment C

Short-Term Rental Neighborhood Compatibility Guidelines

**Proposed Tahoe Regional Planning Agency Short-Term Rental Neighborhood Compatibility Guidelines for Local Jurisdictions**

Endorsed by Working Group on 9/25/2019

(Print on Tabloid 11" by 17" Paper)

These Guidelines are to be used by the Tahoe Regional Planning Agency (TRPA) when evaluating local jurisdiction Short-Term Rental Neighborhood Compatibility Programs during the application of the Performance Review System (TRPA Code, Section 50.5) for the distribution of residential allocations in the Tahoe Region.

Local jurisdiction: \_\_\_\_\_ Date: \_\_\_\_\_ Prepared by: \_\_\_\_\_

<b>PROPOSED LOCAL JURISDICTION SHORT-TERM RENTAL NEIGHBORHOOD COMPATIBILITY GUIDELINES</b>			
<b>Example STR Neighborhood Compatibility Best Practices</b>	<b>Local Jurisdiction Response</b>	<b>Points (Max.)</b>	<b>Points Awarded</b> <i>(to be determined by TRPA/PRC)</i>
<p><i>The purpose for using best practices is to attain and maintain threshold standards and implement Regional Plan goals and policies as specified in the TRPA Compact. The threshold standards include vegetation, recreation, water quality, soils/SEZ conservation, fisheries, scenic resources, air quality, noise and wildlife. The Regional Plan includes land use, transportation, conservation, recreation, and public services and facilities goals and policies (<a href="http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf">http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf</a>). Local jurisdictions may pick from the "menu" of examples of best practices below or develop their own best practices to earn points provided the practices achieve the purpose described above and in the guidance statement below.</i></p>			
<b>LOCATIONAL</b>			
<p><b>Guidance:</b> To receive 30 points, a local jurisdiction must demonstrate that STRs will be located consistent with: 1) Regional Plan <b>Land Use</b> goals and policies, including directing STRs towards Town Centers, tourist lodging and/or commercial areas, major non-auto dependent transportation corridors and/or near tourist-oriented regional recreational amenities (10 points); 2) address <b>Residential Compatibility</b> issues such as the over saturation ("clustering") of STRs and the construction of large STRs in residential neighborhoods (10 points); and 3) by supporting Regional Plan <b>Transportation</b> goals and policies, including directing STRs to areas where alternative transportation options (shared-use paths, bike lanes/routes, and public transit) are available (10 points). Examples of best practices that a local jurisdiction may implement to address these locational components are provided below.</p>			
<p><b>Example Land Use Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within Town Centers.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within designated tourist lodging and/or commercial areas.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within major non-auto dependent transportation corridors (e.g., bus routes, shared-use paths, and bike lanes/routes) that can be used to access non-residential uses without using an automobile.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs in and/or adjacent to tourist-oriented regional recreation amenities that can be accessed without an automobile, such as a ski resort, golf course, or major trailhead with available public transit from/to Town Center(s).</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs that clearly reinforce the development pattern and uses as designated by the Regional Plan goals and policies and/or adopted Regional Plan or Area Plan planned land use map.</li> </ol> <p><b>Example Residential Compatibility Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program includes requirements to allow STR use in residential areas only if the home is occupied by a primary resident the majority of the year (i.e., make STRs an accessory use).</li> <li>The STR neighborhood compatibility program includes a requirement to allow STR use only if managed by a licensed professional property manager.</li> </ol>			
		<b>30 points (max)</b>	

<p>3. The STR neighborhood compatibility program limits the size of STRs and/or includes additional requirements for larger STRs (e.g., special use permit, prohibition on use of large new homes with 4-5 bedrooms as STRs through a deed restriction, requirement for a business license for large STRs, limit total number, require separation distance, require additional permit and/or mitigation fees, etc.).</p> <p>4. The STR neighborhood compatibility program limits the total number of STRs in each jurisdiction (e.g., ratio of STRs to occupied housing, maximum number issued by lottery or on a first come/first served basis, etc.).</p> <p>5. The STR neighborhood compatibility program limits the number of STRs in designated neighborhoods.</p> <p>6. The STR neighborhood compatibility program establishes a waiting period after home construction or sale for STR permit eligibility in neighborhoods vs. other areas (e.g., five year waiting period for properties with single-family zoning and no waiting period for properties in Town Centers).</p> <p>7. The STR neighborhood compatibility program establishes a ratio of long-term to short-term rentals.</p> <p>8. The STR neighborhood compatibility program requires minimum spacing between STRs in residential areas, such as requiring at least 500 feet between parcels with STRs, to address clustering.</p> <p>9. The STR neighborhood compatibility program limits the number of STRs per parcel.</p> <p>10. The STR neighborhood compatibility program requires a two-day minimum stay for STRs in residential areas to lessen impact of move-ins and move-outs.</p> <p>11. The STR neighborhood compatibility program caps the number of nights per year a unit may be rented as an STR in residential areas, such as 30 days per year.</p> <p>12. The STR neighborhood compatibility program caps the number of times an STR may be rented in residential areas, such as four times per month.</p> <p><b>Example Transportation Best Practices (10 points)</b></p> <p>1. The STR neighborhood compatibility program only allows STRs within ¼ mile of public transit and/or shared-use paths, bike lanes, or bike routes.</p> <p>2. The STR neighborhood compatibility program uses transit occupancy tax collected from STRs or other revenue sources to offset tourist impacts (e.g. increase transit availability, provide on-demand transit in residential areas, etc.).</p> <p>3. The STR neighborhood compatibility program limits the total number of cars allowed per STR, regardless of the size or number of bedrooms, to a maximum amount equal to or less than the minimum amount required by local ordinance.</p> <p><b>Example Other Best Practices (Can substitute for up to 30 points from above)</b></p> <p>1. The local government has created a working group to develop policies and programs for location of STRs, those policies and programs are consistent with the threshold standards and Regional Plan goals and policies, and the local government has implemented those policies and programs.</p>			
<b>OPERATIONAL</b>			
<p><b>Guidance:</b> To receive 30 points, a local jurisdiction must demonstrate that they have regulations in place that address, at a minimum, <b>Noise</b> (5 points), <b>Occupancy</b> (2.5 points), <b>Parking</b> (5 points), <b>Refuse</b> (5 points), <b>Defensible Space</b> (2.5 points), <b>Water Quality</b> (2.5), <b>Public Health and Safety</b> (5 points), public/visitor <b>Education</b> (2.5 points), or <b>Other</b> program elements that will further STR neighborhood compatibility. Examples of best practices that a local jurisdiction may implement to address the operational component are provided below.</p>			
<p><b>Example Noise Best Practices (5 points)</b></p> <p>1. The STR neighborhood compatibility program establishes quiet hours (e.g., 10:00 p.m. to 7:00 a.m.).</p> <p>2. The STR neighborhood compatibility program requires a noise management plan.</p> <p>3. The STR neighborhood compatibility program requires installation of noise monitoring devices.</p> <p><b>Example Occupancy Best Practices (2.5 points)</b></p> <p>1. The STR neighborhood compatibility program establishes occupancy limits (e.g., limits the number of visitors by bedrooms, such as 2 per bedroom, unless under 5 years of age, and additional parking is available).</p> <p><b>Example Parking Best Practices (5 points)</b></p> <p>1. The STR neighborhood compatibility program requires adequate improved off-street parking.</p> <p>2. The STR neighborhood compatibility program requires snow removal.</p> <p>3. The STR neighborhood compatibility program requires a parking management plan that includes a location for snow storage.</p> <p><b>Example Refuse Best Practices (5 points)</b></p>		<p><b>30 points (max)</b></p>	

<p>1. The STR neighborhood compatibility program requires proper garbage containment, such as bear boxes and trash service.</p> <p><b>Example Defensible Space Best Practices (2.5 points)</b></p> <p>1. The STR neighborhood compatibility program requires defensible space inspections and maintenance.</p> <p>2. The STR neighborhood compatibility program prohibits outdoor fires, fire pits, charcoal BBQ grills, etc.</p> <p><b>Example Water Quality Best Practices (2.5 points)</b></p> <p>1. The STR neighborhood compatibility program requires stormwater Best Management Practices be installed/recertified.</p> <p>2. The STR neighborhood compatibility program requires mitigation of all excess on-site coverage.</p> <p><b>Example Public Health and Safety Best Practices (5 points)</b></p> <p>1. The STR neighborhood compatibility program requires public health and safety inspections for new permits and permit renewals (require appropriate handrails, adequate electrical for hot tubs, CO2 and smoke detectors, exit signs, etc.).</p> <p>2. The STR neighborhood compatibility program limits the total number of STR permits based on emergency medical services, fire, and law enforcement resources &amp; availability.</p> <p>3. The STR neighborhood compatibility program uses transient occupancy tax revenues and permit fees to fund needed public services, such as law enforcement and fire.</p> <p>4. The STR neighborhood compatibility program charges commercial water and sewer fees for STRs to cover the cost and impact of increased usage.</p> <p>5. The STR neighborhood compatibility program complies with public accommodation requirements in state law.</p> <p><b>Example Education Best Practices (2.5 points)</b></p> <p>1. The STR neighborhood compatibility program requires all renters to be provided with education about being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.</p> <p>2. The STR neighborhood compatibility program requires interior and exterior signage with permit information and regulations.</p> <p>3. The STR neighborhood compatibility program requires permit numbers to be on all STR advertisements.</p> <p>4. The STR neighborhood compatibility program requires STR permit holders and/or renters to read rules and responsibilities, and to sign an acknowledgement.</p> <p><b>Example Other Best Practices (Can substitute for up to 30 points from above)</b></p> <p>1. The STR neighborhood compatibility program requires an STR permit and annual renewal.</p> <p>2. The STR neighborhood compatibility program provides a web-based permitting service and annual renewal service.</p> <p>3. The STR neighborhood compatibility program requires permit fees, inspection fees, &amp; annual renewal fees.</p> <p>4. The STR neighborhood compatibility program requires permit holders to have insurance that is specifically for STRs.</p> <p>5. The STR neighborhood compatibility program requires permit applicants to identify and disclose HOA CC&amp;R regulations that limit the length of a lease or rentals.</p> <p>6. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.</p> <p>7. The STR neighborhood compatibility program requires on-site professional management.</p> <p>8. The STR neighborhood compatibility program provides incentives for full-time hosted/shared or professionally managed STRs (e.g., fee discounts, permit exemptions, etc.).</p> <p>9. The STR neighborhood compatibility program only allows permanent residents to operate STRs.</p> <p>10. The local government has created a working group to develop policies and programs for operation of STRs and implemented those policies and programs.</p>			
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**ENFORCEMENT**

**Guidance:** To receive 40 points, a local jurisdiction must demonstrate that that they have an **Implementation** program in place for enforcing locational and operational STR requirements, including bringing illegal STRs into conformance and addressing “bad actors” (15 points), adequate enforcement program **Funding** (10 points), effective **Penalties** (5 points), and an **Education** program (10 points). Examples of best practices that a local jurisdiction may implement to address the enforcement component are provided below.

<p><b>Example Implementation Best Practices (15 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.</li> <li>2. The STR neighborhood compatibility program provides a 24 hour/7 day a week enforcement hotline.</li> <li>3. The STR neighborhood compatibility program utilizes a rental activity monitoring service or program to identify STRs that do not have permits or certificates and uses that information to require compliance with applicable regulations and requirements.</li> <li>4. The STR neighborhood compatibility program prohibits repeat violators from applying for additional STR permits.</li> <li>5. The STR neighborhood compatibility program provides a web-based format for community members to report STR violations.</li> <li>6. The STR neighborhood compatibility program grants fee and permit condition waivers or reduced requirements for full-time hosted STRs (e.g., fee discounts, permit condition exemptions, etc.).</li> <li>7. The STR neighborhood compatibility program provides timely resolution of complaints and violations.</li> <li>8. The STR neighborhood compatibility program includes unscheduled and non-complaint based inspections to encourage compliance.</li> </ol> <p><b>Example Funding Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program uses permit fees, transient occupancy tax or room tax revenues, money generated from fines, or other revenue services to fund STR code enforcement.</li> <li>2. The STR neighborhood compatibility program has higher fees for larger homes to fund potentially greater enforcement costs resulting from the higher number of occupants.</li> <li>3. The STR neighborhood compatibility program allows for cost recovery to be built into STR permit fees and fines to fund code enforcement staff.</li> </ol> <p><b>Example Education Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires interior and exterior signage with the local contact name and phone number.</li> <li>2. The STR neighborhood compatibility program requires that neighbors be notified and given an opportunity to comment prior to a permit being issued.</li> <li>3. The STR neighborhood compatibility program requires that neighbors that share a common wall approve STR permits.</li> <li>4. The STR neighborhood compatibility program requires permit numbers be on all STR advertisements.</li> <li>5. The STR neighborhood compatibility program provides education on being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.</li> <li>6. The STR neighborhood compatibility program includes a system to track and report complaints (type of complaint, location, response time, resolution, number of complaints at that location, owner, etc.) and uses the results for enforcement (e.g., condition and/or deny new and/or renewal of permits, etc.).</li> </ol> <p><b>Example Penalties Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program revokes STR permits for repeat violations or for STRs that do not meet public health and safety standards.</li> <li>2. The STR neighborhood compatibility program increases violation fines for repeated violations by the STR permit holder, property owners, and/or visitors.</li> <li>3. The STR neighborhood compatibility program places a lien on a property if fines for violations have not been paid.</li> <li>4. The STR neighborhood compatibility program includes mandatory eviction provisions for violations in rental agreements.</li> <li>5. The STR neighborhood compatibility program includes a certified local contact requirement and the local government has the right to revoke a certificate if a certain number of unresolved complaints are lodged against the property being managed by the certificate holder.</li> </ol> <p><b>Example Other Best Practices (Can substitute for up to 40 points from above)</b></p> <ol style="list-style-type: none"> <li>1. The local government has created a working group to develop policies and programs for STR enforcement and implemented those policies and programs.</li> </ol>		<p><b>40 points (max)</b></p>	
<p><b>TOTAL</b></p>		<p><b>100 points (max)</b></p>	

\*Every two years, TRPA convenes the Performance Review Committee (PRC), a Committee made up of one TRPA staff member and one staff member from each local jurisdiction, to review the Performance Review System and ensure the provisions of TRPA Code, Chapter 50, have been applied correctly and provide a recommendation to TRPA's Advisory Planning Commission and Governing Board regarding the distribution of residential allocations to the local jurisdictions.

Attachment D

Memorandum on Short-Term Rental Trip Generation and the  
Regional Plan Locational Strategy for Trip Reduction



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## MEMORANDUM

Date: September 18, 2019

To: Short-Term Rental Neighborhood Compatibility Working Group

From: TRPA Staff

Subject: STR Trip Generation and the Regional Plan Locational Strategy for Trip Reduction

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One of the key concepts underlying the 2012 Regional Plan amendments is the focus on mixed use, transit supported, walkable, bikeable higher density town centers vs. continuing the pattern of segregating different land uses including lower density single-family residential development. Whether those single-family residential units are used for owner-occupied residences or as short-term rentals (STRs), there is clear evidence that both higher density and mixed-use development generate fewer trips as well as other benefits. Three of the sources of information utilized in 2012 are summarized below.

1. Higher Density Development: Myth and Fact - This 2005 Urban Land Institute publication was also supported by organizations ranging from the National Multi Housing Council, to the American Institute of Architects, to the Sierra Club. In the introductory section of the report written almost 15 years ago it stated that "Most land use professionals and community leaders now agree that creating communities with a mix of densities, housing types, and uses could be the antidote to sprawl when implemented regionally." (p. 7). It then debunks multiple myths about higher density development using studies of existing developments with quantified results. Regarding traffic, on page 16 it states "Myth: Higher-density development creates more regional traffic congestion and parking problems than low-density development. Fact: Higher-density development generates less traffic than low-density development per unit; it makes walking and public transit more feasible and creates opportunities for shared parking." The report goes on to state that "according to one study using data from the National Personal Transportation Survey, doubling density decreases the vehicle miles traveled (VMT) by 38%." This article is available at: [www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility).
2. Internal Trip Capture for Mixed Use Development – This 2007 Texas Institute of Traffic Engineers (TexITE) conference presentation summarized data from five previous studies, provided an assessment of the ITE internal trip estimation method used at that time, and used detailed information from two mixed use developments in different states to estimate internal trip capture (i.e., the number of trips that did not occur because different uses are close enough together that a trip between them is avoided). The results from that work indicated that the overall trip reduction is 39.4 to 42.6%. The results by type of land use are shown in the following table.

**Table 1. Land Use Percentage Trip Reduction**

Land Use	Percentage Trip Reduction
Retail	36.3-42.7%
Restaurant	43.1-64.8%
Residential	26.4-52.0%

The presentation also made it clear that these numbers will vary based on the uses present, site layout, availability of alternative transportation modes, etc. Nevertheless, mixed-use development reduces trip generation. This presentation is available at: [www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility).

