

# Regional Plan Update FactSheet #3:

## Land Use

### ***INTRODUCTION***

To update the Tahoe Regional Planning Agency's Regional Plan, staff has prepared a schedule of **Milestones**. Each Milestone deals with a part of the Plan, and each is preceded by a Stakeholder Process to vet the proposed policy alternatives with Agency partners and constituents.

Each Milestone will be accompanied by a **FactSheet**. A FactSheet is a summary of the Stakeholder Process. For policymakers, it provides a decision framework. It outlines the major issues identified by staff and stakeholders; it is how each Milestone's policy discussions will be memorialized.

Each FactSheet will go into a binder called the **FactBook**. The FactBook will serve as the seminal piece of background material in defining the policy direction of the Plan. FactSheet #1 included a compact disk containing:

- The **Project Description (PD)**, which summarize (in narrative form) the four alternatives to be analyzed with the Environmental Impact Statement (EIS) for the Regional Plan Update (RPU).
- The "**Matrix**" containing all of the Goals, Policies, and Implementation Measures in the four alternatives.

This CD was meant for general reference and can be kept with the FactBook. For the most recently updated versions of the PD and Matrix, go to <http://www.trpa.org> and click on "Regional Plan."

This FactSheet is the third in the series. It focuses on the policy issues surrounding Land Use. The Elements and Subelements of the Regional Plan that this FactSheet deals with are, namely, **Land Use, Housing, Air Quality, Community Design, Scenic, Public Services and Facilities, Institutional Partnerships, and Performance Review and Implementation Scheduling.**

Only one of the above Subelements, Air Quality, contains Environmental Threshold Carrying Capacities, or "Thresholds," which are environmental quality standards for the Tahoe Region. Nine Threshold categories were created pursuant to the Bi-State Compact that gave birth to TRPA. They are:

- Water Quality
- Air Quality
- Scenic Resources
- Soil Conservation
- Fisheries
- Vegetation
- Wildlife
- Noise
- Recreation

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## ***PURPOSE OF THIS FACTSHEET***

The purpose of the FactSheet is to outline why TRPA plans and regulates for Land Use, Air Quality, and the topics in the Elements and Subelements mentioned above. It also discusses the staff-proposed alternative as a better future for Tahoe than either the current Plan or the other action alternatives to be analyzed with the EIS.

In analyzing the major issues, the FactSheet includes the staff recommendation, stakeholder reaction, the policy pros and cons associated with staff and stakeholder interests, and new ideas and best practices. These are the key areas that need to be understood by policymakers in order to make informed decisions. **Staff's proposed course of action for each major issue, which takes stakeholder interests into account, is denoted by *italicized text*.**

At the end of the analysis section, there is a page or pages on which each major issue is listed along with staff's proposed resolution of the issue. Below the summary are a few blank lines for the reader's own thoughts on the matter. You are invited to use these lines for note-taking and memorializing your thoughts, thus personalizing your own FactSheet.

Besides providing background and recommendations on all of the major issues, the FactSheet will also include:

- **"Stakeholder Comments and TRPA Responses"** (these are based on the most salient issues brought up at the stakeholder meetings)
- stakeholder written comment letters
- a list of stakeholder meetings, meeting dates, and participants

When reading about the issues brought up at the stakeholder meetings (see the Appendix), pay careful attention to the "TRPA Responses" that are in *italicized text*. These represent changes to the PD and Matrix that staff is proposing based on stakeholder comments and concerns. All of the comments that elicited a proposed change are grouped at the top of each meeting's notes to simplify the reader's task of reviewing.

These notes, lists, and documents will memorialize the stakeholder process and provide evidence of the background materials that influenced staff's proposals.

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## **Land Use**

### ***WHY DOES TRPA PLAN AND REGULATE FOR LAND USE?***

Article V(c)(1) of the Tahoe Regional Planning Compact calls for a “land use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the Region, including but not limited to indication or allocation of maximum densities and permitted uses.”

The Land Use Element of the Regional Plan sets forth the major tenets of land use planning in Tahoe under TRPA, including the maintenance of the environmental, social, physical, and economic well-being of the region; growth management; redirection of development to the most suitable locations; and coordination with local, state, and federal partners.

The Compact mandates that TRPA develop a Regional Plan that establishes a balance or equilibrium between the natural and man-made environments. Thresholds were developed and adopted that define the capacity of the natural environment and set specific environmental performance standards related to land use. The Thresholds, however, do not define the maximum population, density, permitted uses, design standards and other land use criteria in the region. This is the function of the Land Use Element of the Regional Plan.

### ***WHY IS ALTERNATIVE 2 THE STAFF-PROPOSED ALTERNATIVE?***

The 1987 Regional Plan focused on growth control and taking a stand against the practices of the time that degraded the environment and the Lake. Today, growth control and best environmental practices are the accepted rule.

The Governing Board in recent years has given staff consistent direction: continue to strengthen TRPA’s environmental stand and increase efforts to generate tangible environmental improvements through redevelopment of the aging built environment. By replacing the bad development of the past, good projects create environmental gain and better social and built environments.

Under Alternative 2, the Goals and Policies of the 1987 Regional Plan would be amended to embrace new land use concepts which stem from the recommendations of the Pathway planning process. Pathway solicited the opinions of 2,500 people from both in and out of the region.

Alternative 2 focuses on removing obstacles to good projects, strengthening incentives to transfer existing development, and transforming the Code of Ordinances to make it more robust and easier to navigate. It also has specific focuses, such as promoting pedestrian- and transit-oriented development (PTOD) communities, implementing a transect planning system, and expanding the reach of mixed-use development – especially in Community Plan (CP) areas.

TRPA has embraced a new theme called “environmental redevelopment.” The private sector, which owns most of the aging built environment, must be willing to initiate redevelopment projects that create environmental gain. TRPA, for its part, must streamline the entitlement process and develop incentives that result in socioeconomic conditions that can deliver environmental gain. Alternative 2, with its focus on creating public/private partnerships, embodies this theme.

All of these focuses are woven together throughout Alternative 2. Their goal is to shift the existing, automobile-centric development pattern (which segregates the places people live, work, and play) toward more walkable, livable, sustainable communities. Alternative 2 would establish the framework in which communities become vibrant and Threshold attainment accelerates. Its land use pattern would promote water quality gains and protect the famed clarity of Lake Tahoe. Among the alternatives to be studied with the EIS, it best reflects the Compact-mandated balancing of environmental, social, and economic goals.

### ***WHICH MAJOR STAKEHOLDER ISSUES RESULTED IN STAFF PROPOSING CHANGES TO THE PLAN ALTERNATIVES?***

***LU Issue #1: Should TRPA develop additional measures to facilitate land bank programs?*** Through dialogue with stakeholders, staff has become aware of certain Code restrictions that are having negative effects on land restoration efforts. The Code requires that coverage transfers and the use of in-lieu mitigation fees for excess land coverage<sup>1</sup> take place within Hydrologically Related Area (HRA) boundaries. There are nine HRAs in Tahoe; each one represents a collection of watersheds.

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<sup>1</sup> TRPA uses a land capability system to limit land coverage for the purpose of retaining soils' health, capacity to infiltrate surface water, and ability to support vegetation. The system ranks land into seven main classes, with the lowest capability area allowed a one percent coverage coefficient and the highest allowed 30 percent. Past development has resulted in some areas of the Basin containing more land coverage than is allowed by Code. Parcels that exceed the applicable coefficient are considered to have excess coverage.

Removing excess coverage or mitigating its impacts is a high priority. Mitigation is required for projects proposed on existing developed parcels with excess coverage. Applicants may choose to reduce coverage on site, reduce coverage off site, or pay an in-lieu fee. These fees are collected by TRPA and used by state land banks to remove coverage and restore land.

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The land banks<sup>2</sup> have commented that the Hydrologically Related Area Transfer Limitation<sup>3</sup>, as it is called in Code, serves to “exacerbate certain coverage inventory problems and hinder the operation and effectiveness of the [coverage restoration] Program.”<sup>4</sup>

Because of changing market conditions and an insufficient supply of coverage in some HRAs, land banks’ ability to spend the mitigation fees they collect is compromised. The difficulty of finding coverage in some HRAs has left the California Tahoe Conservancy (CTC), for example, sitting on over 1.7 million dollars and an unfulfilled obligation to restore 211,200 square feet of coverage.

The land banks and TRPA are partners in achieving the Stream Environment Zones (SEZ) Threshold<sup>5</sup>. During the stakeholder process, staff and the land banks developed potential solutions to assist in achieving our mutual goals. The solutions that were developed are described in the following three Sub-Issues:

***Sub-Issue 1A) Should TRPA change the way the Excess Land Coverage Mitigation Program (ELCMP) operates?*** TRPA is already proposing to change the ELCMP in the plan alternatives. Based on stakeholder input, *staff proposes to amend the language in the PD and add a new Implementation Measure to the Matrix to state “excess land coverage mitigation program regulations would be revised to substantially restrict access to the in-lieu mitigation fee option. Large projects would only be ~~Only projects with relatively small amounts of excess land coverage would be eligible to pay in-lieu fees a fee in lieu of removing excess land coverage on- or off-site after demonstrating that all present opportunities for removing excess land coverage on- or off-site have been exhausted. The use of in-lieu mitigation fees to remove coverage from sensitive lands should be allowed across Hydrologically Related Area boundaries.~~”*

Here’s why:

The impact of the Alternative 2 proposal<sup>6</sup> is to force large development projects to actually reduce coverage, while still allowing for small projects to

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<sup>2</sup> The California Tahoe Conservancy and the Nevada Division of State Lands are the TRPA-designated land bank agencies. They act as clearinghouses for land coverage transfers and manage the retirement of land coverage. Private transactions also occur across the region.

<sup>3</sup> *TRPA Code of Ordinances*, Subparagraph 20.3.C(5)

<sup>4</sup> California Tahoe Conservancy, *Annual Authorization of Land Bank Activities, and Allocations of Coverage and Other Marketable Rights*, May 20, 2010.

<sup>5</sup> *TRPA Goals and Policies*, Attachment C – Resolution No. 82-11: “Preserve existing naturally functioning SEZ lands in their natural hydrologic condition, restore all disturbed SEZ lands in undeveloped, unsubdivided lands, and restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided, to attain a 5 percent total increase in the area of naturally functioning SEZ lands.”

<sup>6</sup> TRPA, *Draft Descriptions of Project Alternatives for the Proposed Regional Plan Update’s EIS* p.48

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proceed through payment of in-lieu fees. Staff has intentionally not defined “large” and “small;” it is the purpose of this FactSheet to help the Board provide policy direction, not to write specific Code provisions. If the Board supports the concept of restricting access to the in-lieu fee option, staff will collaborate with stakeholders to define what “large” and “small” mean. At the second Land Use Milestone, staff will present those definitions to the Board.

Smaller projects – which are usually located on single parcels and have limited resources or on-site opportunities to reduce coverage – often need the in-lieu option. For example, the average person wanting to install a 200-square foot deck may have significant difficulty finding such a small amount of coverage to restore in order to mitigate their project. Staff believes a person in this situation should be able to buy small amounts of excess coverage from land banks, which will amass money and make larger, more strategic purchases for restoration.

Larger redevelopment projects – which are often comprised of multiple parcels that contain unnecessary excess coverage – should be able to mitigate their impacts through physical restoration of coverage. These projects can either reconfigure their own sites or purchase and retire off-site coverage. One way or the other, large projects have an opportunity to strategically reduce the amount of land that is covered in the region.

Staff believes that allowing in-lieu fees to be used for land restoration across HRA boundaries – provided that the fees are used to restore sensitive lands – will have positive effects on Threshold attainment and the land banks’ ability to perform their restoration function.

**Pros of TRPA Staff Position:** Small projects would retain access to the in-lieu fee program, while large projects would, in most cases, have to physically reduce excess coverage (either on- or off-site), which is a goal of environmental redevelopment. Land banks would gain flexibility to spend their limited resources with a focus on reducing coverage on sensitive lands.

**Cons of TRPA Staff Position:** Limiting the in-lieu fee option may have a chilling effect on large redevelopment projects and result in the land banks having less money to remove coverage in the Basin.

***Sub-Issue 1B) Should TRPA expand the Alternative 2 proposal to allow soft coverage to be transferred to Community Plans?*** In the staff-proposed alternative, Implementation Measure LU.IMP-18 states, “Amend Chapter 20, Coverage, to allow soft coverage to be transferred for commercial, tourist accommodation, and mixed-use facilities located within adopted community plans when transferred from sensitive lands (land capability districts 1-3).” A stakeholder (CTC staff) recommended that this

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Implementation Measure be expanded to allow soft coverage to be transferred from all land capability districts, not just from sensitive lands; there would be weighting factors to make transfers from sensitive lands worth more than transfers from higher capability lands. However, *staff does not propose to expand the proposal to allow soft coverage to be transferred to Community Plans from all land capability districts.*

Here's why:

The purpose of the staff-proposed measure, as it stands, is to achieve accelerated restoration of lower capability lands. It would focus coverage reduction on the areas where it is needed the most and direct transfers of coverage to areas that are best suited to handle it.

Today, Code Subsection 20.3.C permits soft coverage<sup>7</sup> to be transferred from sensitive lands into CPs and converted into hard coverage – but not to support Commercial and Tourist Accommodation uses<sup>8</sup>. The proposed measure would allow transfers for these currently prohibited uses.

As of 2006, approximately 379 acres of SEZ restoration had occurred within the urban boundary, representing about 36% of Threshold target acreage<sup>9</sup>. To reach attainment will require the restoration of 721 additional acres of disturbed, developed, or subdivided SEZ. Given the average of 15 acres of restoration per year over the last 25 years – and those acres may have been the “low-hanging fruit” – staff asserts that new incentives to transfer development out of sensitive lands are needed.

**Pros of TRPA Staff Position:** The new policy direction would result in opportunities for restoring sensitive lands. Watershed science has shown that soft coverage on sensitive lands, because of erosion, may have greater

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<sup>7</sup> “Soft land coverage” (also referred to as “soft coverage”) comprises compacted areas without created structures where soil has become sufficiently compacted to prevent substantial infiltration of surface water. Soft coverage is created by the compaction of soils associated with uses such as the parking of vehicles and equipment on unpaved sites, vehicular traffic in unpaved areas (e.g., dirt roads and construction sites), the trampling of an area frequently used by livestock, and repeated pedestrian (foot) traffic over dirt trails, pathways, and around buildings.

Soil compaction has a number of harmful effects because it inhibits natural water and soil-air storage by reducing the pore space in the soil. Soil compaction affects the soil's ability to function naturally as a medium for plant growth, as well as a reservoir for nutrients and water. When rain falls on compacted areas, the compacted soil generally has significantly reduced soil-water storage capacity, resulting in increased runoff, poor nutrient cycling, and sediment export. Within sensitive lands the increased runoff can cause direct erosion and provide a direct conduit for the delivery of sediments and nutrients to the drainage system and tributary streams, thereby short-circuiting the watershed's sediment and nutrient removal mechanisms.

<sup>8</sup> There is an exception to this rule: Code allows for transferred soft coverage to be used for certain commercial uses within the South Y Industrial Community Plan area if the transfers come from the Upper Truckee River HRA.

<sup>9</sup> TRPA, *September 2006 Threshold Evaluation*.

negative impacts on water quality than hard coverage. Sensitive land restoration is a TRPA Threshold and an environmental priority.

**Cons of TRPA Staff Position:** The proposed measure does not provide the maximum amount of flexibility to the land banks. In some cases, removal of soft coverage on higher capability lands would provide very efficient water infiltration services (high-capability soils are often the best infiltrators).

***Sub-Issue 1C) Should TRPA remove Hydrologically Related Area restrictions for coverage transfers?*** Staff proposes to amend the PD and Matrix (LU.IMP-20) to read: “Amend Chapter 20, Coverage, to allow land coverage from sending parcels located within TRPA-designated impaired watersheds to be transferred across *Hydrologically Related Hydrologic Transfer Area* boundaries, ~~(i.e., anywhere in the Tahoe Basin)~~ as long as the receiving area is in a TRPA-designated non-impaired watershed.”

Here’s why:

To promote reduction in coverage in “impaired,” or over-covered, watersheds, the land banks and project proponents must be given more flexibility<sup>10</sup>. Today, moving coverage from one HRA to another is prohibited. The proposed measure, as amended, would allow coverage to be moved from one HRA to another as long as coverage in an impaired watershed is restored and transferred to a non-impaired watershed.

Unfortunately, the actual Implementation Measure in the staff-proposed alternative was written to allow coverage transferred out of an impaired watershed to be sent anywhere in the Basin. Stakeholders pointed out that this could result in the coverage being sent to another impaired watershed, which would produce no net gain. Therefore, staff has amended the language in the measure as shown above.

It should be noted that, even though the proposed measure is silent on land capability, TRPA still promotes the transfer of coverage from lower to higher capability lands. In fact, Code prohibits the transfer of coverage to sensitive

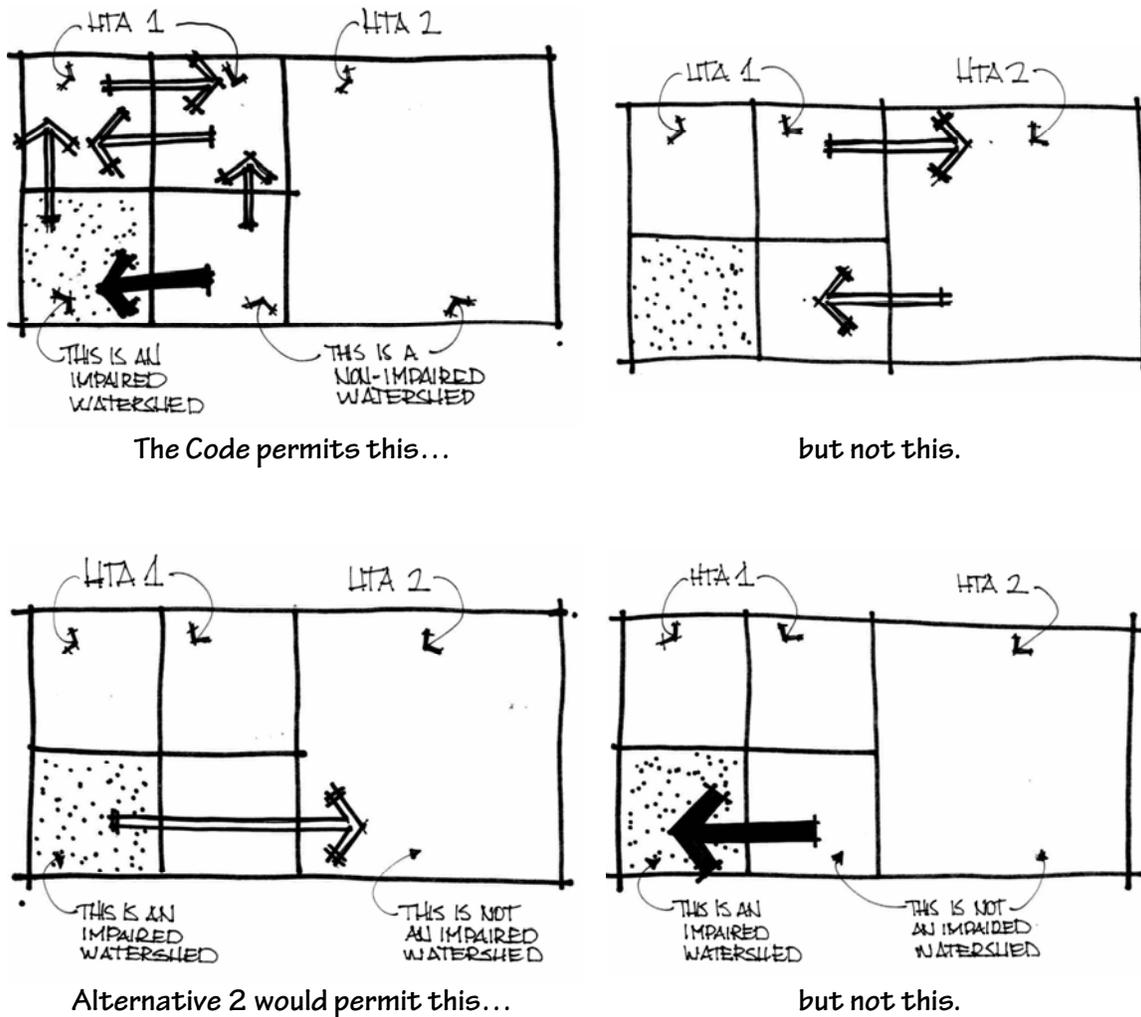
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<sup>10</sup> In 2005, TRPA, with the assistance of Tetra Tech, quantified the amount of hard land coverage in the Basin using Tetra Tech’s Watershed Model and the Desert Research Institute’s impervious cover map. The analysis estimated the amount of coverage within each of the land capability classifications for 1) the entire Tahoe Basin, 2) the nine HRAs, 3) the 64 watersheds, and 4) the 184 sub-watersheds defined in the Watershed Model.

The land coverage Threshold is intended to be attained within each of the nine HRAs. At the HRA level, Tetra Tech’s analysis indicated that five of the land capability classes (namely, 1C, 3, 4, 5 and 6) are within attainment, while three (namely, 1B, 2, and 7) exceed the allowable coverage coefficients. A major conclusion of the *2006 TRPA Threshold Evaluation* and the Pathway planning process was the need to establish prescriptions (i.e., corrective actions) for over-covered watersheds and/or sub-watersheds and to develop strategies for reducing the amount of land coverage.

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lands.<sup>11</sup> Another point of note is that the Clean Water Act Section 208 Plan that governs in the Tahoe Basin does not allow inter-HRA coverage transfer and would need to be amended.



**Pros of TRPA Staff Position:** Allowing coverage to be transferred out of impaired watersheds would help achieve the Threshold goal of coverage reduction in over-covered areas. Unlike today’s Code, Alternative 2 would prohibit coverage transfers into impaired watersheds. Land banks and project proponents would have greater incentives and flexibility to transfer coverage out of impaired watersheds.

**Cons of TRPA Staff Position:** The impaired watershed concept is predicated on TRPA being able to designate the status of each of the 64

<sup>11</sup> TRPA Code of Ordinances, Subsection 20.4

watersheds in real-time. This would require resources to be dedicated to monitoring coverage at the watershed level.

***LU Issue #2: What is the relationship between CPs and the RPU?*** Staff proposes to create a new Community Plan model with the Regional Plan Update. This model would allow mixed-use development, provide incentives for environmental redevelopment, streamline the update process, add a significant environmental component, and implement a transect planning system that can be tailored to local context and need.

Here's why:

In recent years, TRPA's Governing Board has consistently directed staff to promote the creation of vibrant, walkable communities that support PTOD, environmental redevelopment, and community, economic, and ecological health. For such communities to exist, land use patterns that give people the option to live, work, and play in the same area must be created.

Most of the proposed Town and Tourist Centers and other PTOD areas exist in CPs. The environmental redevelopment focus of the RPU, therefore, exists in CPs. The components of the new CP model are described below:

#### **Allow Mixed-Use Development**

Under the 1987 Regional Plan, all parcels in CPs are zoned for commercial, public service, and tourist uses. No residential uses are allowed. In the staff-proposed alternative, mixed-use development would be promoted in CPs. Residential use would become a key component of life in our community centers.

#### **Provide Incentives for Environmental Redevelopment**

The new Regional Plan is meant to provide incentives that foster a climate conducive to environmental redevelopment. The greatest level of incentive would be reserved for CPs. Coverage overrides, for example, would only be allowed in CPs. Transfers of soft coverage for commercial, tourist, and mixed-use facilities would be permitted (see Sub-Issue 1B).

Creating the vibrant communities envisioned in Alternative 2 without creating excessive density in the region will require transfer of existing development. Alternative 2 would provide new allocations at a slower rate than the 1987 Regional Plan; it has a major focus on transfer. It contains a proposal to reserve a pool of 200,000 square feet of CFA as transfer match (see LU Issue #6). This CFA would be offered only to projects that provide on-site environmental gain and transfer development into CPs from lower capability lands or lower density areas. Staff would develop a "transfer matrix" that gives incentives especially for

transferring density off of sensitive lands by progressively increasing the match ratio as a function of the sensitivity of the sending parcel.

In the new CP model, there would be a limited amount of increased height and density available in appropriate transects to promote compact, walkable town centers. This increased height and density would be tied to environmental performance standards and would only be available if coupled with transfer of development from sensitive lands.

Some stakeholders have expressed support for increased incentives but have questioned the effectiveness of the proposed measures. They requested a pro forma economic analysis to determine if these measures would really be effective in delivering economic, social, and environmental gains.

In fact, staff has been collaborating with CTC and the Nevada Division of State Lands to prepare an analysis of the proposed incentives. CTC recently hired a consultant to analyze TRPA's existing transfer of development rights program and the transfer matrix and incentives proposed in Alternative 2. The consultant is responsible for "ground truthing" staff's proposals and, if necessary, developing additional Policies and Implementation Measures to assist TRPA in maximizing the environmental redevelopment possibilities of the updated Regional Plan.

### **Streamline the Update Process**

The PD states that "incentives and allocations proposed in Alternative 2 would not be available until an area's CP is either adopted or updated consistent with the updated Regional Plan."<sup>12</sup> Many stakeholders (in particular, those representing local jurisdictions) expressed concern that this requirement would delay jurisdictions' realization of the benefits of the updated Regional Plan.

This concern stems from experience: in the past, the development of CPs often took many years. The Tahoe City CP, for example, took five years to be adopted by the TRPA Governing Board. After adoption, it took several more years to implement the environmental improvements called for in the CP.

The idea of having to wait ten or fifteen years – or even two or three years for that matter – to take advantage of the incentives and allocations available in the RPU is neither acceptable to local jurisdictions nor recommended by TRPA staff. Therefore, staff is looking for ways to promote and assist in the updating of CPs concurrently with the RPU.

The revised approach to CP updates would involve two conceptual foundations that did not exist before. The first is environmental, and the second deals with zoning. Both concepts, which are discussed in detail below, would contribute to

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<sup>12</sup> TRPA, *Draft Descriptions of Project Alternatives for the Proposed Regional Plan Update's EIS* p.46.

the streamlining of the update process and strengthen the relationship between CPs and Threshold attainment.

### **Add a Significant Environmental Component**

The first new conceptual foundation for CPs would be that environmental benchmarks are necessary to allow accurate assessment of the benefits of environmental redevelopment. In other words, there is no way of knowing the cumulative environmental impacts of projects without knowing the baseline conditions first.

The new CP update process would begin with the development of a baseline data set that would allow for the linkage of environmental performance and Threshold attainment. While today's CPs include lists of environmental improvement projects, there is no way to prove that completion of the project lists would result in Threshold attainment. Environmental targets could be developed for the CPs of tomorrow based on good science and the level of improvement over the baseline that Threshold attainment would demand.

