

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting at **9:30 a.m.** on **Wednesday, April 10, 2019** at the **TRPA Offices**, located at **128 Market Street, Stateline, NV**. The agenda for the meeting is attached hereto and made a part of this notice.

April 3, 2019

A handwritten signature in blue ink, reading "Joanne S. Marchetta". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Joanne S. Marchetta
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
Stateline, NV

April 10, 2019
9:30 a.m.

AGENDA

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

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

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

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

- IV. DISPOSITION OF MINUTES

V. PLANNING MATTERS

- A. Update on new Tools & Technology for Lake Tahoe Info **Informational Only** [Page 1](#)
- B. Lake Tahoe Aquatic Invasive Species (AIS) Program Update: 2018 Achievements and Priorities for Building Future Success **Informational Only** [Page 3](#)

VI. PUBLIC HEARINGS

- A. Technical amendments to Chapters 6, 14, 21, 30, 31, 34, 36, 37, 38, 50, 51, 52, 65, 66, 80, 81, 82, 84, and 90 of the Code of Ordinances to update references and correct errors, incorporate references to Area Plans, clarify residential density standards, and clarify recently adopted language regarding development rights and shorezone development; and (B) minor amendments to Chapters 50 and 63 of the Code of Ordinances relating to commercial floor area allocation for special projects and aquatic invasive species inspection and decontamination **Recommendation** [Page 7](#)

VII. REPORTS

- A. Executive Director **Informational Only**
- B. General Counsel **Informational Only**
- C. APC Members **Informational Only**

VIII. PUBLIC COMMENT

IX. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
Stateline, NV

March 13, 2019

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Teshara called the meeting to order at 9:30 a.m.

Members present: Mr. Alling, Mr. Buelna, Mr. Cariola, Ms. Carr, Mr. Drake, Mr. Ferry, Mr. Grego, Mr. Guevin, Mr. Hill, Mr. Larsen, Mr. Plemel, Ms. Roverud, Ms. Stahler, Mr. Teshara

Members absent: Mr. Callicrate, Mr. Drew, Mr. Young, Washoe Tribe Representative

II. APPROVAL OF AGENDA

Mr. Larsen moved approval.
Mr. Grego seconded the motion.
Motion carried.

III. PUBLIC INTEREST COMMENTS

None.

IV. DISPOSITION OF MINUTES

Mr. Larsen moved approval of the November 7, 2018 minutes.
Ms. Carr seconded the motion.
Mr. Guevin, Mr. Grego, Mr. Hill, Mr. Drake, and Ms. Roverud abstained.
Motion carried.

V. ADMINISTRATIVE MATTERS

- A. Resolution recognizing Advisory Planning Commission member, Charlie Donohue, Nevada Department of Conservation and Natural Resources Representative

Mr. Teshara read the resolution into the record.

Mr. Plemel moved approval.
Ms. Stahler seconded the motion.
Motion carried.

ADVISORY PLANNING COMMISSION

March 13, 2019

- B. Resolution recognizing Advisory Planning Commission member, Zach Hymanson, Placer County lay member

Mr. Larsen read the resolution into the record.

Mr. Alling moved approval.

Mr. Guevin seconded the motion.

Motion carried.

VI. PUBLIC HEARINGS

- A. Distribution of residential allocations to local Jurisdictions (City of South Lake Tahoe, El Dorado County, Placer County, Douglas County, and Washoe County) in the Tahoe Region for 2019 and 2020

TRPA team member Ms. McMahon provided the presentation.

Ms. McMahon said the role of the Advisory Planning Commission today is to ensure that the performance review system has been applied correctly and to provide a recommendation to the Governing Board to distribute residential allocations to the local jurisdiction for 2019 and 2020. A residential allocation is required to build a market rate residential unit in the Tahoe Basin, which includes a new single family home or multi-family residential dwelling unit.

New allocations may be released every four years and the release is based on level of service and vehicle miles traveled monitoring and analysis. Allocations would then be distributed every two years to the local jurisdictions based on the performance review system outlined in TRPA's Code of Ordinances. The last allocation release and distribution occurred in 2017 and the next scheduled release and distribution will occur in 2021. The Performance Review Committee comprised of the local jurisdictions staff and TRPA convened in January 2019 to ensure that TRPA applied the performance review system correctly. They provided a unanimous recommendation to the Advisory Planning Commission and the Governing Board for the distribution of residential allocations.

The performance review system is based on two factors: The Total Maximum Daily Load (TMDL) and residential audit performance. The total maximum daily load is a program that requires the local jurisdictions to reduce pollutant loads to restore Lake Tahoe's historic clarity. The Code of Ordinances states that a jurisdiction shall receive its base allocations for achieving a 90 percent or greater conformance rate with regards to water clarity pollutant load reduction targets. TRPA staff consulted with the Lahontan Regional Water Quality Control Board and the Nevada Division of Environmental Protection and found that all jurisdictions are in substantial compliance with their requirements. Annually, TRPA audits ten percent of all residential permits issued by local jurisdictions through a memorandum of understanding. Per the Code of Ordinances, a jurisdiction shall receive its base allocations for an average residential audit score of 90 percent or greater. TRPA found that all the jurisdictions with the exception of Washoe County received a score of 90 percent or greater for 2017 and 2018 and should receive their base allocations for 2019 and 2020. Washoe County received a score of 87 percent in 2017 and 89 percent in 2018 and will have a one increment deduction for both 2019 and 2020. Therefore,

Washoe County would receive eight instead of ten allocations in 2019 and 2020. The Performance Review Committee is recommending that TRPA distribute 236 allocations to the local jurisdictions.

Two public comment letters were received, one is included in the staff report and the second one received after the staff packet was produced was distributed today. Both letters raised concerns with allocations being used for vacation home rentals. TRPA's Local Government Committee will discuss housing issues at their March 27th meeting.

Presentation can be viewed at:

[Agenda Item VI.A Residential Allocation Distribution](#)

Commission Comments & Questions

Mr. Buelna asked if the allocations not being awarded to Washoe County will remain in the pool.

Ms. McMahon said those four allocations will go into TRPA's pool for the sensitive lot retirement program.

Ms. Roverud asked if there's been demand for those allocations from the sensitive lot retirement program in the past two years.

Ms. McMahon said she would research and follow up with Ms. Roverud. Ms. McMahon sent out over 800 notices to property owners in Placer County with an IPES score below 726 and the other jurisdictions with a score of zero. She's received a number of requests to be in the below the IPES line drawing.

Ms. Roverud asked if all the jurisdictions have active residential memorandums of understanding with TRPA.

Ms. McMahon said no. Currently, the City of South Lake Tahoe, El Dorado County, and Placer County have active memorandums of understanding. The jurisdictions that don't have active MOUs, staff audits residential permits issued by TRPA.

Mr. Ferry encouraged staff to continue training for the local jurisdictions.

Ms. McMahon said last year, TRPA staff did a number of trainings at the local jurisdictions. In December 2018, they held a three day training with over 50 participants. TRPA plans to continue this training on a regular basis.

Ms. Carr asked for further clarification on what a residential allocation represents.

Ms. McMahon said as part of TRPA's overall growth management system, they meter out different types of development rights such as residential allocations or commercial floor area. If a person was going to build a new single family or multi-family home in the Lake Tahoe Basin, they would need an allocation.

March 13, 2019

Mr. Plemel asked if these allocations could be used for other types of uses other than a residential unit.

Mr. Hester said there's a maximum amount of development in the Lake Tahoe Basin and the Regional Plan distributes these residential allocations in four year increments. The other types are not metered out. To have a residential unit, one would need an allocation and a residential right. With those two together they can be used for a single family home, be converted to hotel rooms, or commercial, or vice versa. That was part of the development rights initiative that was completed last fall.

Mr. Larsen asked if the Local Government Committee will consider the use of these allocations as tourist accommodations.

Mr. Hester said he and TRPA staff member Ms. Fink will be meeting with the incoming chair of the Local Government Committee to discuss whether allocations should be prohibited from being used for short term vacation home rentals.

Public Comments & Questions

None.

Commission Comments & Questions

Mr. Ferry made a motion to recommend approval for the proposed distribution of residential allocations for 2019 and 2020 meet the requirements of Chapter 50, Section 50.5: *Allocation of Additional Residential Units* of the TRPA Code of Ordinances.

Mr. Buelna seconded the motion.

Motion carried.

Mr. Ferry made a motion to recommend approval of the Resolution in the staff report as shown in Attachment A.

Mr. Larsen seconded the motion.

Motion carried.

VII. PLANNING MATTERS

- A. Conform the adopting mechanism and colocate the threshold standards and Regional Plan

TRPA team member Mr. Segan provided the presentation.

Mr. Segan said the Threshold Update Strategic Initiative was formed in 2015 by the direction of the Governing Board. Threshold standards serve as the goals for the Agency and the Regional Plan with a majority of those standards being adopted in 1982. This initiative is to take a fresh look at these to ensure that they remain grounded in the best science and are still relevant to the concerns of the Basin today. As part of the performance management side of the strategic

initiative they wanted to look at how they linked the programs within the Environmental Improvement Program and the regulations contained in the Regional Plan and the Code of Ordinances. This was to ensure a direct and coherent link between those actions by the management agencies within the Basin and the overall goals in the threshold standards. Three goals were established for this initiative: Relevant and scientifically rigorous threshold standards or goals, a cost efficient and feasible monitoring program, and a robust and repeatable process for standard review. Estimates of the existing monitoring requirements are around \$10 million to monitor everything that they would be required to report on per the threshold standards. TRPA's monitoring budget is less a tenth of that annually. Overall, the Basins investment in monitoring is about \$3 million annually.

A work plan was established for this initiative that was adopted by the Governing Board in January 2018. There were two primary areas for administrative review and a substantive review. The items being discussed today are in the administrative category. The two elements of the administrative part of the work plan were to clean up the existing standards and look at the overall structure and how to manage information within our system. The substantive items will go to the Advisory Planning Commission in the future are the review of the content of the individual standards to ensure that each of the standards are grounded in the best science. The work plan for the initiative identifies specific focus areas and not everything being done at once. There are 152 threshold standards in nine categories. There are four technical working groups that are currently addressing standards in the air quality category related to vehicle miles traveled. Other standards to be reviewed will be recreation, stream environment zone, and forest health. As part of this process a stakeholder working group was formed to oversee implementation and provide guidance for this work plan. The three representatives of the Advisory Planning Commission who serve on that working group are Brendan Ferry, Bob Larsen, and Jennifer Carr along with two members of the Governing Board, Jim Lawrence and Bill Yeates. There are also representatives from the environmental community, Jesse Patterson, League to Save Lake Tahoe, and the business community representative, Jason Drew from the Chamber of Commerce.

The first accomplishment for this initiative was a reorganization and technical corrections of the threshold standards that were adopted in May 2018. One was introducing a numbering system that referred to individual standards to make it more coherent. Overlapping standards were also addressed. Prior to these technical corrections and reorganization there were 173 standards and as part of that process, 21 standards were removed since they were covered by other parts of the system. This did not result in any changes to the overall protection of the Regional Plan or the Code of Ordinances. The standards were also established as a standalone document. Previously, the standards referenced numerous older materials often dating back to the 1970s and only available at TRPA's office. All that was imported into the threshold standards.

Commission Comments & Questions

Mr. Guevin asked where the footnotes and modification dates are now listed.

Mr. Segan said the standards that were removed were an incomplete record of modifications and had been modified multiple times since they were adopted. Sometimes a footnote was added and other times not. All the changes are cataloged with a table that identifies when

standards were changed. They ensured that the table was complete and then removed the incomplete footnotes. The guidance received from the working group was that the table wasn't sufficient and there needed to be more complete tracking to see individual standards that were removed rather than standard categories.

(presentation continued)

Mr. Segan said the first recommendation was to colocate the standards. The first part of this work plan was to look at the overall structure of the system. The structure is how the goals are formulated, what do the goals contain, and how does information flow through the system to integrate those goals into the Regional Plan, inform the monitoring programs, and how the monitoring programs share information with agencies and the public. Every four years there is a threshold evaluation that provides the Basin with a status and trend for where we stand for each of the goals and that report goes out for scientific peer review. In both the 2011 and 2015 peer review, the scientist said that a better job can be done analyzing the individual standards. Then their other guidance was more substantial and substantive in that there needed to be a hard look at the standards and how the information flowed through the system. The way the current system is structured, the peer reviewers felt that the system was being treated in silos rather than a coherent whole system. As a result of that approach they were losing an opportunity for inference. A goal of looking at the overall structure was to ensure that they break down those silos. To accomplish this, both California and Nevada agreed to a memorandum of understanding in 2015 establishing a Tahoe Science Advisory Council whose primary mission was to provide guidance in management decisions. The council was asked to review how other large natural resource management systems structure their goals and manage the information towards those goals. The council reviewed nine other systems such as Puget Sound, Everglades, and Great Lakes. The council provided a report and initial recommendations for improvement. Working with the council they developed the adaptive management structure to achieve the threshold standards. The working group discussed what the system should look like and how to incorporate that system into the daily work which was how the colocation proposal was created.

The science based adaptive management structure created with the working group and science council contains two elements. The system is founded on conceptual models that articulate the scientific understanding of the system from those conceptual models. From that they are responsible for developing results chains which is a logical framework and a series of "if than" statements. These serve as the basis for testing the efficacy of management actions. Those results chains connect everything from the individual codes in the Code of Ordinances, goals and policies of the Regional Plan, and the projects implemented by the Environmental Improvement Program which all link back to the threshold standards.

Once the overall structure was determined, then it needed to be incorporated into what TRPA does as an agency and to provide that guidance to inform the discussion they referred to the Bi-State Compact. A revision in the 1980 Compact established a notion of threshold standards which are the goals for the Agency. The Compact specifies the role of the threshold standards relative to everything else that the Agency does. The Agency was to establish threshold standards first and then develop a Regional Plan that would ensure that each of those threshold standards were attained and maintained to implement the Regional Plan. The Regional Plan is

implemented through project review and implementation of projects through the Environmental Improvement Program. The structure that is being worked with today, is disjointed and hard to understand.

The threshold standards were established in Resolution 82-11 which live in one area and then the Regional Plan which appears to be separate from that. As a result of the separation, the question is often asked what the relation of the Regional Plan is to the threshold standards. The Compact identifies those standards as the goals and the Regional Plan is the road map to get to those goals. The structure exists today because when the Compact was adopted the Agency was told to bring together all the partners in the Basin to identify the standards and then it had another 1.5 years to develop the Regional Plan to meet those standards. The proposal today is to colocate the two and provide a single document to see the goals that are contained in the threshold standards and the road map to achieve those goals. The structure discussed before that process started is contained in a new threshold section of the threshold standards and Regional Plan. The working group also discussed what should happen to Resolution 82-11 as part of the process. What is being done with colocating the threshold standards and Regional Plan is conforming the adopting mechanisms for both. There would now be an ordinance to adopt the threshold standards and the Regional Plan. Resolution 82-11 that adopted the original set of threshold standards would no longer be the operative vehicle to adopt the threshold standards. In order to not lose anything, they did an overall review of the content of Resolution of 82-11 and classified everything into one of five categories such as Compact content which were directives of the Bi-State Compact that were incorporated into this resolution. Process related were items that were within the resolution that related to the specific process that the agency and its partners went through to adopt the original set of threshold standards. Threshold related are specifics about what the thresholds are and how they were formulated. There were other items that were pre Regional Plan and when the Governing Board adopted the threshold standards the board at the time wanted to provide guidance in development of that Regional Plan. The qualifications were qualifications in the resolution for items such as not everything is under their control. There could be forces outside the Basin that would influence attainment of these goals established or that some were long term. It is known that many of those goals will not be achieved for 75 to 100 years. At that time, the board wanted it recognized that just because the goals were established, the time frame for evaluating the success of the Regional Plan is not immediately upon establishment. For each of these they looked at the existing content of the Regional Plan and mapped over the items from Resolution 82-11 that they felt needed to be brought forward because they remained important today. Ones not brought over have explanations in the bridge from Resolution 82-11 to the new threshold standards and Regional Plan.