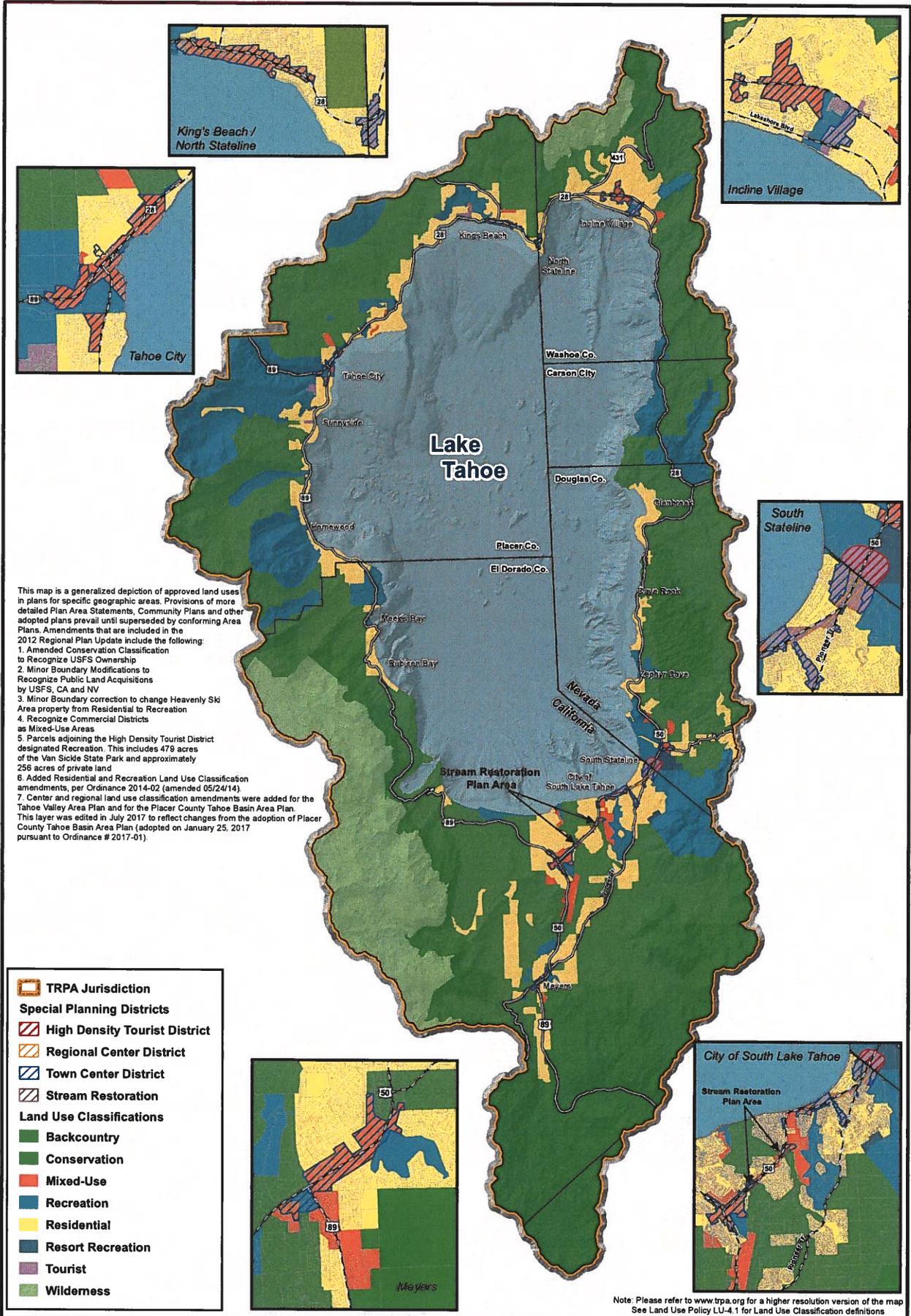
3. Final Environmental Impact Statement (EIS) for the Lake Tahoe Regional Plan Update (2012) – The Final EIS, Volume I, Master Response 11, found that “Actual traffic data from Lake Tahoe supports the premise that proximity of land uses reduces vehicle trip lengths... The average trip length in traffic analysis zones (TAZs) containing town centers is 6.3 miles versus an average trip length of 9.6 miles in outlying TAZs. This indicates a substantial, VMT-reduction benefit of more concentrated land use areas in the Region. Even in town centers that have lower intensity development, such as the Myers area, locating more development in this town center versus in an outlying area would still have a beneficial impact on VMT, because it would encourage shorter trips and greater use of existing facilities for non-auto travel (e.g., bicycle trails, pedestrian facilities, transit), even if the magnitude of VMT savings is not as great as in more urban town center areas.” The Lake Tahoe Regional Plan Update Final EIS is available at: [www.trpa.org/wp-content/uploads/Volume\\_1\\_RPU\\_FEIS.pdf](http://www.trpa.org/wp-content/uploads/Volume_1_RPU_FEIS.pdf).

The Regional Plan established at least one town center in each of the five jurisdictions in the Lake Tahoe Region. The Regional Land Use Map is provided at Exhibit 1.

When the Regional Plan was updated in 2012 the decision on the development pattern and where uses oriented to tourists (i.e., those who obviously utilize retail, restaurant, and residential uses) should be located was “data-driven” and based on substantiated concepts. One of the key reasons for this decision, as illustrated above, was that this would reduce trip generation and VMT in the region when compared to continuing to locate land uses as had been done in the past, not to mention other benefits such as redeveloping economically obsolete buildings that do not meet current environmental standards.

Exhibit:

1. Regional Land Use Map



This map is a generalized depiction of approved land uses in plans for specific geographic areas. Provisions of more detailed Plan Area Statements, Community Plans and other adopted plans prevail until superseded by conforming Area Plans. Amendments that are included in the 2012 Regional Plan Update include the following:

1. Amended Conservation Classification to Recognize USFS Ownership
2. Minor Boundary Modifications to Recognize Public Land Acquisitions by USFS, CA and NV
3. Minor Boundary correction to change Heavenly Ski Area property from Residential to Recreation
4. Recognize Commercial Districts as Mixed-Use Areas
5. Parcels adjoining the High Density Tourist District designated Recreation. This includes 479 acres of the Van Sickle State Park and approximately 255 acres of private land
6. Added Residential and Recreation Land Use Classification amendments, per Ordinance 2014-02 (amended 05/24/14)
7. Center and regional land use classification amendments were added for the Tahoe Valley Area Plan and for the Placer County Tahoe Basin Area Plan. This layer was edited in July 2017 to reflect changes from the adoption of Placer County Tahoe Basin Area Plan (adopted on January 25, 2017 pursuant to Ordinance # 2017-01)

- TRPA Jurisdiction
- Special Planning Districts**
- High Density Tourist District
- Regional Center District
- Town Center District
- Stream Restoration
- Land Use Classifications**
- Backcountry
- Conservation
- Mixed-Use
- Recreation
- Residential
- Resort Recreation
- Tourist
- Wilderness



## Map 1 Conceptual Regional Land Use Lake Tahoe Region

90

0 2.75 5.5 Miles

AGENDA ITEM NO. V.B.

TRPA MAP DISCLAIMER: This map was developed and produced by the TRPA GIS department. It is provided for reference only and is not intended to show map scale accuracy or all inclusive map features. The material on this map was compiled using the most current data available, but the data is dynamic and accuracy cannot be guaranteed. Document Path: F:\GIS\MXDS\Regional Plan Update\Jan2014\Recreated\Map1\_ConceptualRegLandUse\_2017amendment.mxd

Attachment E

Initial Environmental Checklist



Print Form

**INITIAL ENVIRONMENTAL CHECKLIST  
FOR DETERMINATION OF ENVIRONMENTAL IMPACT**

I. Assessor's Parcel Number (APN)/Project Location

Project Name  County/City

**Brief Description of Project:**

Under current TRPA Code, short-term rentals (STRs) may be considered a residential use and be located in any area zoned residential a jurisdiction has entered into an agreement with TRPA regarding Local Government Neighborhood Compatibility Requirements "that regulate vacation rentals to ensure neighborhood compatibility. Such requirements include, but are not limited to, mitigating the potential adverse impacts related to refuse/garbage, parking, occupancy, noise, lighting, and signage." (TRPA Code Section 90.2) Recently, concerns have arisen over the distribution of STRs and the nuisance they may pose if unregulated.

The proposed action adds a third criterion for STR neighborhood compatibility to the Performance Review system in TRPA Code, Section 50.5.2.E . The Performance Review System currently requires residential allocation deductions if a local jurisdiction does not score 90 percent or greater on: 1) annual residential permit review and code compliance audits; and 2) Lake Tahoe Total Maximum Daily Load (TMDL) implementation. The proposed Code language states that a "jurisdiction shall receive its base allocation for a score of 90 percent or greater based on STR neighborhood compatibility guidelines established by TRPA that address STR location, operations, and enforcement" and penalizes local jurisdictions by deducting residential allocations for performance below that level. The implementing Guidelines provide specific direction and scoring for STR location, operations, and enforcement categories. The location component requires a local jurisdiction demonstrate that STRs will be located consistent with Regional Plan land use and transportation goals and policies and address residential compatibility. The operational component requires local jurisdictions demonstrate that they have an ordinance in place that addresses noise, occupancy, parking, refuse, defensible space, water quality, public health and safety, and public/visitor education. Finally, the enforcement component requires local jurisdictions demonstrate that they have a program in place for enforcing location and operational STR requirements, bringing illegal STRs into conformance, and addressing violations.

Because the proposed action will incentivise better location, improved operations, and increased enforcement, TRPA anticipates no adverse impacts will occur as a result of approved of the proposal.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information. If more space is required for additional information, please attach separate sheets and reference the question number and letter.

**II. ENVIRONMENTAL IMPACTS:**

**1. Land**

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

- Yes
- No
- No, With Mitigation
- Data Insufficient

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

- Yes  No  
 No, With Mitigation  Data Insufficient

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

- Yes  No  
 No, With Mitigation  Data Insufficient

## 2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

- Yes  No  
 No, With Mitigation  Data Insufficient

b. Deterioration of ambient (existing) air quality?

- Yes  No  
 No, With Mitigation  Data Insufficient

c. The creation of objectionable odors?

- Yes  No  
 No, With Mitigation  Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

- Yes  No  
 No, With Mitigation  Data Insufficient

e. Increased use of diesel fuel?

- Yes       No  
 No, With Mitigation       Data Insufficient

**3. Water Quality**

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Alterations to the course or flow of 100-yearflood waters?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Change in the amount of surface water in any water body?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Alteration of the direction or rate of flow of ground water?

- Yes
- No
- No, With Mitigation
- Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

- Yes
- No
- No, With Mitigation
- Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

- Yes
- No
- No, With Mitigation
- Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

- Yes
- No
- No, With Mitigation
- Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

- Yes
- No
- No, With Mitigation
- Data Insufficient

k. Is the project located within 600 feet of a drinking water source?

- Yes
- No
- No, With Mitigation
- Data Insufficient

#### 4. Vegetation

Will the proposal result in:

- a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

- Yes  No  
 No, With Mitigation  Data Insufficient

- b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

- Yes  No  
 No, With Mitigation  Data Insufficient

- c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

- Yes  No  
 No, With Mitigation  Data Insufficient

- d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

- Yes  No  
 No, With Mitigation  Data Insufficient

- e. Reduction of the numbers of any unique, rare or endangered species of plants?

- Yes  No  
 No, With Mitigation  Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

- Yes
- No
- No, With Mitigation
- Data Insufficient

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

- Yes
- No
- No, With Mitigation
- Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

- Yes
- No
- No, With Mitigation
- Data Insufficient

**5. Wildlife**

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

- Yes                       No  
 No, With Mitigation       Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

- Yes                       No  
 No, With Mitigation       Data Insufficient

**6. Noise**

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

**The proposal will either improve CNEL noise levels or be neutral as a result of improving STR operations and enforcement.**

- Yes                       No  
 No, With Mitigation       Data Insufficient

b. Exposure of people to severe noise levels?

**See response to 6a above.**

- Yes                       No  
 No, With Mitigation       Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

**See response to 6a above.**

- Yes                       No  
 No, With Mitigation       Data Insufficient

d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

**Projects must demonstrate compliance with identified noise standards (refer to RPU EIS 3.6 Noise, Pgs. 22-24)**

- Yes       No  
 No, With Mitigation       Data Insufficient

e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

See response to 6d above.

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

- Yes       No  
 No, With Mitigation       Data Insufficient

**7. Light and Glare**

Will the proposal:

a. Include new or modified sources of exterior lighting?

- Yes                       No  
 No, With Mitigation       Data Insufficient

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

- Yes                       No  
 No, With Mitigation       Data Insufficient

c. Cause light from exterior sources to be cast off -site or onto public lands?

- Yes                       No  
 No, With Mitigation       Data Insufficient

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

- Yes                       No  
 No, With Mitigation       Data Insufficient

**8. Land Use**

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

- Yes                       No  
 No, With Mitigation       Data Insufficient

b. Expand or intensify an existing non-conforming use?

- Yes  No  
 No, With Mitigation  Data Insufficient

**9. Natural Resources**

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

- Yes  No  
 No, With Mitigation  Data Insufficient

b. Substantial depletion of any non-renewable natural resource?

- Yes  No  
 No, With Mitigation  Data Insufficient

**10. Risk of Upset**

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

- Yes  No  
 No, With Mitigation  Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

- Yes  No  
 No, With Mitigation  Data Insufficient

**11. Population**

Will the proposal:

- a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

**The growth management provisions in the Regional Plan and TRPA Code will not be modified with the proposed Code amendment.**

- Yes
- No
- No, With Mitigation
- Data Insufficient

- b. Include or result in the temporary or permanent displacement of residents?

- Yes
- No
- No, With Mitigation
- Data Insufficient

**12. Housing**

Will the proposal:

- a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

- (1) Will the proposal decrease the amount of housing in the Tahoe Region?

**The proposed Code amendment will not decrease or increase the amount of housing in the Tahoe Region.**

- Yes
- No
- No, With Mitigation
- Data Insufficient

- (2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

**The proposed Code amendment will not decrease or increase the availability of affordable housing in the Tahoe Region.**

- Yes
- No
- No, With Mitigation
- Data Insufficient

Number of Existing Dwelling Units: \_\_\_\_\_

Number of Proposed Dwelling Units: \_\_\_\_\_

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

**The proposed Code amendment will not decrease or increase the availability of housing for lower-income and very-low income households in the Tahoe Region.**

- Yes
- No
- No, With Mitigation
- Data Insufficient

**13. Transportation/Circulation**

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

**The proposal incentivizes local jurisdictions to direct STRs toward Town Centers, which will reduce vehicle trips (refer to Trip Memo dated 9/18/2019).**

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. Alterations to waterborne, rail or air traffic?

- Yes
- No
- No, With Mitigation
- Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

- Yes                       No  
 No, With Mitigation       Data Insufficient

**14. Public Services**

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

**The proposed amendment will incentivise local jurisdictions to require defensible space and public health and safety inspections in STR programs.**

- Yes                       No  
 No, With Mitigation       Data Insufficient

b. Police protection?

**The proposed amendment will incentivise local jurisdictions to include enforcement in STR programs, which may require additional police enforcement.**

- Yes                       No  
 No, With Mitigation       Data Insufficient

c. Schools?

- Yes                       No  
 No, With Mitigation       Data Insufficient

d. Parks or other recreational facilities?

- Yes                       No  
 No, With Mitigation       Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes                       No  
 No, With Mitigation       Data Insufficient

f. Other governmental services?

The proposed amendment will incentivise local jurisdictions to plan for improved governmental services.

- Yes  No  
 No, With Mitigation  Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

[Empty text box for response]

- Yes  No  
 No, With Mitigation  Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

[Empty text box for response]

- Yes  No  
 No, With Mitigation  Data Insufficient

16. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

[Empty text box for response]

- Yes  No  
 No, With Mitigation  Data Insufficient

b. Communication systems?

[Empty text box for response]

- Yes  No  
 No, With Mitigation  Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

[Empty text box for response]

- Yes  No  
 No, With Mitigation  Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Storm water drainage?

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Solid waste and disposal?

- Yes       No  
 No, With Mitigation       Data Insufficient

## 17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Exposure of people to potential health hazards?

- Yes       No  
 No, With Mitigation       Data Insufficient

**18. Scenic Resources/Community Design**

Will the proposal:

a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Be visible from any public recreation area or TRPA designated bicycle trail?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

- Yes
- No
- No, With Mitigation
- Data Insufficient

**19. Recreation**

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Create additional recreation capacity?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- Yes
- No
- No, With Mitigation
- Data Insufficient

**20. Archaeological/Historical**

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

- Yes                       No  
 No, With Mitigation       Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

- Yes                       No  
 No, With Mitigation       Data Insufficient

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

- Yes                       No  
 No, With Mitigation       Data Insufficient

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

- Yes                       No  
 No, With Mitigation       Data Insufficient

**21. Findings of Significance.**

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

- Yes                       No  
 No, With Mitigation       Data Insufficient

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

- Yes
- No
- No, With Mitigation
- Data Insufficient

**DECLARATION:**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: (Original signature required.)

Brandy McPherson At Douglas Date: 10/1/2019  
Person Preparing Application County

**Applicant Written Comments:** (Attach additional sheets if necessary)

Print Form

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

**Determination:**

On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Yes

No

- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

Yes

No

- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with Chapter 3 of the TRPA Code of Ordinances and the Rules of Procedure.

Yes

No

\_\_\_\_\_  
Signature of Evaluator

Date: \_\_\_\_\_

Brandy McMahon, AICP, Local Government Coordinator

Title of Evaluator



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STAFF REPORT

Date: October 2, 2019

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Local Government Coordination Report Briefing

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Summary:

This Local Government Coordination Report (Report) was developed to inform the Governing Board, Advisory Planning Commission, partner agencies, and public on progress being made toward the development, adoption, and implementation of Area Plans and associated permit delegation Memoranda of Understanding (MOU) in the Tahoe Region. The Report is provided as Attachment A.