The benchmarking would involve a robust data collection and mapping exercise. The timing could not be better, as the 2010 U.S. Census data is soon to be released. Also, some of the work has been done already by the Placer County and South Lake Tahoe Redevelopment Authorities. Each CP would be benchmarked for criteria that could include the following:

- Natural Environment
  - hydrology
  - habitat/ecosystem function
  - Stream Environment Zones
  - urban forest health/Wildland Urban Interface
  - water quality improvements/existing EIP projects
  - TMDL targets/future EIP projects
- Built Environment – Energy and Conservation
  - greenhouse gas emissions
  - renewable energy potential (solar, wind, geothermal)
  - energy use
  - sidewalks, Walk Score<sup>13</sup>, bike lanes, transit Level of Service
  - parking
  - Vehicle Miles Traveled
  - green buildings
- Socioeconomic Environment
  - population, income, and other demographic data
  - recreational access opportunities/green spaces (e.g., parks, community gardens)

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<sup>13</sup> "Walk Score" is a metric that takes into account factors such as street design, public spaces, population, frequency of transit, mixing of incomes and uses, affordable housing, parks, pedestrian design, and the location of schools and workplaces to determine an area's walkability.

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- residential units/density
- Commercial Floor Area
- vacant and occupied parcels (commercial and residential)
- jobs and economic activity

Mapping these characteristics would set a baseline by which all new projects could be judged. For example, if a project keeps tons of fine sediment from reaching the lake, the “scorecard” for that CP could be updated in real time to reflect this performance benefit. This real-time updating could provide context in the process of permitting projects. With the cooperation of the water quality agencies, it could be applied to the TMDL crediting system and allow environmental redevelopment to inform the TMDL.

Another example would be parking. One of the concepts in the proposed alternative is that parking capacity can be set for an entire district, rather than at the individual parcel or project level. This would allow implementation of shared parking strategies – provided local jurisdictions believe them to be effective parking controls. Moving away from the traditional planning approach requires knowledge of how many parking spots in a district are available for sharing.

Environmental benchmarking, once it is implemented across all 22 potential CPs, would allow assessment of each CP’s progress toward its environmental and land use objectives. The data collection and mapping could begin immediately. TRPA and its partners are seeking funding opportunities to pay for this work.

There was some interest in redesignating CPs as “Environmental Performance Districts” (or something along those lines). Some stakeholders stated that the prior CP update process had left a “bad taste.” For them, redesignation of CPs would reinforce the shift to a wider perspective that takes environmental health and puts it on equal footing with economic and zoning considerations.

**Implement a Transect Planning System**

In the new approach to CP updates, the second new conceptual foundation involves local input to transect planning. This is the zoning piece that would further refine the land use requirements adopted in the RPU.

There are five transects, namely T1 to T5. Each transect encompasses a district or districts, as follows:

- The T1 transect includes the Wilderness District, the Backcountry District, and the General Conservation and Parkland District.
- The T2 transect includes the Recreation District.
- The T3 transect includes the Residential District.
- The T4 transect includes the Neighborhood General District, the Neighborhood Center District, the Town Gateway District, and the Town General District

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- The T5 transect includes the Town Center District, the Tourist Center District, and Special Districts.<sup>14</sup>

Each of the districts would provide general guidance as to the following characteristics of the built environment:

- Massing
  - Height
  - Density
- Design
  - Streetscapes
  - Building form
  - Signage
  - Lighting
- Permissible uses

Because each transect would contain minimum and maximum parameters, and – as zoning baselines – these would be consistent across the Basin, some stakeholders believe TRPA is using a one-size-fits-all zoning approach. Nothing could be further from the truth.

While the current system of PASs typically generalizes zoning parameters across entire CPs, the proposed transect system would allow zoning to be tailored to local needs and context across communities. Transects are divided into districts, and the districts are further divided into character areas. Each area would have its own unique land use and design standards. In the CP update process, residents and local governments would choose the character areas that best reflect their desires for their communities. By giving folks a set of discrete, understandable land use choices to make, this “menu approach” to zoning would significantly streamline the update process.

The environmental benchmarking concept would refocus the Basin’s developed areas on environmental redevelopment. The transect planning concept – which would simplify zoning and better reflect the desired local community character – could also encourage environmental redevelopment by liberating individual initiative and entrepreneurial impulse.

While the environmental benchmarking, data collection, and mapping could begin immediately, initiating the place-based zoning process before adoption of the new Regional Plan raises a major process issue. Without the foundation of adopted transects, there is no basis for selecting transect character areas, exact height and density parameters, and permissible uses. Therefore, the place-based zoning process cannot begin before adoption of the new Regional Plan.

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<sup>14</sup> A detailed discussion of the transects can be found in TRPA, *Draft Descriptions of Project Alternatives for the Proposed Regional Plan Update’s EIS*, pp.41-46.

**Pros of TRPA Staff Position:** The revised CP update process, with its discrete set of required environmental data and its menu approach to place-based zoning, would be streamlined. Allocations and incentives would be available; more environmental redevelopment could happen earlier. The mixed-use component would support the PTOD goals of the RPU. Choosing character areas could result in a land use vision shared by a majority of community members.

The CP areas represent a significant part of the urban uplands, which, according to watershed science, contribute the lion's share of TMDL pollutants. The new CP concept would help local jurisdictions report on their environmental and TMDL-related activities. It would help TRPA report on Thresholds attainment. Environmental review would be streamlined for applicants because TRPA will maintain the set of baseline data; consultants would know the data needs before beginning their reports, which could create certainty and reduce cost.

**Cons of TRPA Staff Position:** The environmental "scorecard" component of the proposed CP update approach may be expensive. Some jurisdictions may not want to wait to do place-based zoning before the RPU is complete; they may complain that the proposed approach still delays access to incentives and allocations. Transect zoning is unfamiliar to some community members; they may persist in the belief that it is a one-size-fits-all approach, despite the fact that community planning would allow CPs to be calibrated to local needs and context.

### ***WHICH MAJOR STAKEHOLDER ISSUES DID NOT RESULT IN STAFF PROPOSING CHANGES TO THE PLAN ALTERNATIVES?***

***LU Issue #3: Is transect zoning a better system than the Plan Area Statements we have today?*** Transect planning is very different. It represents an innovative step forward. *Staff proposes to implement transect planning as TRPA's new zoning system, as a tool to protect the environment, and as a way to promote place-based planning.*

Here's why:

Transect planning presents land use and zoning systems in an easy-to-understand framework that increases certainty and predictability in the planning and entitlement process. Transects are a tool to define detailed zoning criteria (such as height, density, form, and permissible uses). They can promote desired conditions and reflect community context; "character areas" within "transect districts" would be established and then selected through a place-based process. Transects allow planning to be integrated across disciplines – districts can be ranked for priority in implementing environmental improvement measures.

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There is a fear that transects would introduce an “urban” planning concept to a largely rural landscape. Transect planning actually seeks to preserve the integrity of locations along a continuum that ranges from wilderness to rural to urban. Transect districts vary by their character and their intensity of use. They are designed to preserve and strengthen the character of the natural and man-made environments and can be used as a new, alternative approach to conventional Euclidean zoning systems.<sup>15</sup>

Today’s CPs, for example, with their area-wide height and density standards, can seem monotonous lacking in “sense of place.” The proposed transect planning system would designate multiple transects within each CP, each transect would be differentiated into districts, and each district would be further refined into character areas. This would create a mix of building designs within an area – which is desirable from a community design perspective.

Moreover, the tailoring of transects through place-based planning would actually reduce height and density in some areas. For example, a CP that is today zoned for Tourist use may be built to three or four stories across its entire area. Under the transect system, that CP would be rezoned as a mix of T4 and T5 transect districts; the center could be allowed four stories, while other parts could be limited to one, two, or three based on context and local preference.

Another way in which transect zoning is superior is how it allows the preservation of viewsheds, solar access, and natural features. Take, for example, a CP laid out along a major highway adjacent to Lake Tahoe: under current zoning, parcels on both sides of the highway are zoned for Tourist use and can be built to three or four stories. If projects on the lake side of the road are built to maximize their zoning, lake views will be lost. The transects, on the other hand, can be tailored. Parcels on both sides of the highway may be in the T5-Tourist district, but those on the lake side would be zoned as a different character area with a lower maximum height and wider side setbacks to preserve lake views.

Transects can be used to specify the appropriate function and intensity of amenities in a given location. For instance, wide sidewalks and street furniture would contribute to a “Town Center,” while trails would find an appropriate place in a “Conservation and Parkland” district.

They are also a powerful tool to support resource planning and programs. Resource planners can use transects to help make choices in the way that projects are implemented. For example, a water quality planner may require engineered stormwater systems for a “Town Center,” while simple swales and retention basins would work fine in “Conservation and Parkland.”

Finally, the Tahoe transect could proactively protect sensitive lands. The current PASs do less than they should in this regard; they are a prime example of

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<sup>15</sup> Robert Alminana, *SmartCode 101*, Community Connection, Vol. 2, No. 1, Summer 2006.

“consistency zoning.” Reactively overlaid on the already-built environment, they attempt to make the zoning consistent with land use. How else can it be explained that so many SEZs are zoned for Tourist, Commercial, and Residential uses? (This may be consistent with existing land use, but it is highly inconsistent with the planning principles that guide TRPA.) The transect system, on the other hand, would match the zoning with TRPA’s planning principles. In the Tahoe transect, SEZs that are prioritized for restoration would be zoned for restoration.

**Pros of TRPA Staff Position:** Transects are easy to understand and can be tailored to local needs and context. They can help create a sense of place, align policies across disciplines, improve the design of the built environment, and proactively protect sensitive lands.

**Cons of TRPA Staff Position:** Some stakeholders may prefer the old PASs.

***LU Issue #4: Will PTOD really work in Tahoe?*** This question is so subjective that there can be no pat answer. However, we know that the participants in Pathway embraced a vision for Tahoe as a region of vibrant, walkable communities surrounded by wild mountains overlooking a pristine, clear lake. *Therefore, TRPA staff proposes to retain the policies in Alternative 2 that promote Pedestrian- and Transit- Oriented Development.*

Here’s why:

The best sustainable planning practices of today – for communities both urban and rural – recommend concentrating development to create walkable areas. To do this without allowing a general explosion of population, planners have found ways to promote transfer of development from land that is less suited to land that is more suited to human habitation. This protects sensitive lands, preserves open space, reduces vehicle use, and promotes biodiversity and human health.

The TRPA of the 1987 Regional Plan focused on growth control. The growth controls are and will remain in place. The region is close to build-out. The TRPA of today is focused on environmental redevelopment. It is dedicated to driving the achievement of actual environmental gain. To achieve this gain, TRPA must embrace sustainable building and land use concepts and work with partners, stakeholders, residents, and visitors to re-imagine and replace the poor development of the past with a more efficient, attractive, and functional built environment. Transfers of development, which history has shown to be unlikely to occur without incentives, must be more highly incentivized.

Some stakeholders have stated that using incentives to concentrate development flouts the Compact’s admonition that “increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of

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the public lands.”<sup>16</sup> Staff asserts that these stakeholders fail to recognize the context: in 1982, the region suffered from uncontrolled growth, lack of an urban boundary line, and subdivision of land. None of these conditions exist today. In Alternative 2, the area inside the urban boundary is proposed to be decreased; promoting PTOD would increase opportunity for use of public land.

Stakeholders have questioned whether PTOD is the right model. Some have claimed that TRPA is proposing to increase density by 167 percent and allow for “densification” on thousands of acres. In fact, TRPA would only allow increased density in some T4 districts and the T5 transect. Total area affected: 659 acres, or 0.34 percent of the land in the region (see table below). Moreover, these increases are potential, not guaranteed – place-based planning would allow communities to limit density and tailor transects to local desires and context.

### How Much Land Could Be Upzoned in the Proposed Transect Planning System?

	Transect-District	Acreage*	% of Acreage	% of Acreage Potentially Upzoned in Transects	Urban Acreage*	% of Urban Acreage Potentially Upzoned in Transects
Non-Urban Transects	T1-Wilderness	24,707	12.75%	0	n/a	n/a
	T1-Backcountry	38,213	19.71%	0	n/a	n/a
	T1-Conservation and Park Land	95,830	49.44%	0	n/a	n/a
	T2-Recreation	15,050	7.76%	0	n/a	n/a
Urban** Transects	T3-Residential	15,806	8.15%	0	15,806	0.00%
	T4-Public	121	0.06%	0	121	0.00%
	T4-Neighborhood General	1,297	0.67%	0	1,297	0.00%
	T4-Neighborhood Center	1,098	0.57%	0	1,098	0.00%
	T4-Town General	237	0.12%	0.12%	237	1.19%
	T5-Town Center	156	0.08%	0.08%	156	0.78%
	T5-Tourist Center	266	0.14%	0.14%	266	1.33%
	Special Districts	1,045	0.54%	0	1,045	0.00%
<b>TOTAL</b>	<b>193,828</b>	<b>100.00%</b>	<b>0.34%</b>	<b>20,027</b>	<b>3.30%</b>	

\*Road acreage not included

\*\*Urban Area: Urban areas are those areas designated as residential, tourist, or commercial/public service.

Environmental redevelopment and the creation of walkable communities are cornerstones of sustainable planning. Even conservation organizations that normally oppose development are not against environmental redevelopment. The Sierra Club, for example, has stated that it supports “quality investment in areas that already have a history of development to enhance communities and the environment. By reinvesting in existing neighborhoods and creating more walkable, transit accessible places to live and work, a select subset of the nation’s development leaders are raising the bar for neighborhood design. By embracing conservation, green building techniques, and affordable housing, and by building on the assets we already have, these developments offer a path to a more sustainable future.”<sup>17</sup>

<sup>16</sup> *Tahoe Regional Planning Compact*, Article I (a) (5).

<sup>17</sup> Sierra Club, *Building Better: A Guide to America’s Best Development Projects*, November 2005, p. 2.

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The Environmental Protection Agency (EPA) has recognized the link between compact development and water quality. In a study evaluating the impacts of high- and low-density development on water resources, the EPA found that:

- higher-density development produces less runoff and less impervious cover than low-density development when the scale of development is the same
- for a given amount of growth, lower-density development impacts more of the watershed
- higher-density scenarios generate less stormwater runoff per house at all scales of development

Taken together, these findings indicate that low-density development may not always be the preferred strategy for protecting water resources. Higher densities may better protect water quality – especially at the parcel and watershed levels<sup>18</sup>.

Other mountain communities similar to Lake Tahoe have policies, strategies, and incentives that focus on creating compact, walkable communities. The Town of Vail, Colorado, for example, has designated certain areas as “Mixed-Use” and “Commercial Core” districts. These districts are zoned for uses that include multiple-family dwellings, tourist accommodation, commercial, and professional offices in a clustered, unified development pattern<sup>19</sup>.

The incentives built into the zoning of these districts include additional gross residential floor area, building height, and density over the base zoning. The primary goal of the incentives is to create economic conditions that will induce private redevelopment. The Town’s land use plan requires redevelopment to include streetscaping, pedestrian/bicycle access, public plazas, and pedestrian features in roadway design; the incentives also help finance these improvements.

The City of Boulder and Boulder County, Colorado have faced intense economic growth. In response, they have been trying to better balance jobs and housing and increase residents’ housing options to reduce congestion caused by workers commuting into the city. The 2002 update to Boulder’s comprehensive plan focused on these issues, and it resulted in policy and land use changes promoting mixed uses in appropriate locations.

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<sup>18</sup> EPA Publication 231-R-06-001, *Protecting Water Resources with Higher-Density Development*, January 2006

<sup>19</sup> Within the Mixed-Use district, Vail allows density incentives of up to 33 percent over existing baseline conditions or 35 dwelling units per acre, whichever is greater. The maximum height is 82½ feet. Within the Commercial Core (Vail Village) district, density is allowed up to 25 dwelling units per acre. Height within the Village is generally three to four stories and is established to promote a pleasing human scale environment. Taller buildings – up to five stories – exist, but their upper stories are generally set back to preserve and frame the mountain views. The maximum height permitted by the Village Master Plan is 43 feet (with some exceptions for additional height to create steeper roof pitches).

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In Boulder's 2005 plan update, the focus was on redevelopment and compact development, because little vacant land remained. The city's urban boundary line has not changed since 1992. The plan states that, "The city prefers redevelopment and infill as compared to development in expanded service area in order to prevent urban sprawl and create a compact community."<sup>20</sup>

Boulder is rare among cities in that its commercial and entertainment areas are focused in concentrated centers of various scales. They are distributed within the community, rather than being spread out along major streets in strip centers or shopping malls, as in most cities. Boulder's plan recognizes the distinct qualities of its centers and established residential neighborhoods. This same idea is being promoted in the Tahoe transect concept.

The comparison may not be "apples to apples." Admittedly, Vail and Boulder are not the same as Tahoe City and South Lake Tahoe. In population, Vail is estimated at 4,589 persons<sup>21</sup>, which makes it bigger than Tahoe City and much smaller than South Lake Tahoe. Boulder is almost two times as populous as the whole Tahoe Basin. But these two Colorado towns, like Tahoe, are mountain towns with tourism-based economies, urban boundaries, and open space for surroundings. We can and have learned from the comparison.

Though PTOD is a relatively new term, it is not a new concept. TRPA's 1987 Regional Plan recognized that there are some areas where commercial use is concentrated, and there are some areas where it "should be concentrated."<sup>22</sup> In fact, the reason CPs were created was to reduce automobile use and create jobs in proximity to housing – in other words, to create walkable centers.

PTOD does not happen overnight. In Tahoe, it would be the result of years of thoughtful redevelopment, transfer of development, and application of planning principles to create sustainable communities. These principles can be applied in any given community regardless of scale and/or intensity. They are:

- Transportation choices that encourage people to walk, bike, ride the bus, or carpool can provide improved mobility and enhanced travel experience.
- Mixed-use developments containing a combination of residential uses, shops, entertainment venues, and offices can create vibrant centers.
- Quality design that respects the environment and reflects local context can beautify compact development and create a sense of place.
- Compact development and efficient, attractive use of space can:

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<sup>20</sup> City of Boulder and Boulder County, Colorado, *2005 Major Update to the Boulder Valley Comprehensive Plan*, December 2005, p. 13.

<sup>21</sup> U.S. Census Bureau, Population Division, "Annual Estimates of the Population for All Incorporated Places in Colorado," 2005 Population Estimates, <http://www.census.gov/popest/cities/tables/SUB-EST2005-04-08.csv>

<sup>22</sup> TRPA, *Goals and Policies*, Land Use Element, Goal #2, Policy 6.

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- encourage more walking, biking, and public transit use
  - shorten auto trips
  - result in coverage reduction and the creation of functional open space in developed areas (which have been identified as the major source of fine pollutants to Lake Tahoe)
  - result in lower water usage and building cost, because it reinvests in existing infrastructure
  - provide greater opportunities to maintain open space for stormwater infiltration and fine sediment entrapment
- Variety in housing choice – apartments, condominiums, townhouses, and single-family detached homes – can create vibrant communities.
  - Transfer of development can promote restoration of watersheds, habitats, and other important natural areas.
  - Infill projects, redevelopment of existing assets, intensification of use on underutilized parcels, and transfer of development from sensitive lands can result in environmental net gain.

**Pros of TRPA Staff Position:** Land use policies that promote PTOD are the accepted norm for communities interested in sustainable development. TRPA engaged in extensive community visioning during the Pathway process, and the Governing Board, the APC, staff, residents, and visitors embraced and continue to embrace the concept.

**Cons of TRPA Staff Position:** There are stakeholders who still question whether PTOD is the right model for Tahoe.

***LU Issue #5: Should TRPA amend the “two-step” subdivision provisions?*** *Staff does not propose to amend the “two-step” subdivision process with the new Regional Plan.*

Here’s why:

The current Regional Plan, Code, and other TRPA documents prohibit the subdivision of land that would create new development potential<sup>23</sup>. However, there is still a way to do a subdivision in Tahoe. In order to subdivide, a project must exist within the urban area and first be approved as a multi-residential development. Then, it must be approved as a subdivision to create single-family dwellings in the form of condominiums, community apartments, or stock cooperatives. Because the subdivision process requires two separate approvals by the Governing Board, it has been called the “Tahoe Two-Step.”

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<sup>23</sup> TRPA Code of Ordinances (Subsection 41.2.D) defines “New Development Potential” as development rights additional to those established by July 1, 1987.

The common criticism of the “two-step” is that developers may use it to create projects that are indistinguishable from typical lot-and-block subdivisions. This kind of development is more land- and resource-intensive than the compact subdivisions envisioned in the Code definition of “Multiple Family Dwelling.”

In the past, there have been cases where a developer has created building envelopes around single family home sites that sit on one large, common area parcel. Since new land parcels were not created under each envelope, the subdivision was allowed. This type of subdivision generally reflects suburban form and land use pattern.

One stakeholder (the California Attorney General’s staff) stated that projects that look and feel like suburban subdivisions should be prohibited. They also stated that two-step subdivisions should only be permitted in PTOD districts with a minimum density of eight dwelling units per acre.

In fact, the Code today prohibits lot-and-block subdivisions<sup>24</sup>. And since the two-step process requires a project to be located in the urban area where both Single and Multiple Family Dwellings are allowed, under Alternative 2 they would only be allowed in transects T4 and T5. These transects are, in fact, designated as PTOD districts, and the minimum density in PTOD is eight dwelling units per acre. Therefore, staff believes that the recommendations of the California Attorney General’s staff are being supported in the staff-proposed alternative.

**Pros of TRPA Staff Position:** The staff-proposed alternative would effectively prohibit subdivisions that even appear like typical lot-and-block subdivisions. Moreover, it would direct two-step subdivision projects to PTOD districts in the T4 and T5 transects (where higher density development is envisioned).

**Cons of TRPA Staff Position:** Some stakeholders may believe that there continues to be a loophole in TRPA Code that allows the development of subdivisions that look and feel like suburban lot-and-block subdivisions.

## ***NEW IDEAS AND BEST PRACTICES THAT CAME TO LIGHT DURING THE STAKEHOLDER PROCESS***

***LU Issue #6: Should TRPA continue to link CFA allocation to environmental performance?*** Staff believes that using the allocation of Commercial Floor Area as an incentive for local jurisdictions to meet their environmental targets is a sound concept. However, the way that CFA is proposed to be allocated in the plan alternatives ought to be amended. To

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<sup>24</sup> TRPA, *Code of Ordinances*, Subparagraph 43.4.O(1).

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*provide a better approach to implementing this concept, staff proposes to revise the allocation of CFA as follows:*

<b>Allocation to:</b>	<b>Alternative 1 (in square feet)</b>	<b>Alt. 2 (in sf)</b>	<b>Alt. 3 (in sf)</b>	<b>Alt. 4 (in sf)</b>
<b>Special Projects</b>	187,770 (existing from CEP projects)	187,770 (existing from CEP projects)+ <del>460,000 (new allocation)</del>	187,770 (existing from CEP projects) + 300,000	187,770 (existing from CEP projects)
<b>Community Plans</b>	160,000 (existing in CPs)	160,000 (existing in CPs) + <del>80,000</del> <u>200,000</u> (new allocation)	160,000 (existing in CPs) + 300,000 (new)	160,000 (existing in CPs)
<b>Transfer of Development Match</b>	-0-	<del>460,000</del> <u>200,000</u> (new)	-0-	200,000 (new)
<b>TOTAL</b>	<b>347,770</b>	<b>747,770</b>	<b>947,770</b>	<b>547,770</b>
<b>Breakdown of TOTAL</b>	<b>347,770 (existing)</b>	<b>400,000 (new) + 347,770 (existing)</b>	<b>600,000 (new) + 347,770 (existing)</b>	<b>200,000 (new) + 347,770 (existing)</b>

Here's why:

There is no need for the 160,000 square feet of CFA reserved for Special Projects in Alternative 2. All future projects seeking to use CFA allocations will be required to perform like Special Projects and deliver environmental gain. Staff is now proposing zero square feet of CFA be reserved for Special Projects.

Community Enhancement Program (CEP) projects have 187,770 square feet currently allocated, and local jurisdictions are sitting on 160,000 square feet. There is no emergent need to distribute CFA to jurisdictions.

TRPA believes that allocation of CFA should be reserved as an incentive. It should be given to local jurisdictions that meet their environmental targets and to project proponents who deliver environmental gain through desirable transfers of development and good project design.

To incentivize project proponents to transfer development and deliver exemplary environmental gain, staff is now proposing to increase the CFA available for transfer bonuses from 160,000 (as originally proposed in Alternative 2) to 200,000 square feet. All of it would be available immediately upon adoption of the new Regional Plan. As noted in LU Issue #2, staff is proposing to develop a "transfer matrix" that would give the largest bonuses to the best projects, and CTC has hired a consultant to peer review this matrix.

To incentivize jurisdictions to meet their TMDL targets, staff is now proposing to hold off on giving them new CFA until after the first five-year TMDL milestone. 200,000 square feet would be made available over the last 15 years of the 20-

year TMDL horizon. This will make the incentive large enough to be meaningful and give jurisdictions time to begin their environmental improvement projects.

The original proposal in Alternative 2 was to distribute 80,000 square feet of CFA (Basin-wide) in four even installments of 20,000 square feet – one installment during each five-year TMDL milestone. A jurisdiction that met its TMDL targets could have been rewarded with as little as 2,000 square feet of CFA. The consensus was that this provided inadequate carrot and too much stick.

Some stakeholders wondered why TRPA would propose creating 400,000 additional square feet of CFA when only about that much has been claimed under the 1987 plan and there are still 347,770 feet outstanding. Some wondered if TRPA should “sunset” the outstanding CFA.

The reason the additional CFA would be loaded into the new Regional Plan is to have an incentive to reward exceptional environmental performance only; TRPA would not be obligated to distribute it. And the reason staff is not proposing to sunset the outstanding CFA is that jurisdictions and CEP project proponents have earned these allocations.

**Pros of TRPA Staff Position:** Reserving CFA allocations as incentives and as rewards for jurisdictions that meet environmental targets and project proponents who deliver environmental gain would allow CFA to play a role in the environmental redevelopment of the region. Removing the allocation for Special Projects would acknowledge that the environmental improvement bar has been raised for all future projects seeking to use CFA allocations.

**Cons of TRPA Staff Position:** Stakeholders have stated that CFA allocation should not be linked to achievement of TMDL targets.

***LU Issue #7: Should TRPA limit the size of TAUs that are redeveloped?*** *Staff proposes to amend the definition of Tourist Accommodation Unit as follows: “One bedroom, ~~or a group of two or more rooms with a bedroom~~ with or without cooking facilities, primarily designed to be rented by the day or week and occupied on a temporary basis.”*

Here’s why:

When TRPA developed the concept of Tourist Accommodation Units (TAU), TAUs were mostly represented by your typical 250-square foot motel room. The Code declares that no additional TAUs can be created without an allocation, but the relocation and redevelopment of a legally existing (pre-1987 plan) TAU is not

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considered additional<sup>25</sup>. Today, with motel room TAUs being redeveloped as 3,000-square foot, five-bedroom timeshares, some stakeholders are saying that something must be done, that the increasing size of TAUs may have greater impacts than TRPA anticipated back in 1987, and that more development than was ever intended may now be possible. Other stakeholders are not concerned – TAU transfers undergo environmental review and must mitigate their impacts.

At the RPU Education Briefing in March of 2010, which discussed the concept of environmental redevelopment and presented the economic state of Tahoe today, one of the private sector presenters said, “The process of project approval takes too long and the cost of satisfying the often-arbitrary requests of staff is simply more than I am willing to endure. Just the question of the allowable size of a TAU is a serious uncertainty.”

So, despite the lack of consensus on the way forward, there is consensus that TRPA must act to resolve this issue. Staff is relatively certain that leaning too far in one direction will bring accusations that TRPA is “killing the environment,” and leaning too far in the other direction will bring accusations that TRPA is “killing the economy.” The cost of doing nothing, however, is that the uncertainty will continue, and TRPA will likely be accused of killing both.