Commission Comments & Questions

Ms. Stahler said as presented when the threshold standards are colocated with the Regional Plan, the thresholds will live in their own section and the Regional Plan will follow. She asked if there was any discussion about integrating thresholds within the Regional Plan document or will they remain separate but housed together.

Mr. Segan said it was decided to have them live in this separate document but be colocated to preserve the intent of the Compact which lays out the distinct roles for the two. The thresholds

establish the goals and are upfront of the Regional Plan and the Regional Plan then establishes the framework to achieve those goals. Previously the thresholds were an appendix to the Regional Plan but felt that putting the goals front and center was a more coherent approach to presenting the information.

Mr. Larsen said that was a goal to see better integration and the colocation was a good middle ground.

Mr. Marshall said it becomes difficult because a lot of the Regional Plan policies are not attached to one particular threshold. If you are trying to integrate them, how would that be accomplished? There is a distinct interest in ensuring that there is a separation between thresholds and the Regional Plan because they have different legal status. There may have been more opposition if they would have attempted to have one document that was the Regional Plan that had thresholds in it.

Mr. Cariola asked how the priority is established for what is monitored with such a large funding gap.

Mr. Segan said they've gone through a number of processes depending on the monitoring program. For example, there were significant cuts in the water quality monitoring at the end of the Southern Nevada Public Land Management Act (SNPLMA) funding that cut the stream monitoring program from its peak of \$7 million per year to currently under \$500,000 per year amongst all contributors of the program. There was a scientific panel that provided guidance on which streams should be monitored and at what frequency to reduce cost yet provide necessary information. The triage process is different by focus area and what the partnership feels is important where individual agencies are investing that money.

Mr. Cariola said it's still playing off TRPA's role to collaborate.

Mr. Segan said for example water quality, that is something they've engaged on with the science advisory council and asked them to do a comprehensive review of everything the Agency does within water quality. Both TRPA and Lahontan manage long term contracts with the University of California, Davis and as part of the last contract cycle, the agencies asked UC Davis to provide a full review of what they're doing and recommendations for improving the quality or changing what is monitored to ensure they're getting the information needed. They'll be considering implementing some of those changes in the next contract cycle in 2019 that will be signed at the end of this year. That is something that needs to be done all program areas.

Mr. Ferry said the working group discussed the legal distinction and asked staff to add more information in the introduction of this collocated document to preserve that distinction.

Mr. Alling said with the collocation of information into the Regional Plan there is a lot of language being lost from the original Resolution 82-11. He asked if the working group is confident that what is being removed has enough justification.

Mr. Larsen said Attachment C provides a comprehensive assessment of individual elements of Resolution 82-11 along with the bridge explanation. Although there was text lost, he is confident that there is no meaning lost.

Mr. Segan said the majority of the content of Resolution 82-11 was already contained in the introduction to the Regional Plan. If you're mapping the content of Resolution 82-11 overall, nearly 60 percent of that content was reiterating elements and requirements from the Bi-State Compact and most of that was also contained in the introduction to the Regional Plan.

Mr. Hill asked if it were correct that the actual threshold quantitative standards have not changed but rather it's the policy statements around the thresholds.

Mr. Segan said the policy statements are being considered next. This is what the adopting vehicle is for the thresholds and where they live. The contents of the standards are not changing by this action.

Mr. Marshall said this is the language of Resolution 82-11 as distinct from the attachment which were the thresholds. The thresholds are just being brought over and the next portion is to look at some amendments to that. This discussion is about the text of Resolution 82-11 and what happened to the language which is what the bridge is.

Mr. Larsen asked for additional explanation to the Commission about the relationship between the thresholds, the Environmental Improvement Program, and the Regional Plan.

Mr. Segan said the Environmental Improvement Program is the public private partnership that implements capital projects on the ground to support attaining and maintaining threshold standards. They have not discussed colocating the documents of the EIP. But because the EIP serves as the goals in all EIP projects and those projects contribute to threshold standards, the broad vision is better integration on the website and a clearer articulation of how those projects contribute to individual threshold standards. The Lake Tahoe Info was born as the EIP reporting platform that provides collective accountability amongst all the EIP partners, it provides an opportunity to track how money is spent in the Basin, which projects are being implemented and their status. Up to this point, it's been more of a project centric view and hasn't provided that higher level view that would show what suite of projects are being implemented that are contributing to the larger threshold goal. During the next phase of the EIP update and when staff looks at their own reporting with regard to threshold standards and how the threshold evaluation is done, they'll be looking at a tighter integration between those two pieces because they are an integral part of that effort.

Mr. Hester referred to the science based adaptive management structure slide and said the management actions are policies. The standards and policies are linked but then there are the regulations which would be the Code of Ordinances and project priorities would be the Environmental Improvement Program. Although, staff has not discussed putting the threshold standards, the plan, the Code of Ordinances, and the EIP together, they've discussed the possibility of building a data base oriented system. For example, when a condition was put on a development project, or when a project was funded in the EIP, how does it relate back to the

standard and what is the monitoring saying? The goal is to have this work together and be transparent.

Mr. Marshall said at some point the technological abilities are going to out last the definitions of what a particular document is. That integration will occur as a result of all these technological developments.

Mr. Teshara said today is to discuss the first couple of actions from the working group and there will be other opportunities to discuss what Mr. Marshall is referencing.

Mr. Marshall said yes, that's correct.

(presentation continued)

B. Remove six narrative policy statements as threshold standards

Mr. Segan said this item is a continuation of the cleanup for the work plan. This was a process that was done through a suite of working group meetings over the past year. The genesis of the cleanup initiative that was done at the beginning of the threshold update initiative was to develop an assessment of the existing threshold standards against best practice to how those thresholds should be identified. They worked with the science advisory council to develop this assessment which was seven questions for each standard: Is it specific, is it measurable, is it attributable to the Agency, is it relevant, is it time bound, is it grounded in the best science, and where does it fit into a larger results chain. As part of this effort, they identified 43 overlapping standards which were standards attempting to establish a similar goal for an item. They worked with the science advisory council on recommendations to address overlap within the system and as a result of those recommendations, they were able to address 21 instances of overlap. Because they didn't want to change anything else in the system at the time and there was a limited scope of that first effort, that's all they did in May 2018. The working group encouraged TRPA to continue in this process to make the system cleaner and live up to best practice.

There are three different types of threshold standards within the system: Numeric standards which are the type of standards most familiar to environmental management and establish a numeric target for a specific indicator. Management standards are a directive to engage in a practice or reduce pollutant load in a specific manner. Not the same numeric target, but often contain quantitative targets. The third type of threshold standard within the system is policy statements. Policy statements were identified as providing direction to the Agency in developing the Regional Plan.

There are nine policy statements within the system that were directives to establish policies within the Regional Plan. Part of the issue is that the policy statements never established specific and measurable yardsticks through which they can assess progress towards these objectively. In the review with the science advisory council, they called out these policy statements because of their corrosive influence on the system overall. Even at the time these statements were adopted, the Governing Board recognized that these were not threshold standards in the traditional sense. Most of these were not environmental goals. It was stated that "In association with the adoption of the environmental threshold carrying capacities

(threshold standards) the Governing Board was also adopting these policy statements that will provide specific direction to staff in development of the Regional Plan.” It was recognized at that time that these didn’t live up to the same quality and standards as the other threshold standards. They even defined the voting rules for policy statements, establishing them as the same voting requirements for threshold standards. The science advisory council recommended that these should be identified as providing guidance and context, and not evaluate them going forward or develop specific goals for each of them.

The review of the policy statements recognized that these were intended to provide guidance in the development of the Regional Plan. They looked at the Regional Plan to identify whether or not that guidance had been incorporated into the Regional Plan and was currently being implemented. Since they were, that is the recommendation today to remove six of the policy statements as threshold standards. The guidance from the working group was to temporarily retain three of those statements, one in scenic and two in recreation. Two were different in that they provided some notion of intent of policy not just a directive of policy. There is currently an effort to review the recreation standards and the hope is to replace the two policy statements within recreation with specific and measurable threshold standards for recreation. The working group also directed staff to take another review of the community design built environment standard to see if there’s anything else to be done for scenic.

Presentation can be viewed at:

[Agenda Item VII.A. B. Thresholds](#)

Commission Comments & Questions

Mr. Ferry asked if the two recreation policy statements are the only recreation thresholds.

Mr. Segan said yes. Part of the recommendation is there are only two within the threshold standards. The only recreation standards are policy statements and there was concern that if those were removed, recreation would not be included in the threshold evaluation. In order to ensure that it’s still reported out on recreation related items in the threshold evaluation, the recommendation was to continue to include these policy statements for the time being.

Mr. Ferry said the working group had a lot of discussion on the built environment policy statement. Some members wanted that statement removed because it’s not truly measurable or a traditional threshold. One member wanted to keep it and felt it had value as it was. It was decided to keep it for now and see if it could be strengthened to make it more measurable. There’s no defined action going forward to change that standard and asked how that would happen and what the time frame would be.

Mr. Segan said there was discomfort with retaining this statement. At a future date, staff will provide an overview of how the scenic system operates. The working group suggested that there may need to be a broad overview to the working group of how all the different elements of the scenic system fit together. There are nine other scenic threshold standards that establish scenic quality from over 700 view points in the Basin. There are also community design standards which are incorporated into the Regional Plan as well as the Code of Ordinances. Staff needs to provide additional information of how this fits together and then the working group

can be make an assessment of whether or not there needs to be a specific and measurable standard for the communities or built environment or if it's covered in the other scenic standards.

Ms. Carr said a lot of the discussion on this had to do with the fact that this policy statement in the built environment SR 10, specifically talked about, height, bulk, texture, form, materials, colors, lighting, signing, and other design elements. It was questioned as to whether or not all the other items mentioned as the standards could hit on every one of those types of built environment qualities. It needs to be ensured that nothing is lost in the process and that they're all addressed.

Mr. Marshall said we're making inroads on a sacrosanct document and it should be done slowly and deliberately. If people have substantial issues with a particular threshold, we need to proceed cautiously in order to maintain the credibility of the process.

Mr. Teshara said Tom Hsieh, a Governing Board member in that era was the "father" of the scenic threshold. To Mr. Marshall's point, it came up late in the negotiating process and wasn't well flushed out but the concept was important in terms of scenic standards and thresholds for the Tahoe Basin. It stuck even though there were not as many ways of evaluating that, it was a key part of the negotiations and consensus that Supervisor Hsieh felt it needed to be in there. It is part of the sacrosanct nature the original thresholds.

Ms. Roverud said that was a turning point and recognition that it's necessary to do continuous evaluation and improvement on all of these. TRPA has become much more dynamic as a result of that and appreciated staff and the working groups thoughtful and strategic approach to this effort. She believes that the removal of the policies is not removing any of the substance, that they are either already covered elsewhere and are not losing any of the substance.

Mr. Segan said yes, that's accurate. None of the policies within the Regional Plan or the Code of Ordinances will be modified by this action. It's acknowledging that this was initially guidance to develop and implement those policies. That guidance has now been fulfilled because the policies have been implemented so we no longer need to retain those as standards that are evaluated every four years. That can be retired to historic guidance.

Ms. Roverud asked what the timeframe was to complete the more substantive thresholds such as air quality, recreation, stream environment zone, and forest health.

Mr. Segan said the time line for each is different. Tentatively there could be proposals for substantive changes to the stream environment zone in approximately one year. Recreation would be a similar time line. Forest Health is being worked though the Lake Tahoe West initiative and that collaborative is looking at forest health more holistically for the west shore. He believes that is about one year out and when completed, TRPA would adopt those recommendations as their goals.

Mr. Hester said the four came from a discussion with the Governing Board about other related efforts being worked one. What we're working on in one year from now, will probably determine the next sequence of standards to be looked at.

Ms. Roverud asked when the next threshold evaluation is and will any of this be completed before the next evaluation.

Mr. Segan said the goal is to have some completed before the next 2019 threshold evaluation which is anticipated to be released in December of 2020.

Mr. Teshara said there is also some interplay between these discussions and discussions with the Tahoe Interagency Executives (TIE) Steering Committee where there are various working groups that are underway or potentially to be commissioned that would provide a lot of technical support.

Mr. Alling referred to the policy statement primer document, F6, Fisheries Lahontan Cutthroat Trout. He said in the study for rational it states that the trout is now extinct. That is not a true statement considering the reintroduction that's happened and currently any type of analysis that's done bringing projects and water tributaries at Lake Tahoe, we must consider that species being present. He suggested an edit to that policy statement.

Mr. Segan said the suggestion was to edit the goals and policies of the Regional Plan to reflect the current status of Lahontan Cutthroat Trout but that the policy should be removed as a threshold standard.

Mr. Alling said it is okay to remove the policy statement. But under the study report rational it says basis for recommendation "The Lahontan cutthroat trout is native to the waters of the Tahoe Basin, but due to a variety of man-induced changes, the trout is now extinct in the Basin."

Mr. Marshall said staff will address this suggestion.

Public Comments & Questions

None.

Commission Comments & Questions

Mr. Larsen made a motion to recommend approval of the required findings (Attachment E) including a finding of no significant effect for (1) the colocation of threshold standards and the Regional Plan, (2) amendments to the TRPA Regional Plan Goals and Policies, and (3) amendments to the threshold standards.

Mr. Guevin seconded the motion.

Motion carried.

Mr. Larsen made a motion to recommend approval and adoption of Ordinance 2019-__ (Attachment F) superseding Resolution 82-11, as amended, and Ordinance 87-9, as amended, for the adoption of (1) the colocated threshold standards and Regional Plan, (2) amendments to the TRPA Regional Plan Goals and Policies, and (3) amendments to the threshold standards as shown in Attachment A.

Mr. Guevin seconded the motion.

Motion carried.

VIII. REPORTS

A. Executive Director

None.

1) 2018 Annual Report

No further report.

B. General Counsel

Mr. Marshall said the opposition brief in the Garmong litigation will be filed in the Ninth Circuit Court of Appeals at the end of March. Eventually, the Ninth Circuit Court will issue a decision hopefully affirming the decision of the trial court.

Commission Comments & Questions

Mr. Guevin asked what the status was of the cell tower construction.