This item is for informational purposes only and no action is required.

Background:

The Tahoe Regional Planning Agency (TRPA) as a regional agency guides and oversees the implementation of its adopted Regional Plan. Local governments through adopted Area Plans are now playing a key role in meeting local community needs while accomplishing the broader goals for the Tahoe Region. The Regional Plan specifies the Governing Board will periodically review the implementation of adopted Area Plans and associated permit delegation MOUs for continuing conformance with the Regional Plan. Based on the review, the Governing Board may then recertify, recommend adaptive actions to improve Area Plan implementation, or revoke local government Area Plan delegation. The Report gathers the information needed for the Governing Board to consider the review and recertification of adopted local government Area Plans to date and reports the status of other local government planning matters supported by TRPA. Based on experience so far, the Report also reviews and recommends ways to improve coordination between TRPA and local jurisdictions.

Regional Plan Compliance:

Regional Plan Land Use Goals and Policies encourage local jurisdictions to develop area plans and take on additional permitting through MOUs (Regional Plan Goal LU-4 and Policies LU 4.1 – 4.13).

Contact Information:

For questions regarding this agenda item, please contact Brandy McMahon, AICP, Local Government Coordinator, at (775) 589-5274 or [bmcMahon@trpa.org](mailto:bmcMahon@trpa.org).

Attachment:

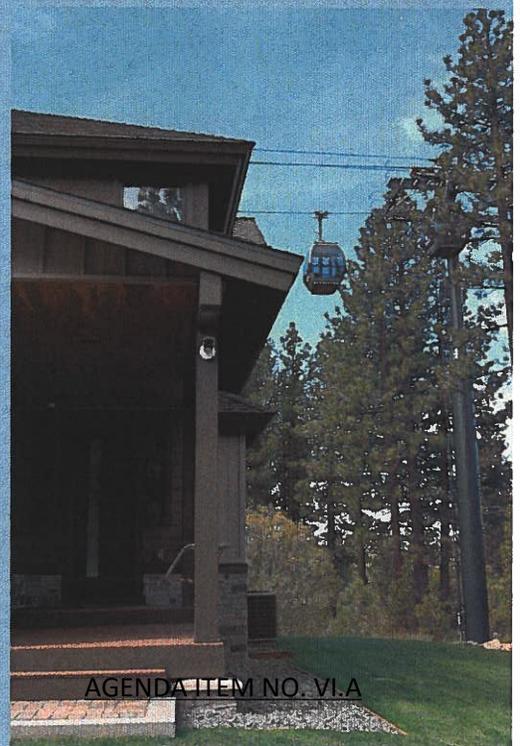
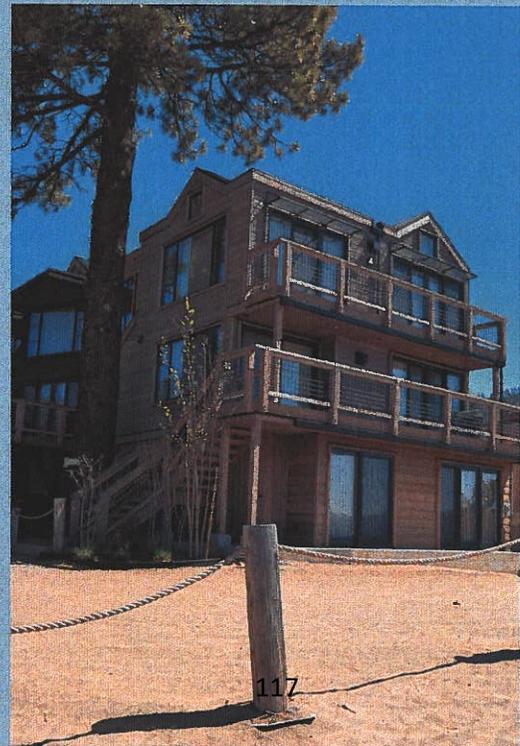
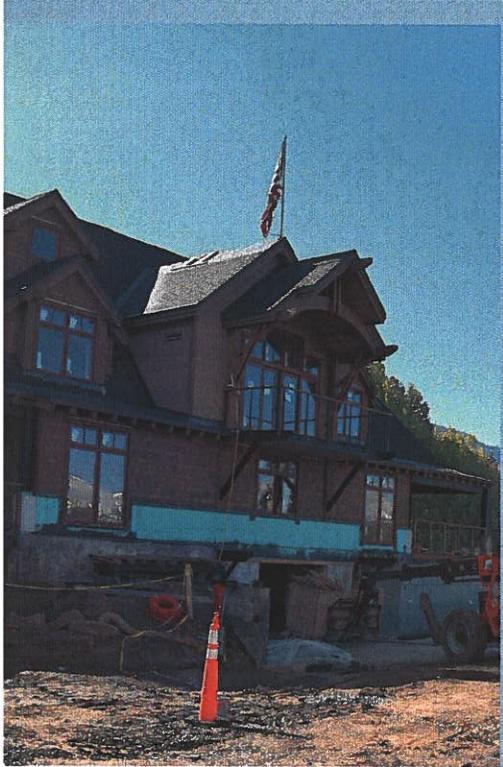
A. Local Government Coordination Report

Attachment A

Local Government Coordination Report



# LOCAL GOVERNMENT COORDINATION REPORT



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- A. Area Plan Boundaries Map
- B. Environmental Improvement Program (EIP) Projects in Area Plans
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## INTRODUCTION

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This Local Government Coordination Report was developed by the Tahoe Regional Planning Agency (TRPA) to inform the Governing Board, Advisory Planning Commission, partner agencies, and public on progress being made toward the development, adoption, and implementation of Area Plans and associated permit delegation Memoranda of Understanding (MOUs) in the Tahoe Region.

## BACKGROUND

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TRPA's Regional Plan Goals and Policies serve as a guide for future land use decisions within the Tahoe Region. To further the Goals and Policies, the 2012 Regional Plan encourages local jurisdictions to develop Area Plans to supersede and bring current the over 180 Plan Area Statements and Community Plans developed to implement the 1987 Regional Plan. The majority of Community Plans and Plan Area Statements are over 20 years old. The Area Plan process was developed to give local jurisdictions the ability to develop their own sub-regional plans within the "sideboards" established under the Regional Plan, streamline the permitting process, and make further progress towards environmental threshold attainment.

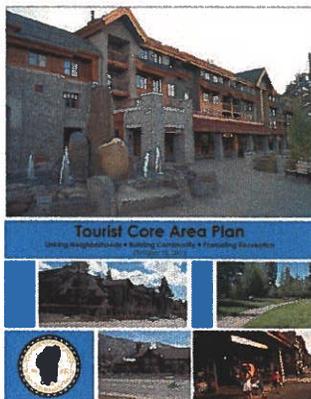
## ADOPTED AREA PLANS

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With the adoption of the Meyers Area Plan in February 2018, there are now five Area Plans, covering 48 thousand acres or 24 percent of the land area of the Tahoe Region and 76 percent of Town Centers. This section includes an overview of Area Plans and associated permit delegation MOUs.

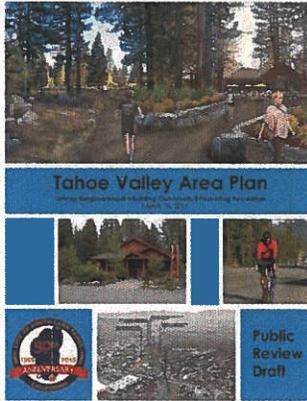
### CITY OF SOUTH LAKE TAHOE, CA

#### Tourist Core Area Plan



This Area Plan includes approximately 282 acres located along Highway 50, between Ski Run Boulevard and the state line, in the City of South Lake Tahoe, California. The Governing Board adopted the Tourist Core Area Plan in 2013 and an implementing MOU with the City in December 2014. The MOU covers areas both within and outside of Area Plans in the City of South Lake Tahoe. The MOU took effect in the third quarter of 2015.

### Tahoe Valley Area Plan

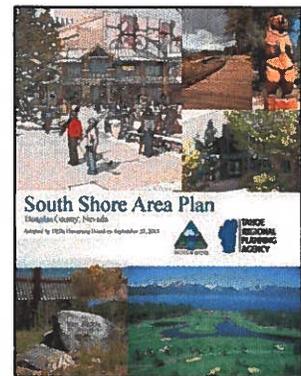


This Area Plan includes 337 acres near the intersection of Highways 50 and 89 (“Y” area) in the City of South Lake Tahoe, California. The Governing Board adopted the Area Plan in July 2015. The City delegation MOU that took effect in 2015 includes the Area Plan.

### DOUGLAS COUNTY, NV

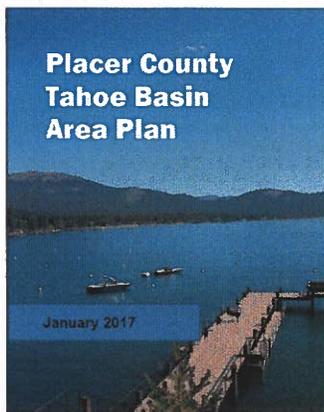
#### South Shore Area Plan

This Area Plan includes approximately 667 acres located along Highway 50, between Kahle Drive and the state line, in Douglas County, Nevada. The Governing Board adopted the Area Plan and an associated MOU in 2013. Due to staffing constraints at the County, the MOU never went into effect.



### PLACER COUNTY, CA

#### Tahoe Basin Area Plan

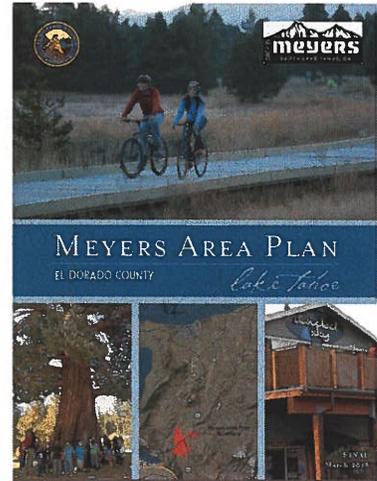


This Area Plan includes all property under the jurisdiction of TRPA in Placer County, California. The Governing Board adopted the Area Plan in February 2017. The Governing Board approved an MOU in October 2017. The MOU includes three phases of permit delegation. The MOU (Phase I & II) went into effect in May 2018.

## EL DORADO COUNTY, CA

### Meyers Area Plan

This Area Plan includes approximately 669 acres in the Meyers community in El Dorado, California. The Governing Board adopted the Area Plan in February 2018. A delegation MOU that covers the Meyers Area Plan and future Area Plans, as well as the rest of El Dorado County in the Tahoe Region, was adopted by the Governing Board in November of 2018. The MOU includes three phases of permit delegation. The County is seeking added delegation, and TRPA expects to authorize additional permitting responsibilities (Phase II) to the County later this year.



## AREA PLANS AND MEMORANDA OF UNDERSTANDING

Area Plans and associated permit delegation MOUs are available on the TRPA website: [www.trpa.org](http://www.trpa.org). A map showing the location of adopted Area Plans and those that are in the process of being developed is provided as Attachment A.

## ANNUAL AREA PLAN PERMITTING ACTIVITY

This section includes an overview of permitting activity from 2016 to 2018, Best Management Practices (BMP) certificates issued, Environmental Improvement Program (EIP) projects in the planning/design, implementation, or completion phase, and other highlights that have occurred within the geographic areas covered by Area Plans.

### CITY OF SOUTH LAKE TAHOE - TOURIST CORE AREA PLAN

During 2018, 10 project applications were submitted to TRPA and 13 project applications were submitted to the City of South Lake Tahoe (CSLT) within the Tourist Core Area Plan. A summary of these applications is shown in Table 1.

**Table 1: Permit Activity within the Geographic Area of the Tourist Core Area Plan, Calendar 2016-2018**

	2016		2017		2018	
	CSLT	TRPA	CSLT	TRPA	CSLT	TRPA
<b>Applications Received<sup>1</sup></b>	<b>17</b>	<b>50</b>	<b>13</b>	<b>32</b>	<b>13</b>	<b>10</b>
Residential Projects <sup>2</sup>	1	9	0	5	0	0
Commercial Projects <sup>2</sup>	6	0	5	0	8	1
Recreation/Public Service Projects <sup>2</sup>	0	0	0	0	0	0
Environmental Improvement Construction Projects	0	0	0	0	0	1
Shorezone/Lakezone Projects <sup>2</sup>	0	1	0	1	0	0
Grading Projects	0	0	0	0	0	1
Verification and Banking <sup>3</sup>	0	25	0	13	0	4
Development Rights Transfers and Conversions	0	11	0	10	0	3
Other <sup>4</sup>	10	4	8	3	5	0

**Notes:**

<sup>1</sup> Does not include Exempt Activities, Qualified Exempt Declarations, Tree Removal Applications, or Administrative Applications.

<sup>2</sup> Includes New Development and Additions/Modifications.

<sup>3</sup> Includes Soils/Hydrology Verifications, IPES Applications, Land Capability Verifications, Land Capability Challenges, Verifications of Coverage, Verifications of Uses, Site Assessments and Standalone Banking Applications.

<sup>4</sup> 'Other' includes Historic Determinations, Lot Line Adjustments, Resource Management, Temporary Activities, Projects, and Structures, Scenic, Underground Tank Removal, Subdivision of Existing Uses, Signs, Allocation Assignments, and other miscellaneous project types.

**Sources:** TRPA Accela Permit Records, Local Jurisdiction Permitting System Data, & Correspondence with Local Jurisdiction Staff.

Since the adoption of the Tourist Core Area Plan, 50 parcels within the Area Plan have received new BMP certificates, including 10 certificates issued to commercial properties, 36 to multi-family residential properties, and four to single-family dwellings. Within the Area Plan a number of EIP projects have also been completed or are underway, such as the El Dorado Beach to Ski Run Boulevard Bike Trail Project. Attachment B includes a comprehensive list of EIP projects in the Area Plan in the planning/design, implementation, or completion phase.

**Area Plan highlights:**

- The City continues to work on the Chateau project (across from the Gondola). The current project includes adding an additional 16 tourist accommodation units above the existing retail area. The next phase of the project includes 60 additional residential units and an underground parking facility.
- The Bijou Market Place (Whole Foods) Project is almost complete. This project included the removal of the old Knights Inn, a new Whole Foods, restaurants, and retail stores, “daylighting” Bijou Creek, and stream environment zone (SEZ) restoration at the intersection of Ski Run and Hwy 50.

- The 20-unit Gondola Vista (under the Gondola) residential project was recently completed.
- The Novus Select building was remodeled on Ski Run.
- A bi-state project, the US 50/South Shore Revitalization Project was approved.
- The Main Street Management Plan to implement the approved US 50/South Shore Revitalization Project is under development.



**Bijou Market Place  
“Whole Foods & SEZ Restoration”**

**CITY OF SOUTH LAKE TAHOE - TAHOE VALLEY AREA PLAN**

During 2018, 29 project applications were submitted to TRPA and 19 project applications were submitted to the City of South Lake Tahoe (CSLT) within the Tahoe Valley Area Plan. A summary of these applications is shown in Table 2.

**Table 2: Permit Activity within the Geographic Area of the Tahoe Valley Area Plan, Calendar 2016-2018**

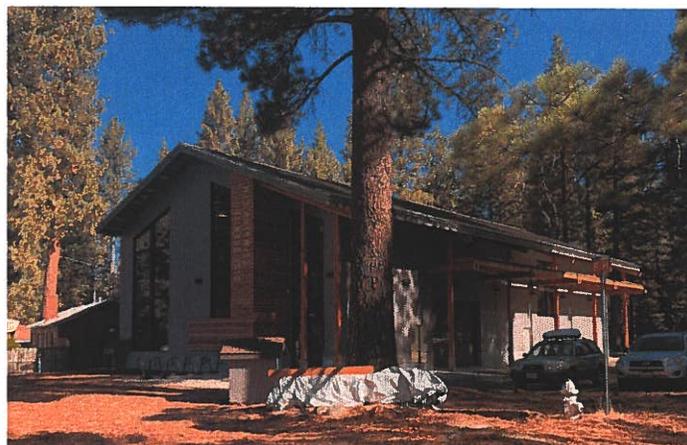
	2016		2017		2018	
	CSLT	TRPA	CSLT	TRPA	CSLT	TRPA
<b>Applications Received<sup>1</sup></b>	<b>21</b>	<b>23</b>	<b>17</b>	<b>4</b>	<b>19</b>	<b>29</b>
Residential Projects <sup>2</sup>	1	1	0	0	0	0
Commercial Projects <sup>2</sup>	9	1	4	0	5	0
Recreation/Public Service Projects <sup>2</sup>	0	0	0	0	0	0
Environmental Improvement Construction Projects	0	0	0	0	0	0
Shorezone/Lakezone Projects <sup>2</sup>	0	0	0	0	0	0
Grading Projects	0	1	0	0	0	1
Verification and Banking <sup>3</sup>	0	8	0	4	0	25
Development Rights Transfers and Conversions	0	10	0	0	0	2
Other <sup>4</sup>	11	2	13	0	14	1

\*Notes and Sources are shown under Table 1.