The new proposal here, that the Code definition<sup>26</sup> of “Tourist Accommodation Unit” be amended to correlate TAUs with bedrooms, would realistically mitigate the impact of the development of the above-mentioned timeshares. It would also leave a great deal of design flexibility to developers. If a modern Tahoe visitor wants billiard rooms, saunas, full kitchens, and the like, the per-bedroom TAU requirement will not penalize a developer for providing them.

Staff considered correlating TAUs with floor area. This idea already exists in Alternative 4. It was not included as the proposed alternative because staff believes tracking floor area would be less effective and more cumbersome than counting bedrooms.

Staff considered correlating TAUs with actual beds. However, this concept was rejected. The number of beds in a room can easily be changed. A project may propose large bedrooms and show one bed per room on the plan, then add another bed after construction and permit security fees are returned.

Staff considered correlating TAUs with the presence or absence of kitchens. However, this concept was rejected as well. It can be reasonably assumed that, whether tourists cook their own meals or go out to eat, there are similar impacts to public facilities such as water and sewer service.

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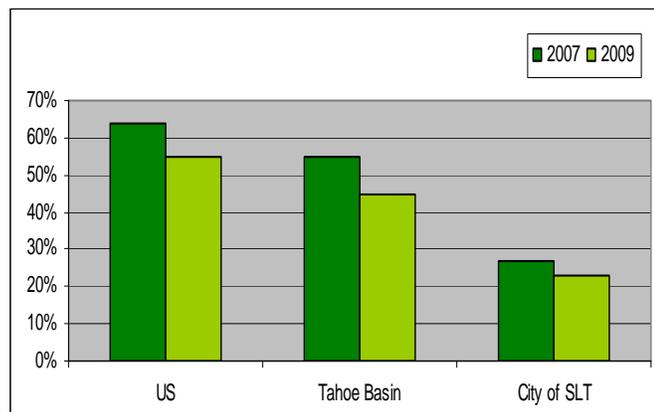
<sup>25</sup> *TRPA Code of Ordinances*, Section 33.4, Allocation of Additional Tourist Accommodation Units.

<sup>26</sup> *TRPA Code of Ordinances*, Section 2.2, Definitions.

**Pros of TRPA Staff Position:** The definition of a TAU as a bedroom represents, in staff's judgment, a sensible middle ground between the two opposed positions. It streamlines project review and removes uncertainty in the TAU redevelopment debate. Certainty may encourage environmental redevelopment projects to proceed and could result in more retirement of old, underperforming TAUs.

Keying TAUs to bedrooms may, in many cases, create more of a burden for developers. In some cases, however, it would decrease the burden: developers who own "banked," existing TAUs with multiple bedrooms would, under the staff proposal, have more TAUs for transfer than they have today.

Tahoe hotel occupancy rates are low (see chart<sup>27</sup> at right). If new TAU development continues to focus on multi-bedroom suites and timeshares, the staff proposal would reduce the number of rooms on the market. The twofold effect of this reduction would be to increase opportunities for restoration and improve the supply-to-demand ratio in the market.



**Cons of TRPA Staff Position:** The new definition, because it is silent on the issue of size, fails to address the concerns some stakeholders have with the impacts of additional bulk and mass. Also, there is potential for uncertainty and even fraud at the project review level – for example, a room may be labeled “TV Room” on building plans (and therefore, not require a TAU) and then become another bedroom after construction.

Some stakeholders consider the proposed definition to be punitive; it will hinder the redevelopment of underperforming TAUs<sup>28</sup>. Some have stated that even the existing requirement is punitive, and TAUs should be free.

Over the past 25 years, only four significant hotel projects were built in Tahoe: Embassy Suites Hotel, Embassy Suites Ski Run Vacation Club, the Heavenly Village hotels, and the Hyatt addition. Each faced a primary barrier, unique to Tahoe, of tearing down one, or in some cases, 1.3 existing hotel/motel units per new unit. This expense may have kept many other projects out of the market.

<sup>27</sup> Chart courtesy of Lake Tahoe South Shore Chamber of Commerce, March 2010.

<sup>28</sup> According to private-sector stakeholders, the cost of transferring TAUs – which includes real estate purchase, permitting, demolition, removal and remediation of waste, design, earthwork, re-vegetation, and certification – typically ranges from \$50,000 to \$75,000 per unit.

**FactSheet #3: Land Use**

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If Embassy Suites Ski Run Vacation Club, which averages two bedrooms per unit, were to be constructed under the proposed TAU definition instead of the 1.3 to 1 requirement that it faced, the developer would have had to spend over \$3,000,000 instead of the \$2,000,000 actually spent to purchase TAUs. The Vacation Club is currently in bankruptcy; if its situation is used as an example by future projects, and the TAU soft costs are further increased by the staff-proposal, hotel developers may be dissuaded from building in Tahoe altogether. This would preserve the status quo and hinder environmental redevelopment.

Environmental analyses for larger hotel projects did not identify traffic from multi-bedroom units as a source of adverse impacts. The manual that traffic engineers use to predict trip generation has compared timeshares to hotels. For timeshare projects, the manual noted, “the percentage of one-bedroom, two-bedroom and three-bedroom units varied at the sites surveyed. However, no statistically significant correlation was found between the average number of bedrooms in a development and the resultant amount of trips generated.”<sup>29</sup>

Finally, due to the other growth control measures embedded in the current and proposed Regional Plan (such as land coverage maximums, limitations on excavation, setback requirements, height envelopes, roof pitches, BMPs, density restrictions, and overall scenic standards), full project mitigation is required. There is no reason to change the definition of TAUs in such a way as to add significant expense to projects that are already required to fully mitigate their impacts.

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<sup>29</sup> Institute of Transportation Engineers, *Trip Generation*, 8th ed., p. 548.

## **Land Use Issues: YOUR THOUGHTS**

### ***LU Issue #1: Should TRPA develop additional measures to facilitate land bank programs?***

**Sub-Issue 1A) Should TRPA change the way the Excess Land Coverage Mitigation Program (ELCMP) operates?** Staff proposes to amend the language in the PD and add a new Implementation Measure to the Matrix to state “excess land coverage mitigation program regulations would be revised to substantially restrict access to the in-lieu mitigation fee option. Large projects would only be ~~Only projects with relatively small amounts of excess land coverage would be~~ eligible to pay in-lieu fees ~~a fee in lieu of removing excess land coverage on- or off-site~~ after demonstrating that all present opportunities for removing excess land coverage on- or off-site have been exhausted. The use of in-lieu mitigation fees to remove coverage from sensitive lands should be allowed across Hydrologically Related Area boundaries.”

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**Sub-Issue 1B) Should TRPA expand the Alternative 2 proposal to allow soft coverage to be transferred to Community Plans?** Staff does not propose to expand the proposal to allow soft coverage to be transferred to Community Plans from all land capability districts.

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**Sub-Issue 1C) Should TRPA remove Hydrologically Related Area restrictions for coverage transfers?** Staff proposes to amend the PD and Matrix (LU.IMP-20) to read: “Amend Chapter 20, Coverage, to allow land coverage from sending parcels located within TRPA-designated impaired watersheds to be transferred across Hydrologically Related Hydrologic Transfer Area boundaries, (i.e., anywhere in the Tahoe Basin) as long as the receiving area is in a TRPA-designated non-impaired watershed.”

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

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

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

*Staff proposes to implement transect planning as TRPA’s new zoning system, as a tool to protect the environment, and as a way to promote place-based planning.*

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**LU Issue #4: Will PTOD really work in Tahoe?**

*Staff proposes to retain the policies in Alternative 2 that promote Pedestrian- and Transit-Oriented Development.*

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**LU Issue #5: Should TRPA amend the “two-step” subdivision provisions?**

*Staff does not propose to amend the “two-step” subdivision process with the new Regional Plan.*

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**LU Issue #6: Should TRPA continue to link CFA allocation to environmental performance?**

To provide a better approach to implementing this concept, staff proposes to revise the allocation of CFA as follows:

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

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**LU Issue #7: Should TRPA limit the size of TAUs that are redeveloped?**

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

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## **Air Quality**

### ***WHY DOES TRPA PLAN AND REGULATE FOR AIR QUALITY?***

The Compact requires that Thresholds be established in at least five areas: air quality, water quality, soil conservation, vegetation preservation, and noise. Therefore, TRPA must plan and regulate for air quality.

TRPA developed the first set of comprehensive Air Quality Thresholds in 1982. In addition, concurrent rulings from the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) designated TRPA as the lead agency for developing air quality plans that ensure compliance with state and federal health-based air quality standards.

### ***WHY IS ALTERNATIVE 2 THE STAFF-PROPOSED ALTERNATIVE?***

Staff believes the proposed alternative portends a better future for Lake Tahoe than does the current plan. Alternative 2 addresses current conditions and proposes the newest air quality technologies and best management practices for the protection of human and ecosystem health. It includes incentives and Implementation Measures that have proven successful and cost-effective in other areas experiencing the same air quality issues as Tahoe.

The Goals and Policies for Alternative 2, which are shared in all action alternatives, are meant to be overarching concepts. (It is the Implementation Measures that set Alternative 2 apart.) These concepts would allow the Air Quality Program to adapt as new technologies and methods are developed.

Stakeholders repeatedly asserted that Implementation Measures in Air Quality were tenuously connected to scientific justification. Specifically, this is dealt with in "AQ Issue #3." During the upcoming development of final implementation strategies based on the policy direction of the Board, staff will be working with partner agencies to ensure that these strategies are grounded in good science.

### ***WHICH MAJOR STAKEHOLDER ISSUES RESULTED IN STAFF PROPOSING CHANGES TO THE PLAN ALTERNATIVES?***

***AQ Issue #1: Should TRPA change how Air Quality Mitigation Funds are disbursed?*** Several stakeholders and TRPA Board members have expressed concern that Air Quality Mitigation Fees are being used for

**FactSheet #3: Land Use**

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projects that are not designed to directly benefit air quality. *Staff proposes to update the 1992 Air Quality Plan (AQP) to identify and rank projects for inclusion in the Environmental Improvement Program (EIP). The projects would be prioritized by cost-effectiveness in providing air quality improvements; EIP projects requesting Air Quality Mitigation Funds would be disbursed to the highest-ranked projects first.*

Here's why:

The 1992 AQP has not been updated in 18 years. It is outdated, and this is one of the primary reasons that Air Quality Mitigation Funds have largely been used to pay for transportation improvement projects.

Per Code, these funds may be used for transportation projects: it requires the collection of fees "to offset impacts from indirect sources of air pollution."<sup>30</sup>

These sources may include automobiles, roadways, entrained dust, etc. The collected fees are to be disbursed to the Tahoe Transportation District or local jurisdictions at their request for expenditure within the jurisdiction of origin, and they are meant to fund projects that are consistent with TRPA's Regional Transportation Plan (RTP) or the 1992 AQP.<sup>31</sup>

Today, there is more than \$2.5 million in funds that have yet to be used. By updating the AQP and identifying and prioritizing projects, these funds could be spent on regional air pollution reduction programs and projects to accelerate Air Quality Threshold attainment. In fact, staff is currently working to develop interim policy to create additional flexibility in how these funds can be disbursed.

Since air pollution tends to have Basin-wide impacts, it may be more cost-effective to reduce air pollutants through Basin-wide efforts. So, TRPA would work with local jurisdictional partners to create, fund, and implement projects and programs. For instance, a program could be established to provide incentives for the purchase of hybrid and zero emissions vehicles; local partners could work with TRPA to administer the program and disburse the funds to vehicle buyers.

**Pros of TRPA Staff Position:** Updating the AQP and the EIP to allow the use of Air Quality Mitigation Funds for air quality-specific projects would accelerate Threshold attainment and improve the present program. Prioritizing EIP projects that request these funds would create a better balance of funding between transportation projects and other projects that offset impacts from indirect sources of air pollution. TRPA could provide funds to local jurisdictions to implement cost-effective, regional air quality improvement projects.

**Cons of TRPA Staff Position:** Prioritizing new, regional air pollution reduction programs for receipt of Air Quality Mitigation Funds may reduce funding

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<sup>30</sup> TRPA Code of Ordinances, Section 93.0, Purpose.

<sup>31</sup> TRPA Code of Ordinances, Section 93.5, Use and Distribution of Mitigation Funds.

opportunities for RTP-related projects. Some stakeholders from local jurisdictions opposed the concept of using funds generated within their jurisdiction to pay for regional projects.

**AQ Issue #2: Why is TRPA proposing changes to the existing wood stove program?** In Alternative 2, there are four Implementation Measures that deal with wood stoves. During the stakeholder process, concerns that were raised caused staff to re-evaluate each of these measures. The solutions that were developed are described in the following four Sub-Issues:

**Sub-Issue 2A) Should TRPA adopt new emissions standards for wood stoves and implement a deadline for removal or replacement of all non-compliant stoves?** Staff does not propose to amend Implementation Measure AQ.IMP-16, which states: “Clean Wood Stoves – All wood stoves not certified to emit less than 4.5g/hr of PM for a non-catalyst and 2.5 g/hr of PM for a catalyst-equipped stove must be removed by 2020.”

Here’s why:

TRPA Code requires “Wood Heaters” to emit less than 7.5 grams per hour (g/hr) of PM for a non-catalyst and 4.1 g/hr of particulate matter for catalyst-equipped stoves<sup>32</sup>. The EPA standard is the same. The state of Washington has instituted a particulate emissions limit of 4.5 g/hr for non-catalytic and 2.5 g/hr for catalytic wood stoves. The proposal in Alternative 2, which would mimic these limits, would place Tahoe, along with Washington, in a leadership role when it comes to environmental protection.

New emissions standards have resulted in the development of wood stoves that are much cleaner-burning than the stoves of the past. In fact, there are 331 non-catalyst and 92 catalyst-equipped stoves that attain the emissions limits in the staff-proposed alternative<sup>33</sup>, and most stakeholders supported more stringent emissions standards. Stakeholders were also in favor of the proposed deadline for removal or replacement of stoves that do not meet the new emissions standards. The deadline date received widespread support, particularly if it is implemented along with a strong enforcement program.

**Pros of TRPA Staff Position:** More stringent emissions standards for wood stoves may allow Basin residents and visitors the pleasure and safety of burning wood while minimizing its environmental impacts. Implementing a deadline for removal or replacement of non-certified stoves would give

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<sup>32</sup> TRPA Code of Ordinances, Subsection 91.3.B

<sup>33</sup> The EPA list of certified wood stoves can be found on the Internet at <http://www.epa.gov/oecaerth/resources/publications/monitoring/caa/woodstoves/certifiedwood.pdf>

property owners ample time to come into compliance with the new standard. TRPA intends to create incentive programs that would assist owners in removing or replacing stoves prior to the deadline.

**Cons of TRPA Staff Position:** Existing non-certified stoves will still operate until 2020. Enforcing the deadline may be costly and unpopular.

***Sub-Issue 2B) Should TRPA prohibit installation of wood stoves in new construction?*** Staff proposes to amend Implementation Measure AQ.IMP-15 as follows: *“Wood Stoves in New Construction – Wood stoves in all new construction must be certified to emit less than 4.5g/hr of PM for a non-catalyst and 2.5 g/hr of PM for a catalyst-equipped stove are prohibited in all new construction. Wood stoves are prohibited in all project areas requiring a TRPA permit.”*

Here's why:

Stakeholders stated that wood stoves are primary heat sources for many individuals. Lower income families rely on wood heat in the wintertime. A wood stove may be the only way to protect one's life and property during extended periods of power outage.

The Implementation Measure in the staff-proposed alternative would have prohibited wood stoves in all new construction. In staff's judgment, allowing wood stoves in new construction, but requiring them to meet strict emissions standards, strikes a reasonable middle ground between the above stakeholder concerns and concern for the environment.

**Pros of TRPA Staff Position:** Houses with clean-burning wood stoves are believed to be more attractive to buyers than houses with no stoves. Stoves provide an alternative source of heat in time of emergency.

**Cons of TRPA Staff Position:** There are environmental and health problems associated with emissions from wood stoves. These emissions represent approximately 20 percent of the particulate matter emitted in the region (excluding forest fuels reduction projects). Despite efforts to address this problem (including public education programs, new building requirements, and mandatory self certification at time-of-sale), the region has regressed into Threshold non-attainment<sup>34</sup> for particulate matter.

Because Washoe County has successfully banned wood stoves in new construction in some areas of the County, including Incline Village, staff abandoning its proposed ban could be seen as “not doing enough.”

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<sup>34</sup> TRPA 2006 Threshold Evaluation, p. 2-8.

**Sub-Issue 2C) Should TRPA require certification in escrow documents that wood stoves are compliant?** Requiring certification in escrow documents would carry more legal weight than the current requirement. *Staff does not propose to amend Implementation Measure AQ.IMP-17: “Wood Stove Certification – All properties purchased, sold, transferred title shall ensure the wood stove is compliant with all current regulations. Evidence of such will be included in escrow documents.”*

Here’s why:

TRPA’s existing Wood Heater Retrofit Program<sup>35</sup> already requires a “statement of wood heater conformance” at time-of-sale. The effect of the proposed Implementation Measure would be to have that statement included in the escrow documents.

Escrow documents being legally binding should have a greater effect than a TRPA-required statement, and more retrofits should occur as a condition of title transfer. Currently, Washoe County has escrow requirements for wood stoves. Beginning in 2011, Placer County will implement a wood stove certification program similar to the existing TRPA program.

**Pros of TRPA Staff Position:** The proposed measure would ensure that either the seller or the buyer would be responsible for removal and/or retrofit of a non-compliant stove. It would provide security to homebuyers that a compliant stove is in place at time-of-sale. The wood stove certification at time-of-sale has been in place for over thirteen years, and many realtors and brokers already include TRPA certification in escrow documents. Air quality would benefit from accelerating installation of cleaner-burning wood stoves. TRPA intends to create incentive programs for wood stove retrofits.

**Cons of TRPA Staff Position:** Some stakeholders were opposed to this measure due to the possible risk in loss of sales and increased requirements at time-of-sale.

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

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

Here’s why:

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<sup>35</sup> TRPA Code of Ordinances, Subparagraph 91.3.B(3)

The “pay-to-pollute” concept in AQ.IMP-18 did not receive stakeholder support. Enforcement of the measure would be difficult at best, and TRPA legal staff did not endorse it as originally proposed.

**Pros of TRPA Staff Position:** Deleting this measure would allow TRPA to avoid adopting a program that would be unpopular and difficult to manage. Staff believes that the other measures being proposed, such as mandating cleaner-burning stoves and implementing a retrofit deadline, will result in achievement of the desired effect: less particulate emissions.

**Cons of TRPA Staff Position:** None identified.

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

*Staff proposes to amend AQ.IMP-14 to state “Forest Fuels 40% -- ~~Forest fuels reduction efforts shall reduce PM emissions by 40% compared to open burning emissions levels.~~ Fire agencies will provide smoke management plans and collaborate with TRPA to develop the best methods for reducing forest fuels with the least impact to air quality.”*

Here’s why:

During stakeholder meetings, no proposed Implementation Measure aroused such opposition as the one that mandated a 40 percent reduction in particulate matter from pile burning. Fire officials and representatives of local jurisdictions and Federal agencies called it “arbitrary, unnecessary, and inconsistent with the recommendations of the Blue Ribbon Fire Commission.”

In addition, most fire officials claimed that they were already pursuing best practices that, if quantified, would show significant reduction in particulate matter emissions. Fire officials were not averse to providing TRPA with their smoke management plans and working together on best practices to manage smoke. Many agencies, in fact, already produce such plans, and some believe that their practices are already reducing smoke by more than 40 percent.

Although it is possible to calculate how much pollution is produced by fuels management projects<sup>36</sup>, staff has not yet quantified the percentage reduction from pile burning that would be necessary to reach Threshold attainment for

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<sup>36</sup> For example, the region’s fuel treatment plan estimates that 10,000 acres per year needs to be treated. Forest fuels loads range from about two to 30 tons per acre. Using an average of 15 tons of wood per acre and an emissions factor of 28.4 lbs/ton of particulate matter, over 2,100 tons of particulate matter pollution per year can be expected over the 10-year term of the plan.

This calculation assumes that all fuels reduction would occur through pile burning. Other methods of disposal, such as chipping, hauling off-site, biomass supply, and curtain burning are readily available and, when used, reduce pollution. Also, burning on days with favorable weather reduces the impact of particulate pollution to negligible amounts within the region.

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particulate matter. To do so would require developing an air quality carrying capacity analysis; this would be like creating an “air TMDL.” The TMDL for water pollutants took millions of dollars and the work of several agencies over several years to complete. TRPA will work with partner agencies to develop an air quality carrying capacity analysis and provide scientifically rigorous justification before requiring any specific future reductions.

Currently, fuels reduction is the single largest source of particulate matter pollution in the Region. Fire agencies are making great efforts to reduce fuel loads, which have accumulated over years of fire suppression efforts. Staff recognizes that if today’s fuels reduction projects are successful, future burns will produce less and less smoke as the priority moves from fuels reduction (pile burning) to ecosystem maintenance (broadcast burning of undergrowth).

**Pros of TRPA Staff Position:** Basin fire agencies are already pursuing advanced practices to reduce smoke and are willing to share their smoke management plans with TRPA and partner agencies. They are willing to collaborate in developing additional best practices. TRPA’s commitment only to put forth scientifically validated reduction measures should increase partners’ confidence that the Air Quality Program is not acting arbitrarily. Development of an “air TMDL” or carrying capacity analysis will allow the Air Quality Program to base future measures on good science.

**Cons of TRPA Staff Position:** None identified.

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

**standards?** In the PD and Matrix, the Alternative 2 proposal is to require a single set of Basin-wide air quality standards. *Staff proposes to change the Implementation Measures regarding air quality standards as follows in the table below:*

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

Here's why:

Today, Nevada's air quality standards are the same as the EPA's. California has its own standards, which are more stringent than the EPA/Nevada standards. Therefore, the salient impact of "adopting the most stringent air quality standards ... region-wide" – as originally proposed in Alternative 2 – would be to impose California standards on Nevada.

Stakeholders vociferously stated that requiring Nevada to meet California air quality standards was an abrogation of state sovereignty. Under the Compact, TRPA has the authority to impose standards that are different from existing state standards – as long as doing so is necessary to achieve the Compact's aims.

However, the Compact also states that regulation should be left to the jurisdiction of the respective states "whenever possible without diminishing the effectiveness of the regional plan."<sup>37</sup> This is one of those cases. It has not been demonstrated that adhering to the EPA/Nevada air quality standards would diminish the effectiveness of the Regional Plan or negatively affect Threshold attainment. In fact, there have been no incidences of non-attainment in the Nevada portion of the Basin in the last ten years.

Anecdotally, the last time Nevada was not in attainment was about 25 years ago, when a Stateline air quality monitoring station recorded carbon monoxide levels above the EPA standard. Upon investigation, EPA determined that this resulted from the Nevada Department of Conservation and Natural Resources (DCNR) placing the monitoring station between two parking lots in the Casino Core.<sup>38</sup>

The EPA/Nevada standards are adequate to protect human health. California has developed its own set of standards and applied them statewide. TRPA recognizes California's right to apply statewide standards in Tahoe.

Allowing Nevada to adhere to one set of standards and California another will not detrimentally affect Threshold attainment. The EPA has indicated that, because Tahoe is a contained air basin, CARB's one monitoring station provides sufficient data to determine Threshold status for the entire region. There may be some cases in which, according to TRPA and CARB, the Basin will be out of attainment, while Nevada may consider itself to be in attainment. These discrepancies would have no weakening effect on Thresholds.

No matter what standards are used by the two states, many implementation strategies to improve air quality would be applied region-wide. An example of such a strategy would be the program to provide incentives for the purchase of hybrid and zero emissions vehicles that was mentioned in AQ Issue #1.

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<sup>37</sup> *Tahoe Regional Planning Compact*, Article VI(a).

<sup>38</sup> Telephone interview with Allen Biaggi, 5/10/10.

**Pros of TRPA Staff Position:** Allowing the two states to adhere to different air quality standards would have no negative effect on Threshold attainment, the Regional Plan, or human health. It would not change TRPA's efforts to improve air quality in the Basin. For those who believe that a single set of air quality standards represents the best application of the Compact's directive to TRPA, this Implementation Measure will still be studied in the EIS under Alternative 4.

**Cons of TRPA Staff Position:** The Compact states that TRPA may adopt "air or water quality standards or control measures more stringent than the applicable State implementation plan or the applicable Federal, State, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this Compact."<sup>39</sup> Some stakeholders may argue that a single, more stringent set of air quality standards for the region is justified by this portion of the Compact.

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<sup>39</sup> *Tahoe Regional Planning Compact*, Article V(d).

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## **AQ Issues: YOUR THOUGHTS**

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

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

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

***Sub-Issue 2A) Should TRPA adopt new emissions standards for wood stoves and implement a deadline for removal or replacement of all non-compliant stoves?*** *Staff does not propose to amend Implementation Measure AQ.IMP-16, which states: "Clean Wood Stoves – All wood stoves not certified to emit less than 4.5g/hr of PM for a non-catalyst and 2.5 g/hr of PM for a catalyst-equipped stove must be removed by 2020."*

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***Sub-Issue 2B) Should TRPA prohibit installation of wood stoves in new construction?*** *Staff proposes to amend Implementation Measure AQ.IMP-15 as follows: "Wood Stoves in New Construction – Wood stoves in all new construction must be certified to emit less than 4.5g/hr of PM for a non-catalyst and 2.5 g/hr of PM for a catalyst-equipped stove are prohibited in all new construction. Wood stoves are prohibited in all project areas requiring a TRPA permit."*

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**Sub-Issue 2C) Should TRPA require certification in escrow documents that wood stoves are compliant?** Staff does not propose to amend Implementation Measure AQ.IMP-17: “Wood Stove Certification – All properties purchased, sold, transferred title shall ensure the wood stove is compliant with all current regulations. Evidence of such will be included in escrow documents.”

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**Sub-Issue 2D) Should TRPA create a Wood Stove Mitigation Program?** Staff proposes to delete Implementation Measure AQ.IMP-18, which states: “~~Wood Stove Mitigation Program -- All properties containing a wood stove shall pay an air quality mitigation fee per unit.~~”

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**AQ Issue #3: Should TRPA require a reduction in pile burning?** Staff proposes to amend AQ.IMP-14 to state “~~Forest Fuels 40% -- Forest fuels reduction efforts shall reduce PM emissions by 40% compared to open burning emissions levels.~~ Fire agencies will provide smoke management plans and collaborate with TRPA to develop the best methods for reducing forest fuels with the least impact to air quality.”