Mr. Marshall said it's been constructed.

C. APC Members

Ms. Carr said Assembly Bill 220 is the Environmental Improvement Program bond program that was heard yesterday at the Nevada Legislature which requires issuance of another \$8 million out of the \$100 million authorized for bonds for the EIP program.

Mr. Guevin said through the fire flow initiative with the Tahoe Douglas Fire Protection District and the fire boat program they have several stand pipes that have been built to the lake front for their boats to provide water to the regions of Cedarbrook, Pittman Terrace, and Elks Point. This program is in partnership with a program for the North Tahoe Fire Protection District who are working to acquire a fire boat. He said there are 693 active vacation home rentals in the Tahoe Township portion of Douglas County with only a fraction of those registering with the County. They are monitoring this through a program with Host Compliance. They've incorporated an ordinance for approval in April that will require all these vacation rentals to be inspected for fire safety. Tahoe Douglas Fire Protection District has a fire sprinkler ordinance for commercial structures and now has been extended to all residential no matter what the square footage is. This will include new construction and remodels will have a specific threshold within the ordinance. In addition, Douglas County is considering adopting the Wildland Urban Interface will affect the safety of the Basin because that's their buffering zone. He said their fire board has approved these items and they will be codified through Douglas County and will become part of Title 20, Appendix B of the Douglas County Ordinance.

ADVISORY PLANNING COMMISSION

March 13, 2019

Ms. Roverud said the City of South Lake Tahoe city council will be hosting a public meeting to solicit public input on the US 50 South Shore Community Revitalization Project at the Senior Center in South Lake Tahoe at 5:00 pm on March 14.

Mr. Larsen said the Lahontan Water Board will meet tonight at 6:00 pm for a presentation from Mr. Larsen on the nearshore water quality protection plan and a basin plan amendment to remove the prohibition of the development of piers in fish spawning habitat at Lake Tahoe to maintain consistency with the shoreline plan update.

IX. PUBLIC COMMENT

None.

X. ADJOURNMENT

Chair Mr. Teshara adjourned the meeting at 11:31 a.m.

Respectfully Submitted,



Marja Ambler
Clerk to the Board

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



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STAFF REPORT

Date: April 3, 2019
To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Update on new Tools & Technology for Lake Tahoe Info

Summary and Staff Recommendation:

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

Background:

Since 2014, TRPA has invested in the <https://www.laketahoeinfo.org> platform with the goal of connecting people with information to improve decision making and sustain investments in the Lake Tahoe Basin. TRPA staff will highlight several recently developed tools for the Lake Tahoe Info platform, including the release of the TRPA mooring registration and permitting system.

During the summer of 2018, the Lake Tahoe Aquatic Invasive Species Program acquired topobathymetric Light Detection and Ranging (LiDAR) data and high-resolution aerial imagery for the entire nearshore area of Lake Tahoe. LiDAR is a state-of-the-art remote sensing technology that uses laser pulsed from an airplane to produce a three-dimensional representation of the earth's surface features, such as rocks, buildings, roads, trails, trees, and other vegetation. Topobathymetric green LiDAR can permeate the water surface, thereby also yielding representations of subsurface features, including lakebed, vegetation, and boulders.

The primary purpose of the topobathymetric data acquisition was to improve our understanding of the current status (location, density, species type, etc.) of existing aquatic invasive species, to continue strategic planning and implement effective control projects.

However, this data will also be used by TRPA to support multiple planning efforts, delineate regulatory lakebed elevations, and improve TRPA's GIS data layers, consistent with TRPA's strategic pillar to use best information, data and science to inform decision making. TRPA staff will demonstrate how these tools have been incorporated into the mooring registration and permitting system and other tools that are now available for the public, stakeholders, partners and agency staff.

Contact Information:

For questions regarding this agenda item, please contact Ken Kasman, at (775) 589-5253, kkasman@trpa.org, or Mason Bindl, at (775) 589-5209, or mbindl@trpa.org



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STAFF REPORT

Date: April 3, 2019

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Lake Tahoe Aquatic Invasive Species (AIS) Program Update: 2018 Achievements and Priorities for Building Future Success

Summary and Staff Recommendation:

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

Background:

In 2018, the Lake Tahoe AIS program implemented projects related to the control, monitoring, and prevention of AIS in the Tahoe Region. The presentation staff is proposing to give will cover a general review of the structure of the Lake Tahoe AIS program and Fee Structure, a review of accomplishments and lessons learned in 2018, in addition to what the future may bring.

Contact Information:

For questions regarding this agenda item, please contact Dennis Zabaglo, at (775) 589-5255 or dzabaglo@trpa.org.

Attachment:

A. Fee Schedule

Attachment A

Fee Schedule

Fees for 2019 Boating Season (effective April 2019 through April 2020)

Tahoe Only Stickers	Proposed Fee Amount	Projected Boats	Projected Funds
All Sealed Vessels	\$33.00	7500	\$247,500.00
Tahoe In & Out Stickers	Proposed Fee Amount	Projected Boats	Projected Funds
Personal Watercraft (PWC)	\$43.00	750	\$32,250.00
Vessels 0.1 ft. - 17.0 ft.	\$43.00	1,000	\$43,000.00
Vessels 17.1 ft. - and Greater	\$83.00	3,000	\$249,00.00
Single Inspection Passes	Proposed Fee Amount	Projected Boats	Projected Funds
Personal Watercraft (PWC)	\$38.00	100	\$3,800.00
Vessels 0.1 ft. - 17.0 ft.	\$38.00	175	\$6,650.00
Vessels 17.1 ft. - and Greater	\$63.00	1,750	\$110,250.00
Decontamination Fees	Proposed Fee Amount	Projected Boats	Projected Funds
Decontamination (single system)	\$15.00	1,500	\$22,500
Complex Decontamination (multiple systems or wet ballasts)	\$40.00	1,500	\$80,000
Attached mussels	\$200.00	5	\$5,000
TOTAL - ALL BOAT & FEES 2019		14,275	\$799,950
TOTAL ANTICIPATED BUDGET FOR 2019 WATERCRAFT INSPECTION PROGRAM			\$1,500,000.00



STAFF REPORT

Date: April 3, 2019

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Proposed amendments to the Code of Ordinances to incorporate technical corrections and two minor substantive amendments pertaining to commercial floor area for special projects and aquatic invasive species.

Requested Action:

Recommendation on the proposed technical amendments and minor substantive amendments to the Code of Ordinances.

Staff Recommendation:

Staff recommends that the Advisory Planning Commission (APC) recommend Governing Board adoption of the proposed Code amendments.

Required Motion:

To recommend approval of the requested action, the Governing Board must make the following motions, based on this staff summary and the evidence in the record:

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

Summary:

TRPA staff recommends that the following amendments be made to the Code of Ordinances:

- 1) A number of technical corrections to Chapters 6, 14, 21, 30, 31, 34, 36, 37, 50, 51, 52, 65, 66, 80, 81, 82, 84, and 90 to correct errors, incorporate references to Area Plans, clarify residential density standards, and clarify recently adopted language regarding development rights and shorezone development; and
- 2) Two minor amendments to Chapters 50 and 63 relating to commercial floor area allocation for special projects and aquatic invasive species inspection and decontamination.

These amendments are intended to clarify language in the Code of Ordinance and to allow more effective administration of the Code. The technical corrections proposed, as shown in (A) above, do not result in any substantive change to the code. The substantive amendments shown in (B) above do result in policy changes, though these changes are minor in nature and are intended to advance threshold attainment.

Project Description:

The project involves amending the TRPA Code of Ordinances as shown in Attachments A, B, and C.

Since the last technical Code corrections were adopted in October 2017, staff has identified a number of proposed amendments to the Code of Ordinances. These amendments are broken down into two packages:

- Technical corrections – Language intended to clarify language without substantially altering policy.
- Minor substantive amendments – Amendments which result in a substantial alteration to policy but are minor in nature.

Technical Corrections

There are 44 technical corrections proposed for the following 18 chapters in the Code of Ordinances:

Chapter	Title
6	Tracking, Accounting, and Banking
14	Specific and Master Plans
21	Permissible Uses
30	Land Coverage
31	Density
34	Driveway and Parking Standards
36	Design Standards
37	Height
50	Allocation of Development
51	Banking, Conversion, and Transfer of Development
52	Bonus Unit Incentive Program

Chapter	Title
65	Air Quality / Transportation
66	Scenic Quality
80	Review of Projects in the Shorezone and Lakezone
81	Permissible Uses and Structures in the Shorezone and Lakezone
82	Existing Structures and Exempt Activities
84	Development Standards Lakeward of High Water in the Shorezone
90	Definitions

These corrections are intended to clarify language and requirements without altering substantive provisions of the Code. Recommended corrections and the rationale for each change is included in Attachment B. The recommended technical corrections fall into one of five categories:

- A. Updating references and correcting errors (six amendments).
- B. Incorporating references to Area Plans (12 amendments).
- C. Clarifying residential density standards (one amendment).
- D. Technical amendments for development rights (six amendments).
- E. Technical amendments for shoreline (19 amendments).

Attachment B discusses the purpose for each recommended amendment. The improved language is expected to accelerate Code compliance and understanding and reduce staff and public resources being expended as a result of errors or omissions in the currently adopted Code and Rules of Procedure.

Minor Substantive Amendments

When reviewing the proposed technical corrections, staff identified two proposals that would result in a substantive change to existing policy. These amendments are shown in Attachment C and are summarized as follows:

- 1) **Commercial floor area allocation for special projects (Chapter 50).** Currently, commercial floor area allocations can be awarded to special projects if that project includes environmental improvements that address a threshold that was out of attainment in the 2001 threshold report. This proposal would instead reference attainment status in the most recent threshold report, rather than continuing to rely on the 2001 report in awarding allocations.
- 2) **Aquatic invasive species inspection and decontamination (Chapter 63).** Presently, the code requires that watercraft be inspected and, if necessary, decontaminated prior to entering Lake Tahoe. This proposal would specify that boat trailers, tow vehicles, and other ancillary equipment are also subject to aquatic invasive species inspection and decontamination.

Attachment C provides a rationale for each recommended amendment. The improved language is intended to better implement the Regional Plan, to reflect modern practices, and to enhance threshold attainment.

Environmental Review:

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

Contact Information:

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

Attachments:

- A. Adopting Ordinance
- B. Recommended Technical Corrections
- C. Recommended Minor Substantive Amendments
- D. Required Findings/Rationale
- E. Initial Environmental Checklist (IEC)

Attachment A
Adopting Ordinances

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2019-

AN AMENDMENT TO ORDINANCE NO. 87-9, AS PREVIOUSLY AMENDED, TO AMEND THE TRPA CODE OF ORDINANCES, CHAPTERS 6, 14, 21, 30, 31, 34, 36, 37, 38, 38, 50, 51, 52, 65, 66, 80, 81, 82, 84, AND 90 TO: (1) UPDATE REFERENCES AND CORRECT ERRORS, (2) INCORPORATE REFERENCES TO AREA PLANS, (3) CLARIFY RESIDENTIAL DENSITY STANDARDS, (4) CLARIFY DEVELOPMENT RIGHTS LANGUAGE, AND (5) CLARIFY SHOREZONE LANGUAGE; AND TO AMEND THE TRPA CODE OF ORDINANCES, CHAPTERS 50 AND 63 TO: (1) REFERENCE THE MOST RECENT THRESHOLD REPORT WHEN AWARDING COMMERCIAL FLOOR AREA ALLOCATIONS FOR SPECIAL PROJECTS, AND (2) ENABLE INSPECTION AND DECONTAMINATION OF BOAT TRAILERS AND OTHER ANCILLARY EQUIPMENT.

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

Section 1.00 Findings

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

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

Section 2.00 TRPA Code of Ordinances Amendments

Ordinance 87-9, as amended, is hereby further amended by amending the TRPA Code of Ordinances, as set forth in Attachments B and C.

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

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

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

Ayes:

Nays:

Abstentions:

Absent:

William Yeates, Chair
Tahoe Regional Planning Agency,
Governing Board

Attachment B

Recommended Technical Corrections

TECHNICAL CORRECTIONS

INTRODUCTION

There are **44** proposed technical corrections affecting **18** chapters in the Code of Ordinances. These amendments are numbered in sequence (Ref # 1 through 44) for reference. The technical amendments fall into one of five categories. These categories can be referenced by letters (A through E).

This document includes the following sections:

- **Technical Correction Categories:** Lists the five lettered categories.
- **Chapters and Sections Proposed for Amendment:** An index of proposed numbered technical amendments listed by chapter and section and including page number and category.
- **Description of Technical Correction Categories:** Provides a description of each of the five categories and references which amendments are associated with that category.
- **Description of Amendments:** Lists each of the 46 amendments and includes a description, its purpose, and its result. Language to be deleted is shown in ~~red-strikeout~~. Language proposed for addition is shown in blue underline.

TECHNICAL CORRECTION CATEGORIES



Updating References and Correcting Errors

These amendments address errors and inconsistencies in the Code of Ordinances.



Incorporating References to Area Plans

These amendments add a reference to Area Plans wherever the Code of Ordinances references requirements in local planning documents (e.g. Plan Area Statements, Community Plans, Area Plans).



Clarifying Residential Density Standards

These amendments address clarity issues regarding residential density within Area Plans.



Technical Amendments for Development Rights

These amendments are intended to clarify language adopted in October 2018 as part of the Development Rights Strategic Initiative.



Technical Amendments for Shoreline

These amendments are intended to clarify language adopted in October 2018 as part of the Shoreline Plan Strategic Initiative.

CHAPTERS AND SECTIONS PROPOSED FOR AMENDMENT

Ref #	Chapter	Action	Page	Category
1	6	Amend Subsection 6.7.1, Paragraph D	12	D
2		Amend Subsection 6.8.1, Paragraph C	13	D
3	14	Amend Section 14.1	14	B
4		Amend Subsection 14.2.1	15	B
5		Amend Section 14.6	16	B
6		Amend Paragraph C of Subsection 14.10.1	17	B
7	21	Amend Section 21.1	18	B
8		Amend Section 21.2	19	B
9	30	Amend Subsection 30.6.1, Subparagraph C.2	21	A
10	31	Add new Subsection 31.4.4	22	C
11		Amend Subsection 31.5.2, Subparagraph B.4	23	B
12		Amend Subsection 31.5.2, Subparagraph B.5.b	24	B
13		Amend Subsection 31.5.2, Subparagraph B.7	25	B
14	34	Amend Section 34.2	26	A
15	36	Amend Subsection 36.2.2	28	B
16	37	Amend Subparagraph C.3.g of Subsection 37.5.9	29	A
17		Amend Subparagraph C.7 of Subsection 37.7.15	31	A
18		Amend Paragraph C of Subsection 37.9.3	32	B
19	50	Amend Subsection 50.5.2, Subparagraph B.3	33	D
20	51	Amend Subsection 51.3.2, Paragraph G	34	D
21	52	Add new Paragraph C to Subsection 52.3.2	35	D
22		Amend Subsection 52.3.5	36	D
23	65	Amend Paragraph D of Subsection 65.2.3	37	A
24	66	Amend Subsection 66.3.6	38	E
25	80	Amend Subsection 80.3.3	39	E
26	81	Amend Subsection 81.3.2	40	E
27		Amend Subsection 81.4.4	41	E
28		Amend Paragraph A of Subsection 81.6.1	42	E
29	82	Amend Paragraph I of Subsection 82.5.1	43	E
30		Amend Paragraph B of Subsection 82.7.1	44	E
31	84	Amend Subsection 84.2.3	45	E
32		Amend Subparagraph E.7 of Subsection 84.3.2	46	A

Ref #	Chapter	Action	Page	Category
33		Amend Subsection 84.4.2	47	E
34		Amend Subparagraph A.10.c of Subsection 84.4.3	48	E
35		Amend Subpagraph B.2 of Subsection 84.4.3	49	E
36		Amend Subpagraph C.2 of Subsection 84.4.3	51	E
37		Amend Paragraph B.2 of Subsection 84.4.4	53	E
38		Amend Subparagraph A.2.c of Subsection 84.	54	E
39		Amend Subsection 84.7.1	55	E
40		Amend Subsection 84.8.2	57	E
41		Amend Paragraph C of Subsection 84.11.2	58	E
42	90	Add definition of "Local Plan" to Section 90.2	59	B
43		Add a definition of "Pier, Multiple-Use" in Section 90.2	60	E
44		Amend definitions of Single-Use Pier in Section 90.2	61	E

DESCRIPTION OF TECHNICAL CORRECTION CATEGORIES

A. Updating References and Correcting Errors

These amendments address errors and inconsistencies throughout the Code of Ordinances. They are intended to rectify inconsistencies, reduce ambiguity, and ensure consistent references throughout the Code.