Since the adoption of the Tahoe Valley Area Plan, 15 new BMP certificates have been issued, including 13 to commercial properties, one to a multi-family dwelling and one to a single-family dwelling. Within the Area Plan, two EIP projects, the State Route 89 Water Quality Improvement Project ("Y" to Cascade Road), and Upper Truckee Johnson Meadow Acquisition have been completed. The U.S. Highway 50 Water Quality Improvement Project ("Y" to Trout Creek) is currently being implemented, and the Tahoe Valley Greenbelt and Lake Tahoe Boulevard Class 1 Bicycle Trail (Viking Way to South Wye) project is in the planning/design phase. The Tahoe Valley Greenbelt Project will include a comprehensive regional stormwater treatment system. Attachment B includes a comprehensive list of EIP projects in the Area Plan in the planning/design, implementation, or completion phase.

#### Area Plan highlights:

- Blue Granite Climbing Gym was constructed near the "Y".
- A facilities Master Plan for Barton Memorial Hospital was completed and is in the process of being implemented.
- The Center of Excellence at the Barton Memorial Hospital, a 25,000-square foot orthopedic, sports performance, rehabilitation and wellness center, is now open. Mitigation for the project included the retirement of more than 33,600 square feet of land coverage previously removed from an SEZ at the Lake Tahoe Airport.
- The City approved two mixed-use projects near Barton Memorial Hospital.
- "The Factory Stores at the Y" went through a major remodel and were transformed into "The Crossings at Tahoe Valley."
- An old hardware store was turned into the South Lake Brewing Company near the "Y".
- The McDonald's at the "Y" was rebuilt.
- The Toyota Dealership underwent an expansion/remodel.



**Blue Granite Climbing Gym**

#### **DOUGLAS COUNTY - SOUTH SHORE AREA PLAN**

During 2018, 19 project applications were submitted to TRPA within the South Shore Area Plan. A summary of these applications is shown in Table 3.

**Table 3: Permit Activity within the Geographic Area of the South Shore Area Plan, Calendar 2016-2018**

	2016		2017		2018	
	DC	TRPA	DC	TRPA	DC	TRPA
<b>Applications Received<sup>1</sup></b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>22</b>	<b>0</b>	<b>19</b>
Residential Projects <sup>2</sup>	0	0	0	2	0	0
Commercial Projects <sup>2</sup>	0	0	0	0	0	4
Recreation/Public Service Projects <sup>2</sup>	0	1	0	5	0	1
Environmental Improvement Construction Projects	0	0	0	0	0	0
Shorezone/Lakezone Projects <sup>2</sup>	0	0	0	0	0	0
Grading Projects	0	3	0	4	0	6
Verification and Banking <sup>3</sup>	0	1	0	9	0	5
Development Rights Transfers and Conversions	0	0	0	0	0	1
Other <sup>4</sup>	0	1	0	2	0	2

\*Notes and Sources are shown under Table 1.

Since the adoption of the South Shore Area Plan, 21 new BMP certificates have been issued, all to commercial properties. Within the Area Plan, two EIP projects, the Burke Creek Highway 50 Crossing and Realignment Project and State Route 207 (Kingsbury Grade) Water Quality Improvement Project have been completed. Attachment B includes a comprehensive list of EIP projects in the Area Plan in the planning/design, implementation, or completion phase.

**Area Plan highlights:**

- Improvements were made to both the exterior and interior at the MontBleu Resort, including modified signage, color upgrades to building exterior, landscaping, parking lot refurbishment, and the removal of 4,898 square feet of coverage.
- The old Horizon Casino/Hotel went through a substantial interior and exterior remodel and was transformed into the Hard Rock Casino/Hotel.
- The Lake Tahoe Epic Curling Facility is being constructed by a tenant in the TRPA Office building.
- The first phase of the Edgewood Lodge (154 units) and associated water quality improvement project is complete. The next phase of the project includes an additional 40 units and a club house expansion, along with additional water quality improvements.
- Douglas County approved a Tax Increment Financing (TIF) area.
- An Event Center on the existing MontBleu parking lot is under review.
- The casinos implemented a paid parking program to encourage the use of alternative modes of transportation.
- A bi-state project, the US 50/South Shore Revitalization Project was approved.



**Lake Tahoe Epic Curling Facility**

- The Main Street Management Plan to implement the approved US 50/South Shore Revitalization Project is under development.

**PLACER COUNTY – TAHOE BASIN AREA PLAN**

During 2018, 190 project applications were submitted to TRPA and 244 project applications were submitted to Placer County within the Placer County Tahoe Basin Area Plan. A summary of these applications is shown in Table 4.

**Table 4: Permit Activity within the Geographic Area of the Placer County Tahoe Basin Area Plan, Calendar 2016-2018**

	2016		2017		2018	
	PC	TRPA	PC	TRPA	PC	TRPA
<b>Applications Received<sup>1</sup></b>	<b>265</b>	<b>163</b>	<b>217</b>	<b>156</b>	<b>244</b>	<b>190</b>
Residential Projects <sup>2</sup>	100	44	63	38	93	53
Commercial Projects <sup>2</sup>	0	2	0	7	0	9
Recreation/Public Service Projects <sup>2</sup>	0	10	0	8	0	7
Environmental Improvement Construction Projects	0	0	0	1	0	1
Shorezone/Lakezone Projects <sup>2</sup>	0	11	0	7	0	15
Grading Projects	102	9	63	9	74	7
Verification and Banking <sup>3</sup>	63	63	91	65	74	59
Development Rights Transfers and Conversions	0	3	0	1	0	11
Other <sup>4</sup>	0	21	0	20	3	28

\*Notes and Sources are shown under Table 1.

Since the adoption of the Placer County Tahoe Basin Area Plan, 273 new BMP certificates have been issued: 12 to commercial properties, 136 to multi-family family dwelling properties, and 125 to single-family dwellings. Within the Area Plan, two EIP projects have been completed: the Forestry - Kingswood Pile and Burn Project and the Hazardous Fuels Reduction Project. The State Route 89/Fanny Bridge Community Revitalization Project is in the process of being implemented. Attachment B includes a comprehensive list of EIP projects in the Area Plan in the planning/design, implementation, or completion phase.

**Area Plan highlights:**

- The Groundbreaking Ceremony for the Tahoe City Lodge Project, a redevelopment project in Tahoe City, occurred this summer.
- The Kings Beach Redevelopment Project, on North Lake Boulevard between Coon and Fox Streets, is in the initial review stage. The proposed project includes a hotel, condos, library, and retail and restaurant space.



**Tahoe City Lodge Groundbreaking Ceremony**

- The Tahoe Cedars Lodge is currently under construction. The project includes redeveloping a site with cabins dating back to the 1930s into six residential units in Tahoma on the shore of Lake Tahoe.
- The Wood Vista Project is nearly complete. This redevelopment project includes seven condominium units at the north west corner of North Lake Blvd and Beach Street.
- The Huff’s Metal Building Project, with included a mixed-use housing component, was approved in Kings Beach.
- Office space above the Tahoe City Marina was converted to residential units.

**EL DORADO COUNTY – MEYERS AREA PLAN**

During 2018, four project applications were submitted to TRPA and one project application was submitted to El Dorado County within the Meyers Area Plan. A summary of these applications is shown in Table 5.

**Table 5: Permit Activity within the Geographic Area of the Meyers Area Plan, Calendar 2016-2018**

	2016		2017		2018	
	ED	TRPA	ED	TRPA	ED	TRPA
<b>Applications Received<sup>1</sup></b>	<b>2</b>	<b>7</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>4</b>
Residential Projects <sup>2</sup>	2	0	0	0	1	0
Commercial Projects <sup>2</sup>	0	0	0	0	0	0
Recreation/Public Service Projects <sup>2</sup>	0	5	0	2	0	1
Environmental Improvement Construction Projects	0	0	0	0	0	2
Shorezone/Lakezone Projects <sup>2</sup>	0	0	0	0	0	0
Grading Projects	0	0	0	0	0	1
Verification and Banking <sup>3</sup>	0	2	0	0	0	0
Development Rights Transfers and Conversions	0	0	0	0	0	0
Other <sup>4</sup>	0	0	0	0	0	0

\*Notes and Sources are shown under Table 1.

Since the adoption of the Meyers Area Plan, two new BMP certificates have been issued, all to commercial properties. Within the Area Plan, there are a number of EIP projects, including those highlighted below, in the planning/design or implementation phase aimed at addressing issues associated with traffic and enhancing pedestrian safety and access. Attachment B includes a comprehensive list of EIP projects in the Area Plan in the planning/design, implementation, or completion phase.

#### Area Plan highlights:

- The California Department of Transportation (CalTrans) is constructing a roundabout at US Highway 50 and State Route 89 in Meyers.
- Liberty Utilities is working on a project to underground utilities and remove existing poles so that El Dorado County can move forward with the Apache Avenue Pedestrian Safety and Connectivity Project (EIP Project No. 03.01.01.0004), which will include a bike/walking path along Apache Avenue from US 50 to the Lake Tahoe Environmental Science Magnet School.



**Apache Roadway Conceptual Design**

Source: LTInfo.org

## ANNUAL REVIEW AND AUDIT

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The purpose of the **Annual Review** is to ensure local jurisdictions are issuing permits in conformance with adopted Area Plans and associated MOUs. Pursuant to TRPA Code, Section 13.8.4: *Effect of Annual Review; Annual Report*, the Governing Board may certify, conditionally certify, or revoke part or all of an MOU associated with an Area Plan. The annual Area Plan audit includes projects in Area Plans that are not covered in the annual residential audit. This spring, TRPA completed the second Annual Review and Audit of permits issued by the City of South Lake Tahoe in the Tourist Core and Tahoe Valley Area Plans pursuant to the adopted MOU.

### CITY OF SOUTH LAKE TAHOE AUDIT FINDINGS AND RECOMMENDATIONS

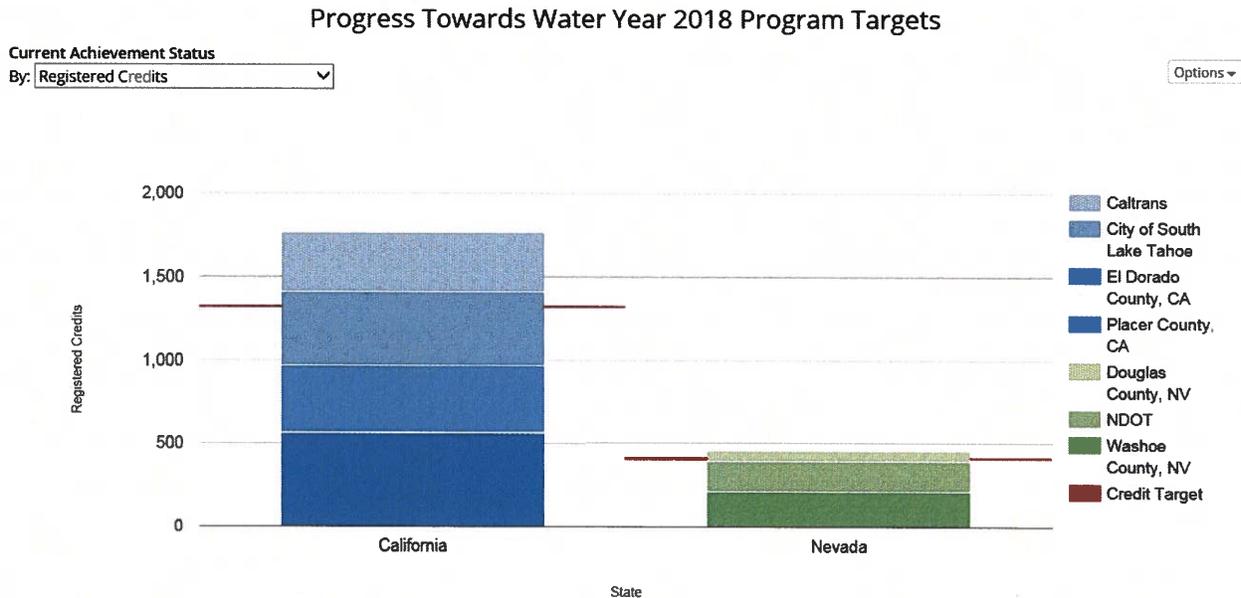
During last year's Area Plan audit, TRPA found that projects being implemented in the City's Area Plans are helping to further the Goals and Policies of the Regional Plan and that the delegation of permitting is working. The audit also identified the need for additional procedural improvements, training, consultation and support, and the need to update Area Plan design standards and guidelines that have proven difficult to interpret and implement. In response, TRPA provided training to City staff along with other MOU partners, began attending City Development Review Team meetings to provide input on projects early on in the process, and began having quarterly MOU Liaison coordination meetings.

During this year's audit, TRPA staff found once again that the projects being implemented in the City's Area Plans are helping to further the Goals and Policies of the Regional Plan, as well as that the procedural improvements implemented following the last audit are working and has therefore committed to continue to provide training, attend Development Review Team meetings, and have quarterly MOU Liaison meetings. TRPA has also found that communication between City and TRPA staff has improved and that City staff is dedicated to working with TRPA to ensure successful implementation of the MOU. **Based on the audit results and recommended procedural improvements, TRPA staff recommends, pursuant to TRPA Code, Section 13.8.4: *Effect of Annual Review; Annual Report*, that the Governing Board recertify the City's MOU.**

## TMDL LOAD REDUCTION AND FOUR-YEAR RECERTIFICATION

To ensure Area Plans are in conformance with load reduction plans for registered catchments, or TRPA default standards when there are no registered catchments, TRPA Code, Section 13.8.5: *Four-Year Recertification*, requires TRPA use catchment data and all reports to inform the four-year Area Plan recertification. Last year, during the 4-year recertification and based on the Lake Tahoe Total Maximum Daily Load (TMDL) Program 2017 Performance Report, the Governing Board found that local governments exceeded the first round of five-year pollutant reduction targets for reducing fine sediment loads by 10 percent and that all local jurisdictions with adopted Area Plans are meeting the requirements of their load reduction plans. The next four-year certification will be in 2021.

TRPA provides progress updates on TMDL Targets at [stormwater.laketahoeinfo.org](http://stormwater.laketahoeinfo.org). As shown in the below graph, the States of California and Nevada have both exceeded their Credit Target for 2018.



Source: [stormwater.laketahoeinfo.org](http://stormwater.laketahoeinfo.org)

## AREA PLANS UNDER DEVELOPMENT

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This section includes an overview of Area Plans in the process of being developed or updated.

### TAHOE DOUGLAS AREA PLAN AND SOUTH SHORE AREA PLAN

In 2015, the Douglas County Board of Commissioners adopted the Tahoe Douglas Area Plan and updates to the South Shore Area Plan. The Area Plans were never submitted to TRPA for a conformance review. In 2019, TRPA and County staff began an update of the unfinished Area Plans and expect to bring them before the Douglas County Board of Commissioners and TRPA Governing Board in the near future. This process is happening concurrently with an update to the Douglas County Master Plan. The two Area Plans encompass all property under the jurisdiction of TRPA in Douglas County. Highlights of the draft Tahoe Douglas Area Plan include new permitted uses on the Kingsbury Middle School site to facilitate the reuse of the site, as well as policies to facilitate the development of an integrated pedestrian, bicycle, and stormwater stream restoration project near the corner of Kahle Drive and U.S. Highway 50. If adopted, the Area Plan would replace 28 Plan Area Statements and one Community Plan. The proposed South Shore Area Plan updates include an energy efficiency strategy for buildings, carrying forward the signage standards for the casinos from the Stateline Community Plan, and expanding the Kingsbury Town Center to encompass the entire Kingsbury Manor Mobile Home Park.

### WASHOE TAHOE AREA PLAN

This Area Plan will cover the entire portion of Washoe County under the jurisdiction of TRPA. Washoe County is working with TRPA on preparing a draft Area Plan.

### CITY OF SOUTH LAKE TAHOE TOURIST CORE AREA PLAN

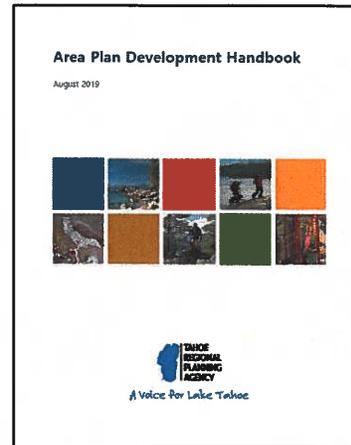
The City is processing an applicant-initiated request to amend the Tourist Core Area Plan to annex in 49 parcels located north of US Highway 50 near its intersection with Johnson Boulevard and Fairway Avenue. Existing uses within this area include the Beach Retreat, Lakeshore Lodge, Howard Johnson, and CVS. The purpose of the proposed amendment is to encourage private investment in environmentally-beneficial redevelopment and rehabilitation of a densely developed, over-covered, and aging Town Center. The amendment would include comparable, tourist-oriented uses within the boundaries of the Area Plan and revise allowable height within the Tourist Center Gateway Zoning District to align with TRPA development standards for allowable height within Town Centers.

### PLACER COUNTY TAHOE BASIN AREA PLAN

Placer County is proposing to update the Placer County Tahoe Basin Area Plan to better align the Area Plan with state housing standards and Mountain Housing Council recommendations. These amendments would allow for accessory dwelling units to be built on parcels less than one acre if they are deed restricted as affordable, moderate, or achievable housing.

## AREA PLAN DEVELOPMENT HANDBOOK

In August 2019, TRPA released the Area Plan Development Handbook to serve as a guide for local jurisdictions planning on preparing an Area Plan. It includes references to applicable Regional Plan Goals and Policies and TRPA Code sections, approval processes, required content, and documents “lessons learned” during the development of previous Area Plans. The Handbook is available at: [www.trpa.org](http://www.trpa.org).