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

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

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

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## **Appendix**

- A. Stakeholder Comments and TRPA Responses on Deferred from the Past Milestones to the Land Use Milestone
- B. Stakeholder Comments and TRPA Responses on Land Use issues
- C. Stakeholder Comments and TRPA Responses on Housing issues
- D. Stakeholder Comments and TRPA Responses on Community Design issues
- E. Stakeholder Comments and TRPA Responses on Public Services and Facilities issues
- F. Stakeholder Comments and TRPA Responses on Air Quality issues
- G. Stakeholder Comments and TRPA Responses on Institutional Partnerships issues
- H. Written stakeholder comment letter from Tahoe Area Sierra Club
- I. Written stakeholder comment letter from California Tahoe Conservancy
- J. Written stakeholder comment letter from Placer County
- K. Written stakeholder comment letter from City of South Lake Tahoe
- L. Written stakeholder comment letter from League to Save Lake Tahoe
- M. Written stakeholder comment letter from Heavenly Resort
- N. Written stakeholder comment letter from Caltrans
- O. List of Land Use and Air Quality Stakeholder meetings, meeting dates, and participants



## **Appendix A**

### Summary of Stakeholder Comments and TRPA Responses Deferred from the Past Milestones to the **Land Use** Milestone

#### **Stakeholder Comments Deferred from the Water Quality/SEZ Milestone (#1) to the Land Use Milestone**

1. **Stakeholder Comment:** Mitigation ratios should be the same for restoration credit transferred out of an SEZ and for mitigation credit transferred into an SEZ. It is not fair that an applicant proposing to impact a high-functioning SEZ may be required to provide mitigation at, say, 4:1, while an applicant proposing to restore an impaired high-function SEZ would only be given mitigation credit at 1:1.

**TRPA Response:** When an applicant is required to mitigate an impact, the mitigation ratio should be determined by the character of the area to be disturbed versus the character of the area to be restored. In other words, all disturbance is not created equal, and all restoration is not created equal. The solution to the stakeholder's concern is that restoration must also be graded on a sliding scale according to its characteristics. *Staff proposes to consider the value of the restored land as well as the value of the disturbed land in developing the matrix of SEZ mitigation ratios.*

2. **Stakeholder Comment:** Both water quality agencies generally support staff's proposal to provide incentives to local jurisdictions to facilitate meeting TMDL interim targets and 5-Year Milestones.

**TRPA Response:** See the discussions in ***LU Issue #6: Should TRPA continue to link CFA allocation to environmental performance?*** and ***LU Issue #2: What is the relationship between CPs and the RPU?***

3. **Stakeholder Comment:** All participants supported the proposal to "front-load" the new water quality and land use program by releasing allocations upon the Regional Plan's adoption and then follow up annually by auditing and reporting on the jurisdictions' performance for achieving water quality objectives (i.e., TMDL annual load reduction targets and 5-Year Milestones).

**TRPA Response:** See the discussion in ***LU Issue #6: Should TRPA continue to link CFA allocation to environmental performance?*** Linking allocations to pollutant load reductions and rehabilitation of substandard development is a goal of the RPU. The staff-proposed alternative uses allocation of new CFA to encourage jurisdictions to meet their TMDL and environmental targets.

4. **Stakeholder Comment:** All participants requested a more precise operational definition of "irrevocable commitment." Does it mean that a project must be both fully funded and permitted in order for TRPA to release allocations?

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**TRPA Response:** The answer is yes. Pursuant to Code Subparagraph 14.6.C(5)(r), Irrevocable Commitment “shall mean both an irrevocable commitment to fund ... and receipt of all project approvals.”

5. **Stakeholder Comment:** The CSLT requests TRPA to develop a more predictable system for allocating additional development.

**TRPA Response:** See the discussion in **LU Issue #6: Should TRPA continue to link CFA allocation to environmental performance?**

6. **Stakeholder Comment:** Placer County encouraged increasing incentives to foster environmental improvements.

**TRPA Response:** See TRPA Response to Stakeholder Comment #2.

7. **Stakeholder Comment:** Lew Feldman said that future development and redevelopment may not require as much land coverage as in the past. The future focus will be on tourist-oriented allocations and not land coverage.

**TRPA Response:** Comment noted.

### **Stakeholder Comments Deferred from the Public Lands Milestone (#2) to the Land Use Milestone**

8. **Stakeholder Comment:** TRPA should provide incentives to relocate development out of hazard areas and should do more to identify these areas. TRPA could provide disclosure statements on its official maps that the maps are not perfectly accurate.

**TRPA Response:** Staff is developing ways to encourage the transfer of development out of several natural hazard areas, such as floodplains. Incentives, specifically the concept of transfer ratios, are discussed in **LU Issue #2: What is the relationship between CPs and the RPU?** Disclosure statements on TRPA maps is a good idea; *staff proposes to add disclosures to future natural hazard maps.*

9. **Stakeholder Comment:** Several private sector representatives recommended that TRPA adopt a goal to add fire hydrants and improve water storage and delivery infrastructure in underserved areas, with recognition that new or improved infrastructure may be costly.

**TRPA Response:** Comment noted. The Public Services and Facilities Element addresses water infrastructure and delivery. The staff-proposed alternative reflects the input of regional water purveyors and fire chiefs.

10. **Stakeholder Comment:** Concern was expressed that the EIS and/or pro forma economic analysis might find proposed incentives are not sufficient to generate substantial environmental gain. “If the EIS consultant finds that there is not enough of an economic engine to make EIP happen, will TRPA change its proposals?”

**TRPA Response:** If the EIS or pro forma economic analysis determines that the proposed incentives are not enough to generate substantial environmental gain, then staff will make the necessary changes to the Land Use alternatives.

11. **Stakeholder Comment:** The Alternative 2 Implementation Measure that requires achievement of TMDL pollutant load reductions within five years as a condition for receiving future allocations is too harsh.

**TRPA Response:** See the discussion in ***LU Issue #6: Should TRPA continue to link CFA allocation to environmental performance?***



NOTE – Meetings were held with the following groups for all topic areas:

- **Local Jurisdictions**: City of South Lake Tahoe, Placer County, and local jurisdiction representatives on the Advisory Planning Commission
- **California Attorney General's Office**
- **State and Federal Land Management Agencies**: U.S. Forest Service, California Tahoe Conservancy, and the Washoe Tribe of NV and CA
- **Private Sector Representatives**: Lew Feldman, Andrew Strain, John Falk, Pat Davison, Michael Bradford, Steve Teshara, Susan Simon, George Koster, and Mark Irving
- **Conservation Community**: League to Save Lake Tahoe and Tahoe Area Sierra Club
- **Fire Officials**: Tahoe Douglas Fire Protection District, North Lake Tahoe Fire Protection District, South Lake Tahoe Fire Department, CALFIRE, Lake Valley Fire Protection District, North Tahoe Fire District
- **Public Utilities**: Lake Tahoe Wastewater Infrastructure Partnership
- **TRPA Advisory Planning Commission**

Meetings were held with the following groups to discuss only Air Quality

- **State Agencies**: Nevada Division of Environmental Protection, Placer County Air Pollution Control District, El Dorado County Air Pollution Control District, Washoe County Air Pollution Control District

## **Appendix B**

### Summary of Stakeholder Comments and TRPA Responses from the **Land Use** Element Stakeholder Meetings

#### **Local Jurisdictions**

1. **Stakeholder Comment**: Local jurisdictions requested more time to work with TRPA staff on revisions to the transect designations, boundaries, and permissible use lists.

**TRPA Response**: The large amount of zoning information provided the local jurisdictions will take time to review. *Staff proposes to work with our partners to make any necessary changes to transects during the implementation phase.*

2. **Stakeholder Comment**: Placer County is requesting that no changes be made to the 2009 ordinance that allows local jurisdictions to retain any unused allocations. Conversely, CTC questioned what the impact would be to the sensitive lot retirement program if the ordinance is carried forward into the updated Regional Plan.

**TRPA Response**: When allocations are returned unused, TRPA places those allocations in a pool. The pool allocations may be used as incentives to promote the

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retirement of sensitive lots (and also the development of moderate income housing). Unused allocations must also be returned to TRPA so that local jurisdictions cannot “stockpile” them. A jurisdiction with a hefty stockpile has little incentive to implement environmental improvement projects. Implementing these projects is the way to earn additional allocations under the Performance Review System. This is a key to ensuring orderly growth within the confines of the Thresholds: allocations are given when environmental improvement is demonstrated.

Code Subparagraph 33.2.A(3)(b) states “Beginning January 1, 2009 until adoption of the Regional Plan update, local jurisdictions may elect to retain those allocations...” The interpretation of this has been consistent: the final allocations that would exhaust the 1987 Regional Plan were never to expire and would never be required to be returned to TRPA. As of today, there are 85 allocations remaining, and they will be distributed in June of this year. *Staff proposes to allow the allocations disbursed to the local jurisdictions under Code Subparagraph 33.2.A(3)(b) to remain with the jurisdictions until used. The Subparagraph will not apply to allocations disbursed under the new Regional Plan.*

- 3. **Stakeholder Comment:** Alternative 2’s limiting the use of Bonus Units to Tourist and Town Centers will create concentration of affordable housing in high-density areas.

**TRPA Response:** *Staff proposes to change the Implementation Measures regarding the distribution of Bonus Units as follows in the table below:*

<b>Alternative 1</b>	<b>Alt. 2</b>	<b>Alt. 3</b>	<b>Alt. 4</b>
No change. (Bonus Units may be used anywhere multi-family is permissible.)	LU.IMP-26 Amend Chapter 35, Bonus Units. Assignment of the 1,000 bonus units remaining from the 1987 Regional Plan would be restricted to districts designated as Town Centers and Tourist Centers <u>available only in districts designated as PTOD areas.</u>	<u>No change.</u> LU.IMP-29 [part] 4) Assignment of the 1,000 bonus units remaining from the 1987 Regional Plan would be restricted to districts designated as PTOD areas.	LU.IMP-301 [part] 4) <u>Amend Chapter 35, Bonus Units.</u> Assignment of the 1,000 bonus units remaining from the 1987 Regional Plan would be available only in districts designated as PTOD areas <u>restricted to districts designated as Town Centers and Tourist Centers.</u>

The rationale for the proposed change to the Alternative 2 is that staff agrees with the stakeholders that it is not appropriate to restrict the use of Bonus Units to Town and Tourist Centers; there are other higher-density areas that could benefit from their use. Alternative 3 is the “status quo alternative;” the restriction on the use of Bonus Units should be removed to reflect that character – no change is necessary. In Alternative 4, CFA is only transferable to Town and Tourist Centers; likewise, only allowing Bonus Units to be used in these areas is more compatible with this alternative’s character.

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4. **Stakeholder Comment:** Placer County is concerned with the policy that ties the release of future CFA and access to design incentives to adoption of updated CPs. The County has requested additional information on the CP and RPU relationships and believes such a policy would create a disincentive to reinvest in the community and negatively impact implementation of environmental improvements.

**TRPA Response:** See the discussion in ***LU Issue #6: Should TRPA continue to link CFA allocation to environmental performance?***

5. **Stakeholder Comment:** Placer County believes the Tahoe City Golf Course should be included in the Tahoe City CP boundary.

**TRPA Response:** Comment noted. The County will have ample opportunity bring this up for consideration during the CP update process.

6. **Stakeholder Comment:** Placer County commented that “Government Office” and “Professional Office” should be treated as the same land use category, because they are functionally the same. However, development of professional offices requires an administrative review, while government offices require a Special Use Permit (SUP).

**TRPA Response:** This is not true in all cases. The SUP is only required in certain locations. Government offices are exempt from CFA requirements. Because of this exemption, there are no growth controls on government offices. The SUP requirement and the scrutiny that comes with it provide this control. Staff is not proposing any change to the land use categories.

7. **Stakeholder Comment:** Placer County commented that many riding and hiking trails require SUPs and questioned if this is consistent with the TRPA “Bicycle and Pedestrian Master Plan.” The County believes that the SUPs process is onerous and may discourage the development of important trail linkages.

**TRPA Response:** SUPs for trails are only required in certain land use districts. Because the districts in which SUPs are required have known resource constraints (e.g., SEZs) or social constraints (e.g., some commercial or residential areas with a minimum of public right-of-way), staff is not proposing a change to the requirements.

8. **Stakeholder Comment** Placer County commented that areas of the West Shore (i.e., Sunnyside,Tahoma, Homewood) should continue to be eligible as CP areas. If the development existing in West Shore communities is not recognized, zero to minimal environmental improvements will occur.

**TRPA Response:** In order to be eligible to become a CP area, TRPA must first designate the area as a Preliminary CP. The proposed transect zoning does not remove the existing Preliminary CP designation currently enjoyed by Sunnyside, Tahoma, and Homewood. Moreover, there are existing mechanisms, such as transfer of development that may be used for environmental redevelopment both inside and outside of CPs.

9. **Stakeholder Comment:** Placer County commented that the minimum of 8 dwelling units an acre is not high enough to incentivize PTOD as envisioned in Alternative 2. LEED’s minimum density for successful PTOD is twice as high.

**TRPA Response:** Many planning professionals consider 8 du/ac as the minimum density necessary to implement PTOD. The plan alternatives are designed to promote PTOD that is appropriate in the Tahoe Basin.

In fact, LEED recognizes different land use patterns, and placed the minimum density for PTOD at 7 du/ac in less-urbanized areas, such as Tahoe. In areas with shorter “walk distances” than Tahoe, the standard is increased to 12 du/ac.

10. **Stakeholder Comment:** CSLT expressed concerns with the policy direction to restrict the use of in-lieu fees by larger redevelopment projects. The City believes this will become a disincentive for large redevelopment projects. This issue was also raised by the CTC, which is concerned that they are not able to fulfill the mitigation requirements resulting from the use of in-lieu fees.

**TRPA Response:** See the discussion in *Land Use Sub-Issue 1A) Should TRPA change the way the Excess Land Coverage Mitigation Program (ELCMP) operates?*

11. **Stakeholder Comment:** CSLT commented that TRPA should consider adopting strategies for the creation of “workforce housing” for families with income levels up to 180 percent of the median household income.

**TRPA Response:** The Resident Occupancy Program in Alternative 2 and existing strategies encouraging housing affordability are the staff proposed strategies to promote the development of workforce housing.

12. **Stakeholder Comment:** Placer County is requesting TRPA revise the definition of “Domestic Animal Raising” to permit the raising of chicken hens within single family residential districts. The County is pursuing amendment at the County level to allow this activity in residential districts. The County is pursuing this amendment to encourage the rapidly growing movement of provide locally raised and grown foods.

**TRPA Response:** Staff is not proposing to adopt the recommended changes. Anne Bryant of the Bear League called staff to say that raising chickens on small parcels would undermine bear ordinances. TRPA Code does allow “Domestic Animal Raising” in Residential districts on parcels greater than two acres.

### **State and Federal Land Management Agencies**

13. **Stakeholder Comment:** The CTC commented that TRPA should develop additional incentives to retire lots that are not classified as sensitive but are located in “paper subdivisions” (e.g., Woodvista Subdivision).

**TRPA Response:** *Staff proposes to amend Code Subparagraph 33.2.A(4) to allow allocations from the allocation pool to be used to incentivize the retirement of parcels that are not classified as sensitive but have other important resource values.*

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14. **Stakeholder Comment:** Washoe Tribe commented that TRPA should recognize Tribal parcels within updated PASs.

**TRPA Response:** *TRPA staff proposes to update the appropriate Plan Areas and transects to recognize Tribal ownership of parcels located on the East Shore of Lake Tahoe.*

15. **Stakeholder Comment:** CTC commented on the potential impact of allowing local jurisdictions to retain their allocations on the sensitive lot retirement program.

**TRPA Response:** See TRPA Response to Stakeholder Comment #2.

16. **Stakeholder Comment:** CTC should be exempted from the requirement to gain local jurisdiction approval for transfer of development rights across jurisdictional boundaries.

**TRPA Response:** When allowing development rights to be transferred out of the jurisdictional boundary, some local jurisdictions require compensation for lost potential tax revenues. Because jurisdictions value development rights, staff does not believe it is appropriate to promote the exemption suggested by CTC.

### **Fire Officials**

17. **Stakeholder Comment:** Fire officials should be notified earlier in the project review process so that they can be more involved in vetting and approval of design and better able to gauge and comment on demand on fire personnel and equipment.

**TRPA Response:** *Staff proposes to amend the project notification process, if necessary, to ensure that fire districts are notified in a timely manner.*

18. **Stakeholder Comment:** Fire officials expressed concern that the potential increase in height and density that would be made available to support PTOD may increase demand on fire personnel and require the purchase of more capable fire equipment.

**TRPA Response:** Fire districts have the ability to require compensation from project applicants for any additional demands on personnel and equipment.

### **California Attorney General's Office**

19. **Stakeholder Comment:** At the bottom of page 47 of the Project Descriptions document (under "Land Coverage") it is stated that "the Code would be amended to require site-specific soil and land capability mapping and discretionary field verification of soil and land capability map units." The AG's Staff supports using an updated soils map but expressed concern with the use of the word "discretionary" regarding site verification by staff.

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**TRPA Response:** There is no Implementation Measure in the Matrix that mirrors the above statement from the PD document. *Staff proposes to add an IM to Alternative 2 that reads as follows “Amend Chapter 20, Coverage, to require site-specific land capability mapping through actual field verification for all projects and establish criteria for determining when a field verification is not required based on staff’s knowledge of the site in question.” Staff also proposes to amend the PD document to reflect the entirety of this new IM.*

20. **Stakeholder Comment:** The California AG’s staff was not opposed to LU.IMP-18, which states, “Amend Chapter 20, Coverage, to allow soft coverage to be transferred for commercial, tourist accommodation, and mixed-use facilities located within adopted community plans when transferred from sensitive lands (land capability districts 1-3).” However, they were concerned that soft coverage determinations by TRPA staff have been inconsistent.

**TRPA Response:** TRPA has criteria and procedures in place today for making soft coverage determinations. *Nonetheless, staff proposes to review its internal practices to ensure that soft coverage verification procedures are consistently applied.* Also see the discussion in **Land Use Issue Sub-Issue 1B) Should TRPA expand the Alternative 2 proposal to allow soft coverage to be transferred to Community Plans?**

21. **Stakeholder Comment:** New CFA should not be allocated to areas outside of CPs.

**TRPA Response:** Staff is not proposing to allocate new CFA in areas outside of CPs. See the discussion in **LU Issue #6: Should TRPA continue to link CFA allocation to environmental performance?**

22. **Stakeholder Comment:** TRPA should work with the AG’s Staff to amend the “two-step subdivision” rules to ensure that lot-and-block subdivisions cannot be developed.

**TRPA Response:** See the discussion in **LU Issue #5: Should TRPA amend the “two-step” subdivision provisions?**

23. **Stakeholder Comment:** AG’s Staff is concerned with the rationale and analysis used in designating Town Centers.

**TRPA Response:** Town Centers were identified during the place-based and Pathway planning processes.

### **Private Sector Representatives**

24. **Stakeholder Comment:** Linking allocations to 5-year TMDL Milestones is a disincentive.

**TRPA Response:** See the discussion in **LU Issue #6: Should TRPA continue to link CFA allocation to environmental performance?**

25. **Stakeholder Comment:** Allocations should be disbursed directly to redevelopment projects that provide the greatest environmental improvement.

**TRPA Response:** See the discussion in *LU Issue #6: Should TRPA continue to link CFA allocation to environmental performance?*

26. **Stakeholder Comment:** Delay in providing incentives and allocations until a CP is adopted is unfair and will delay environmental and community improvements.

**TRPA Response:** See the discussion in *LU Issue #2: What is the relationship between CPs and the RPU?*

27. **Stakeholder Comment:** Don't exclude non-CP areas from incentives.

**TRPA Response:** The focus of incentives is primarily on CP areas. It is these areas in which environmental redevelopment will have the greatest positive impacts.

28. **Stakeholder Comment:** The Resident Occupancy program and deed restrictions will be difficult to enforce. Some private sector representatives were against the use of deed restrictions in general and in favor of incentives instead of restrictions.

**TRPA Response:** The RO program is designed to make workforce housing more readily available in the Basin. There are already incentives in Code to promote affordable and moderate income housing. The proposed plan alternatives include additional incentives. The RO program – which is purely voluntary – is just one part of a package of incentives and regulations being proposed to promote the further development of attainable housing for local residents.

29. **Stakeholder Comment:** Workforce housing (available to families who make up to 160 or 180% of Median Family Income) should be exempted from the allocation system.

**TRPA Response:** In the staff-proposed alternative, workforce housing is incentivized by offering allocations from the Allocation Pool to housing developed under the proposed RO program.

30. **Stakeholder Comment:** The deed restriction requirement on mother-in-law units should be removed.

**TRPA Response:** Per Code Subsection 18.2.B, jurisdictions must adopt a TRPA-certified local government housing program in order to receive Bonus Units for existing (illegal) mother-in-law units. A mother-in-law unit is legalized when it is deed restricted as affordable housing; it receives a Bonus Unit from TRPA and does not require the procurement of a development right or an allocation.

If mother-in-law units were not required to be deed-restricted, they could be legally developed or recognized through the use of a Bonus Unit and then subsequently converted to a market-rate unit – without a development right or an allocation. In staff's judgment, removing the deed restriction requirement is not advisable.

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31. **Stakeholder Comment:** Allow for subdivision that could qualify as infill development in non-urban lands (Recreation and Conservation PASs).

**TRPA Response:** Existing Goal #2, Policy 7 in the TRPA “Goals and Policies” only allows “division of land through condominiums, community apartments, or stock cooperatives **within** an existing urban area...” (emphasis added). Staff is not proposing to change this Policy.

32. **Stakeholder Comment:** Heavenly stated that TRPA should amend the plan alternatives to allow the California Base Lodge and adjacent areas to be redeveloped as a PTOD/mixed-use project.

**TRPA Response:** Staff pointed out that the lodge is located on non-urban land – subdivision is only allowed on “existing urban area” per Goal #2, Policy 7 in the TRPA “Goals and Policies.” As stated above in TRPA Response to Stakeholder Comment #35, staff is not proposing to change this Policy.

Heavenly has provided a rationale for redevelopment of the lodge into a PTOD/mixed-use project and destination resort area (see Appendix M -- Written stakeholder comment letter from Heavenly Ski Resort).

33. **Stakeholder Comment:** Bonus Units shouldn't be restricted to Town and Tourist Centers. There are other areas that meet PTOD standards or have multi-family as a permissible use and should have access to Bonus Units.

**TRPA Response:** See TRPA Response to Stakeholder Comment #3.

34. **Stakeholder Comment:** Coverage overrides and incentives should be granted to all affordable/moderate income housing projects regardless of location.

**TRPA Response:** Comment noted.

### **Conservation Community**

35. **Stakeholder Comment:** Policy LU-4.1 states “Base allowable land coverage shall be determined by applying the allowable land coverage coefficients derived by Bailey (1974)...” The Sierra Club commented that it should not cite Bailey because TRPA’s land capability system is not completely based on Bailey and that TRPA’s coverage coefficients were not established by the Bailey.

**TRPA Response:** The Sierra Club is partially correct. In fact, TRPA developed its coverage coefficients collaboratively with Robert Bailey and adopted them in 1972. Bailey subsequently published those same coefficients in his landmark 1974 “Land-Capability Classification of the Lake Tahoe Basin, California-Nevada, A Guide for Planning.” *Therefore, staff proposes to amend Policy LU-4.1 to state “Base allowable land coverage shall be determined by applying the allowable land coverage coefficients found in ~~derived by~~ Bailey (1974)...”*

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36. **Stakeholder Comment:** The League commented that the range of alternatives proposed is inadequate; there is not an alternative that proposes no new allocations. There should be a “real” no-growth alternative considered in the EIS analysis. All alternatives should start with the goal of achieving Thresholds and then identify the necessary steps to achieve that goal.

**TRPA Response:** The alternatives were developed with input received from public and organizational stakeholders, including the League. In fact, Alternative 1 proposes no additional allocations and can be considered a no-growth (or at least slow growth) alternative. Although it is the “no project” alternative, it would still result in environmental gain and redevelopment because it would allow for the exhaustion of existing allocations and the use of transfer of development.

In staff’s judgment, all of the alternatives do start with the goal of achieving Thresholds – they just drive towards the achievement of that goal through the use of different techniques. The EIS will analyze all alternatives on a “level playing field,” which will help staff, stakeholders, the APC, and the Board to determine the best techniques to achieve Thresholds.

37. **Stakeholder Comment:** The League questioned the “true capacity” of the region. Do the proposed alternatives result in growth that is beyond the region’s environmental capacity?

**TRPA Response:** Proposed Goal LU-2 states, “The amount and location of land use are directed in conformance with the environmental threshold carrying capacities...” and proposed Policy LU-2.1 states, “Limit the total population permitted in the Region at one time in accordance with the constraints of the Regional Plan and the environmental threshold carrying capacities.” Based on the Goal and Policy quoted above, staff is not proposing a plan that would allow the region’s capacities to be exceeded.

38. **Stakeholder Comment:** The League commented that incentives such as additional height and density within Town and Tourist Centers should only be earned as part of a transfer of development from sensitive lands.

**TRPA Response:** TRPA staff agrees and is proposing to develop implementation measures that link incentives such as height, density, and CFA to transfer of development. See the discussion in *LU Issue #2: What is the relationship between CPs and the RPU?*

39. **Stakeholder Comment:** If eight dwelling units an acre is the minimum required for achievement of PTOD, why not limit densities to eight dwelling units an acre?

**TRPA Response:** In fact, TRPA Code currently allows up to 15 du/ac for multi-family projects and 40 units for motels and hotels. During the Pathway process, stakeholders indicated that they desired their communities to become more vibrant and walkable. Since some of these communities are built at less than eight du/ac, new projects must be built at higher densities if the minimum standard is ever to be reached and communities are to become more vibrant, walkable places.

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40. **Stakeholder Comment:** The League does not support two-story minimums as a design standard and expressed concern with increased height in the Tahoe Valley and Al Tahoe CP areas.

**TRPA Response:** Both of the cited CPs are proposed PTOD areas in which minimum standards for height and density will be required if they are to become more vibrant, walkable places. Currently, these CPs contain two-story structures.

41. **Stakeholder Comment:** The League is concerned that the ability to transfer units of use across jurisdictional boundaries may result in concentration of development in places where additional development is not warranted.

**TRPA Response:** TRPA Code currently allows transfers of units of use across jurisdictional boundaries provided that the jurisdictions approve of the transfer. Staff is not proposing any change to the Code regarding this issue.

42. **Stakeholder Comment:** LU.IMP-18 states “Amend Chapter 20, Coverage, to allow soft coverage to be transferred for commercial, tourist accommodation, and mixed-use facilities located within adopted community plans when transferred from sensitive lands (land capability district 1-3).” The League objects to allowing the transfer of soft coverage to CP areas. The plan update should have a greater emphasis on transfers of development from SEZs.

**TRPA Response:** See the discussion in *Land Use Sub-Issue 1B) Should TRPA expand the Alternative 2 proposal to allow soft coverage to be transferred to Community Plans?*

43. **Stakeholder Comment:** The gain in densification is greater than the environmental gain envisioned.

**TRPA Response:** Commented noted.

### **Advisory Planning Commission**

44. **Stakeholder Comment:** Mr. Green asked how the transect boundaries were determined and by whom.

**TRPA Response:** The boundaries were set by staff with input from Agency partners. They reflect existing conditions such as land use classification, zoning, and land use pattern. Staff will continue to collaborate with local, state, and federal partners to refine the transects and boundaries during the implementation phase.

45. **Stakeholder Comment:** Mr. Upton stated that incentives for Alternative 2 are stronger than current incentives, but questioned whether the incentives are strong enough to have an impact.

**TRPA Response:** See discussion in *LU Issue #2: What is the relationship between CPs and the RPU?*

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46. **Stakeholder Comment:** Mr. Tolhurst stated concern with the updated plan area statements and asked what TRPA's plan is to get input local jurisdictions to.

**TRPA Response:** Staff has been collaborating with local, state, and federal partners on the updated PASs. Staff will continue to collaborate with these partners to refine the transects and boundaries during the implementation phase.