These amendments affect the following sections:

REF #	SECTION	DESCRIPTION
9	30.6.1.C(2)	Addresses an inconsistency regarding the development of the excess land coverage mitigation fee. The word “annually” would be deleted and existing text specifying that the fee is calculated every four years would remain.
14	34.2	Updates the references to the documents and policies that establish substitute parking and driveway standards.
16	37.5.9.C(3)(g)	Corrects a reference to the Scenic Quality Improvement Program (SQIP).
17	37.7.15.C(7)	Corrects a reference to the Scenic Quality Improvement Program (SQIP).
23	65.2.3.D	Updates references to Plan Area Statements, since several of these have been superseded by Area Plans.
32	84.3.2.E(7)	Specifies that the review of the allocation of moorings would occur after the 2019 Threshold Evaluation. There will be no such report in 2021.

B. Incorporating References to Area Plans

These amendments add a reference to Area Plans wherever the Code of Ordinances references requirements in local planning documents (e.g. Plan Area Statements, Community Plans, Area Plans). In lieu of listing all three types of planning documents, these amendments would also define the term “local plan” to refer to the three documents. These amendments are intended to clarify that Area Plans should also be referenced in considering new master plans and determining permissible uses and maximum density.

These amendments affect the following sections:

REF #	SECTION	DESCRIPTION
3	14.1	Specifies that Specific and Master Plans augment all <i>local plans</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
4	14.2.1	Specifies that Specific and Master Plans should be reviewed for consistency with all <i>local plans</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
5	14.6	Specifies that Specific and Master Plans supplement, but do not replace, all <i>local plans</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
6	14.10	Requires that a finding be adopted that the plan is consistent with the applicable Area Plan. Presently, the finding only requires consistency with a Plan Area Statement or Community Plan.
7	21.1	Specifies that permissible uses be determined by reference to Area Plans in addition to other specified plans (e.g. Community Plans, redevelopment plans, Specific or Master Plans, etc.).
8	21.2	Specifies that allowed and special uses are identified in <i>local plans</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
11	31.5.2.B(4)	Specifies a density of one unit per project area if residential uses are allowed by the <i>local plan</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
12	31.5.2.B(5)(b)	Specifies that maximum density is prescribed by the <i>local plan</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.

13	31.5.2.B(7)	Specifies that mixed uses shall be permitted if allowable by the <i>local plan</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
15	36.2.2	Specifies that TRPA may adopt substitute design standards pursuant to an Area Plan, in addition to other plans referenced (e.g. Community Plans, redevelopment plans, specific/master plans, etc.)
18	37.9.3.C	Requires a finding that the existing use is a permissible use in the <i>local plan</i> (i.e. including Area Plans) for additions to existing buildings. Presently, only Plan Area Statements and Community Plans are referenced.
42	90.2	Defines “local plan” to mean a Plan Area Statement, Community Plan, or Area Plan.

C. Clarifying Residential Density Standards

In accordance with Chapter 13, through adoption of an Area Plan, the allowed residential density in the Town Center, Regional Center, and High-Density Tourist Core overlays can exceed the maximum densities established in Chapter 31. This amendment would reinforce this provision by providing a reference within Chapter 31. The new language reiterates that density can be exceeded beyond the maximums set in Chapter 31 through adoption of an Area Plan. In those cases, the maximum density standards set forth in Chapter 13 would apply.

This amendment affects the following section:

REF #	SECTION	DESCRIPTION
10	31.4.4	Clarifies that density may be increased within the Town Center, Regional Center, and High-Density Tourist District overlays through adoption of an Area Plan, as set forth in Section 13.5.3

D. Development Rights Technical Amendments

These amendments are intended to clarify language adopted in October 2018 as part of the Development Rights Strategic Initiative.

These amendments affect the following sections:

REF #	SECTION	DESCRIPTION
1	6.7.1.D	Requires that the tracking of units exempt from an allocation apply not only to affordable units, but also moderate and achievable units. This is necessary, as the Development Rights Strategic Initiative expands the bonus unit program to cover more than just affordable units.
2	6.8.1.D	Requires that the total number of moderate and achievable units constructed be included in the residential allocation report. This is necessary, as the Development Rights Strategic Initiative expands the bonus unit program to cover more than just affordable units.
19	50.5.2.B(3)	Deletes a reference to moderate income housing allocations, as allocations are no longer needed for moderate-income residential bonus units.
20	51.3.2.G	Specifies that deed restriction, restoration, and revegetation of a site with banked development rights is only required if applicable. This addresses certain situations where development rights can be banked without requiring site restoration. An example of this scenario would be the conversion of a commercial shopping center into a public service use, where the structures would remain even though the Commercial Floor Area can be banked.
21	52.3.2.C	Specifies that an allocation is required for residential bonus units, unless they qualify as affordable, moderate-income, or achievable. The present language does not specify whether an allocation is needed for market-rate bonus units.
22	52.3.5.C	Specifies that a deed restriction be recorded to ensure that achievable residential bonus units remain achievable.

E. Technical Amendments for Shoreline

These amendments are intended to clarify language adopted in October 2018 as part of the Shoreline Plan Strategic Initiative.

These amendments affect the following sections:

REF #	SECTION	DESCRIPTION
24	66.3.6	Adjusts wording in the section that describes scenic quality review for marina projects.
25	80.3.3	Consolidates the special use project findings into Subsection 80.3.3. Presently they are duplicated in Subsection 81.3.2.
26	81.3.2	Deletes special use project findings from Subsection 81.3.2. These findings are already identified in Subsection 80.3.3.
27	81.4.4	Adds a missing conjunctive (“and”) to a sentence.
28	81.6.1.A	Specifies that discontinued non-conforming uses must comply with use regulations established in any local plan (i.e. including an Area Plan). Presently, only consistency with use requirements in a plan area statement is specified.
29	82.5.1.1	Rephrases a statement (“The applicant certifies”) in the form of a declarative requirement (“The applicant <i>shall</i> certify”).
30	82.7.1.B	Adds a missing verb (“is”) to a sentence.
31	84.2.3	Specifies that shorezone use regulations are set forth in “local plans” (a term that includes Plan Area Statements, Community Plans, and Area Plans) rather than using the undefined term “plan area.”
33	84.4.2	Adds the term “Subsection” and “Paragraph” before internal references.
34	84.4.3.A(10)(c)	Adds the term “Paragraphs” before an internal reference.
35	84.4.3.B(2)	Adds the term “Subparagraph” to an internal reference and adds a missing verb “is” to two sentences.
36	84.4.3.C(2)	Moves a subparagraph requiring piers to be perpendicular up above another subparagraph that specifies an exception to that standard.

37	84.4.4.B(2)	Specifies that piers are to be allocated based on the “multiple-parcel” and “single-parcel” categories, rather than the “multiple-use” and “single-use” categories, consistent with Table 84.4.4-1.
38	84.4.5.A(2)(c)	Adds the term “Subsection” to an internal reference and adds the word “otherwise” to a sentence.
39	84.7.1	Adds the term “Paragraph” before internal references.
40	84.8.2	Eliminates capitalization of “shorezone” and changes a plural noun (“Facilities”) into its singular form.
41	84.11.2.C	Adds the term “Paragraph” before an internal section reference.
43	90.2	Creates a new definition for “Pier, Multiple-Use” consistent with the applicability standards in Section 84.4.3.C.1.
44	90.2	Renames the definition of “Single-Use Pier” to “Pier, Single-Use.”

DESCRIPTION OF AMENDMENTS

1. Amend Subsection 6.7.1, Paragraph D

D

<i>Description</i>	Include moderate and achievable units in the accounting of the number of units exempted from allocations.
<i>Purpose</i>	Since the adoption of the Development Rights Strategic Initiative, moderate and achievable units may also be exempted from a residential allocation. This revision will allow those units to be tracked.
<i>Result</i>	The revision ensures that all units exempted from an allocation will be accounted for.

Revise Paragraph D of [Subsection 6.7.1](#) as follows:

CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING

6.7. UNITS OF USE AND OTHER INFORMATION FOR ACCOUNT FILES

6.7.1. Residential Use

D. Number of Affordable, Moderate, and Achievable Units

Date of construction and number of affordable, moderate, and achievable units exempted from the allocation.

2. Amend Subsection 6.8.1, Paragraph C

D

<i>Description</i>	Include the number of moderate and achievable units constructed in residential allocation reports.
<i>Purpose</i>	The Development Rights Strategic Initiative references not only affordable units, but also moderate-income and achievable units. This revision will allow those units to be tracked.
<i>Result</i>	Residential allocation reports will track moderate-income and achievable units in addition to affordable units.

Revise Paragraph C of [Subsection 6.8.1](#) as follows:

CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING

6.8. REGIONAL ALLOCATION ACCOUNTING

6.8.1. Residential Allocation Report Contents

- C. The total number of affordable, moderate, and achievable units constructed.

3. Amend Section 14.1

B

<i>Description</i>	Specifies that Specific and Master Plans augment all local plans (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	This would clarify the relationship between Area Plans and Master/Specific Plans.
<i>Result</i>	Along with other modification to Chapter 14, this would ensure that Area Plans are considered when adopting or amending a Specific or Master Plan.

Revise [Section 14.1](#) as follows:

CHAPTER 14: SPECIFIC AND MASTER PLANS

14.1. PURPOSE

In accordance with the Goals and Policies, TRPA may adopt area-wide specific plans or project-oriented master plans to augment local plans ~~area statements or community plans~~. Specific or master plans are needed to provide more detailed planning to ensure that projects and activities are consistent with the Goals and Policies, the ~~Plan Area Statements or community~~ local plans, and the Code. Also, specific and master plans shall provide for phasing of development, systematic environmental and project review, and implementation of environmental control measures. A specific or master plan shall not be construed as a project approval and its adoption shall not guarantee approval of any level of development.

4. Amend Subsection 14.2.1

B

<i>Description</i>	Specifies that Specific and Master Plans should be reviewed for consistency with all local plans (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	This would clarify that Specific and Master Plans are to main consistency with Area Plans.
<i>Result</i>	Along with other modification to Chapter 14, this would ensure that Area Plans are considered when adopting or amending a Specific or Master Plan.

Revise [Subsection 14.2.1](#) as follows:

CHAPTER 14: SPECIFIC AND MASTER PLANS

14.2. APPLICABILITY

14.2.1. General

Prior to adoption of a specific or master plan, all projects and activities shall be reviewed pursuant to the Code, applicable local plan ~~area statement or community plan~~, and the Goals and Policies.

5. Amend Section 14.6

B

<i>Description</i>	Specifies that Specific and Master Plans supplement, but do not replace, all local plans (i.e. including Area Plans. Presently only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	This would clarify the relationship between Area Plans and Specific or Master Plans.
<i>Result</i>	Along with other modification to Chapter 14, this would ensure that Area Plans are considered when adopting or amending a Specific or Master Plan.

Revise [Section 14.6](#) as follows:

CHAPTER 14: SPECIFIC AND MASTER PLANS

14.6. RELATIONSHIP TO PLAN AREA STATEMENTS AND COMMUNITY PLANS

Specific or master plans shall supplement, but shall not replace, ~~plan area statements and community~~ local plans, as they may be amended from time to time, and shall be consistent with ~~plan area statements and community~~ local plans as follows:

14.6.1. Plan Area Statement Limitations

Where part or all of a specific or master plan falls within a plan area boundary, that portion of the specific or master plan shall be subject to the plan area statement limitations set forth for special designations, special policies, permissible land uses, density, bonus units, additional outdoor recreation limitations, and improvement programs.

14.6.2. Area and Community Plan Limitations

Where part or all of a specific or master plan falls within an area or community plan boundary, that portion of the specific or master plan shall be subject to the adopted area or community plan. No master or specific plan for an area within a community plan boundary shall be adopted unless the community plan is adopted, or the community plan is expected to be adopted within three years. In the latter case, a specific or master plan may be approved, provided the specific or master plan complies with those provisions of subparagraphs 12.7.3.A through E, inclusive, as applicable to the area impacted by the specific or master plan.

6. Amend Paragraph C of Subsection 14.10.1

B

<i>Description</i>	Requires that a finding be adopted that the plan is consistent with the applicable Area Plan. Presently the finding only requires consistency with a Plan Area Statement or Community Plan.
<i>Purpose</i>	This would ensure that Area Plan consistency is verified as part of the adoption or amendment of a Master or Specific Plan.
<i>Result</i>	Along with other modification to Chapter 14, this would ensure that Area Plans are considered when adopting or amending a Master or Specific Plan.

Revise Paragraph C of [Subsection 14.10.1](#) as follows:

CHAPTER 14: SPECIFIC AND MASTER PLANS

14.10. FINDINGS FOR APPROVAL

14.10.1. General Findings

- C. The plan is consistent with the adopted plan area statement, area plan, or community plan applicable to the area;

7. Amend Section 21.1

B

<i>Description</i>	Specifies that permissible uses be determined by reference to Area Plans in addition to other specified plans (e.g. Community Plans, redevelopment plans, Specific or Master Plans, etc.).
<i>Purpose</i>	This would clarify that Area Plans are to be referenced when determining the permissible uses for a site.
<i>Result</i>	This amendment would confirm existing practice, which is to refer to Area Plans for permissible uses.