## LOCAL GOVERNMENT AND HOUSING COMMITTEE

This year, TRPA’s Local Government Committee, a Committee of the TRPA Governing Board, changed its name to the Local Government and Housing Committee and amended its charter. The Committee is addressing critical policy issues, including short-term rental neighborhood compatibility and housing availability.



**Short-Term Rental Neighborhood Compatibility Working Group Meeting**

## AREA PLAN PROCESS IMPROVEMENTS

This section includes recommended Area Plan process improvements.

## **TRAINING**

Over the past year, TRPA provided trainings to MOU Partners on a wide range of topics, including Exempt/Qualified Exempt Activities, Project Review, Best Management Practices, LTInfo, Coverage, Development Rights, Defensible Space, and Inspections. Since these trainings have proven to be extremely beneficial, TRPA staff recommends that the Agency continue to provide trainings for MOU partners.

## **REPORTING**

TRPA staff recommends continued reporting on water quality Best Management Practices (BMP) certifications and Environmental Improvement Program (EIP) projects completed in the geographic area covered by Area Plans in Local Government Coordination Reports. In addition, TRPA recommends continued reporting on coverage banking and retirement and the addition of new coverage in the Tahoe Basin in Local Government Coordination Reports.

## **MOBILITY STRATEGIES**

Extensive stakeholder and board member outreach resulted in over 50 transportation related policies and mitigation measures being included in the Placer County Tahoe Basin Area Plan and Meyers Area Plan. TRPA staff recommends that local jurisdictions consider these types of policies and mitigation measures during the development or update of Area Plans.

## **DESIRED OUTCOME**

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Overall, the desired outcome is that TRPA and local jurisdictions work together to develop and implement Area Plans that accelerate environmental threshold gain and realize the Goals and Policies of the Regional Plan and streamline permitting through the implementation of permit delegation MOUs.

## **ACTION ITEMS**

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The following Action Items have been identified to improve the local government coordination process:

- 1.1 Continue to work with local jurisdictions to accelerate environmental threshold gain through the development and implementation of Area Plans;
- 1.2 Continue to work with local jurisdictions on implementing delegation MOUs associated with adopted Area Plans to streamline permit processing;
- 1.3 Continue to report on water quality BMPs issued and EIP projects completed in adopted Area Plans in Local Government Coordination Reports;

- 1.4 Continue to report on coverage banking and retirement and the addition of new coverage in the Tahoe Basin in Local Government Coordination Reports;
- 1.5 Consider Area Plan mobility strategies during the development or update of future Area Plans;
- 1.6 Continue to work with local jurisdictions on integrating permit data into LakeTahoeInfo.org; and
- 1.7 Develop educational materials, media platforms, and outreach strategies to increase public awareness of the Development Rights Program and encourage the transfer of development rights to Town Centers.

## **ATTACHMENTS**

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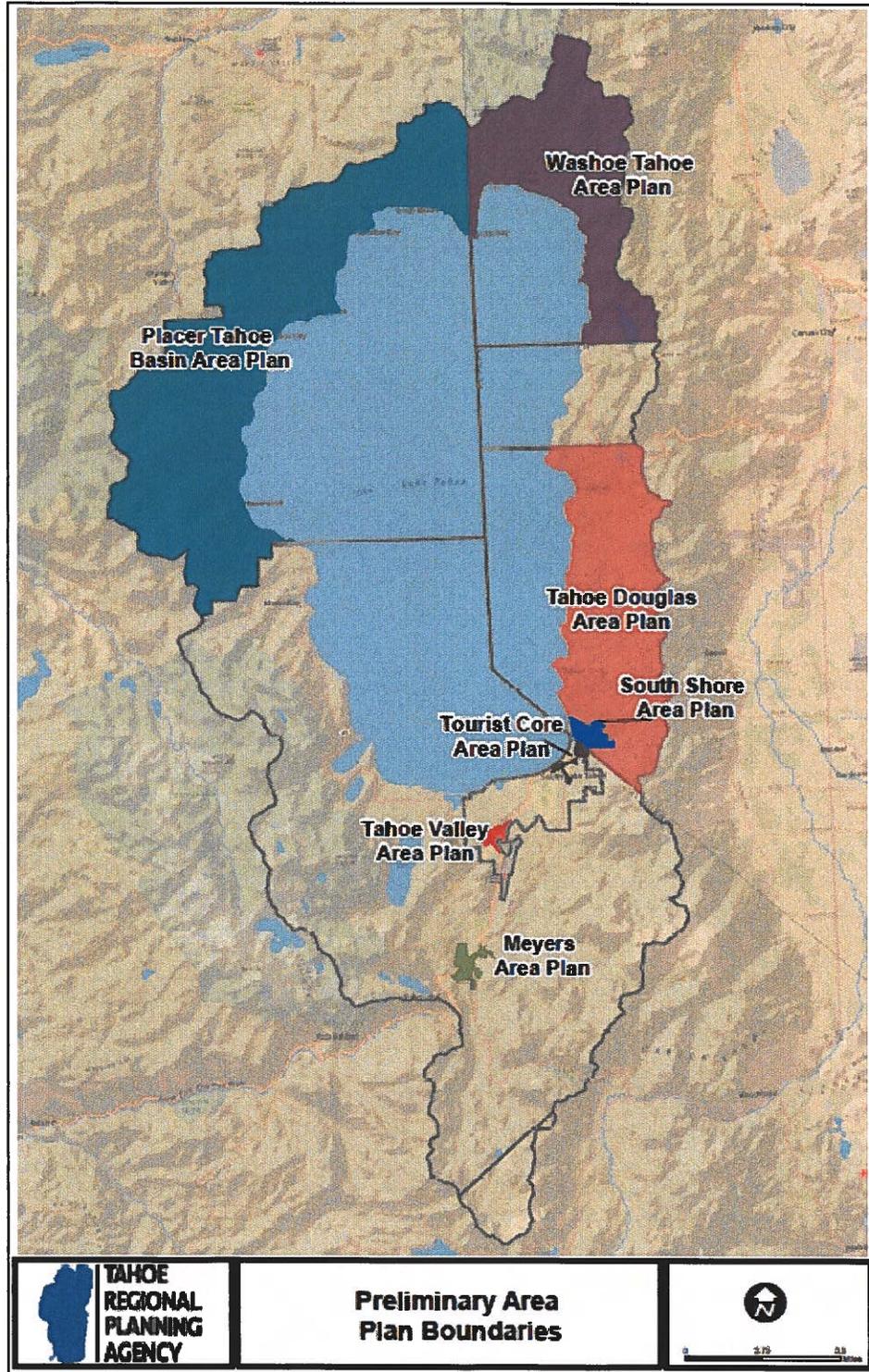
### **A. AREA PLAN BOUNDARIES MAP**

### **B. ENVIRONMENTAL IMPROVEMENT PROGRAM PROJECTS IN AREA PLANS**

### **C. TAHOE REGION COVERAGE TRACKING**

# ATTACHMENT A

## Area Plan Boundaries Map



TAHOE MAP DISCLAIMER: This map was developed and produced by the TRPA GIS Department. It is provided for reference only and is not intended to show map scale accuracy of all features depicted. The metadata on this map was compiled using the most current data available, but the data is dynamic and subject to change without notice.

## ATTACHMENT B

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### **Environmental Improvement Program (EIP) Projects in Area Plans**

The following tables include Environmental Improvement Program (EIP) projects in adopted Area Plans in the planning/design, implementation, or completion phase. LakeTahoeinfo.org has descriptions of all EIP projects, identifies the environmental thresholds that will benefit from each EIP project, and includes the 2018 EIP Accomplishments Report.

**Table 1: Tahoe Valley Area Plan**

Project Name	Project Status	Planning/Design Start Year	Implementation Start Year	Completion Year
State Route 89 Water Quality Improvement Project - "Y" to Cascade Road	Completed	2006	2014	2016
Upper Truckee River Johnson Meadow Acquisition	Completed	2015	2018	2018
Bike and Pedestrian Facilities Operations and Maintenance - City of South Lake Tahoe	Implementation	2015	2015	2040
California Tahoe Conservancy Land Management Program	Implementation	2012	2012	2025
Nonconforming Wood Stove Retrofit/Removal	Implementation	2014	2014	2020
TTD Transit Operations - Baseline Short Term	Implementation	2012	2016	2040
U.S. Highway 50 Water Quality Improvement Project - "Y" to Trout Creek	Implementation	2012	2017	2020
Barton Neighborhood Urban Stormwater Treatment	Planning/Design	2018	2020	2021
Community Forestry and Fire Protection	Planning/Design	2018	2019	2024
Forestry - Scenic Corridor Project - South Shore	Planning/Design	2013	2021	2023
Grouped Pavement Resurfacing on State Highway (Placer County Rt. 89 to CA/NV line)	Planning/Design	2021	2024	2026
Iroquois Pond, Mountain View Well and Tata Wells and Tank SEZ Restoration	Planning/Design	2020	2022	2022
Lake Tahoe Boulevard Class 1 Bicycle Trail (Viking Way to South Wye)	Planning/Design	2016	2021	2021
Program Timberland Environmental Impact Report (PTEIR)	Planning/Design	2017	2019	2023
South Shore Transit Service Enhancements - Medium-Term	Planning/Design	2021	2021	2040
Stream Environment Zone Utility Crossing Condition Assessment	Planning/Design	2019	2020	2023
Tahoe Valley Greenbelt	Planning/Design	2009	2021	2022
Transit Signal Priority Along South Shore	Planning/Design	2017	2031	2031
TTD Fleet and Facilities Upgrade - Baseline Short term	Planning/Design	2016	2017	2020
Upper Truckee River and Marsh Restoration	Planning/Design	2003	2019	2022
Upper Truckee River Johnson Meadow Restoration Project	Planning/Design	2018	2021	2030
Upper Truckee River Watershed Partnership	Planning/Design	2018	2019	2022

**Table 2: Tourist Core Area Plan**

Project Name	Project Status	Planning/Design Start Year	Implementation Start Year	Completion Year
El Dorado Beach to Ski Run Boulevard Bike Trail	Completed	2005	2017	2017
Bijou Park Creek Watershed and SEZ Restoration Project	Implementation	2015	2017	2019
Bike and Pedestrian Facilities Operations and Maintenance ? City of South Lake Tahoe	Implementation	2015	2015	2040
California Tahoe Conservancy Land Management Program	Implementation	2012	2012	2025
Nonconforming Wood Stove Retrofit/Removal	Implementation	2014	2014	2020
TTD Transit Operations - Baseline Short Term	Implementation	2012	2016	2040
Community Forestry and Fire Protection	Planning/Design	2018	2019	2024
Grouped Pavement Resurfacing on State Highway (Placer County Rt. 89 to CA/NV line)	Planning/Design	2021	2024	2026
Iroquois Pond, Mountain View Well and Tata Wells and Tank SEZ Restoration	Planning/Design	2020	2022	2022
Nevada Stateline to Stateline Bikeway Laura Drive to Stateline (Phase 1A)	Planning/Design	2019	2020	2022
Osgood Basin Expansion	Planning/Design	2019	2022	
Phase I Restoration and Recovery of Lahontan Cutthroat Trout in the Tahoe Basin.	Planning/Design	2018	2019	2021
Pioneer Trail Pedestrian Project - Phase II	Planning/Design	2017	2020	2021
Program Timberland Environmental Impact Report (PTEIR)	Planning/Design	2017	2019	2023
Ski Run Marina Aquatic Invasive Plant Control	Planning/Design	2015	2019	2025
Ski Run Marina Aquatic Invasive Plant Control Pilot- Laminar Flow Aeration	Planning/Design	2018	2018	2021
South Shore Transit Service Enhancements - Medium-Term	Planning/Design	2021	2021	2040
South Tahoe Greenway Shared Use Trail Planning and Future Phases	Planning/Design	2002	2019	2031
Stream Environment Zone Utility Crossing Condition Assessment	Planning/Design	2019	2020	2023
Transit Signal Priority Along South Shore	Planning/Design	2017	2031	2031
TTD Fleet and Facilities Upgrade - Baseline Short term	Planning/Design	2016	2017	2020
U.S. 50 South Shore Community Revitalization Project	Planning/Design	2008	2020	2026
Upper Bijou Park Creek Restoration Project	Planning/Design	2016	2021	2025
Upper Truckee River Watershed Partnership	Planning/Design	2018	2019	2022

\*Blank spaces = missing data.

**Table 3: South Shore Area Plan**

Project Name	Project Status	Planning/Design Start Year	Implementation Start Year	Completion Year
Burke Creek Highway 50 Crossing & Realignment Project	Completed	2011	2016	2018
State Route 207 (Kingsbury Grade) Water Quality Improvement Project	Completed		2006	2014
Nonconforming Wood Stove Retrofit/Removal	Implementation	2014	2014	2020
TTD Transit Operations - Baseline Short Term	Implementation	2012	2016	2040
Burke Creek Watershed Stormwater Improvements	Planning/Design	2017	2019	2021
Community Forestry and Fire Protection	Planning/Design	2018	2019	2024
Kingsbury General Improvement District (KGID) Street Sweeper	Planning/Design	2019	2019	2022
Nevada Stateline to Stateline Bikeway Laura Drive to Stateline (Phase 1A)	Planning/Design	2019	2020	2022
Phase I Restoration and Recovery of Lahontan Cutthroat Trout in the Tahoe Basin.	Planning/Design	2018	2019	2021
South Shore Transit Service Enhancements - Medium-Term	Planning/Design	2021	2021	2040
Transit Signal Priority Along South Shore	Planning/Design	2017	2031	2031
TTD Fleet and Facilities Upgrade - Baseline Short term	Planning/Design	2016	2017	2020
U.S. 50 South Shore Community Revitalization Project	Planning/Design	2008	2020	2026
Upper Truckee River Watershed Partnership	Planning/Design	2018	2019	2022
US 50 Safety Improvement and Complete Streets	Planning/Design	2017	2021	2022

\*Blank spaces = missing data.

**Table 4: Meyers Area Plan**

Project Name	Project Status	Planning/Design Start Year	Implementation Start Year	Completion Year
California Tahoe Conservancy Land Management Program	Implementation	2012	2012	2025
Liberty Utilities- Apache Ave Undergrounding	Implementation	2018	2019	2020
Meyers Intersection Improvements at US Highway 50 and State Route 89	Implementation	2015	2018	2021
Meyers Stream Environment Zone/Erosion Control Project	Implementation	2010	2017	2019
Nonconforming Wood Stove Retrofit/Removal	Implementation	2014	2014	2020
TRPA Stream Environment Zone (SEZ) Monitoring Program	Implementation	2016	2016	
Apache Avenue Pedestrian Safety and Connectivity Project	Planning/Design	2019	2022	2024
Class I Bike Path: East San Bernardino - West San Bernardino	Planning/Design	2015	2019	2020
Community Forestry and Fire Protection	Planning/Design	2018	2019	2024
Forestry - Scenic Corridor Project - South Shore	Planning/Design	2013	2021	2023
Iroquois Pond, Mountain View Well and Tata Wells and Tank SEZ Restoration	Planning/Design	2020	2022	2022
Meyers Corridor Operational Improvement Project	Planning/Design	2007	2019	2022
Program Timberland Environmental Impact Report (PTEIR)	Planning/Design	2017	2019	2023
South Upper Truckee Water Quality Project	Planning/Design	2010	2020	2022
State Route 89 Recreation Corridor Improvements	Planning/Design	2017	2021	2023
Stream Environment Zone Utility Crossing Condition Assessment	Planning/Design	2019	2020	2023
Tahoe Paradise Park Upper Truckee River Stabilization and Restoration Project	Planning/Design	2018	2019	2021
Upper Truckee River - Tahoe Pines Restoration and Public Access Project	Planning/Design	2010	2019	2020
Upper Truckee River Utility Crossing	Planning/Design	2019	2020	2020
Upper Truckee River Watershed Partnership	Planning/Design	2018	2019	2022

\*Blank spaces = missing data.