47. **Stakeholder Comment:** Ms. Merchant stated she would like to see an alternative that allows subdivisions that are being incentivized throughout the document but do not conflict with the TRPA Compact.

**TRPA Response:** Staff does not believe the existing subdivision standards are in conflict with the TRPA Compact. Staff has proposed to amend the existing design standards to promote subdivision in mix-used facilities. In the RPU, "two-step" subdivisions are still permissible but would be limited to transects designated as PTOD and would require a minimum of 8 dwelling units an acre (also see the discussion in **LU Issue #5: Should TRPA amend the "two-step" subdivision provisions?**).

48. **Stakeholder Comment:** Mr. Greene asked, what is "soft coverage?"

**TRPA Response:** See the discussion in **Land Use Sub-Issue 1B) Should TRPA expand the Alternative 2 proposal to allow soft coverage to be transferred to Community Plans?**

49. **Stakeholder Comment:** Mr. Angelocci stated the TRPA should give credit to transfer soft coverage.

**TRPA Response:** See discussion in **Land Use Sub-Issue 1B) Should TRPA expand the Alternative 2 proposal to allow soft coverage to be transferred to Community Plans?**

50. **Stakeholder Comment:** Mr. Upton suggested changing "add GHG reduction criteria to annual performance review system to "consider adding" under the Climate Change section because it is not known what it will look like in the future. He stated he reviewed reports regarding greenhouse gas emissions from the rotting forest from the Angora Fire and strongly suggested removing dead debris out of the forest that would have a positive impact on climate change. Mr. Tolhurst agreed that the rotting forest should be removed because it still releases greenhouse gas emissions, only at a slower rate.

**TRPA Response:** Comment noted. GHG reduction strategies will be covered in the Transportation Milestone.

51. **Stakeholder Comment:** Mr. Angelocci stated that, from the local jurisdiction perspective, current incentives do not drive the need to use commodities in the current plan. It is hoped the incentive package will increase, which will drive the need for the additional commodities.

**TRPA Response:** See discussion in **LU Issue #2: What is the relationship between CPs and the RPU?**



## **Appendix C**

### **Summary of Stakeholder Comments and TRPA Responses from the Housing Subelement Stakeholder Meetings**

#### **Private Sector Representative**

1. **Stakeholder Comment:** Proposed housing policies are restrictive, not incentivized.

**TRPA Response:** Comment noted.

2. **Stakeholder Comment:** Stakeholders expressed reservations with the viability of the proposed Residential Occupancy program: how will such a program be implemented? Who will monitor and enforce compliance of the deed restriction?

**TRPA Response:** See TRPA Response to Stakeholder Comment #28, Appendix B.

3. **Stakeholder Comment:** TRPA should not require a deed restriction for mother-in-law units that are assigned Bonus Units.

**TRPA Response:** See TRPA Response to Stakeholder Comment #30, Appendix B.

4. **Stakeholder Comment:** TRPA should provide coverage overrides, density, and height incentives for affordable housing projects located outside CPs. There are not enough parcels in Town and Tourist Centers to create affordable housing projects.

**TRPA Response:** Staff recognizes the need for incentives to promote affordable and moderate income housing. Coverage overrides would be for CPs only. On the other hand, staff is proposing minimum densities in appropriate non-CP transects, such as T-4 Neighborhood General and T-4 Neighborhood Center. Because the primary focus of the incentives is within CPs, however, staff is not proposing to change proposed coverage standards to provide overrides outside of CP areas.

#### **Local Jurisdictions**

5. **Stakeholder Comment:** TRPA should implement a program that allows developed affordable housing units to be banked as credit and sold at a later date to developers to satisfy a housing obligation.

**TRPA Response:** Comment noted.

6. **Stakeholder Comment:** Placer County does not support the Residential Occupancy program as currently proposed. The County believes that it will not likely yield the type of development being envisioned.

**TRPA Response:** See TRPA Response to Stakeholder Comment #28, Appendix B.

### Conservation Community

7. **Stakeholder Comment:** Proposed Implementation Measure H.IMP7 states “Add an affordable housing development criteria to the annual performance review system for residential allocations.” The League opposes the addition of affordable housing criteria to the annual performance review for distribution of residential allocations. Allocations earned by jurisdictions should be based on implementation of projects to achieve environmental Thresholds.

**TRPA Response:** *After discussion of this proposal and feedback received from a wide variety of stakeholders, TRPA staff proposes to delete H.IMP-7.*

8. **Stakeholder Comment:** The League is concerned that proposed Implementation Measure H.IMP-6, which states “Reserve a percentage of returned allocations for use in the Resident Occupancy program,” would draw allocations from the sensitive lot retirement pool and compromise growth control, as there is no specified limit.

**TRPA Response:** In fact, there is a specified limit proposed in the Project Descriptions document. Under the heading “Residential Allocations” on page 50, it is stated that “Chapter 33 would be amended to allow up to 200 allocations from the Allocation Pool to be used for the development of deed-restricted, owner-occupied residential units.”

*Staff proposes to amend H.IMP-6 to state “Amend Code Subparagraph 33.2.A(4), Allocation Pool, to allow the assignment of up to 200 allocations to parcels throughout the region for the development of deed-restricted, owner-occupied residential unitsReserve a percentage of returned allocations for use in the Resident Occupancy program.”*

9. **Stakeholder Comment:** The League is concerned with the removal of the allocation requirement for moderate income housing and stated that more discussion is needed on this policy proposal.

**TRPA Response:** Comment noted.

10. **Stakeholder Comment:** TRPA should change the proposed in-lieu fee collected for mitigating the loss of affordable housing. It should be used for conversion of existing units to affordable housing rather than for construction of new units.

**TRPA Response:** Proposed Implementation Measure H.IMP-5 states “The code will specify that developers may meet mitigation requirements through on-site units, off-site deed restrictions, or an in lieu fee that will go into a fund set aside for the development of units within the same county.” The proposed measure already provides for off-site deed restrictions – it reserves the in-lieu fees for development of new affordable housing.

## Appendix D

### Summary of Stakeholder Comments and TRPA Responses from Community Design Subelement Stakeholder Meetings

#### Local Jurisdictions

1. **Stakeholder Comment:** CSLT stated that telecommunication towers being designed to mimic trees may not be desirable. Design integrated with surroundings and backdrop is often better than an obvious fake tree.

**TRPA Response:** *Staff proposes to amend Policy CD-3.1.E(6) to state, "~~When appropriate +~~ Telecommunication towers must should be constructed as a monopoles ~~and that are designed to blend in with their surroundings. They may be designed to mimic trees, colors, and materials that are found in the surrounding natural environment when appropriate.~~"*

2. **Stakeholder Comment:** CSLT commented that it is not feasible to preserve all natural features and suggested Implementation Measure CD.IMP-7 be reworded to "preserve unique natural features."

**TRPA Response:** *Staff proposes to amend CD.IMP-7 to state, "Amend Chapter 30, Design Standards, to preserve, retain, and incorporate into site design all existing natural features such as ~~to designate~~ rock outcrops, sand dunes, cliffs, and unique land forms ~~as protected scenic resources.~~" Staff is also proposing to add the following new policy to the Scenic Resources Subelement: "Designate sand dunes, cliffs, and unique rock outcrops and land forms as protected scenic resources in the Scenic Resource Inventory."*

3. **Stakeholder Comment:** CSLT asked who would determine the minimum height necessary for proper function of telecommunication towers.

**TRPA Response:** Staff would determine the minimum height necessary for proper function based on input received from the project applicant and a review of site conditions, design guidelines, and the Scenic and Community Design Thresholds. This is today's practice and is not proposed for change.

#### Advisory Planning Commission

4. **Stakeholder Comment:** Mr. Tolhurst noted that scenic resources should be addressed for Fallen Leaf Lake and asked staff if consideration was being given in the RPU to add Fallen Leaf Lake to the Scenic Resource Inventory.

**TRPA Response:** Projects along the shoreline of Fallen Leaf Lake are required to meet Scenic Resources and Community Design Thresholds. However, unlike Lake

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Tahoe, Fallen Leaf was not included in the Scenic Resource Inventory. *Staff proposes to add Fallen Leak Lake to the inventory after adoption of the RPU.*

## **Appendix E**

### **Summary of Stakeholder Comments and TRPA Responses from Public Services and Facilities Stakeholder Meetings**

#### **Local Jurisdictions**

1. **Stakeholder Comment:** Placer County does not support proposed Implementation Measure PS.IMP-1 “Amend chapter 18, Permissible Uses, and Chapter 30, Design, to prohibit new high-voltage utility lines and telecommunication towers in residential neighborhoods and sensitive scenic areas.” Federal statute prohibits state and local jurisdictions from regulating telecommunication towers on the basis of environmental effects of radio frequency emissions.

**TRPA Response:** Staff is not proposing to regulate cellular towers based on the environmental effects of radio frequency emissions but rather on land use compatibility and potential impacts on TRPA Thresholds for Scenic Resources and Community Design.

#### **Fire Officials**

2. **Stakeholder Comment:** Fire officials expressed concerns with a proposed Implementation Measure that prohibits new high-voltage utility lines in the Tahoe Basin that are not required to serve the Basin. Would this prohibit utility lines that serve the Basin?

**TRPA Response:** PS.IMP-2 states “Amend chapter 18, Permissible Uses, and Chapter 30, Design, to prohibit new high-voltage utility lines and towers that are not required to serve the Tahoe Basin (i.e., lines that serves only areas outside the basin).” The intent of PS.IMP-2 is to prohibit outside utility lines from crossing the Tahoe Basin when they could be aligned so as to avoid the Basin entirely.

3. **Stakeholder Comment:** Was the Basin Fire Chiefs’ recommendation to incorporate alternative fire protection designs that meet fire flow standards included in the plan alternatives?

**TRPA Response:** Staff incorporated the recommendations from the Fire Chiefs in Implementation Measure PS.IMP-4, which states, “Amend Chapter 27 to modify the waiver for fire water supply on new single-family dwelling permits in those areas where the existing water systems have inadequate water supply, pressure, and/or hydrants to allow for alternative fire protection designs that adequately comply with the intent of the adopted fire code.”



## Appendix F

### Summary of Stakeholder Comments and TRPA Responses from Air Quality Stakeholder Meetings

#### Local Jurisdictions

1. **Stakeholder comment:** Proposed Policy AQ 2.1.7 requires bike lanes and sidewalks for any street project requiring a permit. If the street project's funding is for drainage improvements and cannot be used for sidewalks, we may miss an opportunity to get drainage improvements.

**TRPA Response:** *Staff proposes to amend AQ-2.1.7 to state: "Sidewalks and Bicycle Lanes -- ~~For the purpose of improving air quality, incorporate p~~ Public sidewalks and Class II bike lanes ~~when improvements triggering a permit are~~ should be required, when practicable and appropriate, for projects along major roads and highways and ~~or~~ in areas with high pedestrian and bicycle traffic."*

2. **Stakeholder Comment:** The cost of business-sponsored AQ incentives (e.g., ZEV purchases, carpool incentives, staff time for zero emission commuting) is too much.

**TRPA Response:** *Staff proposes to delete AQ.IMP-4: "ZEV Incentive -- Businesses with over 70 employees will provide incentives for their employees to use zero emission transportation sources. Incentives include: provide paid time for 50% of the additional commute time Vs non-zero emission travel and provide monetary incentives up to \$3,000 for purchase and use of a ZEV" and AQ.IMP-7: "Carpool Incentive -- Businesses with over 70 employees will provide dedicated spaces with the most convenient access to the entrance to employees that carpool. Employers will provide 50% of the cost of bus passes for employees to ride the bus to their employment." With these two IMs removed, staff is proposing to increase the incentive available in AQ.IMP-8: "Mitigation Improvements – Amend Chapter 93 to will be totally redrafted. Major changes include requirement to provide of emissions estimates for projects seeking funds, establish funding priority for projects with the lowest emission levels, add provision to provide \$5,000 \$10,000 for the purchase of zero emission vehicles and low emission hybrids for local fleets and by full time residents ~~of~~ of the Region who also work in the Region."*

3. **Stakeholder Comment:** Alternative 4 Implementation Measure AQ.IMP-42 "Fugitive Dust -- Street sweeping to recover deicing materials would be required immediately after a storm event and be completed within 4 days" may not be feasible.

**TRPA Response:** *Staff proposes to delete AQ.IMP-42.*

4. **Stakeholder comment:** TRPA shouldn't require a set number of sweeps per month. Some months might be snowy and sweeping not possible.

**TRPA Response:** *Staff proposes to amend AQ.IMP-12 to state "Street Sweeping 1 – Unless weather or surface conditions render road sweeping impossible, A-all major*

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*roads shall be swept twice per month. ~~A~~ and all remaining roads shall be swept ~~ed~~ once per month.”*

5. **Stakeholder Comment:** Could support the street sweeping Implementation Measures if TRPA provided funding.

**TRPA Response:** TRPA is considering funding operations and maintenance, which would include street sweeping and sidewalk snow removal, through the use of AQ Mitigation Funds.

6. **Stakeholder Comment:** Good goal to maintain sidewalks year round, but is there a funding source (see Alternative 3 – AQ.Imp-19)?

**TRPA Response:** See TRPA Response to Stakeholder Comment #5.

7. **Stakeholder Comment:** It is inappropriate to designate Placer County as Non-Attainment for AQ purposes or require mitigation measures until there is a monitoring station in the County.

**TRPA Response:** The EPA, Nevada, and California all use the existing monitors to collect air quality data and determine attainment status. Even though there is no monitoring station in Placer County, the Basin monitoring network meets all location guidelines for regional air quality measurement and is considered by both California and the EPA as appropriate for making Basin-wide air quality assessments.

8. **Stakeholder Comment:** TRPA did not pursue sound science in the development of the proposed Implementation Measures. The Air Quality Element lacks a developed plan for Threshold attainment.

**TRPA Response:** See the discussion in ***AQ Issue #3: Should TRPA require a reduction in pile burning?***

9. **Stakeholder Comment:** It is unclear how “prioritization” of Air Quality Mitigation Funds will be administered. Will funds still be allocated by jurisdiction, or is the proposal to create a Basin-wide fund? Placer County does not support converting the existing fund structure from jurisdiction specific to Basin-wide.

**TRPA Response:** See the discussion in ***AQ Issue #1: Should TRPA change how Air Quality Mitigation Funds are disbursed?***

10. **Stakeholder comment:** Most Implementation Measures are not documented with enough detail for implementers to understand the capital and ongoing maintenance and operations costs that would be incurred.

**TRPA Response:** It is difficult to provide precise cost effectiveness for each measure. TRPA is proposing programs that have proven successful and cost-effective at reducing pollutants. Stakeholders’ participation in developing of Code language will help staff to better understand the cost impacts of proposed measures.

11. **Stakeholder Comment:** Many measures seem to lack understanding of potential limitations of operating in a mountain environment.

**TRPA Response:** Many of the proposed measures, in fact, have proven effective in mountain communities. As an example, street sweeping and wood stove retrofits at escrow have proven effective right here in the region.

12. **Stakeholder Comment:** Implementation Measure AQ.IMP-5 proposes to reduce permit fees for LEED certification. Would TRPA consider reduction of permit fees for green building programs other than LEED, such as a local jurisdiction's green building ordinance?

**TRPA Response:** Staff would have to assess any other "green building" certification process before including it in a fee reduction incentive strategy.

### **State and Federal Land Management Agencies**

13. **Stakeholder Comment:** USFS would like to see a policy stating AQ Thresholds need to be met.

**TRPA Response:** Staff proposes to amend Policy AQ-2.1.6 as follows: *"Projects, Programs, and Plans -- Projects, ~~plans, and programs,~~ and plans will achieve attain and maintain those air quality standards at levels that are considered healthy for humans and the ecosystem and attain and maintain Thresholds at the earliest practicable date."*

14. **Stakeholder Comment:** When private property owners are required to dedicate land for the construction of linear public facilities (e.g., sidewalks, bike lanes, and bike trails), will the area that is dedicated be counted against parcels' base allowable coverage?

**TRPA Response:** *Staff proposes to amend Chapter 20, Land Coverage, to reflect the current TRPA policy directive, which is not to count coverage for a linear public facility against parcels' base allowable coverage.*

15. **Stakeholder Comment:** The proposed Implementation Measures are difficult to assess with regard to the impacts on the USFS. USFS suggested that TRPA develop an overall reduction level for particulate matter instead of dictating a specific reduction method.

**TRPA Response:** See the discussion in **AQ Issue #3: Should TRPA require a reduction in pile burning?**

16. **Stakeholder Comment:** The use of ground equipment to gather and transport biomass in lieu of burning will have impacts on the environment.

**TRPA Response:** The use of ground equipment is appropriate in some circumstances. If impacts are anticipated with a proposed project using such equipment, the project will be required to mitigate the impacts.

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17. **Stakeholder Comment:** It is more expensive to export or utilize advanced removal techniques on this waste than to burn it in place.

**TRPA Response:** This may be true for the commenter (USFS). However, staff has also met with fire agency stakeholders who indicated that removal is more cost-effective than burning in some cases.

18. **Stakeholder Comment:** Does TRPA intend to create an Air Quality Management District for the Tahoe Basin as a one-stop center for burn permits?

**TRPA Response:** There is nothing in the Matrix and PD document to suggest this, and TRPA does not intend to take on this responsibility. Staff is recommending that the California Air Resources Board continue to classify “burn” and “no-burn” days.

19. **Stakeholder Comment:** The use of “air curtain burners” sounds promising. Please explain how they work.

**TRPA Response:** An air curtain burner is basically an insulated dumpster equipped with a large fan. The fan provides excess oxygen to the fire which allows more complete burning of forest fuels, resulting in approximately a 95% reduction in particulate matter over open burning practices. Further, the use of an air curtain burner would allow fuels reduction practitioners to eliminate waste even during no-burn days, allowing quicker reduction of forest fuel waste.

### **Fire Officials**

20. **Stakeholder Comment:** The cost to agencies of employee incentives (e.g., ZEV, zero emissions commuting) may be too high.

**TRPA Response:** See TRPA Response to Stakeholder Comment #2.

21. **Stakeholder Comment:** Methods of fuels reduction that go beyond pile burning might have additional water quality impacts.

**TRPA Response:** See TRPA Response to Stakeholder Comment #16.

### **Private Sector Representatives**

22. **Stakeholder Comment:** Class II bike lanes should be a minimum requirement for projects along main travel routes.

**TRPA Response:** This is TRPA’s current policy. In addition, Implementation Measure AQ.IMP-20, Bike Facilities, states “Class II bike lanes shall be constructed and maintained along major highways and areas where bicycle travel is present.”

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23. **Stakeholder Comment:** California Air Resources Board should make Burn or No-Burn day calls for the entire region.

**TRPA Response:** See TRPA Response to Stakeholder Comment #18.

24. **Stakeholder comment:** AQ.IMP-15 states “Woodstove Construction -- Wood stoves are prohibited in all new construction.” Some private sector representatives are opposed to an outright ban on woodstoves in new construction. However, they support implementation and strong enforcement of AQ.IMP-16 which states, “Wood Stoves -- All wood stoves not certified to emit less than 4.5g/hr of PM for a non-catalyst and 2.5 g/hr of PM for a catalyst equipped stove must be removed by 2020.”

**TRPA Response:** See the discussion in **AQ Issue #2: Why is TRPA proposing changes to the existing wood stove program?**

### **Conservation Community**

25. **Stakeholder comment:** The League expressed concerns that TRPA’s “historic inability to enforce regulations” will persist in implementation of the updated RP.

**TRPA Response:** Comment noted.

26. **Stakeholder comment:** A monitoring program and associated funding needs to be in place prior to the release of new allocations of development.

**TRPA Response:** Comment noted.

27. **Stakeholder comment:** Expressed concern that Air Quality Mitigation Fees do not adequately reflect the cost of the mitigation and that the funds are used for projects that do not provide adequate emission reductions.

**TRPA Response:** See the discussion in **AQ Issue #1: Should TRPA change how Air Quality Mitigation Funds are disbursed?**

28. **Stakeholder comment:** Policy AQ-2.1.6 states, “Projects, Programs, and Plans -- Projects, plans, and programs will attain and maintain air quality standards at levels that are considered healthy for humans and the ecosystem at the earliest practicable date.” The League commented that all air quality Goals need to include Compact requirements for Threshold achievement and maintenance.

**TRPA Response:** *TRPA proposes to delete Policy AQ 2.1.6. to read as follows: “Projects, Programs, and Plans -- Projects, programs, and plans, ~~and programs will~~ shall assure attainment and maintain maintenance of air quality standards ~~Thresholds at levels that are considered healthy for humans and the ecosystem at the earliest practicable date.”~~*

29. **Stakeholder comment:** Air curtain burners need to be utilized to dramatically improve air quality (especially during seasons other than summer). The cost is

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reasonable with respect to the extra funds that the Tahoe Basin receives for fuel reduction projects.

**TRPA Response:** Comment noted.

30. **Stakeholder comment:** If air quality conditions are improved overall by transporting piles in close proximity to roadways (and utilizing their biomass outside of the Basin) instead of burning them in place, this needs to be incorporated as an air quality improvement strategy.

**TRPA Response:** See the discussion in ***AQ Issue #3: Should TRPA require a reduction in pile burning?***

31. **Stakeholder comment:** Methods to reduce boat and aircraft emissions are virtually ignored in the Regional Plan alternatives. Only one alternative addresses boat emissions and none address aircraft emissions. CARB data suggests that motorized boats are the single biggest source of ozone precursors (ROG and NOx) during the summer months. Each alternative needs to look at different options for reduction.

**TRPA Response:** Strategies for reducing emissions from aircrafts are better handled in the Airport Settlement Agreement and in an updated Airport Master Plan. Watercraft emissions are currently being addressed by the Blue Boating Program. TRPA has included implementation measure AQ.IMP-57 in Alternative 4, which states, "Watercraft -- Reduce emissions from watercraft by limiting the number of motorized watercraft, limiting the horsepower, and limiting the number of days of use of watercraft," This implementation measure will be evaluated in the EIS.

32. **Stakeholder comment:** A new policy needs to be added that addresses pollutants from motorized sources other than just automobiles. This would fit into the proposed policies as AQ 2.2.2.

**TRPA Response:** TRPA's proposed Policy 2.1.11 addresses other motorized sources. It states; "Reduce emissions from combustion engines to the maximum extent practicable and at the earliest practicable date." This would include all other motorized and non-motorized sources.

33. **Stakeholder comment:** Air Quality Mitigation Funds need to go directly to air quality improvement measures, rather than transportation programs. If possible, these funds need to be utilized for measures that directly benefit the local area affected by the impact.

**TRPA Response:** See the discussion in ***AQ Issue #1: Should TRPA change how Air Quality Mitigation Funds are disbursed?***

34. **Stakeholder comment:** The Vehicle Miles Traveled indicator needs to be expanded to include an emissions per person per mile metric for all vehicles (including aircraft, boats, buses, etc...). For example, a bus carrying 3 people will produce more emissions on a per person basis than a car carrying only one person. Buses are often more polluting than cars and without adequate ridership are much more polluting than cars on a per person basis.

**TRPA Response:** Comment noted.

### **Advisory Planning Commission**

35. **Stakeholder Comment:** Mr. Angelocci suggested an expansion of the use of Air Quality Mitigation Funds for operations and maintenance purposes.

**TRPA Response:** See the discussion in ***Air Quality Issue #1: Should TRPA change how Air Quality Mitigation Funds are disbursed?***

36. **Stakeholder Comment:** Ms. Merchant stated she was concerned how Implementation Measures listed for the Air Quality Program would be accomplished without an air quality budget (air capacity analysis).

**TRPA Response:** See discussion in ***Air Quality Issue #3: Should TRPA require a reduction in pile burning?***

37. **Stakeholder Comment:** Mr. LeFevre commented that there may be a conflict with reduced pile burning and the goals and objectives of fuel reduction. He suggested this issue be reviewed carefully. Mr. Upton suggested looking at this issue in a more balanced way to determine how wood would be cleared because of the possible conflicts.

**TRPA Response:** See discussion in ***Air Quality Issue #3: Should TRPA require a reduction in pile burning?***

38. **Stakeholder Comment:** Mr. Tolhurst asked if the issue of wood stoves is still up for discussion. He suggested having “no burn” days as another alternative.

**TRPA Response:** Wood stoves are still a source of air pollution and are discussed in detail in ***AQ Issue #2: Why is TRPA proposing changes to the existing wood stove program?*** TRPA does not propose to call “no burn” days for wood stoves.

39. **Stakeholder Comment:** Mr. Tolhurst asked if there was progress being made on making buildings LEED-certified. He expressed concern about reducing the permit time as an incentive and suggested considering other incentives. He suggested incentivizing more coverage when infiltrating more water. Mr. Angelocci commented on not limiting to LEED certification because there are other green programs available.

**TRPA Response:** Staff is proposing to incentivize sustainable development such as LEED and other green building programs. Incentives include reduction in permit fees, priority review, and reduction in Air Quality Mitigation Fees. At this time, staff is not proposing to increase coverage standards for green buildings but is proposing to allow up to 70 percent coverage for commercial, tourist accommodation, and mixed-use facilities in CPs.

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40. **Stakeholder Comment:** Mr. Upton commented that the verbiage “where possible” under the Hydrocarbon section is unnecessary because traffic lights and green left arrows are put in as traffic warrants it.

**TRPA Response:** Comment noted.

41. **Stakeholder Comment:** Ms. Krause suggested eliminating left-turn on arrow only signage. Ms. Merchant stated putting in smart traffic signals would be more appropriate.

**TRPA Response:** Intelligent Transportation Systems policy discussion will be covered in the Transportation Milestone.

## **Appendix G**

### **Summary of Stakeholder Comments and TRPA Responses from Institutional Partnerships Stakeholder Meetings**

#### **Local Jurisdictions**

1. **Stakeholder Comment:** CSLT: commented that not allowing distribution of CFA until local EIP funding is in place will impact their ability to attract redevelopment opportunities.

**TRPA Response:** See the discussion in *LU Issue #6: Should TRPA continue to link CFA allocation to environmental performance?*

2. **Stakeholder Comment:** CSLT commented that delegation of TRPA's authority to local government is good, but enforcement of TRPA's plans and ordinances must not be an unfunded mandate.

**TRPA Response:** Delegation of TRPA's authority to local jurisdictions occurs through the signing of voluntary Memoranda of Understanding (MOU). A fundamental principle of the MOU is that local jurisdictions, if they choose to take on the responsibility of reviewing and permitting projects, will enforce TRPA ordinances. In addition, the memoranda allow jurisdictions to keep a portion of the permitting fees to cover administrative and enforcement cost.



## Appendix H Written Stakeholder Comment Letter Tahoe Area Sierra Club



Tahoe Regional Planning Agency  
Attn: John Hitchcock and Charles Emmett  
PO Box 5310  
Stateline, NV 89448

4/2/10

Dear John and Charles,

We would like to thank you for the time you spent with us discussing the air quality section of the Regional Plan Update (RPU) on March 11, 2010. We believe that being able to discuss the items, ask questions, and provide feedback helped both the Sierra Club and TRPA to better understand many of the issues. This letter is to put in writing many of the comments, clarifications and suggestions made by various parties at the meeting.