Revise [Section 21.1](#) as follows:

CHAPTER 21: PERMISSIBLE USES

21.1. PURPOSE

This chapter sets forth the allowable uses for the land areas within the region. Allowable uses for the nearshore, foreshore, backshore, and lakezone are set forth in Chapter 81: Permissible Uses and Structures in the Shorezone and Lakezone. The concept of "use" includes any activity, whether related to land, water, air, or other resources of the region. The primary uses are "allowed," "special," and "nonconforming," the applicability of which terms to a particular parcel shall be determined by reference to the plan area statements and maps, [area plans](#), community plans, redevelopment plans, and specific or master plans, as the case may be. The list of primary uses is in Section 21.4.

8. Amend Section 21.2

B

<i>Description</i>	Specifies that allowed and special uses are identified in <i>local plans</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	This would clarify that Area Plans are to be referenced when determining the allowed ("A") and special ("S") uses for a site.
<i>Result</i>	This amendment would confirm existing practice, which is to refer to Area Plans for allowed and special uses.

Revise [Section 21.2](#) as follows:

CHAPTER 21: PERMISSIBLE USES

21.2. APPLICABILITY

All parcels have one or more primary uses as defined in this Code, except for parcels that are undeveloped or unimproved and have no established use. Such parcels are considered vacant parcels. Vacant parcels are entitled to apply for a use pursuant to the provisions of the Code. The regulation of projects and activities pursuant to primary uses is described in this section.

21.2.1. Allowed Uses

Uses listed in applicable ~~plan area statements, community~~ local plans, redevelopment plans, or specific or master plans as "allowed" ("A") are appropriate uses for the specified area, and projects and activities pursuant to such uses may be permitted. Allowed uses are assumed to be compatible with the direction of the Regional Plan and the surrounding uses.

21.2.2. Special Uses

Uses listed in applicable ~~plan area statements, community~~ local plans, redevelopment plans, or specific or master plans as "special" ("S") may be determined to be appropriate uses for the specified area, and projects and activities pursuant to such uses found to be appropriate may be permitted. To allow a special use, TRPA shall conduct a public hearing according to the procedures in the TRPA Rules of Procedure. Before issuing an approval, TRPA shall make the following findings:

- A. The project to which the use pertains is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which and surrounding area in which it will be located;
- B. The project to which the use pertains will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property

in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners; and

- C. The project to which the use pertains will not change the character of the neighborhood, or detrimentally affect or alter the purpose of the applicable ~~planning area statement, community~~ local plan, and specific or master plan, as the case may be.

21.2.3. Nonconforming Uses

Uses legally commenced prior to the effective date of the Regional Plan, July 1, 1987, that would be prohibited if new are nonconforming uses and may be continued, subject to the provisions of Section 21.5. Existing development in a special use category for which the findings in subsection 21.2.2 have not been or cannot be made are nonconforming uses.

21.2.4. Prohibited Uses

Proposed uses not listed in applicable plan area statements, community plans, redevelopment plans, Area Plans, and specific or master plans are prohibited. Also, proposed special uses for which the findings in subsection 21.2.2 cannot be made are prohibited uses.

21.2.5. Gaming Uses

Gaming uses that are recognized as permitted and conforming uses are set forth in Article VI(d) of the Compact.

9. Amend Subsection 30.6.1, Subparagraph C.2

A

<i>Description</i>	Addresses an inconsistency regarding the development of the excess land coverage mitigation fee. The word “annually” would be deleted and existing text specifying that the fee is calculated every four years would remain.
<i>Purpose</i>	To clarify that the excess land coverage mitigation fee is to be calculated every four years rather than annually. At present, conflicting language exists.
<i>Result</i>	Existing language stating that the fee is to be calculated every four years will remain.

Revise Subparagraph C.2 of [Subsection 30.6.1](#) as follows:

CHAPTER 30: LAND COVERAGE

30.6. EXCESS LAND COVERAGE MITIGATION PROGRAM

30.6.1. Implementation of Program

C. Determination of Excess Land Coverage Mitigation

2. Excess Land Coverage Mitigation Fee

The excess coverage mitigation fee shall be calculated by determining the amount of required land coverage reduction (sq. ft.), in accordance with subparagraph 1 above. The land coverage reduction square footage shall then be multiplied by the appropriate Mitigation Fee Coverage Cost Factor to determine the Excess Land Coverage Mitigation Fee. The Mitigation Fee Land Coverage Cost Factor(s) shall be established by TRPA staff using an Annual Percentage Growth Rate (APGR) calculation (or best available alternate methodology) based on the best available residential sales information for the Tahoe Region. The APGR shall be calculated regularly, at least every 4 years. The fee shall be updated **annually** utilizing the most recently calculated APGR. Fee adjustments are limited to increases, even in instances when the APGR calculation may result in a negative percentage growth, to preserve the intent of the Excess Land Coverage Mitigation Fee program, and maintain consistency with the land bank’s cost to acquire and restore land coverage under this program. The current excess land coverage fee shall be included within the schedule provided in the Rules of Procedure in subsection 10.8.5.

The excess land coverage fee shall be as follows:

Mitigation Fee (\$) = Land Coverage Reduction Sq. Ft. x Mitigation Fee Sq. Ft. Land Coverage Cost Factor.Q

10. Add new Subsection 31.4.4



<i>Description</i>	Clarifies that density may be increased within the Town Center, Regional Center, and High-Density Tourist District overlays through adoption of an Area Plan, as set forth in Section 13.5.3
<i>Purpose</i>	To reinforce that the Area Plans may override the density standards in Chapter 31, subject to the limitations in Chapter 13.
<i>Result</i>	The language reinforces that Area Plans can have densities that exceed those allowed by Chapter 31.

Add a new [Subsection 31.4.4](#) as follows:

CHAPTER 31: DENSITY

31.4. INCREASES TO MAXIMUM DENSITY

31.4.4. Density in Area Plan Overlays

The maximum densities established in Section 31.3 may be exceeded for projects located in the Town Center, Regional Center, and High-Density Tourist District Overlays in approved Area Plans pursuant to Section 13.5.3.

11. Amend Subsection 31.5.2, Subparagraph B.4

B

<i>Description</i>	Specifies a density of one unit per project area if residential uses are allowed by the <i>local plan</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	To clarify that Area Plans should be referenced where applicable to determine if residential units are allowable.
<i>Result</i>	This amendment would ensure that applicable Area Plans are referenced when considering mixed use developments outside of the Town Center, Regional Center, and High Density Tourist District overlays.

Revise Subparagraph B.4 of [Subsection 31.5.2](#) as follows:

CHAPTER 31: DENSITY

31.5. CALCULATION OF MAXIMUM DENSITY

31.5.2. Mixed Uses

B. Maximum Density for Mixed-Use Categories

4. Category D

In Category D, the maximum residential density is one unit per project area, provided that residential units are allowed by the local plan ~~area statement or community plan~~, except for mixed-use project proposing to subdivide multi-family units, which is subject to Category E below.

12. Amend Subsection 31.5.2, Subparagraph B.5.b

B

<i>Description</i>	Specifies that maximum density is prescribed by the <i>local plan</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	To clarify that Area Plans should be referenced where applicable to determine residential density.
<i>Result</i>	This amendment would ensure that applicable Area Plans are referenced when considering residential density in mixed use developments outside of the Town Center, Regional Center, and High Density Tourist District overlays.

Revise Subparagraph B.5.b of [Subsection 31.5.2](#) as follows:

CHAPTER 31: DENSITY

31.5. CALCULATION OF MAXIMUM DENSITY

31.5.2. Mixed Uses

B. Maximum Density for Mixed-Use Categories

5. Category E

- b. If multi-person dwellings are proposed in the primary campus area of an accredited college located in the Lake Tahoe Basin, then the maximum density for the project area shall be that prescribed by the applicable ~~plan-area-statement or community~~ local plan.

13. Amend Subsection 31.5.2, Subparagraph B.7

B

<i>Description</i>	Specifies that mixed uses shall be permitted if allowable by the <i>local plan</i> (i.e. including Area Plans). Presently only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	To clarify that Area Plans should be referenced where applicable to determine if mixed uses are allowed.
<i>Result</i>	This amendment would ensure that applicable Area Plans are referenced when considering residential density in mixed use developments outside of the Town Center, Regional Center, and High Density Tourist District overlays.

Revise Subparagraph B.7 of [Subsection 31.5.2](#) as follows:

CHAPTER 31: DENSITY

31.5. CALCULATION OF MAXIMUM DENSITY

31.5.2. Mixed Uses

B. Maximum Density for Mixed-Use Categories

7. Category G

In Category G, mixed uses shall be permitted if they otherwise conform to this Code and applicable local plan ~~area statement or community plan~~.

14. Amend Section 34.2

A

<i>Description</i>	Updates the references to the documents and policies that establish substitute parking and driveway standards.
<i>Purpose</i>	To correctly reference each jurisdictions' parking and vehicular access standards and provide for future Area Plans.
<i>Result</i>	References to antiquated standards are removed and replaced with references to current standards.

Revise [Section 34.2](#) as follows:

CHAPTER 34: DRIVEWAY AND PARKING STANDARDS

34.2. APPLICABILITY

This chapter is applicable to all development that requires or uses vehicular access or parking, except as noted below.

34.2.1. Douglas County Substitutions

The Douglas County Community Plans, Design Standards and Guidelines, August 1993, shall apply within the Round Hill, ~~Kingsbury, and Stateline~~ Community Plans until such time as it may be superseded by standards in an approved Area Plan. The Tahoe Area Plan Regulations (Chapter 20.703) of the Douglas County Development Code and the South Shore Design Standards and Guidelines (September 2013 and as amended) shall apply to the South Shore Area Plan. Any additional approved Area Plans that include Design Standards and Guidelines may also be substituted in locations covered by that Area Plan.

34.2.2. Placer County Substitutions

The Placer County Tahoe Basin Area Plan, Implementing Regulations, Area-Wide Standards and Guidelines, Section 3.07, Parking and Access (January 2017), and as amended, shall apply to the entire portion of Placer County within the Tahoe Region.

34.2.3. City of South Lake Tahoe Substitutions

The City-Wide Design Standards found in Chapter 6.10 and 6.55 of the City of South Lake Tahoe Municipal Code ~~Standards and Guidelines for Design, Signage, Parking, Driveway, and Loading Spaces, June 1994~~, shall apply to the entire City of South Lake Tahoe, except for the Tourist Core Area Plan and Tahoe Valley Area Plan, where the Development and Design Standards (Appendix C) of the Area Plans shall apply, or until such time as the City-Wide Design Standards are superseded by a newly approved Area Plan or Area Plans.

34.2.4. Washoe County Substitutions

The Signage, Parking, and Design Standards and Guidelines for the Community Plans of Washoe County, April 1996, shall apply to the North Stateline, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch Community Plans, until such time as they may be superseded by standards in an approved Area Plan.

34.2.5. El Dorado County

The Meyers Area Plan Design Standards and Guidelines, February 2017, and as amended shall apply to the Meyers Area Plan. Any additional approved Area Plans that include Design Standards and Guidelines may also be substituted in those locations covered by the Area Plan.

15. Amend Subsection 36.2.2

B

<i>Description</i>	Specifies that TRPA may adopt substitute design standards pursuant to an Area Plan, in addition to other plans referenced (e.g. Community Plans, redevelopment plans, specific/master plans, etc.)
<i>Purpose</i>	To confirm existing practice, which is to allow adoption of substitute design standards as part of an Area Plan.
<i>Result</i>	Includes Area Plans among the types of plans that can adopt substitute design standards, in line with current practice.

Revise [Subsection 36.2.2](#) as follows, with no changes to Paragraphs A through D:

CHAPTER 36: DESIGN STANDARDS

36.2. APPLICABILITY

36.2.2. Substitute Standards

TRPA may adopt equal or superior substitute design standards pursuant to an [Area Plan](#), community plan, redevelopment plan, specific plan, or master plan. Substitute design standards shall not apply to the review procedures and standards for projects in the shoreland. Appropriate provisions of TRPA's Design Review Guidelines and Scenic Quality Improvement Program may be considered as conditions of project approval. Substitute standards adopted by TRPA are listed below.

16. Amend Subparagraph C.3.g of Subsection 37.5.9

A

<i>Description</i>	Corrects a reference to the Scenic Quality Improvement Program (SQIP).
<i>Purpose</i>	To ensure the code appropriately references the SQIP.
<i>Result</i>	The reference to Scenic Quality <i>Implementation</i> Program is updated to Scenic Quality <i>Improvement</i> Program.

Revise Subparagraph C.3.g of [Subsection 37.5.9](#) as follows:

CHAPTER 37: HEIGHT

37.5. ADDITIONAL HEIGHT FOR CERTAIN BUILDINGS

37.5.9. Additional Height for Special Projects within a Ski Area Master Plan

C. Findings for Additional Height

3. In order to implement pedestrian/transit oriented development (PTOD), the project shall, at a minimum:
 - g. Implement landscaping and hardscaping that enhance the scenic quality of the area and whenever possible, improve the scenic ratings per the adopted Scenic Quality ~~Implementation~~ Improvement Program and Technical Appendices (SQIP). This shall include improvements that:
 - (i) Blend vegetation to accentuate and provide visual breaks in building façades and rooflines, for example, with the use of low lying shrubs and various sized trees; and
 - (ii) Enhance and emphasize pedestrian circulation routes with special design features that physically separate pedestrians from the flow of traffic or bike lanes, or provide direction. Features may include, garden beds, landscape planters, bollards, benches, sculpture/artistic elements, and/or other street furniture; and
 - (iii) Provide appropriate screening for any street level parking areas by balancing the need to screen vehicles from view and provide a safe pedestrian environment.
 - (iv) New structures requesting additional height along State Route 89 shall be set back from the travel route edge of pavement a minimum of 30 feet and stair-stepped upslope, providing a transition of height across the site. Additional height for new structures satisfying these requirements may be permitted as follows:

- (1)** The maximum permissible height for structures with a minimum set back of 30 feet from the State Route 89 edge of pavement is 45 feet.
- (2)** The maximum permissible height for structures with a minimum set back of 150 feet from the State Route 89 edge of pavement is 55 feet.
- (3)** The maximum permissible height for structures at the North Base with a minimum set back of 225 feet up to a maximum distance of 675 feet from the State Route 89 edge of pavement is 77 feet. The maximum permissible height for structures at the South Base (Tahoe Ski Bowl Way) with a minimum setback of 650 feet up to a maximum distance of 1200 feet from the State Route 89 edge of pavement is 66 feet.

17. Amend Subparagraph C.7 of Subsection 37.7.15

A

<i>Description</i>	Corrects a reference to the Scenic Quality Improvement Program (SQIP).
<i>Purpose</i>	To ensure the code appropriately references the SQIP.
<i>Result</i>	The reference to Scenic Quality <i>Implementation</i> Program is updated to Scenic Quality <i>Improvement</i> Program.