**Table 5: Placer County Tahoe Basin Area Plan**

Project Name	Project Status	Planning/Design Start Year	Implementation Start Year	Completion Year
Forestry - Kingswood Pile and Burn	Completed	2012	2014	2018
TSRA SNPLMA Round 16 Hazardous Fuels Reduction	Completed	2016	2018	2018
Avian Impacts of White Satin Moth Defoliation in Tahoe Aspen	Implementation	2018	2018	2021
Bike and Pedestrian Facilities Operations and Maintenance - Placer County	Implementation	2015	2017	2040
Bike and Pedestrian Facilities Operations and Maintenance - TCPUD	Implementation	2015	2015	2040
California Tahoe Conservancy Land Management Program	Implementation	2012	2012	2025
Fleur du Lac Aquatic Invasive Plant Control	Implementation	2016	2016	2019
Implement Regional Stormwater Monitoring Program - RSWMP (Effectiveness Monitoring)	Implementation	2011	2014	2076
Lake Tahoe Water Trail Recreation Signage	Implementation	2007	2011	2019
Nonconforming Wood Stove Retrofit/Removal	Implementation	2014	2014	2020
North Shore Sugar Pine Restoration for Mountain Pine Beetle Outbreak Recovery	Implementation	2017	2018	2020
SR 89/Fanny Bridge Community Revitalization Project - Phase 2 Complete	Implementation	2009	2016	2018
Street Improvements and Meeks Bay Path	Implementation	2009	2016	2018
SR 89/Fanny Bridge Community Revitalization Project- Phase 1 Highway Improvements and Dollar Creek Path	Implementation	2009	2016	2018
Stanford Rock Trail Re-route and BMPs	Implementation	2017	2018	2020
Sugar Pine Restoration in the Lake Tahoe Basin	Implementation	2005	2008	2020
Tahoe City Public Utility District Access Road BMP and Paving	Implementation	2015	2018	2019
Tahoe Vista Aquatic Invasive Plant Control	Implementation	2016	2017	2020
Truckee River Aquatic Invasive Plant Control	Implementation	2014	2014	2025
Truckee River Dam Aquatic Invasive Plant Control	Implementation	2013	2014	2020
2019 North Tahoe Regional Park Multi-Use Trailhead Improvements	Planning/Design	2018	2019	2019
Antone Meadow Dam Removal and Meadow Restoration	Planning/Design	2016	2020	2022
Assessment of groundwater nutrients and periphyton biomass in Lake Tahoe	Planning/Design	2016	2016	2018
Blackwood Creek Restoration Phase 4	Planning/Design	2019	2021	2022
Burton Forest Health Restoration CCI	Planning/Design	2018	2019	2020

Project Name	Project Status	Planning/Design Start Year	Implementation Start Year	Completion Year
California State Parks WUI Fuel Reduction and Prescribed Fire Program	Planning/Design	2019	2020	2022
Carnelian Bay Fire Protection Water Infrastructure	Planning/Design	2018	2020	2021
Community Forestry and Fire Protection	Planning/Design	2018	2019	2024
Forestry - Blackwood Creek Aspen Restoration	Planning/Design	2014	2021	2023
Forestry - Carnelian Canyon Phase 2	Planning/Design	2015	2021	2023
Forestry - Eagle Rock	Planning/Design	2015	2021	2023
Forestry - Griff Creek	Planning/Design	2014	2021	2023
Forestry - Tahoe Pines Forestry	Planning/Design	2013	2021	2023
Forestry - Talmont Unit 1	Planning/Design	2015	2021	2023
Forestry - Upper Ward Creek Aspen	Planning/Design	2015	2021	2023
Improved Parking Management and Wayfinding in Tahoe City (per Placer County Area Plan mitigation)	Planning/Design	2016	2021	2021
Inter-Regional Rail Capital Corridor to Truckee to Reno - Operation	Planning/Design	2021	2031	2040
Kings Beach Western Approach	Planning/Design	2016	2019	2021
Lake Tahoe West Landscape-Scale Restoration Partnership	Planning/Design	2015	2019	2030
Lake-wide Aquatic Invasive Plant Control - Rapid Response	Planning/Design	2019	2019	2029
Non-native fish assessment on West Shore of Lake Tahoe for Lahontan Cutthroat Trout planning	Planning/Design	2019	2019	2021
North Tahoe and Meeks Bay CWPP Implementation	Planning/Design	2015	2019	2021
North Tahoe Regional Bike Trail	Planning/Design	2007	2021	2024
Polaris Creek and Wetland Restoration, Phase I Planning	Planning/Design	2017	2018	2020
Program Timberland Environmental Impact Report (PTEIR)	Planning/Design	2017	2019	2023
State Route 89 Recreation Corridor Improvements (Enhanced and Prioritized Trolley Service and Parking Management)	Planning/Design	2017	2019	2040
Tahoe City Caltrans Yard Relocation and Restoration Project	Planning/Design	2018	2022	2025
Tahoe City Complete Streets Highway Improvements	Planning/Design	2016	2019	2022
Tahoe City Downtown Access Improvements	Planning/Design	2016	2021	2023
Tahoe Vista Tamarack Erosion Control Project	Planning/Design	2019	2021	2022
Tahoe Vista Utility Undergrounding	Planning/Design	2013	2020	2022
Tahoma Roads Water Quality Project	Planning/Design	2017	2019	2020
TART Local Service Enhancements - Short Term	Planning/Design	2012	2016	2020

<b>Project Name</b>	<b>Project Status</b>	<b>Planning/Design Start Year</b>	<b>Implementation Start Year</b>	<b>Completion Year</b>
TART Only - Free to the User Transit	Planning/Design	2016	2022	2040
TART Transit Fleet and Facility Upgrades - Long Term	Planning/Design	2016	2031	2040
TART Transit Fleet and Facility Upgrades - Short Term	Planning/Design	2015	2020	2025
Upper Griff Creek Bridge Replacement	Planning/Design	2016	2021	2021
West Shore Highway Crossing Improvements	Planning/Design	2016	2019	2020
Westshore Fire Protection Water Infrastructure Phase 1	Planning/Design	2017	2018	2019

## ATTACHMENT C

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### **Tahoe Region Coverage Tracking**

The following includes new, banked/transferred and retired impervious coverage tracking for the Tahoe Region.

#### ***New Impervious Coverage***

Since the adoption of the 2012 Regional Plan, permitted public and private development projects have added approximately 32 acres of new impervious land coverage. The majority of added coverage was located outside of Town Centers, and nearly all of the added coverage was on non-sensitive lands. Permitted projects within Town Centers generally occurred on existing coverage. Table 1 shows impervious coverage added since the adoption of the 2012 Regional Plan.

#### ***Banked/Transferred Impervious Coverage***

Since the adoption of the 2012 Regional Plan, approximately 15 acres of previously existing impervious coverage from private and public parcels within the Tahoe Region was banked and transferred. Coverage removal and environmental restoration has included more than seven acres of remote stream environment zones (SEZs) and over two acres of other sensitive, remote lands. Regional Plan policies include incentives to transfer banked coverage to non-sensitive lands and Town Centers. Table 2 shows banked and transferred coverage since the adoption of the 2012 Regional Plan.

#### ***Retired Impervious Coverage***

The California Tahoe Conservancy and Nevada Division of State Lands have permanently removed, restored, and retired nearly three acres of previously existing impervious coverage within the Tahoe Region. This includes one-half acre of SEZ land, nearly one acre of other sensitive areas, and just over one acre of non-sensitive lands. The removal of coverage was funded by Excess Coverage Mitigation fees. Table 3 shows retired coverage since the adoption of the 2012 Regional Plan.

#### ***Summary***

Although there were relatively modest coverage changes in Town Centers since the 2012 Regional Plan Update, the distribution of development throughout the region has changed as a result of redevelopment and revitalization activity and transfer incentives to promote the relocation of existing development to Town Centers. The regional distribution of commercial floor area (CFA) and residential units in Town Centers are higher now than in 2012. See details in the TRPA Annual Regional Plan Performance Measure report (see <http://www.trpa.org/wp-content/uploads/February-27-2019-Governing-Board-Packet-Revised.pdf>).

	Table 1. New Impervious Coverage - Since the Adoption of the Regional Plan, December 2012 -2018												
	Within Town Center					Outside Town Center					Total		
	Stream Env. Zone (Class 1b)	Sensitive (Classes 1-3, ex1b)	Non-Sensitive (Classes 4-7)	Stream Env. Zone (Class 1b)	Sensitive (Classes 1-3, ex1b)	Non-Sensitive (Classes 4-7)	Stream Env. Zone (Class 1b)	Sensitive (Classes 1-3, ex1b)	Non-Sensitive (Classes 4-7)	Stream Env. Zone (Class 1b)	Sensitive (Classes 1-3, ex1b)	Non-Sensitive (Classes 4-7)	Grand Total
Alpine County	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Carson City County	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
City of South Lake Tahoe	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Tahoe Valley Area Plan	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Tourist Core Area Plan	0.0	0.0	+1.2	0.0	0.0	1.6	0.0	0.0	0.0	0.0	2.8	+2.8	0.0
Rest of CSLT	0.0	0.0	0.0	0.0	0.0	+4.4	0.0	0.0	0.0	0.0	4.4	+4.4	0.0
Douglas County	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
South Shore Area Plan	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rest of DG County	0.0	0.0	0.0	0.0	0.0	+0.2	0.0	0.0	0.0	0.0	+0.2	+0.2	0.0
El Dorado County	0.0	0.0	0.0	0.0	0.0	+3.1	0.0	0.0	0.0	+0.1	+3.1	+3.2	0.0
Meyers Area Plan	0.0	0.0	0.0	0.0	0.0	+9.2	0.0	0.0	0.0	0.0	+9.2	+9.2	0.0
Rest of ELD County	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Placer County Area Plan	0.0	0.0	-0.1	0.0	0.0	+5.7	0.0	0.0	0.0	0.0	+5.7	+5.7	0.0
Washoe County	0.0	0.0	0.0	0.0	0.0	+6.4	0.0	0.0	0.0	0.0	+6.4	+6.4	0.0
<b>Basin Total</b>	<b>0.0</b>	<b>0.0</b>	<b>+1.2</b>	<b>0.0</b>	<b>+0.1</b>	<b>+30.6</b>	<b>0.0</b>	<b>+0.1</b>	<b>+30.6</b>	<b>0.0</b>	<b>+0.1</b>	<b>+31.8</b>	<b>+31.9</b>

	Table 2. Banked/Transferred Impervious Coverage - Since the Adoption of the Regional Plan, December 2012-2018												
	Within Town Center					Outside Town Center					Total		
	Stream Env. Zone (Class 1b)	Sensitive (Classes 1-3, ex1b)	Non-Sensitive (Classes 4-7)	Stream Env. Zone (Class 1b)	Sensitive (Classes 1-3, ex1b)	Non-Sensitive (Classes 4-7)	Stream Env. Zone (Class 1b)	Sensitive (Classes 1-3, ex1b)	Non-Sensitive (Classes 4-7)	Stream Env. Zone (Class 1b)	Sensitive (Classes 1-3, ex1b)	Non-Sensitive (Classes 4-7)	Grand Total
Alpine County	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Carson City County	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
City of South Lake Tahoe	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Tahoe Valley Area Plan	0.0	0.0	-0.3	0.0	0.0	-0.1	0.0	0.0	0.0	0.0	-0.4	-0.4	0.0
Tourist Core Area Plan	0.0	0.0	0.0	0.0	0.0	0.2	0.0	0.0	0.0	0.0	0.2	+0.2	0.0
Rest of CSLT	0.0	0.0	0.0	0.0	0.0	-1.9	0.0	0.0	0.0	-1.9	-2.1	-4.0	0.0
Douglas County	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
South Shore Area Plan	0.0	0.0	-0.1	0.0	0.0	-1.7	0.0	0.0	0.0	-1.7	-1.5	-3.2	0.0
Rest of DG County	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
El Dorado County	0.0	0.0	0.0	0.0	0.0	-0.2	0.0	0.0	0.0	-0.2	-0.7	-0.9	0.0
Meyers Area Plan	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rest of ELD County	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Placer County Area Plan	0.0	0.0	-0.1	0.0	0.0	-4.7	0.0	0.0	0.0	-4.7	-4.7	-5.2	0.0
Washoe County	0.0	-0.1	0.0	-0.1	-0.2	-0.5	-0.1	-0.2	-0.5	-0.3	-0.5	-0.9	0.0
<b>Basin Total</b>	<b>0.0</b>	<b>-0.1</b>	<b>-0.5</b>	<b>-7.4</b>	<b>-2.1</b>	<b>-5.0</b>	<b>-7.4</b>	<b>-2.2</b>	<b>-5.0</b>	<b>-7.4</b>	<b>-2.2</b>	<b>-5.5</b>	<b>-15.1</b>

Source: TRPA's Research & Analysis Division

Table 3. Retired Impervious Coverage from Land Banks - Since the Adoption of the Regional Plan, December 2012- Dec 2017*										
	Within Town Center			Outside Town Center			Total			
	Stream Env. Zone (Class 1b)	Sensitive (Classes 1-3, ex1b)	Sensitive (Classes 4-7)	Stream Env. Zone (Class 1b)	Sensitive (Classes 1-3, ex1b)	Sensitive (Classes 4-7)	Stream Env. Zone (Class 1b)	Sensitive (Classes 1-3, ex1b)	Sensitive (Classes 4-7)	Grand Total
Alpine County	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Carson City County	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
City of South Lake Tahoe										
Tahoe Valley Area Plan	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Tourist Core Area Plan	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rest of CSLT	0.0	0.0	0.0	-0.5	0.0	-1.3	-0.5	0.0	-1.3	-1.8
Douglas County										
South Shore Area Plan	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rest of DG County	0.0	0.0	0.0	0.0	-0.9	0.0	0.0	-0.9	0.0	-0.9
El Dorado County	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Meyers Area Plan										
Rest of ELD County										
Placer County Area Plan	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Washoe County	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Basin Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>-0.5</b>	<b>-0.9</b>	<b>-1.3</b>	<b>-0.5</b>	<b>-0.9</b>	<b>-1.3</b>	<b>-2.7</b>

\*Not updated since 2017.

Source: TRPA's Research & Analysis Division



# 2019 QUARTERLY REPORT

TAHOE REGIONAL PLANNING AGENCY  
Second Quarter: April – June 2019



TAHOE  
REGIONAL  
PLANNING  
AGENCY



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## TRPA STRATEGIC INITIATIVES

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The Tahoe Regional Planning Agency (TRPA) is moving forward with strategic initiatives the Governing Board identified as significant priorities for the agency. These initiatives align directly with the four objectives in the agency's Strategic Plan.

### TRANSPORTATION

#### U.S. 50 South Shore Community Revitalization Project

The U.S. 50 South Shore Community Revitalization Project is a transformational and regionally significant project identified as a top Regional Plan implementation priority for Lake Tahoe. The project will catalyze improvements to the south shore's housing, transit, parking management, recreation access, and business development by realigning approximately one mile of U.S. Highway 50 behind Heavenly Village and the casino core. The redevelopment will create a pedestrian-friendly and transit-oriented local main street corridor that extends throughout the project area in Stateline and South Lake Tahoe.

In November 2018, the TRPA Governing Board approved the U.S. 50 South Shore Community Revitalization Project with the caveat of meeting three conditions before road construction can start:

1. Develop a Main Street Management Plan for the former U.S. Highway 50 corridor;
2. Construct 109 units of replacement housing; and,
3. Plan for community connectivity improvements and amenities for the Rocky Point Neighborhood.

TRPA, in coordination with the Tahoe Transportation District, is the lead agency for the development of the Main Street Management Plan. During this past quarter, the stakeholder working group, meeting for the second time, held its first public open house on the Main Street Management Plan to gain input on the goals and objectives for the future design of a main street stretching from Lake Parkway to Pioneer Trail. The stakeholder working group, the body guiding the policy and design of the main street plan, is organizing goals for four categories: community, transportation, economy, and the environment. Goals included improving air and water quality, ensuring



*First public open house for the Main Street Management Plan.*

safety for all modes of transportation, and establishing the south shore as a year-round destination. During this first open house, the public was asked to provide input on the goals and objectives, general design preferences, travel patterns, and what they envisioned main street would ultimately become. This was the first of four planned open houses.

### Tahoe Bike Challenge

During the second quarter of 2019, TRPA teamed up with the Lake Tahoe Bicycle Coalition to lead the 14th annual Tahoe Bike Challenge. During the first two weeks of June, 285 people



*Students at Bijou Community School logging their bike rides and walks to school during the bike and walk to school week.*

around the Basin biked 20,420 miles, preventing an estimated 6,945 pounds of carbon dioxide emissions. The Tahoe Bike Challenge also included bike and walk to school week for students within the Lake Tahoe Unified School District. Nearly 600 elementary and middle school students walked or rode their bikes to school and helped reduce congestion on streets and roadways.

Students received bike safety prizes for riding or walking to school and winners of the Tahoe Bike Challenge were awarded ski lift tickets, mountain bike tickets, day passes to the climbing gym, local gift cards, and free yoga! The Tahoe Bike Challenge will return in June 2020.

### Travel Management Application

TRPA staff worked with the startup TOTAGO (<https://www.totago.co/>), a travel management company during this past quarter to develop a mock recreation travel tool for the Tahoe Region. This tool would allow residents and visitors to plan their trips to popular recreation sites and trails without using a personal vehicle. The mock travel app was presented to several stakeholder groups for feedback. Overall, there was interest from partners to further develop the travel tool. The Regional Transportation Plan and Bi-State Consultation on Transportation both identified the development of a travel management application as a priority.

### Regional Grant Program

In April the Tahoe Metropolitan Planning Organization issued a call for projects for the Regional Grant Program. Approximately \$6.3 million in funds are available, from congestion mitigation air quality grants, surface transportation block grants, and Nevada transportation alternatives program funds. Sixteen applications were received requesting over \$21 million in funding. Out of 16 applications, eight projects were recommended for funding, including

bicycle and pedestrian facilities, roadway projects that include bike and pedestrian improvements, free to the user transit, and the U.S. Highway 50 South Shore Community Revitalization multi-benefit project. All awarded projects implement the Regional Transportation Plan and its goals and policies.

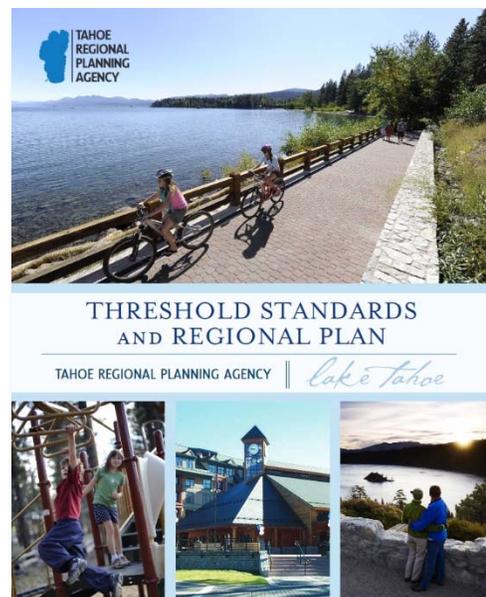
## THRESHOLDS AND PERFORMANCE MANAGEMENT



The strategic initiative to review and streamline the threshold standards and regional performance management measures continues with positive progress this last quarter. The threshold working group, the Tahoe Science Advisory Council, and TRPA staff have worked for 11 months to review and evaluate the system TRPA uses to manage data to support adaptive management.