### **Air Quality Goals and Policies and Threshold Standards**

#### Air Quality Goals and Policies:

We agree that the air quality program should have specific Goals & Policies (G&P) that are not tied to transportation. Additionally, the goals must specifically mention the Compact's requirements for threshold achievement and maintenance. In response to this feedback from TASC and League to Save Lake Tahoe (League) staff, you noted at the meeting that you would include a reference to the attainment and maintenance of thresholds in the proposed G&P. We look forward to seeing this inclusion.

#### Update to Air Quality Standards:

We support the proposal to update TRPA's air quality thresholds by adopting CA's particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>) and ozone (O<sub>3</sub>) standards. CA updated its PM and O<sub>3</sub> standards based on concerns that public health impacts were occurring at levels that met the previous standards. TRPA must provide the same level of public health protection to all residents and visitors in the Basin, not just those on the California side.

#### Lake Tahoe Basin airshed:

That a separate, less protective standard would remain on the NV side (as proposed for alternatives 1 and 3) is ridiculous, and certainly not in the best interest of people on the NV side of the lake. Further, the Lake Tahoe Basin is one airshed. It is not possible to separate the emissions produced in CA and NV. As far as we know, there remains no technology available that would "block" air from moving across the state lines in the Basin!

### **Air Quality Carrying Capacity**

The need for an air quality carrying capacity study (much like the TMDL for water quality) is obvious. As TRPA indicated, the primary impediment to this is funding. As we note in this letter, TRPA should examine ways to better fund air quality programs (including revisions to the mitigation fund). Although we know that programs such as street sweeping, reducing emissions from motorized vehicles and recreation equipment,

replacement of dirty wood heaters, etc., will improve air quality, without a carrying capacity analysis, we can not estimate how much a given program, regulation or incentive will benefit actual air quality.

We must implement these programs in the meantime. The need for this type of study is necessary to further implement those control measures that will provide the best level of pollutant reduction. Further, such a study could be combined with an economic analysis so that funds available deliver the “best bang for the buck.”

#### **Vehicle Emissions/Vehicle Miles Traveled**

##### Employer Incentives:

The proposed AQ Implementation Measure (IM) number 7 (IM-7) identifies measures for businesses with over 70 employees. As noted at the meeting, the EIS should examine a lower ‘cutoff’ point. We recommended 50 employees at the meeting.

##### Reduction in diesel emissions:

We fully support TRPA’s proposed IM-13 to prohibit diesel idling. Diesel emissions not only contribute to local PM levels (especially PM<sub>2.5</sub> which poses the greatest health risk to the public), but diesel exhaust is also a known carcinogen. It is believed that many buses and other diesel-powered vehicles may idle in the Basin in order to have the vehicle’s heater on during Tahoe’s colder months and cool overnight temperatures. As explained by TRPA at the meeting, the technology exists to install “shore power” units that can provide heat and air conditioning without the vehicle idling. The public’s health and safety is far too important to ignore especially when alternative methods are available to serve this need.

##### Level of Service (LOS) standards:

The Level of Service (LOS) standard should not be changed or removed. Congestion contributes to poor air quality (both in local “hot spots” [e.g. wintertime CO emissions] and to Basinwide pollution [e.g. NOx and HC emissions which form ozone, for which the Basin is designated non-attainment by both CARB and TRPA]). For pollutants such as CO, emissions are typically greater from a vehicle that is idling than when it is moving at higher speeds, thus the volume of CO emitted by vehicles idling in congested areas is greater than the emissions from those same vehicles traveling at moving speeds (i.e. 40 mph). Thus, emissions from traffic congestion represent a clear detriment to public health.

At the meeting, staff explained that transportation staff were analyzing several possible revisions, for example, whether more congestion would be acceptable if the pedestrian and bicycle facilities were improved. We support the examination of better methods to encourage more bicycle and pedestrian use, but improving non-motorized travel methods in the Basin should not occur at the expense of another threshold. A key solution to reducing vehicle congestion includes reducing the number of vehicles on the road in the first place.

Finally, current LOS standards were intended to protect the rural character of the Lake Tahoe Basin and therefore must be retained in the new Regional Plan.

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**Emissions per Person per Mile:**

As we have noted in previous comments to TRPA, a more direct indicator of the emissions associated with a person's travel choice is the estimate of the "emissions per person per mile" (EPPM). In other words, what are the emissions associated with an individual traveling 10 miles by 1) personal vehicle; 2) Bluego bus; 3) waterborne transit; 4) aircraft...and so on. Many of today's programs are based on the long-ago assumption that personal vehicle use generated far more emissions than other modes such as public transit, waterborne transit, and aircraft. However, vehicles now produce far less pollution per mile, while these other forms of travel still emit significant levels of pollution. The assumption that one is better than the other is no longer valid.

Examination of the EPPM would provide TRPA with a consistent method for examining the impacts of proposed projects and selecting the option(s) which best benefit air and water quality.

TASC recommends the EPPM method be used in the RPU EIS to examine the impacts of each alternative, as well as be incorporated into the new RP as a method TRPA will use to assess project impacts on threshold attainment and maintenance.

**Other Mobile Source Emissions – Motorized Watercraft and Aircraft**

TRPA must consider the emissions produced by motorized watercraft (MWC) and aircraft. Data indicate that the NOx and HCs from MWC during the summer months may contribute substantially to the creation of ozone in the Basin, thereby contributing to the creation of a public health risk. Of note is Tahoe's non-attainment of both the TRPA and the CARB standards for ozone.

The RPU alternatives must all examine ways to reduce both MWC and aircraft emissions. Further, each alternative should examine different methods and levels of pollutant reduction, and how each will affect Tahoe's ozone levels. This analysis should also examine other pollutants of concern that are emitted by these sources, including CO and PM.

**Street Sweeping**

Use of best available technology and frequency of sweeping:

We all recognize and agree that street sweeping provides both air and water quality benefits. Sweepers must represent the Best Available Control Technology and be used on a frequent basis. We recommend at least once/week, in addition to sweeping after storms and deicer application. As discussed at the meeting, sweepers remove significant amounts of PM year-round (not just in the winter months). We support the recommendation to rely on the specifications adopted by Toronto (as proposed in the RPU document).

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Support for ongoing “Operations and Maintenance” (O&M) costs:

As noted at the meeting, we believe the one time mitigation fee charged for projects is inadequate. In previous discussions with El Dorado County staff and others, we have learned that one of the greatest costs for sweeping are the O&M costs. However, the current AQ mitigation fund only allows for the use of up to 10% of the funds available for O&M, thus limiting the ability of local jurisdictions to use the funds to help cover O&M costs. As noted in the TMDL documents, O&M is one of the most important aspects of ensuring our water quality (and air quality) standards are met. We therefore recommend TRPA examine a change to the mitigation fund program to allow a greater percent of funds be used for O&M. We have an additional recommendation that was not raised at the meeting – the RPU alternatives should examine alternative proportions within the fund that can be used for O&M and how this will reduce water and air pollution.

**Air Quality and Transportation Mitigation Funds:**

There is a need for a mitigation fund that is specific to air quality. The current mitigation program primarily supports transportation projects, yet there is a need to mitigate other impacts to air quality. A fund that supports items which benefit air quality is needed (e.g. performance of an air quality carrying capacity analysis, wood stove rebates, etc.). In summary, our proposal is for TRPA to adopt two mitigation funds, one for air quality and one for transportation. This is not unheard of – in fact, as staff explained, El Dorado county currently charges an Air Quality Impact Fee (upwards of \$30,000 per home) when new buildings are being constructed.

**Wood Stove Emissions:**

Retrofit Program:

We support the examination of ways to improve implementation and enforcement of TRPA’s current Wood Heater Retrofit Program. Basing the program on successful programs from other locations (e.g. Washoe County, Mammoth Lakes) relies on a proven method of reducing this source of pollution. Further, we question whether, as with motor vehicles, some smaller percentage of existing wood heaters are creating a majority of the wood smoke from this source (i.e. we often hear that “10% of motor vehicles are producing 90% of the pollution from vehicles). On this note, we also recommended at the meeting that TRPA looks at incentives and regulations which target the priority removal and replacement of wood heaters which do not currently comply with the current Code. For example, when a rebate program is established, the money will be far better spent if it is used to replace a 1980 wood heater versus a 2003 wood heater.

New EPA Standards:

We also support the evaluation of how EPA’s new “Phase III” wood heater emission levels could improve air quality in the Basin. New construction should always use the best available control technology. In the case of replacing existing wood heaters, we agree there would be a benefit and such benefits should be encouraged and required as appropriate, however note that current non-compliant units should be prioritized for removal *first*.

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Residential Wood Heater No-Burn Days:

Further, as soon as an adequate monitoring network and other tools are in place (as discussed later in this letter), TRPA should implement 'no burn day' determinations for residential heating to prevent smoke impacts to public health on days where atmospheric conditions will prevent the dispersion and/or dilution of wood heater emissions. This practice is already regularly used in many other air basins (e.g. Reno, NV).

Finally, as noted previously, an air quality carrying capacity study would show the extent to which residential wood heaters affect air quality and lake clarity. This information is necessary to further refine programs which will provide for the most extensive and swiftest reduction in smoke from this source.

**Residential Yard Waste Burning:**

It is shocking that the counties and TRPA still allow residential burning of yard waste to pollute Lake Tahoe's famous airshed when multiple other methods of disposal exist. We support a full ban on all residential burning of waste in the Basin.

**Prescribed Fire and Smoke Management**

"Prescribed Fire" includes both *ecological/understory burning* ("ecological burning"), which is performed to mimic the benefits of historic fire regimes and reduce biomass (and fire danger), and *pile burning*, which is used to dispose of thinned biomass waste 'on site.' As stated at the meeting, TRPA must clearly distinguish between these two 'types' of prescribed fire in its regulations. Some of the current language may suggest a reduction in both, although staff have stated the aim is to reduce pile burning.

Ecological burning:

The benefits of ecological burning include a healthier forest ecosystem and reduced fire danger. There is no alternative method available that can achieve the ecosystem benefits provided by the burning. Therefore, ecological burning is desired due to its benefits to multiple thresholds, including air quality.

Ecological burning is a form of prescribed fire, and smoke management regulations and tools exist to reduce the smoke emitted by prescribed burning. Further, in many cases, the excess biomass from an area will already have been removed prior to performing an ecological burn, and thus the smoke emitted per acre is far less than if the area had not been cleared first. Because ecological burning can only occur on certain days where atmospheric conditions reduce smoke impacts, available 'burn days' in the Basin should be used for these types of burns as often as possible (rather than for pile burning where other disposal options are available, as discussed below). TASC supports measures which significantly reduce pile burning and instead support healthier, understory burning.

Pile burning

Pile burning is used as a means to dispose of thinned biomass. However, unlike ecological burning, there are other methods for disposing of forest waste, including removal by hand crews, chipping/masticating, removal by cable yarding systems, helicopters, etc. We note that cost is often cited as a reason helicopter removal is not

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desired in the Basin. However, USFS staff managing the San Bernadino forest have relied on helicopter removal to prevent smoke impacts on neighborhoods (pers. comm. Tom Hall, 4/1/10). Pile burning in the Basin should be significantly reduced, as noted previously, to protect public health. 'Burn days' should be used for ecological burning.

We recognize that there are some areas where access to remove biomass is not possible (e.g. steep areas) and pile burning is the only means of disposal. However, pile burning is currently being performed in areas throughout the Basin where alternative methods of disposal are available. On this note, TASC supports the proposal in Alternative 4 to prohibit pile burning in areas less than 30% slope and within ¼ mile of a roadway where suitable staging areas exist.

Air Curtain Burners:

TASC also supports the use of air curtain burners in place of pile burning in areas where adequate landings are available. However, we do not support the creation of new landings simply to locate a burner.

Meteorological Resources and Burn Day Determinations in the Basin:

Additionally, as was discussed in length during the CA-NV Tahoe Fire Commission process (2007-2008), burn day determinations are currently made by CARB based on modeling performed in Sacramento with limited data available for the Tahoe Basin. Many regulators and burners noted that there are often days where conditions outside of the Basin are conducive to burning, but in-Basin conditions are not (i.e. an inversion exists), but the day is declared a 'burn day' for Lake Tahoe (or vice versa). There was general recognition by all sides that there is a need for better meteorological resources in the Basin. Luckily, there are already programs and partnerships in place to better manage smoke. In fact, TASC and the Sierra Forest Legacy summarized information about these programs and partnerships in a letter submitted to the CA-NV Tahoe Fire Commission (Attachment 1).

RPU Analysis:

We expect the RPU EIS will analyze the impacts of these various options on smoke emissions, as well as the actual costs of each when all things are considered, including the costs to develop smoke management plans, evaluate meteorological conditions (and associated equipment), and staff the crews implementing the burns, versus the cost to remove biomass through non-burning methods and haul it to a facility (e.g. Carson City prison). Such an analysis will help support new approaches to fuels reduction and forest health management that may currently be (or are assumed to be) cost-prohibitive.

**Air Quality Monitoring**

Air quality monitoring in the Basin has been spotty, at best. TRPA's previous visibility monitoring program, which provided information for visibility as well as pollution sources, PM levels, etc., has been shut down. CARB budget cuts reduced CARB's presence in the Basin to just two sites – a PM<sub>10</sub> monitor and O<sub>3</sub> monitor in South Lake Tahoe. Nevada sites have also been removed or substantially reduced. There is a clear need for the establishment of a well-funded, long term monitoring program throughout the Basin. (Perhaps an Air Quality Mitigation Fund could also help support these costs).

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This network must monitor criteria pollutants including CO, PM<sub>2.5</sub>, PM<sub>10</sub>, O<sub>3</sub> (and its precursors: NO<sub>x</sub>, HCs) as well as collect data that will help identify pollutant sources (e.g. filters that can be analyzed and speciated in laboratories, and equipment which can decipher other source-indicating species in real time).

Air quality monitoring is needed to not only assess the current status of TRPA's thresholds and impacts of air quality on public health, but also, in concert with other tools such as a Lake Tahoe Basin-specific emissions inventory and air quality model, to examine how control measures are working, whether new measures are needed, etc. This information will also help TRPA, the states and local jurisdictions further refine pollution-reduction measures to provide the most air quality improvement.

Finally, although improved monitoring is needed, we do have enough data to know that public health impacts in the Basin area already occurring. For example, the Tahoe Basin is currently not in attainment of TRPA's and CA's ozone standards. Recent PM exceedances have also occurred. Therefore, the implementation of programs to reduce air pollution is necessary and can not be delayed.

Thank you for this opportunity to discuss these issues. If you have any questions, feel free to call Jennifer Quashnick at (530) 577-4233.

Thank you,

Laurel Ames,  
Tahoe Area Sierra Club  
Executive Committee member

Attachments:

12/13/07 Letter from TASC and Sierra Forest Legacy to the CA-NV Tahoe Fire Commission, Wildland Fuels Committee. *Recommendations regarding Air Quality and Prescribed Fire.*

**Appendix I**

**Written Stakeholder Comment Letter from the California Tahoe Conservancy**

**California Tahoe Conservancy staff comments on TRPA Regional Plan Update Alternatives -  
 Land Use, Coverage, Housing, Air Quality  
 As of February 17, 2010**

Topic/Issue	Comments/Questions
<b>Land Use</b>	
General Comments	<ul style="list-style-type: none"> <li>• Transect Planning feels more complex than the current system. Perhaps it is just the notion of change. In any event, we have found it difficult to review the proposed changes to the PASs due to insufficient time availability on our part.</li> <li>• There are some heading differences between the Transect Zone Districts and the names on the individual maps (e.g. Town [orange] vs. Town General [Brick or red/brown])</li> <li>• Echo Creek Ranch – should this property be designated recreation?</li> <li>• Golf Courses: Lake Valley SRA golf course shown in recreation but the Old Brockway Golf Course in Kings Beach is not. Inconsistency to remedy?</li> </ul>
Pg. 38 of Dec. 10, 2009 Draft Descriptions of Project Alternatives for the Proposed Regional Plan Update's EIS (hereafter "Description Update")	<ul style="list-style-type: none"> <li>• PAOTs – Please explain what is meant in the last sentence of the first paragraph, which ties PAOTs with CFA. If a Recreation project, wouldn't the commercial use be accessory? If not accessory, wouldn't the use require CFA, a capacity system separate from PAOTs? When do the two capacity systems combine?</li> </ul>
Pg. 42 of Description Update	<ul style="list-style-type: none"> <li>• It is stated that "The Urban Boundary would be adjusted to remove public lands that have been purchased for conservation purposes (I believe under Alternative #4). Where would this impact be? Does it include any CTC lands? How will TRPA know the purposes of acquisition without specific conversations with land management agencies responsible for the individual acquisitions? Does this proposal reclassify all urban lots? Note that this proposal could have unintended consequences if implemented without consultation. For example, the Cove East acquisition was largely for conservation purposes, but sale of a portion of Parcel 4 and the State-owned portion of Parcel 3 implements the Regional Plan (Tahoe Keys Marina Master Plan).</li> </ul>
Proposed Policy LU-4.3; beginning on page LU-35 of the Matrix; Alternative #2.	<ul style="list-style-type: none"> <li>• We agree with the general direction that is proposed but have some comments and questions:</li> <li>• <b>We support the proposal to allow coverage to transfer from "impaired watersheds" to other HRA's but believe the Plan must go further by eliminating HRA's for use of the proposed "Rehabilitation Fee" in order for the CTC to continue as a land coverage bank.</b></li> <li>• Describe what you have in mind for the "Special Task Force" proposed to analyze and report on actual costs, etc. for implementing an effective land coverage banking program.</li> <li>• Please explain the direction described: "consider alternative funding sources or programs to provide supplemental funding for such land coverage banking programs."</li> <li>• Please explain the statement: TRPA shall adopt a fee schedule that is adequate to carry out an effective land coverage banking program; <b>equitably divides the costs to the public and private</b></li> </ul>

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	<p>capability land. Consider expanding to other sensitive lands or all land capabilities. This policy affected the Emerald Bay Estates housing project.</p> <ul style="list-style-type: none"> <li>We like the proposed implementation measure that will restrict the use of ECMF to the acquisition and restoration of existing coverage only. <b>However, we suggest modifying this to further restrict the money to the acquisition and restoration of SEZs. And in doing so, eliminate the restriction for use of funds within the HRA of origin.</b></li> </ul>
Proposed Policy LU-4.1- Alternative 4 – LU.IMP-36	
Description Update- page 48; Sensitive Land Mitigation Program	<ul style="list-style-type: none"> <li>We agree with allowing up to the base allowable coverage (1%) on class 1b lands with requiring land coverage mitigation.</li> </ul>
Description Update- page 48; Excess Coverage Mitigation	<ul style="list-style-type: none"> <li>We support the recommendation to substantially restrict access to the <i>in lieu mitigation fee</i> and effectively require larger projects that are redeveloping (or remodeling) their properties to meet their mitigation on site. Note, however, that since we support the use of the <i>in lieu fees</i> for the acquisition and restoration of SEZs, this restriction may substantially reduce the available funding for such acquisition and restoration.</li> </ul>
<b>Topic/Issue</b>	<b>Comments/Questions</b>
Description Update- page 35; unused residential allocations	<ul style="list-style-type: none"> <li>Does the July 2009 Code amendment allowing local jurisdictions to retain and carry over any unused allocations beginning in 2010 mean that TRPA's pool of allocations could eventually dwindle to zero? If so, this would undercut any remaining market for the purchase of SEZ's and other environmentally sensitive lands.</li> </ul>
<b>Housing</b>	
Matrix Page H-7 & 8; Alternative 2 Proposed Policy H-2.1 & H-2.4	<ul style="list-style-type: none"> <li>What if the government, for coverage reduction purposes (and let's say it happens to be in a SEZ- but it may not), purchases property and requires the owner to demolish improvements that are derelict and substandard that have one or more units determined to be moderate or low income housing, are you planning to require the govt. to pay a mitigation fee? The policy seems to be directed at "developers", but can you discriminate? Depending upon the fee, this could discourage acquisition of properties that should be demolished and restored (not just redeveloped).</li> </ul>
<b>Energy and Climate Change</b>	<b>We have yet to formulate any comments</b>
<b>Air Quality</b>	
General Comments	<ul style="list-style-type: none"> <li>We need more time to digest this information, however, we have some comments</li> <li>There are a lot new policies and implementation measures proposed that we think will stimulate vigorous public debate</li> </ul>
AQ Imp 14- Forest Fuels 40%	<ul style="list-style-type: none"> <li>What is the implication for land management agencies that currently rely upon burning? Use of ground equipment to gather and transport biomass in lieu of burning will have different impact on the environment. Will it be more costly to not burn? This also appears to be a disincentive for prescribed fire. There is a similar provision under Alternative 4 proposing a greater, 60% reduction.</li> </ul>
AQ Imp 20 – Bike Facilities, Policies AQ-2.2.5 & 2.2.6; Pages AQ-4 & 18	<ul style="list-style-type: none"> <li>Requiring bike class II bike lanes is beneficial.</li> <li>If the environmental cost to implementing this measure impacts SEZs and wetlands, will there be any ability to</li> </ul>

	<p><b>sectors, and ...."</b></p> <ul style="list-style-type: none"> <li>We think the coverage transfer ratios under Alt. #2 are more appropriate to help stimulate the transfer of coverage from sensitive lands. On page LU-5 of the Matrix: We agree with allowing soft coverage to be transferred for commercial, etc; But, consider broadening this measure to allow soft coverage from any class 1-7, and then as proposed, keep the transfer ratios of 1:1 and 2:1 depending on sensitivity of the sending parcel. (It should be noted that limiting the use of soft coverage could mean rescinding soft coverage transfer provisions currently in place in the South Y Industrial Plan Area.)</li> </ul>
Proposed Policy LU-4.1- Alternatives 2 & 4 – LU.IMP-35	
Proposed Policy LU-1.2-Alternative 2 – LU.IMP-17	<ul style="list-style-type: none"> <li>To further encourage redevelopment and rehabilitation of altered areas, consider amending Chapter 20 to allow those relocation projects that meet the "Linked Project Status" criteria to have the option of relocating their existing coverage footprint (even if it exceeds 70%) to the newly conforming, high capability site, especially if they are currently non-conforming or are located in a Bailey Class 1-3 area.</li> </ul>
Proposed Policy LU-2.2-Alternative 2—Page LU-12 Matrix	<ul style="list-style-type: none"> <li>We support the policy to "direct land use and growth to ...urban areas where infrastructure capacity and facilities can be made available most efficiently". To achieve this policy, consider incentive measures for the retirement of:                         <ul style="list-style-type: none"> <li>a. Substandard parcels as defined in the TRPA code (eg. situated within a subdivision not currently served by paved streets or utilities); and</li> <li>b. Parcels that are situated on a paved street and that, if never developed, would allow for the restoration of a section of roadway.</li> </ul> </li> <li>Incentives to consider include 1) participation in the residential allocation pool program regardless of land capability, if the parcel is retired from development; and 2) the parcel's base coverage, regardless of land capability, is allowed to transfer to any parcel eligible for residential development, regardless of the receiving parcel's IPES score. The rule of relative sensitivity would be waived.</li> </ul>
Proposed Policy LU-1.2- Alternative 2—LU.IMP-20; Page LU-5	<ul style="list-style-type: none"> <li>Consideration should be given to broaden the incentives proposed under this implementation measure (i.e. more than just coverage transfers across hydrologic boundaries in the case of "impaired watersheds"). Such incentives could include transfers of restored class 1a, 1c, 2 &amp; 3 lands, or at least those classes that are not in compliance with coverage thresholds as defined under Bailey.</li> </ul>
Proposed Policy LU-1.2- Alternative 2—LU.IMP-18; Page LU-6	<ul style="list-style-type: none"> <li>The intent behind transferring coverage from sensitive lands implies that there might be interest in directing coverage to the least environmentally sensitive lands. If this is the case, consider expanding the basic land coverage rules from Chapter 20 regarding placement of new coverage. Currently only 1b coverage can be placed on higher capability lands without "penalty" of reducing the base coverage to the maximum for the lower capability land that was placed onto the higher</li> </ul>

	<ul style="list-style-type: none"> <li>waive mitigation requirements currently proposed in other sections of the Regional Plan?</li> <li>Would the desire to maintain year-round facilities put pressure on jurisdictions to plow and maintain bicycle trails for year-round accessibility? What about the cost to do so? What are the practical implications to the management of such facilities as the West Shore Bicycle Trail paralleling Highway 89 where snow is often stored within the bicycle trail?</li> </ul>
AQ Imp 2- Air Curtain Exempt	<ul style="list-style-type: none"> <li>Sounds promising, but we need to understand what an "air curtain burner" is.</li> </ul>
Policy AQ-2.1.7 Sidewalks and Bicycle Lanes – pg. AQ-11	<ul style="list-style-type: none"> <li>Who is responsible for the land coverage for sidewalks and/or class II bike lanes? Will these be treated as a necessary public facility so the landowner may transfer in potential coverage beyond what their private project would otherwise be allowed? If so, this will put greater pressure on land banks. If not, this will constitute a major disincentive.</li> </ul>
Policy AQ-2.1.8- Hazardous Fuels Burning – pg. AQ-12	<ul style="list-style-type: none"> <li>Does TRPA intend to create an Air Quality Management District for the Tahoe Basin as a 1-stop center for burn permits (eliminating the need to consult different counties in CA)?</li> </ul>

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**Appendix J**  
**Written Stakeholder Comment Letters from the Placer County**



**COUNTY OF PLACER**  
**Community Development/Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**PLANNING**

March 10, 2010

Mr. John Hitchcock  
Regional Plan Update Team Lead  
Tahoe Regional Planning Agency  
PO Box 5300  
Stateline, NV 89449

SUBJECT: TRPA Regional Plan Update  
Placer County Comments on Transect Maps and Allowable Land Use Tables

Dear Mr. Hitchcock:

Thank you for providing Placer County the opportunity to review the TPRA Draft Regional Plan Update Alternatives and Transect Maps and Allowed Uses. For your convenience, comments from various County Departments including Planning, Facility Services, Redevelopment Agency, and the County Executive Office are included in this letter and conveniently organized by commenting department.

**Following are comments provided by the Placer County Planning Department:**

It can be confusing to have so many uses listed in each transect. The County suggests removing uses that are not allowed in either the transects or the Plan Area Statements to facilitate an easier review. This may also allow for larger font size making the document easier to read. A clear identification of where the changes to the existing zoning would also be helpful.

Existing densities are not listed when the proposed Transect densities are. Is there a reason for this exclusion? Additionally, a number of instances suggest activities be performed without indicating the responsible party. This information would be helpful to determine the impact of this plan on Placer County. The County also suggests that PAS 031, or the new equivalent transect, recognize Multi-Family as an allowed use, making this transect consistent with Placer County.

*Homewood Tahoe Ski Bowl*

There is reference to the need for a new Community Plan for any new or additional commercial uses. How would this impact the proposal for Homewood Mountain Resort?

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Internet Address: <http://www.placer.ca.gov/planning> / email: [planning@placer.ca.gov](mailto:planning@placer.ca.gov)

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*Blackwood*

A policy is suggested that "Blackwood Creek should be stabilized and other instream programs to minimize erosion and scouring should be performed." Who would be performing this?

The statement is made that snowmobile use should be prohibited in important wildlife habitat. Where is this habitat identified? How will the public be informed of this? Who will enforce this?

It appears that the current zoning for Blackwood allows pipelines and transmission with the approval of a use permit. The proposed zoning does not allow this in certain transects. The Planning Department suggests the more appropriate approach would be to leave this as allowed with a use permit in areas where there is a question, and allow it to be determined during the public hearing process.