Revise Paragraph C.7 of [Subsection 37.7.15](#) as follows:

CHAPTER 37: HEIGHT

37.7. FINDINGS FOR ADDITIONAL BUILDING HEIGHT

37.7.15. Finding 15 (Additional Height for Special Projects within North Stateline Community Plan)

- C. In order to implement pedestrian/transit oriented development (PTOD), the project shall, at a minimum:
 - 7. Implement landscaping and hardscaping that enhance the scenic quality of the area and whenever possible, improve the scenic ratings per the adopted Scenic Quality ~~Implementation~~ Improvement Program and Technical Appendices (SQIP). This shall include improvements that:
 - a. Blend vegetation to accentuate and provide visual breaks in building façades and rooflines, for example, with the use of low lying shrubs and various sized trees;
 - b. Enhance and emphasize pedestrian circulation routes with special design features that physically separate pedestrians from the flow of traffic or bike lanes, or provide direction. Features may include, garden beds, landscape planters, bollards, benches, sculpture/artistic elements, and/or other street furniture; and
 - c. Provide appropriate screening for any street level parking areas by balancing the need to screen vehicles from view and provide a safe pedestrian environment.

18. Amend Paragraph C of Subsection 37.9.3

B

<i>Description</i>	Requires a finding that the existing use is a permissible use in the <i>local plan</i> (i.e. including Area Plans) for additions to existing buildings. Presently, only Plan Area Statements and Community Plans are referenced.
<i>Purpose</i>	To refer to an Area Plan in making a finding that the existing use is a permissible use.
<i>Result</i>	Consistent with Chapter 21 and current practice, this would reinforce that Area Plans are to be referenced where applicable in determining permissible uses.

Revise Paragraph F to [Subsection 37.9.3](#) as follows:

CHAPTER 37: HEIGHT

37.9. ADDITIONS TO EXISTING BUILDINGS

37.9.3. Findings

- C. The existing use is a permissible use in the local plan ~~area statement or community plan~~;

19. Amend Subsection 50.5.2, Subparagraph B.3

D

<i>Description</i>	Deletes a reference to moderate income housing allocations, as allocations are no longer needed for moderate-income residential bonus units.
<i>Purpose</i>	To maintain consistency with the code revisions adopted as part of the Development Rights Strategic Initiative.
<i>Result</i>	A superfluous reference to moderate-income bonus unit allocations is removed.

Revise Subparagraph B.3 of [Subsection 50.5.2](#) as follows:

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

50.5.2. Distribution and Administration of Residential Allocations

B. Distribution of the Residential Allocation Incentive Pool

3. Annual allocations; and sensitive lot retirements, ~~and moderate income housing allocations~~ shall be made available on a first-come, first-served basis.

20. Amend Subsection 51.3.2, Paragraph G

D

<i>Description</i>	Specifies that deed restriction, restoration, and revegetation of a site with banked development rights is only required if applicable. This addresses certain situations where development rights can be banked without requiring site restoration. An example of this scenario would be the conversion of a commercial shopping center into a public service use, where the structures would remain even though the Commercial Floor Area can be banked.
<i>Purpose</i>	To address scenarios where development rights could be banked, but restoration and revegetation may not be appropriate.
<i>Result</i>	The condition of approval requiring deed restriction, restoration, and revegetation would not need to be applied to every banking proposal.

Revise Paragraph G of [Subsection 51.3.2](#) as follows:

CHAPTER 51: BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT

51.3. BANKING OF DEVELOPMENT RIGHTS

51.3.2 Requirements

- G. At the time of and as a condition of approval for the banking of development rights, the parcel or project area from which the development rights previously existed shall be restored and revegetated in accordance to Section 61.4: Revegetation and restricted pursuant to Section 51.3.3: Parcel Restriction for Banking, if applicable.

21. Add new Paragraph C to Subsection 52.3.2

D

<i>Description</i>	Specifies that an allocation is required for residential bonus units, unless they qualify as affordable, moderate-income, or achievable. The present language does not specify whether an allocation is needed for market-rate bonus units.
<i>Purpose</i>	To restore prior language requiring an allocation for bonus units, while allowing an exception for affordable, moderate-income, and achievable housing.
<i>Result</i>	This would reinforce that market-rate developments using residential bonus units must also obtain allocations.

Add a new Paragraph C to [Subsection 52.3.2](#) as follows:

CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM

52.3. RESIDENTIAL INCENTIVE PROGRAM

52.3.2. Criteria

All projects receiving multi-residential bonus units shall comply with the following criteria:

- A. The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the area plan, plan area statement, applicable community or redevelopment plan, or this Code; and
- B. When bonus units will be used for a multi-family dwelling, multi-residential uses shall be designated in the area plan, plan area, or community plan as an allowed use, or a special use for which the findings required in Section 21.2 have been made.
- C. Except for affordable, moderate-income, or achievable housing units as defined in Chapter 90: Definitions, an allocation shall be required pursuant to Chapter 50: Allocation of Development, in order to use multi-residential bonus units.

22. Amend Subsection 52.3.5

D

<i>Description</i>	Specifies that a deed restriction be recorded to ensure that achievable residential bonus units remain achievable.
<i>Purpose</i>	To provide for the expansion of the residential bonus unit program to include achievable units by adding that category to the deed restriction requirement.
<i>Result</i>	Achievable housing developments receiving residential bonus units could deed restrict to the achievable level rather than just the moderate-income and affordable levels.

Revise [Subsection 52.3.5](#) as follows:

CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM

52.3. RESIDENTIAL INCENTIVE PROGRAM

52.3.5. Residential Bonus Unit Substitution

Residential bonus units may be assigned for existing residential units of use in a project area or existing residential units of use that are the result of TAU conversion pursuant to subsection 51.4 on a unit-for-unit basis, provided that the following conditions are met:

- A. The project area shall be brought up to TRPA development standards applicable for modifications on a project area containing existing development and shall meet scenic quality standards if the project is visible from a roadway travel route, shoreline travel route, or designated recreation site or bike path;
- B. The local jurisdiction shall inspect and certify that each unit remaining in the project area meets its health and safety requirements for residences;
- C. A deed restriction shall be recorded with TRPA and the local jurisdiction ensuring that the units remaining in the project area meet TRPA's affordable, ~~or~~ moderate-income, or achievable housing definition and shall be so maintained; and
- D. Any existing units of use not used in the project area are only transferable to multi-residential facilities.

23. Amend Paragraph D of Subsection 65.2.3

A

<i>Description</i>	Updates references to Plan Area Statements, since several of these have been superseded by Area Plans.
<i>Purpose</i>	To update references to Plan Area Statements in places where Area Plans have been developed.
<i>Result</i>	Antiquated Plan Area Statement references are deleted and appropriate references to Area Plans are added.

Revise Paragraph D of [Subsection 65.2.3](#) to read as follows:

CHAPTER 65: AIR QUALITY/TRANSPORTATION

65.2. TRAFFIC AND AIR QUALITY MITIGATION PROGRAM

65.2.3. Definitions

D. Maintenance Area

The urbanized portions of El Dorado and Douglas Counties within the Tahoe region that are designated as maintenance areas for carbon monoxide under the federal Clean Air Act. The plan area statements listed below are within the maintenance area.

- 1. Within the County of Douglas**
South Shore Area Plan; Round Hill Community Plan; and PASs 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 070A, 070B, ~~071~~, 072, 073, 074, ~~076~~, 080, ~~and 089A~~.
- 2. Within the City of South Lake Tahoe**
Tourist Core Area Plan; Tahoe Valley Area Plan; Bijou/Al Tahoe Community Plan; and PASs 089B, 090, ~~091~~, 092, 093, ~~098~~, 099, 100, 101, 103, 104, 105, 108, ~~110~~, 111, 114, and 116.
- 3. Within the County of El Dorado**
Meyers Area Plan and PASs 116, 118, 119, 120, 122, 123, 124, ~~125~~, 130, 135, 136, 139, and 140.

24. Amend Subsection 66.3.6

E

<i>Description</i>	Adjusts wording in the section that describes scenic quality review for marina projects.
<i>Purpose</i>	To reinforce the message that marina projects are not necessarily subject to a Master Plan
<i>Result</i>	The sentence will clearly apply to (1) marina projects and (2) marina master plans.

Revise [Subsection 66.3.6](#) as follows:

CHAPTER 66: SCENIC QUALITY

66.3. SCENIC QUALITY REVIEW IN THE SHORELAND

66.3.6. Marina Master Plans and Projects

In developing and approving marina projects or marina master plans pursuant to Chapter 14: Specific and Master Plans, ~~and projects within marinas,~~ the applicant shall use the contrast rating/visual magnitude system outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines or an equal or superior method of evaluating scenic impacts. All significant scenic impacts shall be identified in the environmental document using an approved scenic impact analysis methodology and mitigation measures shall be proposed and incorporated into the master plan or project to ensure consistency with attainment and maintenance of environmental thresholds.

25. Amend Subsection 80.3.3

E

<i>Description</i>	Consolidates the special use project findings into Subsection 80.3.3. Presently they are duplicated in Subsection 81.3.2.
<i>Purpose</i>	To reduce redundancy.
<i>Result</i>	All four of the special use findings are consolidated into Subsection 80.3.3.

Revise [Subsection 80.3.3](#) as follows:

CHAPTER 80: REVIEW OF PROJECTS IN THE SHOREZONE AND LAKEZONE

80.3. REQUIRED FINDINGS

80.3.3. Additional Findings for Special Use Projects.

- A. The project, and the related use, is of such a nature, scale, density, intensity, and type to be appropriate for the project area, and the surrounding area.
- B. The project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of the persons or property in the neighborhood, or in the Region.
- C. The applicant has taken reasonable steps to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.
- ~~C~~.D. The project, and the related use, will not change the character of the neighborhood, detrimentally affect or alter the purpose of any applicable plan area statement, community, redevelopment, specific, or master plan.

26. Amend Subsection 81.3.2

E

<i>Description</i>	Deletes special use project findings from Subsection 81.3.2. These findings are already identified in Subsection 80.3.3.
<i>Purpose</i>	To reduce redundancy.
<i>Result</i>	The subsection will refer back to Subsection 80.3.3 for special use project findings.

Revise [Subsection 81.3.2](#) as follows:

CHAPTER 81: PERMISSIBLE USES AND STRUCTURES IN THE SHOREZONE AND LAKEZONE

81.3. CLASSIFICATION OF USES AND STRUCTURES

81.3.2. Special Uses

Uses listed in applicable area plans, plan area statements, community plans, redevelopment plans, specific or master plans or subsection 81.4.1 as "special" ("S"), may be found to be appropriate uses for the specified area, and projects and activities pursuant to such uses may be permitted. To allow a special use, TRPA shall conduct a public hearing in according to the procedures in TRPA's Rules of Procedure. Before issuing an approval, TRPA shall make the **following** findings in [Subsection 80.3.3](#):

- ~~A. — The project, to which the use pertains, is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.~~
- ~~B. — The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region.~~
- ~~C. — The applicant has taken reasonable steps to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.~~
- ~~D. — The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable plan area statement, community, redevelopment, specific, or master plan as the case may be.~~

27. Amend Subsection 81.4.4

E

<i>Description</i>	Adds a missing conjunctive (“and”) to a sentence.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	The integrity of the subject sentence will be improved.

Revise [Subsection 81.4.4](#) as follows:

CHAPTER 81: PERMISSIBLE USES AND STRUCTURES IN THE SHOREZONE AND LAKEZONE

81.4. PERMISSIBLE USES AND ACCESSORY STRUCTURES

81.4.4. Accessory Structures

Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 21: Permissible Uses [and](#) in accordance with the applicable local plan. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel. Structures not listed in this section are prohibited. Shoreline protective structures and water intake lines may be permitted independently of a primary use on the littoral parcel:

- A. Boat ramps.
- B. Breakwaters or jetties.
- C. Buoys.
- D. Fences.
- E. Floating docks and platforms.
- F. Piers.
- G. Shoreline protective structures.
- H. Water intake lines.
- I. Storage racks for non-motorized watercraft.

28. Amend Paragraph A of Subsection 81.6.1

E

<i>Description</i>	Specifies that discontinued non-conforming uses must comply with use regulations established in any local plan (i.e. including an Area Plan). Presently, only consistency with use requirements in a plan area statement is specified.
<i>Purpose</i>	To ensure that discontinued non-conforming uses comply with the applicable use standards in the area, even if the area is no longer covered by a plan area statement.
<i>Result</i>	Once a nonconforming use is discontinued, it will need to comply with the applicable use regulations in an Area Plan, community plan, and plan area statement.

Revise Paragraph A of [Subsection 81.6.1](#) as follows:

CHAPTER 81: PERMISSIBLE USES AND STRUCTURES IN THE SHOREZONE AND LAKEZONE

81.6. EXISTING USES

81.6.1. Right to Continue Existing Uses

A. Nonconforming Uses

If an existing nonconforming use is discontinued for a period of one year or more, any subsequent use shall comply with the use regulations set forth in the local plan ~~area statement~~. Discontinuance of use for periods found by TRPA to be beyond the applicant's control, such as weather caused calamity, governmental seasonal regulations and periods during which TRPA was prohibited by court order from accepting applications for repairs related to the use, shall not be counted in establishing discontinuance of use pursuant to this section.

29. Amend Paragraph I of Subsection 82.5.1

E

<i>Description</i>	Rephrases a statement (“The applicant certifies”) in the form of a declarative requirement (“The applicant <i>shall</i> certify”).
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	The integrity of the subject sentence will be improved.

Revise Paragraph I of [Subsection 82.5.1](#) as follows:

CHAPTER 82: EXISTING STRUCTURES AND EXEMPT ACTIVITIES

82.5. QUALIFIED EXEMPT ACTIVITIES

No TRPA review and approval is necessary for the following activities if the activity fully meets one or more of the categories in this section and the applicant files a properly completed TRPA Qualified Exempt declaration form pursuant to subsection 2.3.7 with TRPA at least five working days before the activity begins.

- 82.5.1.** Maintenance or repair of an existing structure, or the demolition/removal of an existing structure less than 50-years old. Such activities do not include the relocation of existing structures. To obtain possible credit for land coverage or existing development, TRPA verification is required prior to any demolition/removal. Upon the discretion of the Executive Director, TRPA may require special conditions upon submittal of a Qualified Exempt declaration. A qualified exempt activity must meet all the following standards:
- I. Prior to Qualified Exempt Declaration submittal, the applicant shall request from TRPA or other qualified individual or entity a Tahoe Yellow Cress survey during the growing season immediately prior to the date of proposed activity if the activity will result in impacts to the shorezone lakeward of lake bottom elevation 6,229 feet Lake Tahoe Datum. The growing season shall be considered June 15th through September 30th. If Tahoe Yellow Cress is found, the permittee shall submit an appropriate plan (flag/avoid or mitigation) to TRPA staff upon Qualified Exempt Declaration submittal. Tahoe Yellow Cress mitigation, if necessary, shall be incorporated as a Special Condition of the Qualified Exempt activity. The applicant shall certifyies that the activity will not adversely affect after mitigation, if necessary, Tahoe Yellow Cress or other sensitive plant species. If a project area is lakeward of the low water line (elevation 6,223 feet Lake Tahoe Datum) and construction activity will not occur between the high water line (elevation 6,229.1 feet Lake Tahoe Datum) and low water line, the applicant shall not be required to conduct a Tahoe Yellow Cress survey.

30.Amend Paragraph B of Subsection 82.7.1

E

<i>Description</i>	Adds a missing verb (“is”) to a sentence.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	The integrity of the subject sentence will be improved.