To provide a coherent and seamless connection between the threshold standards and the Regional Plan, and to continue to bring the threshold standards in line with best practices, in April the Governing Board approved two system improvements. The first colocated the threshold standards with the Regional Plan, and the second removed six narrative policy statements as threshold standards. The adoption follows unanimous recommendations from both the Advisory Planning Commission and the Regional Plan Implementation Committee.

The Governing Board also adopted the recommendation of the Tahoe Science Advisory Council for a more structured system for the review and amendment of threshold standards and for evaluating adaptive management. The new system led to a first set of technical corrections and the removal of six narrative policy statements as threshold standards because they did not meet best practice standards of being measurable and specific. Removal of the policy statements as thresholds does not alter the policies or implementation of the Regional Plan.



## FOREST ECOSYSTEM HEALTH

### Funding Awarded for Fuels Reduction Work

During this past quarter, the U.S. Department of Interior awarded approximately \$3.25 million to Lake Tahoe forest health projects as part of Southern Nevada Public Land Management Act Funding Round 17. The funding includes \$3 million for Lake Tahoe West Restoration Partnership planning and \$250,000 for Tahoe Douglas Fire Adapted Communities work.

## Lake Tahoe West Restoration Partnership

The Lake Tahoe West Restoration Partnership completed a draft of the landscape restoration strategy and released it for stakeholder review this past quarter. The strategy describes restoration goals and outlines strategies to meet those goals on the 60,000-acre landscape for the next 20 years. Scientific modeling of different scenarios supports the landscape restoration strategy recommendations. TRPA staff are contributing authors to the document and provided GIS support. A final draft is expected this summer.

## Forest Practice Code Changes

In the wake of many of the most destructive forest fires in recorded history, forestry and fire agencies at all levels are hard at work streamlining forest management practices in order to deliver forest health treatments needed to combat the “new normal” of fire threats. TRPA’s part involves review of Chapter 61 (Vegetation and Forest Health) of the TRPA Code of Ordinances. The kick-off in April began with presentations to the Governing Board from federal and state partners on the latest forest health issues, where TRPA was urged to be proactive in updating our forest management policies and Code. In June, the TRPA Governing Board Forest Health and Wildfire Committee reviewed the scope of the issues to be addressed in Chapter 61 and developed a workplan to bring the chapter up to date with current forestry practices.

## TAHOE KEYS WEED MANAGEMENT

### Environmental Analysis

Developing a feasible, effective, and widely supported solution to the Tahoe Keys aquatic weeds infestation is one of Tahoe’s toughest challenges. This quarter, the Stakeholder Committee collaboratively developed a test project proposal to be analyzed, along with other alternatives, in a comprehensive environmental study. TRPA and the Lahontan Regional Water Quality Control Board released in June a notice of preparation for a California Environmental Quality Act (CEQA) Draft Environmental Impact Report and a TRPA Draft Environmental Impact Statement for the Tahoe Keys aquatic weeds control methods test project. The joint environmental document will analyze the potential environmental effects of the test project. The goal of the project is to test “control techniques” on populations of aquatic weeds in the in the unique environment of the Keys lagoons and to reduce the spread of these plants to other parts of Lake Tahoe.

Two public hearings to gather public input on the scope of the analysis were held in June with another workshop scheduled in July. Comments on the notice of preparation will be collected through August 2, 2019. Additional information can be found at <https://tahoekeysweeds.org/>.

**TAHOE KEYS AQUATIC INVASIVE WEEDS PUBLIC WORKSHOPS**

**Public Workshops Coming Up!**

Please come and provide your input on the Tahoe Keys Aquatic Weeds Control Methods Test environmental analysis.

**Tues., June 25, 5-7 p.m.**  
Lahontan Regional Water Quality Control Board Annex Building  
971 Silver Dollar Ave.  
South Lake Tahoe, CA

**Tues., July 16, 5-7 p.m.**  
North Tahoe Events Center  
8318 North Lake Blvd.  
Kings Beach, CA

**TRPA Governing Board Meeting**  
Wed., June 26, 9:30 a.m.  
Tahoe Regional Planning Agency  
128 Market St.  
Stateline, NV

Scoping period: June 17 – August 2, 2019.  
Please submit comments at the public workshops or send via email to [tahoekeysweeds@trpa.org](mailto:tahoekeysweeds@trpa.org).

For project information and updates, please visit: [tahoekeysweeds.org](https://tahoekeysweeds.org)

TAHOE REGIONAL PLANNING AGENCY Water Boards

## LIVABLE AND SUSTAINABLE COMMUNITIES

### Shoreline Plan Implementation

Implementation of the shoreline program approved by the Governing Board this past October continues. Recent highlights include:

***Mooring Registration Program:*** Phase 1 of the mooring permitting and registration system began this past quarter and is open to those with existing moorings. The program uses a new online registration and permitting system accessed on the Lake Tahoe Info website (<https://parcels.laketahoeinfo.org/MooringRegistration/Welcome>). By the end of June, more than 400 applications/registrations had been submitted using the online platform and approximately 175 applicants have paid their fees and are registered. Submitted applications for moorings include 1,483 buoys, 140 boat lifts, and 78 boat slips. Phase 1 of the permitting and registration system will continue until September 30, 2019. Phase 2 will begin in January 2020 for permitting of new moorings.

***New Pier Permitting Program:*** In the first two years, the Shoreline program allows TRPA to accept up to 12 new pier applications, selected according to prioritization criteria outlined in the TRPA Code of Ordinances. TRPA began accepting new pier proposals for single-use and multiple-use piers June 1. By the end of the month, TRPA had received 89 permit applications. TRPA staff will review applications in advance of the single parcel pier lottery and then notify the applicants for multiple parcel piers which have been prioritized for review.

### ***Boating App Launch***

The Shoreline program emphasizes boater education and outreach to minimize the danger to swimmers and paddlers who generally recreate closer to shore. The 600 foot no wake zone is a “go-slow zone” for motorized boats. The new Tahoe Boating app from TRPA and its partners is now available for Tahoe boaters. The app can be downloaded from the app stores and



Tahoe Boating

Tahoe Regional Planning Agency

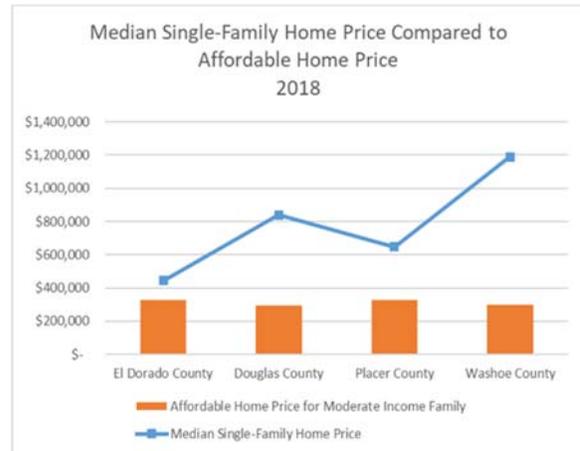
Everyone

Using the app, boaters can now see where their boat is operating in relation to no wake zones. It also highlights dozens of interest points around the lake, including locations of marinas, public piers, boat ramps, and public restrooms. The new Tahoe Boating app also includes safe boating information and clean boating tips.

### TRPA Partners on South Shore Housing Needs Assessment

As the Region begins to consider policy solutions to help ease the housing crisis, a key baseline data study has been launched – what is the actual shortage of homes on the south shore? The Tahoe Prosperity Center, with funding support from south shore entities

including TRPA, is taking the lead on producing a South Shore Housing Needs Assessment and Action Plan. The needs assessment and action plan will quantify the number of homes needed in different income categories for south shore’s residents and workforce and will lay out a set of implementation strategies that will be most effective to close the workforce and resident housing gap for the Tahoe Region. TRPA, along with many other regional partners, is an active member of the needs assessment advisory group and is looking forward to the completed product, due by early 2020. The Tahoe-Truckee Community Foundation completed a similar needs assessment for the north shore and Truckee Region in August 2016.



Source: U.S. Department of Housing and Urban Development, County Multiple Listing Services.

### Executing the Plug-In Electric Vehicle Plan

***Mono County Local Transportation Committee:*** TRPA staff presented on the Tahoe-Truckee Plug-In Electric Vehicle Readiness Plan to the Mono County Local Transportation Committee. Mono County, CA is embarking on its own readiness plan and looked to Tahoe as a case study for a successful readiness plan. Deployment of electric vehicle infrastructure in Mono County provides a critical link between California and Nevada’s charging networks that will eventually connect Lake Tahoe to Mono County via U.S. Route 395.

***Deploying Charging Infrastructure:*** TRPA staff completed three site visits and pre-project consultations for new electric vehicle charging stations inside the Tahoe Basin. These consultations allow project proponents to plan infrastructure installations and to better understand permitting requirements up front. Site visits included Carnelian Bay, the Crossings at the Y, and the Stateline area of the south shore. Playing an active role in the deployment of charging infrastructure helps implement the Tahoe-Truckee Plug-In Electric Vehicle Readiness Plan and reduces greenhouse gas emissions from vehicles.

### Development Rights Implementation Activities

***New Webpages:*** During the quarter, TRPA launched new development rights and area plan webpages to provide a user-friendly guide explaining the recently amended development rights program. The guide includes how to acquire development rights, options for conversions and transfers of development rights, and summaries of development incentives and bonus units. The new area plan website provides a guide for the public and agency partners to learn more about local governments’ adopted area plans including the relationship to the regional

plan, how local area plans are developed and used, and resources for developing or amending an area plan.

These websites can be found at <http://www.trpa.org/permitting/development-rights/> and <http://www.trpa.org/regional-plan/area-plans/>.

***Training on Development Rights Program:*** During the second quarter of 2019 TRPA staff presented training for local partners and real estate groups covering the newly amended development rights program and transfer incentives to further the goals of the Regional Plan. Training is critical to educating relevant stakeholder's about recent changes made to the development rights system and promotes the use of new incentive programs for local housing projects.

## ONGOING INITIATIVES AND ANNUAL ACTIVITIES

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### LONG RANGE & TRANSPORTATION PLANNING DIVISION

#### Sharing the Tahoe Story

TRPA has long been a leader in promoting environmental conservation at Lake Tahoe. TRPA staff was invited to share our story and experience with others around the country to help them implement more environmentally friendly practices in their communities. This quarter, TRPA sponsored a tour of Lake Tahoe for the Innovation Alliance's, Transforming Local Government Conference. The conference, held in Reno for the first time, hosted 600 attendees from the United States and Canada. John Hester and Devin Middlebrook led a tour of Lake Tahoe for nearly 60 visitors who learned about the TRPA, the Tahoe Environmental Research Center, Sand Harbor, Kings Beach redevelopment, California State Parks improvement plans, and about the work of the Mountain Housing Council. The group also gained insight about the workings of the Truckee River Basin that stretches from Lake Tahoe to Pyramid Lake in Washoe County.

In April, TRPA staffer Devin Middlebrook presented Tahoe's story at a conference in Bozeman, Montana entitled, Sustaining the New West II: Bold Visions, Inspiring Actions. The conference, hosted by Future West, brought together experts from the west to begin tackling the issues of booming population growth, sustainable recreation, and landscape conservation.

In 2019, the American Planning Association celebrated the 50th anniversary of "transfer of development rights programs." TRPA Senior Planner, Jennifer Self, highlighted the Tahoe Region's transfer of development rights system during a panel discussion in April 2019 at the American Planning Association's national conference in San Francisco, California. The panel also highlighted the City of Mountain View, California's property rights transfer program, as well as lessons learned from other planning professionals.

TRPA was also featured in the "State of Sustainability and Climate Planning in Northern Nevada and California" conference held in Reno, Nevada. Devin Middlebrook participated

in a panel discussion focused on climate actions in Northern Nevada, and the need for more action on climate issues facing the region.

## **Sustainable Recreation**

***Science Council Work Kick Off:*** The Sustainable Recreation Working Group kicked-off a \$175,000 work program with the Tahoe Science Advisory Council to develop new metrics and shared monitoring protocols for recreation in the Tahoe Region. The deliverables from this project will lead to a consistent set of metrics to better measure public access, quality recreation experience, and natural resource conditions leading to an update of the Region's recreation thresholds and performance measures.

***Tahoe Chamber Annual Tourism Forum:*** TRPA staff presented on sustainable recreation at the annual Tourism Forum hosted by the Tahoe Chamber in South Lake Tahoe, California. The theme for this year's forum was "responsible tourism" and featured multiple speakers and presentations about how to create a more sustainable tourism industry in Tahoe.

## **CURRENT PLANNING DIVISION**

### **Residential Allocations Distributed**

In April, the TRPA Governing Board approved the distribution of another 236 residential allocations to local jurisdictions. An "allocation" is a "ticket to build," but the applicant must combine it with a potential residential unit of use and sufficient land coverage before construction can be authorized. Residential allocations are considered for distribution to local and county governments every two years. The Regional Plan identifies the potential total number of allocations that can be released every four years by the Tahoe Regional Planning Agency (TRPA). Distribution to the local jurisdictions is based on a performance review system which considers whether the local jurisdiction has met specified Code criteria: review of issued residential permits, code compliance audits, and water quality compliance as measured by Total Maximum Daily Load (TMDL) targets.

In connection with this year's release of residential building allocations, the Governing Board endorsed a code amendment to make neighborhood compatibility of short-term rentals an additional criterion of the performance review system. The TRPA Local Government and Housing Committee convened a stakeholder work group, including neighborhood, business, environmental, agency, and other interests, to identify short term rental neighborhood compatibility approaches for consideration and adoption. The stakeholders met in June, approving the Draft Short-Term Rental Neighborhood Compatibility Work Program, and will provide input on a proposed Code amendment to address the short-term rental and neighborhood compatibility issue by the end of the year.

### **Permit Application Review**

The number of permit applications received this quarter is down compared to the same quarter last year.

Summary of TRPA Project Applications Received Quarter 2 2018 through Quarter 2 2019					
	Q2 CY2018	Q3 CY2018	Q4 CY2018	Q1 CY2019	Q2 CY2019
<b>Applications Received<sup>1</sup></b>	<b>278</b>	<b>293</b>	<b>174</b>	<b>161</b>	<b>230</b>
Residential Projects <sup>2</sup>	83	63	33	57	57
Commercial Projects <sup>2</sup>	5	7	2	5	6
Recreation/Public Service Projects <sup>2</sup>	11	9	5	10	12
Environmental Improvement Construction Projects	5	2	2	2	4
Shorezone/Lakezone Projects <sup>2</sup>	22	4	2	6	9
Grading Projects	12	14	6	3	10
Verifications and Banking <sup>3</sup>	94	145	96	52	99
Transfers of Development	14	14	9	6	10
Other <sup>4</sup>	32	35	19	20	23
<b>Notes:</b>					
1 Does not include Exempt projects, Qualified Exempt declarations, Tree Removal applications, Administrative applications, or mooring permitting and registration submittals, or preliminary pier lottery applications.					
2 Includes New Development and Additions/Modification					
3 Includes Soils/Hydrology Verifications, IPES, Land Capability Verifications, Land Capability Challenges, Verifications of Coverage, Verifications of Uses, Site Assessments and Standalone Banking Applications					
4 'Other' includes Historic determinations, Lot Line Adjustments, Temporary projects, Scenic, Underground Tank Removal, Subdivision of Existing Uses, Sign, Allocation Assignments, and other miscellaneous project types					
<u>Source:</u> TRPA Accela Permit Records					

### Hearings Officer Meetings

The Hearings Officer approved 11 project applications this quarter:

- Installation of three Liberty Utilities transformer pads at the Heavenly Mobile Home Park.
- A joint utility conversion project for Liberty Utilities and Southwest Gas at the Tahoe Verde Mobile Home Park in South Lake Tahoe, CA.
- Undergrounding of utilities in the Douglas County, NV right-of-way, to replace overhead power, phone, and cable lines.
- Installation of three cellular antennas on top of an existing commercial building on State Route 28 Incline Village, NV.
- Installation of telecommunications equipment on the North Tahoe Fire District building rooftop in Kings Beach, CA.
- Demolition and reconstruction of a lakefront single family dwelling in Placer County, CA.
- A shoreline protective structure to stabilize the shoreline in front of a residence in Dollar Point, CA to prevent further shoreline erosion.
- A shoreline protective structure to stabilize the shoreline that has experienced significant erosion due to wave action within the City of South Lake Tahoe, CA.

- The extension of two existing fences to the highwater line of Lake Tahoe in Douglas County, NV.
- A land capability challenge.
- An addition to an existing commercial property in Kings Beach, California.

## ENVIRONMENTAL IMPROVEMENT PROGRAM DIVISION



### Tahoe Interagency Executives Steering Committee

The TIE Steering Committee finalized the Lake Tahoe Restoration Act project priority list for the fiscal year 2020 this quarter. The list requests \$78.3 million in federal funding for EIP projects. The U.S. Forest Service submitted the request in April.