It is confusing to have T4 included in this chart when there is no indication on the map of the presence of T4 zoning. At the same time, T5 is clearly shown on the map, yet there is not a category for it within the chart.

*Alpine Ski (new)*

The policy seeks to prohibit base facilities. Are there base facilities proposed currently? What is the rationale behind this prohibition? Would it be more appropriate to leave it as a possibility that could be considered in a Conditional Use Permit, since this is a 20 year plan?

There is a note about no new parking facilities. Alpine Peaks HOA recently had a discussion before NTRAC about parking and there was discussion about providing more public spaces so they could enforce no parking.

*Alpine Ski (new)*

Downhill Ski Facilities indicates the need for a use permit. It should be noted that Placer County requires a Conditional Use Permit for all ski lifts and ski runs.

This seems a bit confusing. T4 is the only transect that appears in the allowed use column, yet it does not appear on the map. It is unclear how the map and the table relate to one another.

*Lower Ward Valley*

The T3 transect requires a use permit for single family dwellings. The areas identified on the map as T3 are largely existing developed single family dwelling parcels. It seems inappropriate to create a new transect that does not recognize the existing character of an entire area.

*Placer County Westshore LDR*

Who would be offering the buyout program for Alpine Peaks lots? And is this seen as a viable program? How would this impact the County should the IPES line be dropped to 0 as is the case in every other jurisdiction.

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There is discussion of lack of services to Alpine Peaks, specifically fire protection and TCPUD. There are homes there now, how are they served? Have NTFPD or TCPUD commented on suggesting that due to their limitations, owners should retire their development potential in these areas?

Is TRPA referring to transfer of vacant land development rights out of the Mark Twain Tract?

What does S(1-8) mean?

Why are there 3 columns for T5? It appears there is a special area 1. How is this defined, where is it located? It does not appear to be delineated on the map. Without this knowledge it is impossible to comment on whether the proposed changes are appropriate.

★ *Domestic Animal Raising*

Placer County is requesting that TRPA revise the definition of "Domestic Animal Raising" to permit the raising and keeping of chicken hens within single family residential districts as part of the Regional Planning Update. Placer County is currently processing a Zoning Text Amendment to allow the raising and keeping of up to three chicken hens primarily within the County's smaller lot size residential zone districts (Chickens are currently permitted within the larger lot zone districts). The keeping of roosters and other types of poultry hens (Guinea, pea, etc..) is prohibited. The County is preparing the Zoning Text Amendment in response to a rapidly growing movement to provide locally raised and grown foods. The County's proposed Zoning Text Amendment has generated an inordinate amount of interest by the public. Placer County highly recommends that TRPA revise the definition of "Domestic Animal Raising" to allow the raising and keeping of chicken hens in the upcoming Regional Planning Update so that TRPA is adequately prepared to address what may become an on-going issue in the future.

*Cellular Communications Installations*

Cellular installations within portions of Placer County that are also located within the Lake Tahoe Basin are discretionary to the joint authorities of the County and to the Tahoe Regional Planning Agency (TRPA). To that end, the County, through adoption of General Plan and Community Plan documents for Placer County communities located within the Lake Tahoe Basin, has established land use criteria and zoning regulations that conform to land use criteria included in Chapter 18 of the TRPA Code.

Presently, cellular communications installations (Transmission and Receiving Facilities land use) are allowed within all General Plan and Community Plan Area Statements (PAS) within the Placer County portion of the Lake Tahoe Basin with the exception of properties located within the following Plan Area Statements of the West Shore Area General Plan:

- PAS 003 (Lower Truckee - Special Area #1)
- PAS 159, Special Areas 1, 2, and 3 (159 - Homewood/Commercial)
- PAS 160, Special Areas 1, 2, 3, and 4 (160 - Homewood/Residential)
- PAS 166 (Upper Ward Valley)

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Additional considerations and restrictions may exist due to the specific policies of each PAS and/or due to location within or proximity to the Lake Tahoe Shorezone. Documents reviewed in reference to the information above include the following:

- West Shore Area General Plan
- Tahoe City Community Plan
- North Tahoe Community Plan, Including:
  - Carnelian Bay
  - Kings Beach
  - Kings Beach Industrial
  - Tahoe Vista
  - North Stateline
  - North Tahoe Area General Plan

Deployment of New Facilities within the Tahoe Basin

The TRPA has recently advised that it may further restrict development of cellular communications sites (Transmission and Receiving Facilities) within certain land use districts within the Basin, such as residential areas and along scenic roadway areas. Placer County currently has no policies to preclude development of cellular facilities in zoning designations or plan areas where they are permitted. However, County staff does work closely with project applicants to provide guidance on the appropriateness of proposed cellular installation locations.

To this end, staff actively encourages cellular representatives to make efficient use of existing communications sites and utility infrastructure, to propose new locations (when necessary) that are sensitive to overall development patterns and land uses, to encourage location of new communication sites within designated commercial and industrial areas, and on properties developed with public safety facilities or public utility facilities. Due to the largely rural character of Placer County, there are significant portions of the County where there are not opportunities to locate new facilities as described above. Therefore County Ordinance does permit these facilities within all zoning districts and nearly all Plan Area Statements subject to approval of a Minor Use Permit or Administrative Approval depending on the type of installation proposed.

When such facilities are proposed in residential areas or in other rural zone districts, staff requires demonstration that the facility would not be disruptive to overall land use patterns and that the facility would not result in considerable impacts to neighboring property owners. Typically, rural residential areas are more conducive to placement of new facilities due to larger parcel sizes while areas with smaller parcels and higher population densities are less conducive. However, areas with smaller parcels and higher population densities are typically located within close proximity to commercial areas, public safety and public utility facilities, and/or transit corridors where alternative siting opportunities may exist.

Effect of Regulation By Local Agency

According to our discussion, the TRPA has expressed a desire to implement regulatory structures relative to requests for approval of new telecommunications facilities on the basis

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of perceived health affects related to radio frequency emissions commonly referred to as EMF's. The 1996 Telecommunications Act prohibits State or local agencies from regulating on the basis of EMF's. Section 704 (Facilities Siting; Radio Frequency Emission Standards) of the bill reads, in part, "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's (emphasis added) regulations concerning such emissions." Although local agencies cannot regulate the placement of installations on the basis of EMF's, the Act does not preclude State or local agencies from regulating the land use itself, including prohibition of the land use within any zone district so long as the use is not outright prohibited throughout the jurisdiction.

*Wayfinding Signage*

As you are aware, the County, TRPA, and a number of other government agencies have been meeting with the North Lake Tahoe Resort Association over the past couple years to address their concept of Wayfinding Signage. The current Sign Ordinance does not provide an allowance for this type of signage. If at all feasible, the Regional Plan Update should provide a mechanism to include this concept within sign regulations for the Lake Tahoe Basin.

**Following are comments provided by the Placer County Department of Facility Services:**

The focus of our review is to determine impacts to land use regulations that affect activities for services that County government provides in the Tahoe Basin. Additionally, since the Department of Facility Services is also responsible for managing County-owned properties in the Basin, this review included evaluation of changes that would affect the development potential of County-owned properties.

The following comments on this memorandum include observations that globally apply to a number of the Transect areas in the Regional Plan. We have also separately attached comments that apply specifically to the individual Transect areas (Attachment 2). On these sheets we have identified County-owned or leased properties and have provided comments where stated policies or land use changes may affect County's ability to provide services.

Facility Services appreciates the opportunity to comment on the Regional Plan Update and is available to discuss our comments at your convenience.

*Facility Services - Property Management*

In reviewing the draft TRPA Regional Plan, we observed an inconsistent approach in articulating policies. At times, the policies were appropriately broad as would be expected in a plan of this type. However, there are numerous instances where the policy statements are site-specific and seemingly more appropriate for a community plan or for project level review (E.g. Kings Beach HDR – Policy 7A).

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The basis and intent of some policy statements in the draft TRPA Regional Plan are not substantiated (E.g., North Tahoe Recreational Area - Policy 24A.2). In these circumstances, additional clarification would be beneficial.

Some policies call for changes that could possibly have implications for other jurisdictional agencies. Further outreach and consultation with other public agencies in the Tahoe region may be necessary before these policies are moved forward (E.g., Homewood Marina - Policy 4).

The nature of agency approvals (administrative approval or approval with minor use permit/conditional use permit) for many uses has changed. Where revitalization of a specific community such as Kings Beach is a goal, agency approvals should be as administrative as possible. This would also apply in Tahoe City where maintenance of the community's vitality is key.

Given the importance of providing adequate levels of public service for Placer County residents throughout the Tahoe region, it is appropriate to allow Government Office uses with an administrative approval rather than being subject to the special use permit process. Professional Office and Government Office are designated as two separate land use categories. In most Transect areas, Professional Office uses are permitted administratively. However, Professional Office and Government Office provide for functionally identical uses, and the parking requirements are the same for both. Facility Services strongly recommends that the Governmental Office use be combined with Professional Office, requiring only administrative approval. As an option, allowing Governmental Office uses administratively would be an acceptable alternative.

In a number of the TRPA transect matrices, the labeling for the transect zones did not match the transect zones map legends (E.g. Tahoe Vista CP, Tahoe City Town Center CP). Once these inconsistencies are corrected, additional review may be required.

Tahoe City is an important community center for the delivery of services to residents. We were unable to complete the review of the Tahoe City Town Center Transect area because the labeling and Transect areas do not match. Similarly, Kings Beach is also an area of opportunity for County service delivery. However, no information on this commercial area was provided in the review package. Consequently, Facility Services would like to reserve an opportunity to provide additional comments when clarifications are provided.

*Facility Services - Parks*

Placer County and other recreation providers have established their own policies according to the interests of their respective constituents. While they share common interests, each entity has unique goals and policies. This plan should not create new obligations of recreation providers without their full participation and input and should not create new funding priorities or requirements.

Because of overlapping responsibilities and interests, a stakeholder group of various public interest holders should be convened prior to addressing public shore zone access policies

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described in this document. Isolated comments about public ownership status and rights should be avoided without closer analysis (E.g., Carnelian Bay LDR – Policies 1A and 4A).

It is unclear how the trail plans of the various local Community Plans and the TRPA regional bikeway plan will be incorporated into the Regional Plan Update. Following further clarification, the County would like an opportunity to provide further comment.

In some transect zones riding and hiking trails are precluded or require Special Use Permits. ✓  
Is this consistent with the TRPA Bicycle and Pedestrian Master Plan that is currently being updated? Requiring Special Use Permits for trails involves a more onerous process and may discourage the development of trail linkages important to the Tahoe Basin (E.g., Granlibakken, Tahoe Vista CP).

**Following are comments provided by the Placer County Redevelopment Agency:**

The Placer County Redevelopment Agency has a strong interest in the future redevelopment of properties within its North Lake Tahoe Redevelopment Project Area boundaries. The County supports redevelopment activities that accomplish the simultaneous goals of protecting the natural environment, improving substandard housing conditions, upgrading deficient infrastructure, revitalizing the local economy and improving the quality of life for local residents, workers and visitors. The Placer County Redevelopment Agency has invested significant resources to pursue these simultaneous goals by targeting investment and redevelopment project efforts in strategic locations that are considered best placed to provide the greatest overall community benefit. In most cases, the proper land use designations and allowances are critical for the feasibility of implementing these proposed projects. In light of the foregoing, the following comments reflect proposed modifications to the draft materials reviewed and update the February 9, 2009 comments on a previous set of draft transect maps and allowed uses tables.

Alternative 2 is RDA's preferred alternative. However, without maps at a resolution that indicates the boundaries for transects and plan area statements, it is difficult to give final comments. It is my understanding that TRPA is working the County GIS management to provide copies.

*Alternative 2 & 4*

The Tahoe City Golf Course, the Gateway location (lower Truckee River), the landfill site north of Tahoe City and Lake Forest center, are important to the 20-yr work program for the Redevelopment Agency. They are all currently labeled 'special areas' and these designations by default have created a roadblock to environmental or economic improvement. All three sites suffer from a lack of BMPs, and due to current code language economic incentives to correct environmental challenges and/or sensitive land rehabilitation are non-existent.

Provisions for addressing these unique sites should be explicit in the Regional Plan Update. It is our understanding that if Chapter 15 is amended under the updated Regional Plan, those redevelopment areas would be entitled to incentives outside (or inside) current

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community plan areas—in the event Placer County has not updated its community plan areas.

A Housing Obligation Policy provision should be addressed in Alternative 2 and 4 to allow developers to bank or credit constructed affordable housing units that can later be sold to other developers in order to satisfy a housing obligation.

How are timeshares treated in the update? How are fractionals to be dealt with in the discussion of TAUs vs. subdivided units?

Provisions should be included that make government facilities an allowed use if located in an appropriate transect area.

*Alternative 4*

Alternative 4's constrained development is counter to TRPA's exposed public policies of sustainable development. Through its creation of new burdensome code requirements, it defacto makes development economically infeasible and places local jurisdictions in financial jeopardy.

The measure to require Class I bike trails on both sides of a street in a redevelopment area is not only cost prohibitive to sustainable development, it is not physically feasible++ in most redevelopment communities in North Lake Tahoe.

**Following are comments provided by the Placer County Executive Office:**

*Land Use Comments*

Page 33, Subdivisions. This policy prohibits projects that are consistent with TRPA goals and must be changed/clarified, especially in regard to mixed use development. The two step process is not consistent with current California building code.

Table LU-2 on Page 34 is not readable.

*Alternative 2*

Buzz words and terms such as Pedestrian Transit Oriented Development, promote and provide don't have a lot of meaning without some more detailed definition. The alternatives section is not complete without this.

Community Plan areas should be shown on the west shore, including Sunnyside, Homewood and Tahoma, where, as defined by the document, "infrastructure capacity and facilities exist." It is not appropriate that even the most intensely developed alternative does not provide for/acknowledge development in existing West Shore communities. This must be changed, as it will also result in zero to minimal environmental improvements here.

The document must provide transect district information for Placer County. The hugely sized transect document (18 pages printed and taped together) is confusing in intent and lacks

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detail. This type of documentation should also be provided to local jurisdictions via hard copy, not only electronic file.

The accompanying maps are unmarked segments of the basin and impossible to identify.

District definitions- Why are residential structures limited to one to two stories, if height allowance is 38 feet, which would accommodate three stories? Also, can't really assess agreement without comparative maps.

Disagree with statement on page 46 that "incentives and allocations proposed in Alternative 2 would not be available until an area's CP is either adopted or updated consistent with the updated Regional Plan." This process could take 5-10 years. Placer County has for nearly a year requested TRPA to review and discuss with Placer County what happens when RP is inconsistent with County/TRPA CPs. If this is a response to that question, this is not acceptable.

Minimum density of 8 units/acre is not high enough to incentivise ped/transit oriented development. LEED minimum is at least twice as high. This will not result in the envisioned PTOD TRPA seems to be promoting in Alternative 2.

Concern re: requirement of site specific soil survey—for every project??? Needs clarification.

Clarify statement on Page 49 that "allocation of additional CFA and TAU quantities would depend on reuse and conversion of existing development." This process needs to be fully developed so that we can provide input.

Jurisdictions should be allowed to retain any and all residential allocations "earned" through investments in EIP implementation.

Do not agree with "deed-restricted, owner-occupied" concept as explained on Page 50. This is not likely to yield the type of development being envisioned.

*Alternative 4*

It is not acceptable that this alternative does not include Tahoe City. What is the logic behind this decision?

On Page 55, why is it proposed that the USFS would increase its acquisition of residential lands? What benefit does this have to the long-term health of the basin? It is also unclear whether this is a funded USFS priority, and therefore even possible.

Please explain how exclusion of PTOD in all areas north of the south "wye" and west of north Stateline will help TRPA attain its environmental goals. This excludes some of the most densely populated and developed portions of the basin from Tahoma to Tahoe City to Carnelian Bay to Tahoe Vista and seems ill-advised.

John Hitchcock  
March 10, 2010  
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If reduced residential allocations were implemented it would be unfair to Placer County, which has developed fewer units than other jurisdictions.

*Housing Subelement*

"Encouraging" local jurisdictions to provide their "fair share" of affordable housing is not acceptable without more definition and process. We can comment further when this has been more fully defined.

Is fulltime residents defined anywhere? Does this include seasonal residents?

**Conclusion**

Knowing the commitment that TRPA has made to assuring the success of the Regional Plan, the County comments above reflect the County's commitment to assisting TRPA in preparing a Regional Plan that is complete, accurate and, most importantly, implementable. Placer County remains committed in achieving the overall goal of protecting Lake Tahoe and its surrounding environment while sustaining the vitality and well-being of the various Placer County communities and citizens who reside nearby.

Should you have any questions regarding the information in this letter, please do not hesitate to call me at (530) 745-3044. I look forward to working together with you and your team on the successful completion of the Regional Plan Update.

Sincerely,



PAUL THOMPSON  
Deputy Planning Director  
Placer County Planning Department

**ATTACHMENTS**

Attachment 1: TRPA Plan Review Spreadsheet containing Comments from the Department of Facility Services

cc: Jennifer Merchant, Tahoe County Executive Office  
Scott Finley, County Counsel's Office  
Loren Clark, Assistant Planning Director  
Wes Zicker, Engineering and Surveying Director  
Paul Thompson, Deputy Planning Director  
Steve Buelna, Supervising Planner  
Ken Grehm, Department of Public Works Director  
Peter Kraatz, Deputy Public Works Director  
Jim Lobue, Redevelopment Deputy Director  
Rae James, Redevelopment Agency  
Mary Dietrich, Deputy Facility Services Director  
Nick Trifiro, Associate Planner



**COUNTY OF PLACER**  
**Community Development/Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**PLANNING**

March 23, 2010

Harmon Zuckerman, Regional Plan Update Manager  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449

Dear Mr. Zuckerman:

Thank you for providing Placer County the opportunity to review the TRPA Draft Regional Plan Update Air Quality Element.

These comments have been compiled via outreach to County departments and external agencies, including air quality and fire agencies.

Placer County shares TRPA's objectives of achieving improvements in air quality by implementing practical and measurable projects and services. However, Placer County has concerns with the Air Quality Element's lack of a developed Air Quality Attainment Plan and the absence of science and analysis for supporting the various proposed implementation measures. Placer County, along with other local and regional jurisdictions, respectfully requests that such a plan be created prior to further work on possible implementation measures and that TRPA coordinate with local air districts to ensure consistency with Federal and State air quality attainment requirements. The plan, similar to the development of the Lake Tahoe Total Maximum Daily Load (TMDL) program should, through monitoring and modeling, include a comprehensive scientific analysis of pollutant sources by jurisdiction so that a fair share implementation plan can be developed. The current network of monitoring stations does not adequately characterize key pollutants in Placer County. It would be our expectation that any ensuing implementation measures would then specifically mitigate the impacts identified for each Regional Plan Update alternative.

Without such a plan, and an accompanying cost benefit analysis for each proposed implementation measure, it is impossible to fully assess the implementation lists provided for each alternative. While many of the proposed implementation measures are used, in part, in other regions throughout the United States to successfully reduce air pollution, the list presented may not be a realistic list for a path to attainment.

3091 County Center Drive, Suite 140 / Auburn, California 95603 / (530) 745-3000 / Fax (530) 745-3080  
Internet Address: <http://www.placer.ca.gov/planning> / email: [planning@placer.ca.gov](mailto:planning@placer.ca.gov)

Other comments:

- Many of the current implementation measures recommended may conflict with other TRPA goals, including water quality/SEZ, and in some cases even seem inconsistent with transportation and air quality goals.
- It is unclear how "prioritization" of TRPA Air Quality Mitigation Funds will be administered. Will funds still be allocated by jurisdiction, or is the proposal to create a basinwide fund? Placer County does not support converting the existing AQ fund structure from jurisdiction specific to basinwide.
- We are unclear how the first AQ goal of attaining and maintaining AQ for human and ecosystem health is different from second goal of reducing emissions. If emissions were reduced then human ecosystem health would be improved. The County recommends including the second goal as part of first one. If not, it would be important to understand the difference in standards for these goals.
- Many of the document's stated "policies" read similar to "implementation measures." For example, under the second goal, policies include installing and maintaining year-round bicycle trails, sidewalks and bike lanes, and integrating traffic signals. These are projects and should be included in a capital improvement plan that would implement the goals and policies.
- Most implementation measures are not documented with enough level of detail for implementers to understand associated capital and ongoing maintenance and operations funding. Many measures also seem to lack understanding of potential limitations of operating in a mountain environment.
- It is recommended that consideration be given to enumerating bullet points so they can be more easily referenced.

Knowing the commitment that TRPA has made to assuring the success of the Regional Plan, the County comments above reflect the County's commitment to assisting TRPA in preparing a Regional Plan that is complete, accurate and, most importantly, implementable.

Placer County remains committed in achieving the overall goal of protecting Lake Tahoe and its surrounding environment while sustaining the vitality and well-being of the various Placer County communities and citizens who reside nearby.

Should you have any questions regarding the information in this letter, please do not hesitate to call me at (530) 745-3044. I look forward to working together with you and your team on the successful completion of the Regional Plan Update.

Sincerely,



PAUL THOMPSON  
Deputy Planning Director  
Placer County Planning Department

**FactSheet #3: Land Use**

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cc: Jennifer Montgomery, District 5 Supervisor  
Michael J. Johnson, CDRA Director  
Jennifer Merchant, Tahoe County Executive Office  
Scott Finley, County Counsel's Office  
Steve Buelna, Supervising Planner  
Peter Kraatz, Deputy Public Works Director  
Rae James, Redevelopment Agency  
Will Garner, Public Works Manager/Transit Services  
Tom Christofk, Air Pollution Control District Director  
Paul Thompson, Deputy Planning Director

## Appendix K

### Written Stakeholder Comment Letter from the City of South Lake Tahoe

#### TRPA Matrices of Goals, Policies, and Implementation Measures

##### March 2010 Review

#### Land Use

1. Alternative Description - Table LU-5, Estimated CFA Remaining in the 1987 Regional Plan – Our CFA tracking document shows that there is 37,986 sf still available in the City. This table shows 34,000, we need to determine inconsistency. Didn't Redevelopment Project 3 apply for Special Project CFA?
2. Alternative 2 – LU.IMP 17 - 70% coverage – The policy is stated differently in different places. Would 70% only apply to "existing developed" parcels in the CP area? The City would like to promote infill and allow it on all parcels in CP areas or at least in the Nodes. We need a new definition of "mixed use", does that include commercial/TAU projects?
3. Alternative 2 Excess coverage mitigation - Restricting access to the in lieu mitigation fee option in areas where we want to promote infill is counter productive. Properties within CP areas or PTOD areas should be able to mitigate with the fee so that they can develop the density we are hoping for.
4. Alternative 2 Description - allocations – Is the "strategy to achieve revenue targets in EIP Phase II" signed by all participants prior to receiving CFA an effort toward the local matching funds for EIP projects that Lahontan has been advocating for? The south Y Industrial Tract should be added to the list of Community Plans targeted for additional allocations. We want to encourage industrial uses to move there and availability of CFA is key with the 2:1 match that CP provides.
5. Alternative 4 Description – Implement Smart Growth Principles and PTOD – Is the South Y CP listed the South Y Industrial Tract CP or Tahoe Valley CP?
6. Alternatives 2, 3 & 4 – LU.IMP 8 - How will allowing subdivision of units in a vertical mixed use facility be different than the condo subdivisions that are already allowed with the 2 step process?
7. Alternatives 2, 3 & 4 - LU.IMP.19 – Why do the transfer ratios only apply to commercial, tourist accommodation, and/or mixed use facilities? Would multi-family residential and public service uses still have the current sliding scale apply?

#### Performance Review

1. Alternative 2 – Policy PR 3.3 – If TAU allocations in the first 100 haven't been used up in one jurisdiction does that hold up allocation of additional 100 to other jurisdictions?
2. Alternative 2 – PR.IMP 4 – Are CEP projects now considered Special Projects? See comment under environmental improvements regarding local funding revenue agreements. 100,000 sf CFA in first five years is not much. Will this stimulate redevelopment that would include environmental improvements. Distribution of 10,000 sf CFA for Community Plans doesn't translate to much per Community Plan.

Housing

1. Alternative 2- Policy H-2.1 - Mitigating demo of affordable housing by deed restricting existing units – Must have criteria for the quality of the existing units being used for mitigation. Don't want to allow deed restriction of run down cheap housing. Maintenance requirement should go with deed restriction.
2. Alternative 2 – H.IMP 5 - Affordable housing mitigation in- lieu fee. If the funds will be set aside for development of units in the same County will there be a requirement that affordable housing be constructed in that County.
3. Alternatives 2 & 4 – H.IMP 6 - Resident Occupancy Program– Monitoring deed restrictions for full-time owner occupied units will be difficult. Effectiveness is dependent on the effectiveness of monitoring and enforcement. How will it be monitored and what will happen if there is a violation? What about special circumstances such as when a deed restricted home is inherited and the new owner cannot occupy it?
4. Alternative 4 – Policy H.1.1 - Does the City General Plan Housing Element qualify as the required “fair share” housing plan in Alternatives 4?
5. Alternative 4– H.IMP 8 – Inclusionary Housing - Could some be moderate income housing to facilitate more mixed income projects? The projects subject to inclusionary housing in Alternative 4 are described differently in the alternative description and policy matrix. Should apply to market rate multi-family housing, condominium, TAU, and mixed use projects. Definition of “Inclusionary Housing” in the Alternative 4 description may be confusing. “Inclusionary housing” typically refers to affordable housing that is required to be included in market rate housing projects. The definition in the description refers to all affordable and moderate income housing.
6. Alternatives 2 & 4 - Possible environmental justice issue with only making bonus units available to projects in PTOD areas. This will create a concentration of affordable housing in high density areas.
7. Alternative 2 – Need to include policies and implementation supporting the development of Workforce Housing. “Housing that is affordable to working households that do not qualify for publicly subsidized housing, and cannot afford market-rate housing in their own community. Ideally, workforce housing in South Lake Tahoe will satisfy the housing needs of family households earning between 60 and 180 percent of the median-household income” (City of South Lake Tahoe General Plan Housing Element, 2008)

Air Quality

1. Alternative 2 – AQ Imp 5 - Reduction of permit fees for LEED certification. Can this also apply where a local jurisdiction has adopted a green building ordinance and the TRPA fee reduction is offered as an incentive to reaching a bar, set by the local jurisdiction, for green building achievement other than LEED certification?