Revise Paragraph B of [Subsection 82.7.1](#) as follows:

CHAPTER 82: EXISTING STRUCTURES AND EXEMPT ACTIVITIES

82.7. EXISTING STRUCTURES IN THE NEARSHORE OR FORESHORE

82.7.1. Nonconforming Structures

- B. Reconstructions and Non-Exempt Repairs of Existing Structures: Non-conforming structures that were legally established may be fully or partially reconstructed or repaired in kind. If the structure to be reconstructed is located in California, the applicant shall provide a lease, verified staff report, or letter from the State Lands Commission authorizing the activity or stating it has no objection to the project. Adaptations to the reconstruction required by the State Lands Commission to promote public access under this provision may be included as a part of the reconstruction. This visible mass attributable to these adaptations do not require mitigation. Coverage attributable to these adaptations is allowed pursuant to subsection 30.4.6.D.3.a.

31. Amend Subsection 84.2.3

E

<i>Description</i>	Specifies that shorezone use regulations are set forth in “local plans” (a term that includes Plan Area Statements, Community Plans, and Area Plans) rather than using the undefined term “plan area.”
<i>Purpose</i>	To ensure that all local plans are considered when determining permissible uses within the shorezone.
<i>Result</i>	The subsection will now reference the defined term “local plan” in determining the permissible uses within the shorezone.

Revise [Subsection 84.2.3](#) as follows:

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

84.2. APPLICABILITY

- 84.2.3.** Structures and Uses in Lakes and Lagoons other than Lake Tahoe. All projects and activities permitted by this chapter in the nearshore and foreshore of Lake Tahoe may be permitted by TRPA in other lakes and lagoons in the region pursuant to the permissible use regulations set forth in the local plan ~~area~~ in which the project or activity is located. The location, design, and construction standards for such structures shall be determined using the standards in this chapter as guidelines.

32. Amend Subparagraph E.7 of Subsection 84.3.2

A

<i>Description</i>	Specifies that the review of the allocation of moorings would occur after the 2019 Threshold Evaluation. There will be no such report in 2021.
<i>Purpose</i>	To correctly reference the next Threshold Evaluation Report.
<i>Result</i>	Review and revision of the allocation of moorings will occur as a result of the 2019 Threshold Evaluation Report. The errant reference to a report in 2021 will be deleted.

Revise Subparagraph E.7 of [Subsection 84.3.2](#) to read as follows:

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

84.3. MOORING STRUCTURES

84.3.2. General Standards

E. Allocation and Permitting

- Adaptive Management.** Following release of the ~~2021~~2019 Threshold Evaluation Report, TRPA shall review and revise as necessary the allocation of moorings as set forth in this Section. The review of allocation does not include adjustments to the maximum number of additional moorings identified in subsection 84.3.2.E.1 above. Subsequent reviews, pursuant to subsection 84.3.2.E.1 above, shall occur every eight (8) years thereafter.

33. Amend Subsection 84.4.2

E

<i>Description</i>	Adds the term “Subsection” and “Paragraph” before internal references.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	References will be stylized “Subsection 84.4.4.E” and “Paragraph (A)” rather than “84.4.4.E of this section” and “(A)” respectively.

Revise [Subsection 84.4.2](#) as follows:

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

84.4. PIERS

84.4.2. Eligibility

- A. A private littoral parcel shall be eligible for an additional pier provided the following requirements are met:
1. No pier exists on the parcel at the time of project application;
 2. Pier development potential on the parcel is not restricted via a deed restriction pursuant to [Subsection](#) 84.4.4.E ~~of this Section~~, or other restrictive policy or covenant;
 3. The parcel is not located in a Shorezone Preservation Area;
 4. All applicable development standards set forth in [Subsection](#) 84.4.3 ~~of this Section~~ shall be met; and
 5. If the private littoral parcel has access to an existing homeowners association pier, the parcel shall only be eligible for an additional multiple-parcel pier and subject to the deed restriction requirements set forth in subsection 84.4.4.E.2. A multiple-parcel pier authorized under this provision and serving only one residence is limited to the single-parcel pier design standards.
- B. A littoral parcel owned by a public entity shall be eligible for a new pier provided the requirements set forth in [Paragraph](#) (A) of this subsection are met, with the exception that requirement set forth in subsection 84.4.2.A.3 may be waived subject to environmental review.
- C. A commercial or tourist accommodation use located on a littoral parcel shall be eligible for an additional pier provided the associated upland includes a commercial use and the requirements set forth in [Paragraph](#) (A) of this subsection are met.

34. Amend Subparagraph A.10.c of Subsection 84.4.3

E

<i>Description</i>	Adds the term “Paragraphs” before an internal reference.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	References will be stylized “Paragraph (A)” rather than simply “(A).”

Revise Subparagraph A.10.c of [Subsection 84.4.3](#) as follows:

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

84.4. PIERS

84.4.3. Development Standards

A. General Standards

10. Accessory Structures.

- c. Allowable visible mass as set forth in [Paragraphs](#) (B) and (C) below shall include any catwalk but shall exclude the visible mass of a boat lift, watercraft on a boat lift, and other allowed accessory structures.

35. Amend Subparagraph B.2 of Subsection 84.4.3

E

<i>Description</i>	Adds the term “Subparagraph” to an internal reference and adds a missing verb “is” to two sentences.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	References will be stylized “Subparagraph (a)” rather than simply “(a).”

Revise Subparagraph B.2 of [Subsection 84.4.3](#) as follows:

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

84.4. PIERS

84.4.3. Development Standards

B. Additional Standards for Single-Use Piers

2. **Development Standards.** Piers shall be constructed consistent with the following provisions as shown on Figures 84.4.3-1 and 84.4.3-2:
 - a. Pier orientation shall be perpendicular to the shoreline, as feasible, according to property boundary projection lines;
 - b. Piers shall extend no farther lakeward than elevation 6,219 feet Lake Tahoe Datum or the pierhead line, whichever is more limiting, except as provided under [Subparagraph](#) (c) below. Up to an additional 15 feet in length lakeward may be permitted provided if:
 - (i) the project applicant demonstrates that the additional length is necessary for the functionality of the pier, and
 - (ii) the average grade of the lake bottom beneath the additional pier length is a minimum of three percent;
 - c. Properties with deep water adjacent to shore, such as parts of Crystal Bay or Rubicon Bay, where placement of a pier is not feasible under the limits above, may orient the pier in a non-perpendicular fashion. The non-perpendicular pier but shall be no more than 30 feet in length and no portion of the structure may be located more than 30 feet lakeward of the shoreline. The pier may include a catwalk and boatlift;
 - d. Pier width shall be a maximum of 10 feet, not including a catwalk;
 - e. Allowable visible mass shall not exceed 220 square feet (Figure 84.4.3-3). Visible mass due to lateral public access accommodations

(e.g. added height, ladders, or stairs) shall not count towards the visible mass limit nor be subject to the mitigation requirements of subsection 84.4.3.A.6 nor be part of the parcel's shoreland scenic score;

- f. Piers shall be setback a minimum of 40 feet from all other piers, as measured from the pierhead;
- g. Piers shall be setback from each adjacent property boundary projection line by a minimum of 20 feet;
- h. To permit free circulation of water, piers shall be floating, or shall be built on an open piling foundation, but in no case shall a pier be supported on a foundation that is less than 90 percent open;
- i. Pier decks shall not extend above elevation 6,232.0 feet, Lake Tahoe Datum, as depicted in Figure 84.4.3-4. Pier decks may extend up to elevation 6,234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons, local wave characteristics that represent a real threat to the integrity of the structure, or to provide lateral public access;
- j. Catwalks. One catwalk is allowed, up to three feet wide and 30 feet long; and
- k. Boat lifts. One boat lift is allowed per single-use pier. Mitigation depends upon the capacity of the boat lift.

36. Amend Subparagraph C.2 of Subsection 84.4.3

E

<i>Description</i>	Moves a subparagraph requiring piers to be perpendicular up above another subparagraph that specifies an exception to that standard.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	The standard requiring piers to be perpendicular to the shoreline will now occur before the standard providing an exception to the “limits above.”

Revise Subparagraph C.2 of [Subsection 84.4.3](#) as follows:

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

84.4. PIERS

84.4.3. Development Standards

C. Additional Standards for Multiple-Use Piers

2. **Development Standards.** Piers shall be constructed consistent with the following provisions:
 - a. Length. Piers shall extend no farther lakeward than 30 feet lakeward of elevation 6,219 feet Lake Tahoe Datum or 60 feet lakeward of the pierhead line, whichever is more limiting. Up to an additional 15 feet in length lakeward may be permitted for piers serving three or more primary residential littoral parcels.
 - b. Pier width shall be a maximum of 15 feet, not including catwalks.
 - c. Pier orientation shall be perpendicular to the shoreline, as feasible;
 - ~~e.d.~~ Properties with deep water adjacent to shore, such as parts of Crystal Bay or Rubicon Bay, where placement of a pier is not feasible under the limits above, may orient the pier in a non-perpendicular fashion. The non-perpendicular pier but shall be no more than 30 feet in length and no portion of the structure may be located more than 30 feet lakeward of the shoreline. The pier may include a catwalk and boatlift;
 - ~~d.~~ ~~Pier orientation shall be perpendicular to the shoreline, as feasible;~~
 - e. Piers shall be setback a minimum of 40 feet from all other piers, as measured from the pierhead;
 - f. Piers shall be setback from each adjacent property boundary projection line by a minimum of 20 feet unless the adjacent property has legal shared access to the pier;

- g. To permit free circulation of water, piers shall be floating, or shall be built on an open piling foundation, but in no case shall a pier be supported on a foundation that is less than 90 percent open.
- h. Pier decks shall not extend above elevation 6,232.0 feet, Lake Tahoe Datum. Pier decks may extend up to elevation 6,234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons, because ~~or that~~ local wave characteristics represent a real threat to the integrity of the structure, or to provide lateral public access.
- i. Allowable visible mass (Figure 84.4.3-3) shall be as follows:
 - (i) For a pier serving two primary residential littoral parcels or serving three or four residential units on the same parcel, a maximum of 400 square feet;
 - (ii) For a pier serving three primary residential littoral parcels or serving five to 20 residential units on the same parcel, a maximum of 460 square feet; and
 - (iii) For a pier serving four or more primary residential littoral parcels or serving more than 20 residential units on the same parcel, a maximum of 520 square feet.
 - (iv) In all cases, visible mass due to lateral public access accommodations (e.g., added height, ladders, or stairs) shall not count towards the visible mass limit set forth above nor be subject to the mitigation requirements of subparagraph 84.4.3.A.6 nor be part of the parcel's shoreland scenic score.
- j. Catwalks
 - (i) Allowed accessory structures include up to two catwalks, subject to the provisions of this subsection.
 - (ii) Catwalks shall be no more than three feet wide.
 - (iii) Catwalk length shall be a maximum of 30 feet for piers serving two primary residential littoral parcels, and a maximum of 45 feet for piers serving three or more primary residential littoral parcels. For a pier serving three or more residential units on the same parcel, catwalk length shall be as necessary to accommodate multiple users, but no more than 45 feet.

37. Amend Paragraph B.2 of Subsection 84.4.4

E

<i>Description</i>	Specifies that piers are to be allocated based on the “multiple-parcel” and “single-parcel” categories, rather than the “multiple-use” and “single-use” categories, consistent with Table 84.4.4-1.
<i>Purpose</i>	To ensure internal consistency in terminology.
<i>Result</i>	This will ensure that the “multiple-parcel” and “single-parcel” categories are considered when allocating new piers. The “multiple-use” and “single-use” categories are still used to determine design standards.

Revise Paragraph B.2 of [Subsection 84.4.4](#) as follows:

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

84.4. PIERS

84.4.4. Allocation and Permitting

B. Permit Release Schedule

2. If fewer than 12 additional piers are permitted in a given two-year period, remaining piers from that two-year allocation shall be available during the subsequent two-year period within their respective ~~multiple-parcel use~~ or ~~single-parcel use~~ categories.

Table 84.4.4-1. 16-Year Release Schedule for New Private Piers

Implementation Years	Maximum New Private Piers		
	Total	Multiple-Parcel	Single-Parcel
1-2	12	7	5
3-4	12	8	4
5-6	12	9	3
7-8	12	11	1
8-year implementation review per 84.4.4(G)			
9-10	12	11	1
11-12	12	11	1
13-14	12	11	1
15-16	12	10	2
Total	96	78	18

38. Amend Subparagraph A.2.c of Subsection 84.6.2

E

<i>Description</i>	Adds the term “Subsection” to an internal reference and adds the word “otherwise” to a sentence.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	The standard will clearly indicate that projects otherwise covered by Subsection 84.6.2.A.1.a. References will be stylized “Subsection 84.6.2.A.1.a” rather than just “84.6.2.A.1.a.”

Revise Subparagraph A.2.c of [Subsection 84.6.2](#) as follows:

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

84.6. MARINAS

84.6.2. Eligibility.

A. Definition of Minor and Major Projects.

2. A major project shall be defined as a project that includes any of the following:
 - a. Expansion of use;
 - b. New dredging;
 - c. Reconfiguration of existing facilities which result in a change or addition to existing structures without expansion of use or conversions not otherwise covered by Subsection 84.6.2.A.1.a;
 - d. Conversions of temporary pier extensions to permanent pier extensions;
 - e. Alterations which accommodate public health and safety access; or
 - f. Establishment of waterborne transit facilities.

39. Amend Subsection 84.7.1

E

<i>Description</i>	Adds the term “Paragraph” before internal references.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	References will be stylized “Paragraph (A)” rather than simply “(A).”

Revise [Subsection 84.7.1](#) as follows:

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

84.7. SHORELINE PROTECTION

84.7.1. Shoreline Protective Structures

- A. Eligibility.** Shoreline protective structures may be approved by TRPA to prevent erosion in the backshore if TRPA makes the following findings:
1. Structures in the backshore or environmental threshold values will be enhanced by the construction and maintenance of the protective structures;
 2. The protection of structures in the backshore or the enhancement of environmental threshold values more than offset the adverse environmental effects of the construction and maintenance of the shoreline protective structures;
 3. Each protective structure has been designed to be sloping and permeable; provided, however, that this finding is not necessary if TRPA concurrently makes the findings required under [Paragraph](#) (B) below; and
 4. Each protective structure has been designed so that backshore erosion on adjacent properties will not be accelerated as a result of the erection of the protective structure.
- B. Development Standards**
1. Sloping permeable revetments are the preferred design for shoreline protective structures. Bulk heads, gabions, and other vertical revetments shall not be permitted unless, in addition to the findings required under [Paragraph](#) (A) above, TRPA finds that;
 - a. A sloping permeable revetment is not feasible; and
 - b. The alternative structure will not cause significant erosion or modification of the foreshore.

- 2.** Where a shoreline protective structure is necessary, it shall be of sufficient strength and depth to prevent movement of backfill materials into lake waters; and
- 3.** Shoreline protective structures shall be constructed of natural materials to blend with the surrounding backshore or, if man-made materials are necessary, will be of earthtone colors.