### Mitigation Fund Releases

During the second quarter of 2019, the TRPA Governing Board, upon recommendation from the TRPA Operations & Governance Committee, approved the release of \$135,000 in mitigation funds to local jurisdictions. These releases included:

- \$50,000 in water quality mitigation funds to Placer County to address stormwater quality along Brockway Vista Avenue.
- \$20,000 in Placer County in operations and maintenance funds for maintenance of west shore stormwater treatment facilities.
- \$65,000 in El Dorado County stream environment zone mitigation funds for the Country Club Heights Stormwater Management/Erosion Control Project.

### Environmental Improvement Program Project Implementation

A number of important EIP projects started or continued construction during this quarter:

***Stateline to Stateline Bike Trail, Incline Village to Sand Harbor:*** This three-mile long bike and pedestrian path officially opened to the public at the end of June. The path provides both stunning views for public enjoyment along Lake Tahoe's shoreline and a link between Incline Village and Sand Harbor. Its completion marks one of the most difficult segments to construct in a planned trail circling Lake Tahoe.

***Highway 50 Y to Trout Creek Water Quality Improvement Project:*** Caltrans began construction on the final phase of this multi-year project within the City of South Lake Tahoe. The project improves safety by adding sidewalks and bike lanes, and includes storm drainage improvements.

***Meyers Highway 50/Stateline Route 89 Intersection Improvements:*** Construction on this project started to replace the existing "T" intersection in Meyers with a roundabout. The roundabout will improve safety and walkability in the Meyers area.

***Sierra Boulevard Complete Streets Project:*** The City of South Lake Tahoe is constructing this project which will bring a complete streets design to Sierra

Boulevard. The project will provide better opportunities for nonmotorized transportation with the addition of bike lanes, a shared use (bike and pedestrian) path, additional landscaping, along with water quality improvements.

## Stormwater Management Program

***Best Management Practices (BMP) Certificates Issued:*** TRPA issues best management practices (BMP) certificates to recognize parcel compliance with stormwater management requirements set out in TRPA's Code of Ordinances. The Stormwater Management Program at TRPA targets priority properties for BMP compliance in coordination with local jurisdictions to achieve required pollutant load reductions. Focusing BMP compliance on commercial and large multifamily properties (six or more units) has been shown by the Total Maximum Daily Load (TMDL) to have a more significant impact in reducing sediment load as compared to those of single-family residential properties. This quarter, TRPA issued 25 BMP certificates: 17 for single family residential parcels, four for multi-family parcels, and four for commercial parcels.

***Noncompliance letters:*** During the second quarter of 2019, TRPA issued notice of failure to install and maintain BMPs letters to the owners of 31 noncompliant parcels.

***Lake-Friendly Businesses:*** At the end of June, 115 businesses were members of the Lake-Friendly Business Program, up from 95 businesses at the same time last year. This incentive program recognizes local businesses that complete and maintain BMPs by publicly acknowledging them as good stewards of the lake through print advertisements and social media campaigns.

***Areawide water quality treatment:*** TRPA presented to the parcel BMP working group the findings and recommendations from an areawide treatment analysis. The review evaluated infiltration site constraints at a neighborhood level instead of a parcel-level scale. The report recommended establishing areawide treatment at 17 locations throughout the Basin, 15 of which already have partial stormwater treatment in place.

***Education and outreach:*** TRPA participated in two shoreline training sessions this quarter for lakefront property owners, providing parcel owners with information specific to BMPs for shoreline properties which will be required as a part of registration and permitting for moorings.

## Aquatic Invasive Species Program

### ***Prevention***

- The lakewide boat inspection program began its eleventh season. Inspections started again at the four off-ramp locations in May. So far this season, watercraft inspectors stopped 18 vessels containing invasive species, including one instance of quagga mussels.

- The new state-of-the-art decontamination unit purchased in 2018, is now up and running at the Truckee inspection station.

**Control**

- Planning for further testing of ultraviolet light for control of aquatic plants began this quarter. This second round of testing will occur at Lakeside Beach and Marina to gain further information on the feasibility of scaling up ultraviolet light treatment technology to large acreage.
- Control work for aquatic invasive plants is being implemented this summer at Elk Point Marina, the Truckee River, and the southeast shoreline of Lake Tahoe in Nevada. Treatment for invasive clams will continue this summer at Sand Harbor.

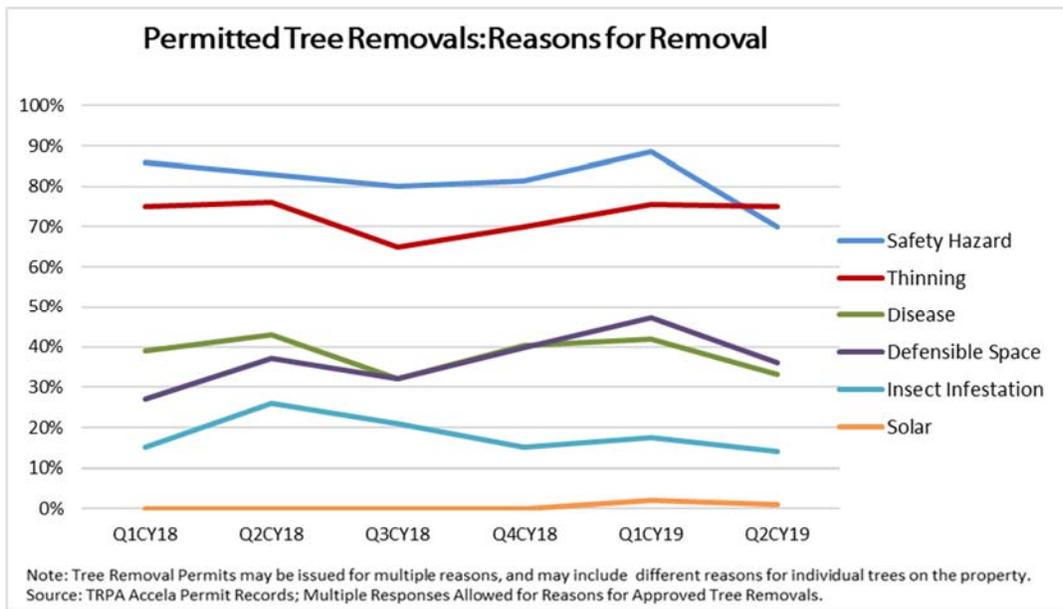
**Monitoring**

- Monitoring during the quarter detected AIS plants in several shoreline locations. Discovery of invasive plants was detected along the south shore in California and on the southeast shore on the Nevada side of Lake Tahoe. This survey information led to the Tahoe Resource Conservation District successfully obtaining grant money to remove these small infestations of invasive plants before they spread. Funding came from the California Tahoe Conservancy and the Nevada Division of State Lands.

**Urban Forestry/Tree Removal Permits on Private Property**

TRPA’s Forester is part of the network of forestry and fire professionals who help private landowners keep their property safe and defensible from wildfire. The Forester provides expertise in tree risk assessment and serves Tahoe’s private property owners with thorough tree evaluations. In the second quarter of 2019, TRPA received 340 tree removal applications. Trees removed due to thinning is now the primary reason for marking trees for removal with safety hazard close behind.

Summary of TRPA Tree Removal Applications & Permitting Activity Quarter 2 2018 through Quarter 2 2019					
	Q2 CY2018	Q3 CY2018	Q4 CY2018	Q1 CY2019	Q2 CY2019
Tree Removal Applications Received	<b>217</b>	<b>334</b>	<b>182</b>	<b>42</b>	<b>340</b>
Number of Trees Permitted for Removal	1,431	1,155	812	184	1,358
Percent Applications Submitted Online	69%	73%	75%	60%	77%
<u>Source:</u> TRPA Accela Permit Records					



### Tree Service Workshop

In May of this quarter, TRPA held a tree service workshop for property owners as well as tree service companies. The free seminar included an overview of TRPA’s tree removal rules, guidance on how to use TRPA’s online tree removal application tool, and a presentation on creating defensible space. Notably, the percentage of tree removal permits processed online has steadily increased, streamlining this important service for landowners.

## RESEARCH & ANALYSIS DIVISION

### Parcel Tracker Updates

The Lake Tahoe Info Parcel Tracker (<https://parcels.laketahoeinfo.org/>) is the best source of detailed public information about parcels in the Lake Tahoe Basin. Information on almost 400 parcels was brought up to date in the tracker during the quarter.



TRPA responded to 125 unique requests for help through the Parcel Tracker. Property owners, real estate agents, and local government partners requested updated permitting information on parcels. The number of help requests submitted through the Parcel Tracker is up partly due knowledge of the site’s property information becoming more widespread and because of increased use of the new mooring registration portal on the Parcel Tracker.

### New Navigation System

Research and Analysis geographic information systems staff created a new and improved navigation system for use on TRPA’s boats. The new system replaces outdated technology by deploying high accuracy GPS receivers, along with newly created bathymetric mapping layers, giving the TRPA boat crew unprecedented navigation information. Mobile devices on TRPA boats can easily display this information. Updating the old system would have cost thousands of dollars compared to the minimal cost of a few new mobile devices along with staff time to complete most of the work.

## EXECUTIVE

The annual TRPA Governing Board retreat occurred in May and was held in the Guinn room inside the Nevada State Capitol Building, evoking the transition for the two states to new Governors' administrations. Following Carson City Mayor Bob Crowell's welcome, both Governor Sisolak and Lieutenant Governor Kate Marshall made brief opening remarks about the importance of Tahoe and its protection. The Governing Board and TRPA executive staff reviewed and discussed top priority initiatives in transportation, recreation, and sustainable communities throughout the day-long retreat. Governing Board members also toured Carson City's revitalized downtown area as an example of what's possible for Tahoe from the U.S. Highway 50 South Shore Community Revitalization Project. The Carson City revitalization project occurred by rerouting U.S. Highway 395 around the downtown core to create a business, visitor, and pedestrian friendly main street around the state capitol grounds.

## EXTERNAL AFFAIRS

TRPA supports a culture committed to public education, outreach, and community engagement to implement the Tahoe Regional Plan. The external affairs team leads public engagement initiatives in collaboration with a wide variety of agency and nonprofit stakeholders. This quarter, TRPA continued ongoing education and outreach in the Lake Tahoe Region to raise awareness about Lake Tahoe's issues and improve public understanding of TRPA's role and the EIP multi-sector collaborative partnership.

### Legislative Affairs

The EIP partnership held a pre-summit educational workshop for U.S. Senate and House staffers, as well as California and Nevada officials, ahead of the upcoming Lake Tahoe Summit in August. TRPA and partner agency representatives briefed nearly 20 attendees on forest health and management initiatives, science, sustainable communities and recreation work, and aquatic invasive species programs. Staffers toured the Heavenly Village and U.S. Highway 50 project area, Ski Run Marina, and Van Sickle Bi-State Park. At the park, attendees saw firsthand an active forest fuels removal operation underway by Nevada Division of Forestry crews. Including partner agency representatives, nearly 50 people participated in the briefing which served to educate new state and federal staff on Tahoe's most current and pressing issues ahead of the Tahoe Summit on August 20.

### Public Outreach

The outreach campaign is underway to educate the public on new Lake Tahoe shoreline rules and regulations including no-wake zones and mooring registration. Completed tactics include an updated website, fact sheets, rack cards, stickers, signage, press releases, a newspaper opinion piece, TV interviews and 30 second spots, and Tahoe In Depth articles.

The External Affairs team supported the development and launch of the Tahoe Boating app to inform boaters on where they are within the no-wake zones as well as points of interest, weather, and safety tips. All outreach materials were distributed around the lake before the fourth of July holiday.



Other outreach included supporting the public open houses on the U.S. Highway 50 Main Street Management Plan, and public meetings on proposed test methods for fighting weeds in the Tahoe Keys lagoons.

The team invested in a new full-frame mirrorless Nikon camera, which enables staff to better tell the story of the TRPA and enhance messaging for the agency. The 24 mega pixel camera is also capable of shooting 4k high-definition video and will allow the agency to produce a range of videos for the website and social media.



Cover of the summer 2019 edition of Tahoe In Depth.

### Tahoe In Depth

TRPA and its partners published the summer 2019 issue of Tahoe In Depth. This issue's cover story features the "Impossible Trail." The Tahoe East Shore multi-use trail is now open to the public and runs for three miles between Incline Village and Sand Harbor.

### Aquatic Invasive Species Outreach

TRPA continues to educate boaters on the Clean, Drain, and Dry messaging by using billboards, rack cards, advertising, social media, and TV spots. A public service announcement created by TRPA and produced by Novus Select tells the important story of keeping invasive species out of Lake Tahoe. The campaign is working – boaters are arriving aware of the program and are supportive of boat inspections.



### Take Care Tahoe

Just under 2,000 users visited the updated Take Care website (<https://takecaretahoe.org/>) in June 2019, the second most for a month in the website's history. Partners in the campaign, including TRPA staff, were also featured as keynote speakers during the 2019 Tahoe Chamber

Tourism Forum, which highlighted responsible tourism. The Take Care program garnered considerable exposure with south shore lodging properties at the Chamber forum. The partnership is distributing 40,000 rack cards throughout the Tahoe Basin this year to gain more awareness and participation in the Take Care program.

### Environmental Education

Staff member Adam Jensen spoke to more than two dozen participants in the Mandela Washington Fellowship for Young African Leaders about successful redevelopment and environmental policy. A flagship program of the Young African Leaders Initiative, the fellowship empowers young leaders from Sub-Saharan Africa through academic coursework, leadership training, and networking opportunities.

External Affairs staff conducted two weeks of educational programs for South Shore elementary schools, reaching hundreds of students with Next Generation Science Standards curriculum highlighting the importance of water quality and environmental protection at Lake Tahoe.

### Social Media Outreach

Posts on TRPA’s Facebook page between April 1 and June 30 reached nearly 20,000 users and generated more than 1,500 likes, shares, comments, or clicks. An April 8 post announcing mooring permitting reached more than 6,700 people and was clicked more than 700 times.



*April 8 post on TRPA’s Facebook page announcing mooring permitting.*

## FINANCE, INFORMATION TECHNOLOGY, & FACILITIES

### Finance Update

California and Nevada completed their budget processes, finalizing their contributions to TRPA for the 2019/2020 fiscal year. California is providing a total of \$5 million, with Nevada contributing \$2.3 million. The agency obtained added funds to provide for the same annual salary increases that California and Nevada are giving their employees. Also approved for TRPA is an allocation of funds for the 2019 Threshold Evaluation Report, as well as funding to reduce the substantial gap between the employer contribution under TRPA’s retirement plan and the retirement benefits offered by both states to its employees.

TRPA’s Governing Board approved the fiscal year 2019/20 budget at its June 26 meeting. Budget priorities for the coming year include the continued implementation of the shoreline plan, development rights initiatives, and the U.S. 50 South Shore Community Revitalization Project.

Third quarter grant billings are complete, and the fiscal year closed June 30. TRPA's external auditor has completed its preliminary field work for the agency's fiscal year 2018/2019 independent financial audit.

### **Facilities/Information Technology Update**

Tahoe Epic Curling, a tenant in the TRPA building, has completed the first phase buildout and submitted plans for phase two. The General Services Administration extended its lease for a portion of the second floor. All other tenants have extended their leases. The building is fully leased out at this point.

## **HUMAN RESOURCES**

The agency welcomed several new hires (see new employees' section below) and welcomed back seasonal staff during the quarter. Matt Miller with the Code Compliance team transitioned to a new role in shoreline permitting in support of the shoreline initiative.

Christina Restaino left her position as the forest and ecosystem health program manager. Hiring of a new program manager is complete, and that person will be starting in August.

Last year's watercraft team (Ted Truscott, Kris Morehead, and Jeff Miller) rejoined TRPA along with additional watercraft team members Cory Talbot and Brenden Phillips. This year's larger watercraft team will have expanded responsibilities this summer due to the new shoreline regulations.

Three of five summer interns also joined the Agency during the past quarter: Allison Kerley in Research and Analysis, Emma Gregory in Environmental Improvement and Communications, and Matthew DeSimone in Finance. Two more interns will start in July. Helping to find these great interns, TRPA staff attended the Cal Poly San Luis Obispo intern career fair in April.

There were several employee learning and development events in the second quarter. Alison Gaulden of the University of Nevada Reno Reynolds School of Journalism returned for a "Writing for Results" refresher workshop; University of Nevada Reno Extended Studies delivered a custom workshop on "Government and Public Finance"; and managers attended a workshop on harassment prevention which addressed federal and Nevada law and employer/manager responsibilities.

### **New TRPA Staff**

#### ***Chris Larson, External Affairs***

Chris Larson joined TRPA's External Affairs team at the end of March in the role of Public Information Officer. Larson previously worked at WBTV, the CBS affiliate in Charlotte, North Carolina, where he was midday meteorologist and hosted the talk show "Morning Break" during the stations 9 to 10 a.m. hour. He graduated from Appalachian State University and Mississippi State University and has degrees in communications and broadcast meteorology. He holds the Seal of Approval from the American Meteorological Society.

***Rachel Lopez, Code Compliance***

Rachel Lopez joined TRPA in May as an environmental specialist in the Code Compliance program. She previously worked at Placer County in the Tahoe office where she served as a planning technician implementing TRPA's ordinances and guidelines through the current memorandum of understanding with Placer County. Rachel has a Bachelor of Arts in environmental studies from the University of California, Santa Cruz.