2. Alternative 2- AQ Imp 7 – Is there a funding source to pay for bus pass programs required of employers?
3. Alternative 2 – AQ Imp 9 – Reduced permit fees for use of non-asphalt paving – Is this intended to be permeable paving surfaces or just anything non-asphalt? If intended to promote pervious surfaces can those surfaces be credited towards coverage? For example, 1 square foot of a paving material that has 75% permeability would only count as .75 of a square foot.
4. Alternatives 2 & 3- AQ Imp 17& 32 – Is enforcement of the requirement for compliant wood stoves at the time of property sale feasible? How would that work?
5. Alternative 2 – AQ Imp 4 – Businesses providing incentives for employees with ZEVs – Is there a funding source to pay for this?
6. Alternative 2 – AQ Imp 12 – Requirement for street sweeping once or twice permonth – Shouldn't put a set number of sweeps per month. Some months might be snowy and sweeping not feasible.
7. Alternative 2 – Policy AQ 2.1.7 – Requirement for bike lanes and sidewalks for any street project requiring a permit – Need to take in to consideration funding sources for some of these projects. Some funding may be for drainage improvements and cannot be used for sidewalks. May miss opportunity for drainage improvements if funding isn't available for sidewalks.
8. Alternative 3 – AQ Imp 19 – Good goal to maintain sidewalks year round but is there a funding source?
9. Alternative 4 – AQ Imp 42 – Requirement to sweep within 4 days of storms – May not always be feasible. It could take more than 4 days to complete snow removal to full width.
10. Alternative 4 – AQ Imp 55 – Requirement that public transit have lower emissions than private vehicles – Comparison to "private vehicles" is too vague. Private vehicle emissions very greatly depending on the vehicle. Suggest setting a different threshold for compliance.
11. Alternative 4 – AQ Imp 60 – Requirement to provide employee vanpool – Is there a funding source for this?
12. Alternative 4 – AQ Imp 58 – The ratio requirement is not clear. Ratio of what to what?

#### Environmental Improvement

1. Alternative 2, 3 & 4 – Policies EI2.1 & 3.1 - policies being amended to soften TRPAs role in providing regional funding to EIP projects and increasing local government role in funding.
2. Alternative 2, 3, & 4 – Policy EI 2.1 & 3.1 - requirement for local governments to establish local revenue for EIP projects within 5 years- If revenue is not generated then no CFA allocations then no development and less revenue. Seems like a downward spiral leading to no environmental improvements, especially in a down economy.
3. Alternative 3 & 4 – EI 3.1 - mandate to collect fee for CFA allocations discourages projects that typically include installation of BMPs and upgrades to aesthetics. This could hinder additional redevelopment and public/environmental improvements that come with those projects.

4. Alternative 4 – mandate that area-wide treatment systems be constructed prior to allocation of any new development – Same comment as above. City revenue is dependent on sales tax and tourism, if SLT does not undergo changes (i.e. redevelopment) in the near future it will not be a desirable destination and there will not be money for local services or EIP projects.

#### Community Design

1. CD.E.1 – prohibition on off-premise signs – Need to be able to take in to account special circumstances where finding a location could be vital (i.e. hospital)
2. CD-3.1.E(3 & 6) – Who would determine the minimum height necessary for proper function of telecommunication towers? Mimicing trees may not be desirable, depending on location. Design integrated with surroundings and backdrop is often better than an obvious fake tree.
3. CD-IMP-5 & Policy CD-3.1.B(1) – Caution against allowing additional height for single-family residences. Clarify the and/or for whether the additional height is for uses within special height districts and/or PTOD areas.
4. CD-IMP-7 – Not feasible to preserve all natural features. Should be worded to preserve unique natural features.
5. CD-4.1 – Should light levels be compatible with existing neighborhood light levels or appropriate light levels for the neighborhood?
6. Suggest adding mechanism for requiring light shielding in residential areas.

#### Institutional Partnerships

1. Alternative 2 – Policy IS-1.1 - not allowing distribution of CFA until local EIP funding is in place puts cuffs on local government. Attracting redevelopment is key in the City's strategy to increase revenues and distribution of CFA is key to attracting redevelopment.
2. Alternative 2 – IS-1.2 – Pursuit of enforcement of TRPA plans and ordinances must not be an unfunded mandate that local governments enforce.
3. Delegation to local governments is good but cannot be unfunded and unsupported (training & trust).

#### Energy

None

#### Scenic

None

March 4, 2010

**TRPA Regional Plan Update Matrices - COMMENTS (CS)**

- ALT 1: no project
- ALT 2: staff proposal – urban run-off focus, work with private owners using incentives  
Adopt TMDL
- ALT 3: continuation of development pace from 1987 – most allocations of all ALT's  
Adopt TMDL
- ALT 4: decreased allocations, more regulation  
Adopt TMDL, require restoration

**Land Use Goals, Policies and Implementation Strategies**

Overall, straightforward and consistent with direction given by TRPA in regards to 10 district transect plan and higher density and coverage for support of walkability and transit.

ALT 2

- LU 2.2 (new): "concentrate additional development in urban areas"
- LU 2.3: use five LU classes & LU 2.4 implement 10 transect districts
- LU 2.8: encourage PTOD (pedestrian transit-oriented development) same/similar to LU 3.1 "promote compact development" & LU 2.2 (above) and LU 3.5

ALT 3

- LU 1.3 "promote LU that improves community character..." – vague, too broad

**Air Quality Goals, Policies and Implementation Strategies**

ALT 2

- AQ-2.1.1 notable Implementation Measures:
  - fee reduction for LEED construction
  - fee reduction for non-asphalt
  - "add provision to provide \$5000 for purchase of ZEV's by full time Region residents who also work Region (zero emission vehicles) – needs to be clarified: who provides \$5000, too over-reaching?"
  - non-certified wood stoves must be removed by 2020
- AQ 2 1.5 Businesses over 70 employees will provide incentives "up to \$3000 for purchase of ZEV" – over-reaching?
- AQ 2.2.4 synchronize signals and provide priority to bikes & peds – potential conflict, in other words does providing priority to bikes & peds hinder synch?

ALT 4 (some far/over-reaching IMP measures)

- AQ 2.3.1 Imp 51 – "all non-pellet wood stoves and fireplaces shall be removed within 5 years."
- AQ 2.2.1 notable Implementation Measures:
  - Imp 54 driveways must located along side streets wherever possible – reasoning, effectiveness?
  - Imp 57: limit number of motorized boats & horsepower
  - Imp 60: vanpool requirement for large employers

**Public Services and Facilities Goals, Policies and Implementation Strategies**

- Many policies amended to read "will" as opposed to "shall."
- Development of Public Facilities dependent upon water capacity

- H-2.1 in lieu fee option for mitigation requirements – development must be within same county

ALT 3

- same as 2

ALT 4

- H-1.2 require jurisdictions: develop and maintain affordable and moderate housing plan
- H-1.6 **25%** inclusionary housing requirement (stakeholder input)

**Environmental Improvement Goals, Policies and Implementation Strategies**

ALT's 1-4

- EI 1.1 (new) Environmental Improvement Program = Regional Plan Implementation Strategy

ALT 2

- EI 5.1-3 (new GHG, climate change related policies) ID management activities that contribute to the reduction of GHGs, etc.

ALT 3

- EI 2.3 (new) develop a finance plan & establish funding sector shares (local jurisdictions are a share)

ALT 4

- EI 8.2 (new) "assist EIP partners in gaining support for EIP legislative agendas and local initiatives" and corresponding Implementation Measure: "Amend Chapter 32 to require synthesis of scientific project effectiveness monitoring results to inform capital project development"

## Appendix L

### Written Stakeholder Comment Letter from the League to Save Lake Tahoe



March 26<sup>th</sup>, 2010  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89448

Dear John and Charles,

We appreciate the time that you spend with us on March 11<sup>th</sup> to discuss our concerns and clarify our questions regarding the air quality section of the Regional Plan. We would like to take the opportunity to formally comment in writing some of our issues, concerns, and suggestions, as well as support for different aspects of the air quality sub-element.

#### **Air Quality Goals**

All air quality goals need to include Compact requirements for threshold achievement and maintenance.

#### **Fuel Reduction Treatment**

There are many options to conduct fuels treatments using methods that better protect air quality. The LTBMU is under constant pressure to treat Tahoe area fuels on a similar dollar per acre basis as for other USFS forests. However, additional dollars are given to the LTBMU because of Tahoe's special status and these extra dollars should be used for more environmentally responsible forest thinning techniques even though the price is higher than the cost of doing business than in other forests. Air curtain burners need to be utilized within the Basin to dramatically improve air quality (especially during seasons other than summer). The cost is reasonable with respect to the extra funds that the Tahoe Basin receives for fuel reduction projects. Additionally, if air quality conditions are improved overall by transporting piles in close proximity to roadways outside the Basin (and utilizing them for biomass operations) instead of burning them in place, this needs to be incorporated as an air quality improvement strategy.

#### **Aircraft and Boat emissions**

Methods to reduce boat and aircraft emissions are virtually ignored in the Regional Plan Alternatives. Only one alternative addresses boat emissions and none address aircraft emissions. CARB data suggests that motorized boats are the single biggest source of ozone precursors (ROG and NO<sub>x</sub>) during the summer months. Since the Tahoe Basin has been consistently out of compliance with California State ozone standards (in fact, now the Tahoe Basin is specifically listed as being non-compliant and stricter Federal standards are also being considered), more stringent regulations (such as requiring

**FactSheet #3: Land Use**

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catalytic converters) on motorized watercraft are needed to protect human and ecosystem health. Each alternative needs to look at different options for reduction. Aircraft emissions need to be addressed in a similar manner. Additionally, a new policy needs to be added that addresses pollutants from motorized sources other than just automobiles. This would fit into the proposed policies as AQ 2.2.2.

**Air Quality Mitigation Funds**

Air Quality mitigation funds need to go directly to air quality improvement measures, rather than directed to transportation programs. If possible, these funds need to be utilized for air quality measures that directly benefit the local area affected by the impact. If a project is built and there will be impacts to both air and traffic then there needs to be a fund for air quality mitigation and a separate fund for traffic mitigation. Concern about the timeliness of any implementation measures need to be addressed. Since air quality impacts are often ongoing and cumulative, a one-time fee may not be sufficient and annual mitigations are needed.

**Emissions per Person per Mile**

Regarding Vehicle Miles Traveled indicator, this needs to be expanded to include an *emissions per person per mile* metric for all vehicles (including aircraft, boats, buses, etc...). For example, a bus carrying 3 people will produce more emissions on a per person basis than a car carrying only one person. Buses are often more polluting than cars and without adequate ridership are much more polluting than cars on a per person basis.

**TMDL for Air Quality**

A carrying capacity study needs to be performed for air quality, as some pollutants of concern (Particulate matter, ozone, etc...) have deleterious effects on human and ecosystem health.

**Wood Stove Certification**

The League supports the proposed requirement to incorporate the Wood Stove Certification into the Escrow process. Incentives for retirement of wood burning stoves are needed, along with requirements for prompt phase-out.

**Street Sweepers**

Street sweeping using the Best Available Technology need to be used on a frequent basis, such as at least once a week or more (as is common with other jurisdictions, such as Toronto).

**Level of Service**

At this time, the Level of Service (standard) should not be changed.

**Other Air Quality Comments**

The League hereby incorporates all applicable air quality comments from the following League letters:

*Comments regarding the Mobility 2030 – Regional Transportation Plan, July 31, 2008*

*Additional Comments on the Draft Mobility 2030 – Lake Tahoe Regional Transportation Plan, August 8, 2008*

Thank you,

League Staff

**Appendix M**  
**Written Stakeholder Comment Letter from the Heavenly Resort**



March 31, 2010

Mr. John Hitchcock  
Chief, Land Use Team  
Regional Plan Update Team  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449

Dear John:

Thank you for the opportunity to meet with you and members of the Regional Plan Update team regarding the Land Use Element of the Regional Plan. Based on that briefing and the stated goal of the Executive Director and others to develop an updated Regional Plan that will include opportunities to incentivize private investment and redevelopment of our communities and infrastructure, I want to provide the following feedback:

1. The base facilities that are located on private lands at developed recreation resorts should be permitted to redevelop subject to a specific or master plan that allows mixed land uses, including residential and/or overnight accommodation. This concept is consistent with the overall goal of redeveloping the outdoor recreation supply in the Basin to be more of a multi-season, multiple experience recreation opportunity. This will provide a higher-quality recreation experience for residents and visitors, consistent with attainment and maintenance of the outdoor recreation threshold.

Outdoor recreation and tourism provide the economic base of the Tahoe Basin and its communities and should be provided with incentives to invest in and redevelop into modern and attractive facilities. With the decline in gaming, providing high-quality, outdoor recreation experiences to residents and visitors will, more than ever, be the economic activity that sustains our communities.

Destination-oriented, multi-season resorts such as Heavenly are, by their nature, transit-oriented. A wide range of recreation opportunities and amenities combined with the consistent desire by guests to experience the area without using a car are typically the norm for this type of resort. Such facilities can also successfully implement their

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Mr. John Hitchcock  
March 31, 2010  
Page 2

share of EIP improvements, including SEZ and water quality improvement projects. The ability to provide multi-season, mixed-use resorts will put the Basin on more of an equal footing with other resort and recreation areas in terms of providing a wider range of available opportunities. This in turn will provide much-needed benefits to the local communities, in terms of increased year-round employment, increases in the property tax base and taxable revenues for local governments.

2. The following specific details are needed in order to facilitate redevelopment of resort base areas:
  - a. Broaden the list of permissible uses that are allowed at existing developed recreation base area facilities which are located on private land in order to facilitate mixed use redevelopment projects described above;
  - b. Allow the transfer of existing development and development rights (e.g., banked units of use), to existing developed recreation base area facilities located on private land regardless of their mapped land capability;
  - c. Designate these areas eligible for the allocation of units of use that will be available under the regional plan Update;
  - d. Make the bonus unit program or successor benefit program eligible to these areas in terms of matching units of use that are transferred from sensitive sites; and
  - e. Allow the designation of special height districts under specific conditions related to the non-degradation of Community Design and Scenic resource thresholds;
3. Recognizing that portions of Plan Area 085 (Lakeview Heights Residential), are owned or controlled by Heavenly and are adjacent to lands that are owned or controlled by Heavenly located in Plan Area 087 (Heavenly California Recreation), allow the two plan areas to be planned together as part of a redevelopment plan and project for the California Base Area.
4. Identify and remove unnecessary regulations that serve as barriers to investing in recreation facilities and uses. As an example, consolidate all recreation uses that are regulated by TRPA into the recreation category. Today, many are located in the commercial land use category as "commercial recreational uses." This is an artificial constraint that serves no beneficial purpose in terms of providing recreation opportunities and implementing and maintaining the recreation threshold. Additionally, expanding existing and developing new MOUs with recreation providers will facilitate recreation improvements. Involve recreation providers in this effort. (NOTE:

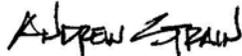
Mr. John Hitchcock  
March 31, 2010  
Page 3

THIS COMMENT WAS PROVIDED TO THE RECREATION TEAM AND WAS PRESENTED TO THE GOVERNING BOARD IN FEBRUARY DURING ITS RECREATION, OPEN SPACE AND NATURAL HAZARDS BRIEFING.)

5. Develop and adopt a land use definition for multi-season resorts. This is an important emerging trend as traditionally single-season resorts look to provide a more sustained level of activities and employment while making efficient use of their existing infrastructure. Involve recreation providers in developing the definition and its use in the Regional Plan. (NOTE: THIS COMMENT WAS ALSO PROVIDED TO THE RECREATION TEAM AND REPRESENTED TO THE GOVERNING BOARD IN FEBRUARY DURING ITS RECREATION, OPEN SPACE AND NATURAL HAZARDS BRIEFING.)
6. The development and use of the Transect Zoning concept is a sound concept and we support its implementation. It reflects more current thinking regarding land use and zoning in a situation like the Tahoe Basin and is a more accurate characterization of the actual land use patterns here. It is unclear to me, however, how this will work with keeping the existing Plan Area Statement format. It appears to have the potential to be confusing to users and to duplicate land use regulations rather than streamline them. I encourage you to move forward with the Transect Zoning approach and develop that method fully while at the same time, deleting the Plan Area Statements.

I appreciate the opportunity to participate in the process and work with you and your staff. This effort represents a real opportunity to reinvent what the Lake Tahoe experience means to people, and at the same time, position the Region to improve our economy and our environment. Please contact me with any questions or if you need additional information.

Sincerely,



Andrew Strain  
Vice President of Planning & Governmental Affairs

C: Harmon Zuckerman, TRPA  
Lyn Barnett, TRPA

**Appendix N**  
**Written Stakeholder Comment Letter from the California Department of**  
**Transportation**

**Received 3/15/10 via email**

**Caltrans Comments –Air Quality**

**Environmental – Steve Gaytan, P.E.**

Pg. 1, para 4, last line - The EIS should also be subject to CEQA and TRPA should state how they will comply with CEQA requirements.

Pg. 8, Air Quality - Carbon Monoxide - Please confirm that the 1983 TRPA Threshold Standard is relevant to the Updated Regional Plan.

Pg. 75, 6th bullet - The proposed measures to stipulate limits on idling times may effect CT construction activities.

Pg. 77, 14th bullet - What effect will this have on CT construction activities?

Pg 78, 4th bullet - Class II bike lanes on all CT highways may conflict with Department H&S policies (e.g., cross slope, speed limit, etc.)

Pg 78, 12th bullet - How will CT implement air quality mitigation fees for our projects? What will this be based on?

Pg 79, 2nd bullet - Need to assure that giving priority to zero emission projects will not affect the permitting process for our EIP projects.

Pg 80, 1st bullet - May not have appropriate resources to sweep twice a month.

Pg 80, 9th bullet - See comment #5.

Pg 80, 13th bullet - See comment #5.

Pg 82, 4th bullet - See comment #3.

Pg 82, 9th bullet - Suggest these LOS be compared to current CT standards.

Pg 83, 5th and 6th bullets - See comment #8.

Pg 84, 9th bullet - Reduction of these POCs assuring a 3.0 to 1.0 for all pollutants requires a monitoring program. Who will be responsible for monitoring?

Pg 85, 2nd bullet - See comment #14.

**Maintenance Operations – Darrell Uppendahl, East Area Superintendent**

Page 80 and 83

Due to constraints on funding and staffing resources, Caltrans does not agree with the proposed highway street sweeping requirements in Alternatives 2 and 4. Specifically, we will not be able to require that highways are swept twice a month (Alt 2) or once a week (Alt 4).

The requirement that all sweepers will be Air Regenerative will have to be approved at the HQ Equipment level. This may be very difficult to approve at this time.

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**Project Management – Mike Cook, Project Manager**

Alternative 2, pg 80

We try to include Class II bike lanes where we can, but it isn't always feasible, e.g., Rte. 89 towards Emerald Bay or Rte. 50 near Stateline. We are considering Class II bike lanes on 3C380 (Y to Trout Creek), but a decision on bike lane designation has not been reached even though shoulders will be widened to 6 feet.

A bike lane designation will depend on the extent of the cross slope correction, the status of diagonal parking, and an additional traffic safety analysis. Shoulders classified as bike lanes can not have cross slopes greater than 5%. Existing shoulder cross slopes vary from 4% to 14%.

Alternative 2, pg 78, 80

Projects in design now, e.g., 1A733/43601, include synchronization of signals. We also have an adaptive traffic signal project in the PID phase that plans to coordinate the operation of traffic in real time from the Y to Stateline through the City of South Lake Tahoe. Seems like we are on board with this.

**Highway Operations – Jim Brake, Associate Transportation Engineer**

Alternative 2, pg 80 (Addition to Project Management comment above)

Bike lanes are not feasible along all "major" highways in the Tahoe Basin. The policy should be revised to say, "Pavement width to allow for marking bike lanes should be provided along major roadways, where it is feasible." Bike lanes are normally not marked unless there is consistent shoulder width on both sides of the highway from a generator to an attractor, and there is no better route for bicyclists.

Alternative 2, pg 78, 80 (Addition to Project Management comment above)

The statement that "All traffic signals must be synchronized where practicable" is acceptable, without the "or timed" portion. We usually just say "coordinated" instead of "synchronized". Most of the signals in SLT are coordinated already. The adaptive signal project would improve the coordination.

Page 78, third bullet: integrate and synchronize traffic signals and provide increased priority to bicycles and pedestrians... With the word in bold added, this statement is acceptable. Peds and bicycles may be a high priority for driveway design, but they are not typically the highest priority at major intersections. They should be considered, but not to the detriment of overall traffic flow and truck turn requirements.

Page 78, fourth bullet: install Class II bike lanes on all major roadways. Bike lanes are not feasible on all highway segments within the Tahoe Basin. The statement should be revised to say, "Pavement width to allow for marking bike lanes should be provided along major roadways, where it is feasible." Bike lanes are normally not marked unless

**FactSheet #3: Land Use**

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there is consistent shoulder width on both sides of the highway, from a generator to an attractor, and there is no better route for bicyclists.

Page 78, fifth bullet: Maintaining pedestrian facilities along State Highways within the urban areas will be a local responsibility. Caltrans is proposing to relinquish the R/W behind the curb along with proposed projects in South Lake Tahoe, similar to what was done in Tahoe City.

Page 80, Hydrocarbon, third bullet: Removing the words "or timed" from this statement makes it acceptable.

Page 80, Hydrocarbon, fourth bullet: Eliminating traffic signals to promote smoother traffic flow may be possible at some locations, but signals that are spaced too far apart can not be coordinated efficiently.

Eliminating left turn arrows from traffic signals may not be practical, since the arrows are normally added to reduce the number of collisions. Safety is a higher priority than emissions.

Page 80, Hydrocarbon, sixth bullet: Pedestrian facilities are not normally constructed in rural areas, even along major routes. Providing paved shoulder width that would allow for bike lanes to be striped would provide a shoulder area that may be used by pedestrians, as well as bicyclists.

Page 80, Hydrocarbon, seventh bullet: It is difficult to eliminate most existing driveways. It is desirable to eliminate some driveways, and may be possible along with any major projects, if local agency support is provided, but a deadline of 2020 is not realistic for all highways in the basin.



**Appendix O**

List of Land Use and Air Quality Stakeholder Meetings, Meeting Dates, and Participants

<b>Environmental Groups</b>	<b>Invitees</b>	<b>Attended</b>	<b>Meeting Date</b>
	Laurel Ames, TASC	Yes	3/11/2010 3/19/2010
	Carl Young, LTSLT	Yes	3/11/2010 3/19/2010
	Nicole Gergans, LTSLT	Yes	3/11/2010 3/19/2010
	Jennifer Quashnick, TASC	Yes	3/11/2010
	Amanda Royal, LTSLT	Yes	3/11/2010 3/19/2010
	Melissa Thaw, LTSLT	Yes	3/11/2010 3/19/2010
	Roger Rosenburger, TASC	No	3/11/2010
<b>State Agencies</b>	<b>Invitees</b>	<b>Attended</b>	<b>Meeting Date</b>
	Dan Siegel, CA Supervising Deputy Attorney General	Yes	3/15/2010
	Bob Twiss, Consultant	Yes	3/15/2010
<b>State and Federal Land Management Agencies</b>	<b>Invitees</b>	<b>Attended</b>	<b>Meeting Date</b>
	Bruce Eisner, California Tahoe Conservancy	Yes	2/18/2010
	Charlie Donahoe, Nevada State Lands	No	2/18/2010
	Bruce Eisner, California Tahoe Conservancy	Yes	3/29/2010
	Lisa O'Daly	Yes	3/29/2010
	Mystia Zuckerman, Washoe Tribe of CA and NV	Yes	3/16/2010
	Eli Ilano, USFS-LTBMU Deputy Forest Supervisor	Yes	3/26/2010
	Mike Lefevre, USFS-LTBMU	Yes	3/26/2010
	John Washington, USFS-LTBMU	Yes	3/26/2010
	Kyle Jacobson, USFS-LTBMU	Yes	3/26/2010
<b>Private Sector</b>	<b>Invitees</b>	<b>Attended</b>	<b>Meeting Date</b>
	Steve Teshara, North Lake Tahoe Resort Association	Yes	2/19/2010
	Andrew Strain, Heavenly Resort	Yes	2/19/2010
	Susan Simon, Simon Consulting	Yes	2/26/2010
	George Koster, Century 21	Yes	2/26/2010
	Mark Irving, Urban Communities	Yes	2/26/2010
	John R. Falk, TSBOR	Yes	3/9/2010
	Mike Bradford, LTGA/LTSSCC	Yes	3/9/2010
	Lew Feldman	Yes	3/9/2010
	Pat Davison, CATT	Yes	3/9/2010
	B Gormon	No	3/9/2010
<b>Local Jurisdiction</b>	<b>Invitees</b>	<b>Attended</b>	<b>Meeting Date</b>
	Rae James, Placer County Redevelopment	Yes	2/22/2010 3/16/2010
	Jennifer Merchant, Placer County Executive Office	Yes	2/22/2010 3/16/2010
	Paul Thompson, Placer County Deputy Planning Director	Yes	2/22/2010 3/16/2010
	Nick Trifiro, Placer County Facility Services	Yes	2/22/2010 3/16/2010
	Jim LoBue, Placer County Redevelopment	Yes	2/22/2010 3/16/2010
	Steve Buelna, Placer County Planning	Yes	3/16/2010
	John Greenhut, CSLT Department of Public Works	Yes	3/22/2010
	Stan Hill, CSLT Department of Public Works	Yes	3/22/2010
	Rick Angelocci, CSLT Assistant City Manager	Yes	3/22/2010
	Hillary Hodges, CSLT Planning Manager	Yes	3/22/2010
	Lake Tahoe Wastewater Infrastructure Partnership	Yes	3/5/2010
<b>Fire Basin Officials</b>	<b>Invitees</b>	<b>Attended</b>	<b>Meeting Date</b>
	Mark Novak, TDFPD	Yes	3/8/2010
	Peter Mulvihill, NLTFPD	Yes	3/8/2010
	Ray Zachau, SLTFD	Yes	3/8/2010
	Christy Daugherty, CALFIRE	Yes	3/8/2010
	Mary Huggins, CALFIRE	Yes	3/8/2010
	Gareth Harris, LVFPD	Yes	3/8/2010

**FactSheet #3: Land Use**

<b>Advisory Planning Commission</b>	<b>Invitees</b>	<b>Attended</b>	<b>Meeting Date</b>
	Rick Angelocci, City of South Lake Tahoe	Yes	3/10/2010
	Chuck Greene, Washoe County Nevada Lay Member	Yes	3/10/2010
	Waldo Walker, Washoe Tribe Chairman	No	3/10/2010
	Suzanne Garcia, Washoe Tribe of California and Nevada	Yes	3/10/2010
	Lee Plemel, Carson City	Yes	3/10/2010
	Mike Riley, Douglas County	Yes	3/10/2010
	Jason Kuchnicki, Nevada Division of Environmental Protection	Yes	3/10/2010
	Ron McIntyre, Tahoe Transportation District Representative	Yes	3/10/2010
	John Upton, City of South Lake Tahoe Appointee	Yes	3/10/2010
	Eva Krause, Washoe County Community Development	Yes	3/10/2010
	Paul Thompson, Placer County Planning Director Representative	Yes	3/10/2010
	Alan Tolhurst, Chairman, El Dorado County Supervisory Appointee	Yes	3/10/2010
	Mike LeFevre, USFD Forest Service	Yes	3/10/2010
	Jennifer Merchant, California Lay Member	Yes	3/10/2010
	Robert Jepsen, Carson City Appointee	Yes	3/10/2010
	Brandy McMahon, Douglas County Planning Director Appointee	Yes	3/10/2010
	Laurie Kemper, Lahontan Regional Water Quality Control Board	No	3/10/2010
	Dough Smith, Lahontan Regional Water Quality Control Board	Yes	3/10/2010
	Charlie Donohue, Vice-Chairman, Nevada Division of State Lands	Yes	3/10/2010
	Martin Goldberg, Lake Valley Fire Protection District	No	3/10/2010
		No	3/10/2010
	William Loftis, Natural Resources Conservation Service	No	3/10/2010
	Peter Maurer, El Dorado County Principal Planner	No	3/10/2010
		No	3/10/2010