40. Amend Subsection 84.8.2

E

<i>Description</i>	Eliminates capitalization of “shorezone” and changes a plural noun (“Facilities”) into its singular form.
<i>Purpose</i>	To ensure consistency and to enhance clarity.
<i>Result</i>	The term “shorezone” will appear without capitalization throughout the Code of Ordinances.

Revise [Subsection 84.8.2](#) as follows:

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

84.8. OTHER STRUCTURES

84.8.2. Safety and Navigation Devices.

Essential Public Safety Facilities within the **S**shorezone provide lake access and egress for public safety and emergency response.

- A.** New safety and navigational structures may be permitted only upon the recommendation of the Army Corps of Engineers or the U.S. Coast Guard.
- B.** One Essential Public Safety Facility~~ies~~ in the **S**shorezone may be designated within each of El Dorado, Placer, Washoe, and Douglas Counties, and one for the U.S. Coast Guard.
- C.** Essential Public Safety Facilities in the **S**shorezone shall comply with the location, design and construction standards set forth in subsections 84.4.2, 84.4.3.A, and 84.4.3.D for piers, subsections 84.5.2.A and 84.5.3 for boat ramps, subsection 84.3.3.D for mooring buoys, and subsection 84.7.2.B.4 for floating platforms; except that a facility recognized by TRPA as an Essential Public Safety Facility pursuant to this subsection may deviate from location, design and construction standards set forth in the following subsections, when necessary for functionality: 84.4.3.C.2.b, 84.4.3.C.2.d, 84.5.2.A, 84.5.3.D.1, 84.3.3.D.1.a, 84.3.3.D.2.b, 84.8.1.A.1, 84.8.1.B.2, 84.8.1.B.5.
- D.** If an Essential Public Safety Facility ceases to be used for public service, any portion of the structure allowed to deviate from general location, design or construction standards pursuant to this subsection must be removed or brought into conformance with development standards.

41. Amend Paragraph C of Subsection 84.11.2

E

<i>Description</i>	Adds the term “Paragraph” before an internal section reference.
<i>Purpose</i>	To enhance clarity.
<i>Result</i>	References will be stylized “Paragraph (A)” rather than simply “(A).”

Revise Paragraph C of [Subsection 84.11.2](#) as follows:

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

84.11. MITIGATION

84.11.2. Mitigation Required

- C. In addition to the mitigation obligation set forth in [Paragraph \(B\)](#) above, any impacts to existing feeding and/or escape cover habitat shall be fully mitigated.

42. Add definition of “Local Plan” to Section 90.2

B

<i>Description</i>	Defines “local plan” to mean a Plan Area Statement, Community Plan, or Area Plan.
<i>Purpose</i>	To create a term that encompasses all local planning documents where regulations pertaining to permissible uses and densities can be found.
<i>Result</i>	A new term “local plan” can be referenced in the Code of Ordinances, rather than separately listing Plan Area Statements, Community Plans, and Area Plans.

In [Section 90.2](#), add a definition of “Local Plans” to read as follows:

CHAPTER 90: DEFINITIONS

90.2. OTHER TERMS DEFINED

Local Plan

An adopted Area Plan, Community Plan, or Plan Area Statement

43. Add a definition of “Pier, Multiple-Use” in Section 90.2

E

<i>Description</i>	Creates a new definition for “Pier, Multiple-Use” consistent with the applicability standards in Section 84.4.3.C.1.
<i>Purpose</i>	To promote internal consistency.
<i>Result</i>	A definition for multiple-use piers will now appear in Chapter 90.

In [Section 90.2](#), amend the definition of “Single-Use Pier” as follows:

CHAPTER 90: DEFINITIONS

90.2. OTHER TERMS DEFINED

Pier, Multiple-Use

A pier on a littoral parcel that serves three or more residential units on the same parcel or that serves two or more primary residential littoral parcels, subject to a deed restriction providing access.

44. Amend definitions of Single-Use Pier in Section 90.2

E

<i>Description</i>	Renames the definition of “Single-Use Pier” to “Pier, Single-Use.”
<i>Purpose</i>	To consolidate all pier definitions in one location.
<i>Result</i>	The definition for single-use piers will now appear alongside the definitions for single-parcel piers, multiple-use piers, and multiple-parcel piers.

In [Section 90.2](#), amend the definition of “Single-Use Pier” as follows:

CHAPTER 90: DEFINITIONS

90.2. OTHER TERMS DEFINED

~~Single-Use Pier~~, Single-Use

A facility in the shorezone used and maintained by the owner of one littoral parcel, ~~his~~ family, and guests.

Attachment C

Recommended Minor Substantive Amendments

MINOR SUBSTANTIVE AMENDMENTS

1. Amend Subparagraph D.3.a of Subsection 50.6.4

<i>Description</i>	Specifies that Commercial Floor Area allocations would be based upon projects that address threshold standards that are not in attainment. Presently this is based on threshold standards not in attainment in the 2001 Threshold Evaluation.
<i>Purpose</i>	To provide an incentive for projects that address current threshold non-attainment.
<i>Result</i>	Special projects that address a threshold that was in attainment in 2001 but is no longer in attainment would now receive a benefit.

Revise Subparagraph D.3.a of [Subsection 50.6.4](#) to read as follows:

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.6. ALLOCATION OF ADDITIONAL COMMERCIAL FLOOR AREA

50.6.4. Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1997 and Beyond

D. Special Projects

3. Evaluation Criteria

- a. Assist in the attainment of the environmental thresholds by constructing projects listed in the TRPA Environmental Improvement Program, that address a threshold standard found not to be in attainment ~~per the 2001 Threshold Evaluation~~; and

2. Amend Subsection 63.4.2

<i>Description</i>	Clarifies that ancillary equipment (e.g. boat trailer) is also subject to inspection and decontamination and references the Lake Tahoe Regional Aquatic Invasive Species Management Plan.
<i>Purpose</i>	To specifically include ancillary equipment as being subject to inspection and decontamination, in confirmation of current practices and to refer to the Aquatic Invasive Species (AIS) Management Plan.
<i>Result</i>	Inspectors often inspect and decontaminate the rear end of tow vehicles that may have been in contact with water during launching. This modification would reinforce that these are subject to inspection and decontamination. The amendment also provides a reference to the AIS Management Plan.

Revise [Subsection 63.4.2](#) as follows:

CHAPTER 63: FISH RESOURCES

63.4. AQUATIC INVASIVE SPECIES

63.4.2. Watercraft Inspections and Decontamination

- A. All watercraft, [ancillary equipment \(e.g. tow vehicle, trailer, etc.\)](#), and seaplanes inspected pursuant to subparagraph 63.4.1.C shall be subject to decontamination if determined necessary by the TRPA or its designee
- B. All watercraft, [ancillary equipment \(e.g. tow vehicle, trailer, etc.\)](#), and seaplanes subject to inspection and/or decontamination pursuant to subparagraphs 63.4.1.C and 63.4.2.B shall be permitted to enter the waters of the Lake Tahoe region only if: (a) the inspection and/or decontamination is performed and completed by an individual trained and certified pursuant to TRPA standards and requirements for aquatic invasive species inspection and decontamination, and (b) following inspection and/or decontamination, the launch or landing, as appropriate, is authorized by an inspector trained and certified pursuant to TRPA's standards and requirements for aquatic invasive species inspections. [TRPA's standards and requirements are found in the federally approved Lake Tahoe Regional Aquatic Invasive Species Management Plan.](#)
- C. Inspections and decontaminations performed pursuant to Section 63.4 shall be subject to a fee related to the costs of performing such services and other Watercraft inspection program costs. The TRPA Governing Board shall review and approve the fee amount and structure annually.
- D. An owner and/or operator of a boat ramp (excluding Marine Railway Systems) or other boat launch facility shall close any ramp or facility if the provisions of

subparagraph 63.4.2.B are not met in order to prevent the launching of motorized watercraft.

- E.** Any watercraft or seaplane entering the waters of the Lake Tahoe region in violation of Chapter 63: Fish Resources shall be removed from those waters immediately.
- F.** Any individual who launches watercraft in violation of Section 63.4 may be held responsible for the costs expended by the TRPA or its designee for response and mitigation of impacts.
- G.** Once a watercraft leaves a water body, watercraft drain plugs shall be removed in an area designated by the launch facility's staff who is trained and certified pursuant to TRPA's standards and requirements for aquatic invasive species inspection, to allow for any water within the watercraft to drain prior to transport over land.

Attachment D

Required Findings/Rationale

REQUIRED FINDINGS / RATIONALE

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

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

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

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

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

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

Rationale: The proposed amendments to the Code correct and clarify language in the existing Code of Ordinances. The technical corrections proposed do not change the substantive provisions of the code. The two substantive amendments constitute minor policy adjustments and will not result in environmental effects. The Code amendments will improve understanding of the Code and increase the efficiency of Code administration and compliance. These changes will improve the implementation of the Regional Plan and support the achievement and maintenance of Thresholds. The Code amendments are consistent with the Regional Plan policies and goal and all implementing elements of the Regional Plan.

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

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

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

Rationale: The proposed amendments would not adversely affect any state, federal, or local standards. As described above, the amendments fall into two categories: technical and minor substantive. The technical amendments are intended to correct and clarify existing Code provisions, which will maintain adopted standards. The minor substantive amendments are intended to enhance threshold attainment beyond current code requirements.

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

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

Rationale: As demonstrated in Section 4. 5 and 4. 6 findings for adoption of the Regional Plan Update (see Attachment E-2 of December 12, 2012 Governing Board packet), the amended Regional Plan will achieve and maintain thresholds. The proposed amendments to the Code of Ordinances will implement the Regional Plan. Specifically, the Code provisions will improve implementation of threshold attainment strategies by improving the efficiency of administering the Code and reducing the staff and public resources being expended as a result of errors or omissions in the currently adopted Code.

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

Attachment E

Initial Environmental Checklist (IEC)

ATTACHMENT E

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

Project Name:

Spring 2019 Code Amendment Package

Project Description:

The project involves amending the TRPA Code of Ordinances as shown in Attachments A, B, and C.

Since the last technical Code corrections were adopted in October 2017, staff has identified a number of proposed amendments to the Code of Ordinances. These amendments are broken down into two packages:

- Technical corrections – Language intended to clarify language without substantially altering policy.
- Minor substantive amendments – Amendments which result in a substantial alteration to policy but are minor in nature.

Technical Corrections

There are 44 technical corrections proposed for the following 18 chapters in the Code of Ordinances:

Chapter	Title
6	Tracking, Accounting, and Banking
14	Specific and Master Plans
21	Permissible Uses
30	Land Coverage
31	Density
34	Driveway and Parking Standards
36	Design Standards
37	Height
50	Allocation of Development
51	Banking, Conversion, and Transfer of Development
52	Bonus Unit Incentive Program

Chapter	Title
65	Air Quality / Transportation
66	Scenic Quality
80	Review of Projects in the Shorezone and Lakezone
81	Permissible Uses and Structures in the Shorezone and Lakezeone
82	Existing Structures and Exempt Activities
84	Development Standards Lakeward of High Water in the Shorezeon
90	Definitions

These corrections are intended to clarify language and requirements without altering substantive provisions of the Code. Recommended corrections and the rationale for each change is included in Attachment B. The recommended technical corrections fall into one of five categories:

- A. Updating references and correcting errors.
- B. Incorporating references to Area Plans.
- C. Clarifying residential density standards.
- D. Technical amendments for development rights.
- E. Technical amendments for shoreline.

Attachment B discusses the purpose for each recommended amendment. The improved language is expected to accelerate Code compliance and understanding and reduce staff and public resources being expended as a result of errors or omissions in the currently adopted Code and Rules of Procedure.

Minor Substantive Amendments

When reviewing the proposed technical corrections, staff identified two proposals that would potentially result in a substantive change to existing policy. These amendments are shown in Attachment C and are summarized as follows:

- (1) **Commercial floor area allocation for special projects (Chapter 50).** Currently, commercial floor area allocations can be awarded to special projects if that project includes environmental improvements that address a threshold that was out of attainment in the 2001 threshold report. This proposal would instead reference attainment status in the most recent threshold report, rather than continuing to rely on the 2001 report.
- (2) **Aquatic invasive species inspection and decontamination (Chapter 63).** This proposal would specify that boat trailers and other ancillary equipment are also subject to aquatic invasive species inspection and decontamination.

Attachment C provides a rationale for each recommended amendment. The improved language is intended to better implement the Regional Plan and to reflect modern practices.

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

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

I. ENVIRONMENTAL IMPACTS:

1. Land

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

Yes No

No, With Mitigation Data Insufficient

b. Deterioration of ambient (existing) air quality?

Yes No

No, With Mitigation Data Insufficient

c. The creation of objectionable odors?

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

e. Increased use of diesel fuel?

Yes No

No, With Mitigation Data Insufficient

3. Water Quality

Will the proposal result in:

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

4. Vegetation

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

5. Wildlife

Will the proposal result in:

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

6. Noise

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

b. Exposure of people to severe noise levels?

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

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

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

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

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

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

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

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

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

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

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

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

8. Land Use

Will the proposal:

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

9. Natural Resources

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

10. Risk of Upset

Will the proposal:

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

- Yes No
- No, With Mitigation Data Insufficient

- b. Involve possible interference with an emergency evacuation plan?

- Yes No
- No, With Mitigation Data Insufficient

11. Population

Will the proposal:

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

12. Housing

Will the proposal:

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

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

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

Number of Existing Dwelling Units: _____

Number of Proposed Dwelling Units: _____

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

Yes No

No, With Mitigation Data Insufficient

13. Transportation/Circulation

Will the proposal result in:

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

e. Alterations to waterborne, rail or air traffic?

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

14. Public Services

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

a. Fire protection?

- Yes No
- No, With Mitigation Data Insufficient

b. Police protection?

- Yes No
- No, With Mitigation Data Insufficient

c. Schools?

- Yes No
- No, With Mitigation Data Insufficient

d. Parks or other recreational facilities?

- Yes No
- No, With Mitigation Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes No
- No, With Mitigation Data Insufficient

f. Other governmental services?

- Yes No
- No, With Mitigation Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

16. Utilities

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

a. Power or natural gas?

Yes No

No, With Mitigation Data Insufficient

b. Communication systems?

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

e. Storm water drainage?

Yes No

No, With Mitigation Data Insufficient

f. Solid waste and disposal?

- Yes No
- No, With Mitigation Data Insufficient

17. Human Health

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

b. Exposure of people to potential health hazards?

- Yes No
- No, With Mitigation Data Insufficient

18. Scenic Resources/Community Design

Will the proposal:

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No

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

No, With Mitigation

Data Insufficient

Yes

No

No, With Mitigation

Data Insufficient

19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

Yes

No

No, With Mitigation

Data Insufficient

b. Create additional recreation capacity?

Yes

No

No, With Mitigation

Data Insufficient

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

Yes

No

No, With Mitigation

Data Insufficient

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

Yes

No

No, With Mitigation

Data Insufficient

20. Archaeological/Historical

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

Yes

No

No, With Mitigation

Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

21. Findings of Significance.

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

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

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

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

Determination:

On the basis of this evaluation:

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

Yes No

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

Yes No

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

Yes No

Signature of Evaluator

Date _____

Michael T. Conger, AICP, Senior Planner

Title of Evaluator

