

TAHOE REGIONAL PLANNING AGENCY (TRPA)
TAHOE METROPOLITAN PLANNING AGENCY (TMPO)
AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on **Wednesday, December 18, 2019**, commencing at **12:00 p.m.**, at the **Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV** the **Governing Board** of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda is attached hereto and made part of this notice.

NOTICE IS FURTHER GIVEN that on **Wednesday, December 18, 2019** commencing at **8:30 a.m.**, at the **Tahoe Regional Planning Agency, the Nevada Tahoe Regional Planning Agency (NTRPA)** will meet. The agenda will be as follows: **1)** Call to Order; **1a)** Roll Call; **1b)** Approval of Agenda – For Possible Action; **1c)** Approval of minutes of the December 18, 2018 Meeting – For Possible Action; **1d)** Approval of revised minutes of the November 14, 2018 Meeting – For Possible Action; **2)** Public Interest Comments; **3)** Report of the Executive Officer on Activities of the Agency: January 2019 – November 2019 – For Possible Action; **4)** Discussion and Selection of the Nevada Member-at-Large to serve a one-year term commencing on January 1, 2020 pursuant to NRS 277.200, Article 3, section a, subsection 2 – For Possible Action; **5)** Board Member Comments; (Chair – Berkbigler, Vice Chair – Cegavske, Bruce, Lawrence, Rice, Aldean, Cashman); **6)** Public Comments; **7)** Adjourn

NOTICE IS FURTHER GIVEN that on **Wednesday, December 18, 2019**, commencing at **9:00 a.m.**, at the **Tahoe Regional Planning Agency, the TRPA Operations & Governance Committee** will meet. The agenda will be as follows: **1)** Public Interest Comments; **2)** Approval of Agenda; **3)** Discussion and Recommended Acceptance of 2019 Audited Financial Statements; **(Page 1) 4)** Recommend approval for Transfer of previously released El Dorado County Water Quality Mitigation funds in the amount of \$84,321.79 from completed water quality projects to active water quality projects; **(Page 13) 5)** Discussion and potential direction to Staff on TRPA's Long-Term Debt; **6)** Committee Member Comments; Chair – Aldean, Vice Chair – Sevison, Beyer, Cashman, Cegavske, Hicks, Yeates; **7)** Public Interest Comments

NOTICE IS FURTHER GIVEN that on **Wednesday, December 18, 2019**, commencing at **9:30 a.m.**, at the **Tahoe Regional Planning Agency, the TRPA Regional Plan Implementation Committee** will meet. The agenda will be as follows: **1)** Public Interest Comments; **2)** Approval of Agenda; **3)** Approval of Minutes; **4)** Discussion and possible recommendation of Technical amendments to Chapters 2, 21, 30, 37, 50, 51, 53, and 84 of the TRPA Code of Ordinances to clarify existing language and incorporate technical corrections; **(Page 127) 5)** Discussion and possible recommendation of Amendment to Chapter 84 of the TRPA Code of Ordinances regarding permitting of existing buoys in buoy fields; **(Page 129) 6)** Discussion and possible direction on the Draft City of South Lake Tahoe Tourist Core Area Plan Amendment for Ski Run/Pioneer; **(Page 131) 7)** Discussion and possible direction on the GHG and Mobility metrics for the Vehicle Miles Traveled Threshold Update; **(Page 141) 8)** Discussion and possible direction on area plan procedures and guidance materials update; **(Page 143) 9)** Upcoming Topics; **(Page 197) 10)** Committee Member Comments; Chair – Shute, Vice Chair – Bruce, Aldean, Laine, Lawrence, Sevison, Yeates; **11)** Public Interest Comments

December 11, 2019



Joanne S. Marchetta,
Executive Director

This agenda has been posted at the TRPA office and at the following locations: Post Office, Stateline, NV, North Tahoe Event Center in Kings Beach, CA, IVGID Office, Incline Village, NV, North Tahoe Chamber of Commerce, Tahoe City, CA, and South Shore Chamber of Commerce, Stateline, NV

TAHOE REGIONAL PLANNING AGENCY	
GOVERNING BOARD	
Tahoe Regional Planning Agency	December 18, 2019
Stateline, NV	12:00 p.m.

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear and may, for good cause, be continued until a later date.

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 of the Board 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 Chairperson 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 Governing Board. All such comments will be included as part of the public record.

“Teleconference locations for Board meetings are open to the public ONLY IF SPECIFICALLY MADE OPERATIONAL BEFORE THE MEETING by agenda notice and/or phone message referenced below.”

In the event of hardship, TRPA Board members may participate in any meeting by teleconference. Teleconference means connected from a remote location by electronic means (audio or video). The public will be notified by telephone message at (775) 588-4547 no later than 6:30 a.m. PST on the day of the meeting if any member will be participating by teleconference and the location(s) of the member(s) participation. Unless otherwise noted, in California, the location is 175 Fulweiler Avenue, Conference Room A, Auburn, CA; and in Nevada the location is 901 South Stewart Street, Second Floor, Tahoe Hearing Room, Carson City, NV. If a location is made operational for a meeting, members of the public may attend and provide public comment at the remote location.

TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to attend the meeting. Please contact Marja Ambler at (775) 589-5287 if you would like to attend the meeting and are in need of assistance

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC INTEREST COMMENTS – All comments may be limited by the Chair.

Any member of the public wishing to address the Governing Board on any item listed or not listed on the agenda including items on the Consent Calendar 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. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. TRPA CONSENT CALENDAR (see Consent Calendar agenda below for specific items)
- VII. ADMINISTRATIVE MATTERS
 - A. Best in Basin Awards Reception **Informational Only**
(Reception will be held at 12:00 p.m. ahead of the Governing Board Meeting)
 - B. Proclamation celebrating 50 Years of the Bi-State Tahoe Regional Planning Compact **Informational Only** Page 83
 - C. Best in Basin Awards **Informational Only**
- VIII. PUBLIC HEARINGS
 - A. Amendment to Chapter 84 of the TRPA Code of Ordinances regarding permitting of existing buoys in buoy fields **Approval** Page 85
 - B. Proposed Tahoe Douglas Visitors Authority Tahoe South Events Center Project; 55 Highway 50, Stateline, Nevada **Informational Only** Page 117
(no earlier than 1:00 p.m.)
- IX. REPORTS
 - A. Executive Director Status Report **Informational Only**
 - B. General Counsel Status Report **Informational Only**
- X. GOVERNING BOARD MEMBER REPORTS

XI. COMMITTEE REPORTS

- A. Main Street Management Plan and other components of the US 50 South Shore Community Revitalization Project **Report** [Page 123](#)
- B. Local Government & Housing Committee **Report**
- C. Legal Committee **Report**
- D. Operations & Governance Committee **Report**
- E. Environmental Improvement, Transportation, & Public Outreach Committee **Report**
- F. Forest Health and Wildfire Committee **Report**
- G. Regional Plan Implementation Committee **Report**

XII. PUBLIC COMMENT

XIII. ADJOURNMENT

TRPA CONSENT CALENDAR

<u>Item</u>	<u>Action Requested</u>
1. 2019 Audited Financial Statements	Approval <u>Page 1</u>
2. Transfer of previously released El Dorado County Water Quality Mitigation funds in the amount of \$84,321.79 from completed water quality projects to active water quality projects	Approval <u>Page 13</u>
3. Technical amendments to Chapters 2, 21, 30, 37, 50, 51, 53, and 84 of the TRPA Code of Ordinances to clarify existing language and incorporate technical corrections	Approval <u>Page 25</u>

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category. Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows: (1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken. (2) For approving a project, the affirmative vote of at least five members from the State in which the

project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency. (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III (g) Public Law 96-551 Tahoe Regional Planning Agency Governing Board Members: Chair, William Yeates, California Senate Rules Committee Appointee; Vice Chair, Mark Bruce, Nevada Governor's Appointee; James Lawrence, Nevada Dept. of Conservation & Natural Resources Representative; Sue Novasel, El Dorado County Supervisor; Belinda Faustinos, California Assembly Speaker's Appointee; Shelly Aldean, Carson City Supervisor Representative; Marsha Berkgigler, Washoe County Commissioner; Larry Sevison, Placer County Supervisor Representative; E. Clement Shute, Jr., California Governor's Appointee; Casey Beyer, California Governor's Appointee; Barbara Cegavske, Nevada Secretary of State; Timothy Cashman, Nevada At-Large Member; A.J. Bud Hicks, Presidential Appointee; Wesley Rice, Douglas County Commissioner; Brooke Laine, City of South Lake Tahoe Councilmember.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

The Chateau
Incline Village, NV

November 20, 2019

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Yeates called the meeting to order at 11:55 a.m.

Members present: Ms. Aldean, Ms. Berkbigler, Mr. Bruce, Mr. Cashman, Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Mr. Hicks, Ms. Laine, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Shute, Mr. Yeates

Members absent: Mr. Beyer

II. PLEDGE OF ALLEGIANCE

A. Moment of silence in honor of El Dorado County Sheriff's Deputy, Brian Ishmael

III. PUBLIC INTEREST COMMENTS

None.

IV. APPROVAL OF AGENDA

Mr. Yeates deemed the agenda approved as posted.

V. APPROVAL OF MINUTES

Ms. Aldean moved approval of the October 23, 2019 minutes.
Motion carried.

Ms. Aldean moved to adjourn as the TRPA and convene as the TMPO.
Motion carried.

VI. TAHOE METROPOLITAN PLANNING ORGANIZATION CONSENT CALENDAR

1. Amendment #5 to the 2019 Federal Transportation Improvement Program
2. Amendment #1 of the FY 2020 Lake Tahoe Transportation Overall Work Program

Ms. Aldean said the Operations and Governance Committee recommended approval of item numbers one and two.

Motion carried.

Ms. Aldean moved to adjourn as the TMPO and reconvene as the TRPA.

Motion carried.

VII. PLANNING MATTERS

A. Briefing of the Lake Tahoe Aquatic Invasive Species Control Action Agenda

TRPA team member Mr. Zabaglo and Ms. DeBruyckere, Creative Resources Strategies provided the presentation.

Mr. Zabaglo said the action agenda is a plan to solve the aquatic invasive species problem within the Lake over a ten year time frame. The action agenda was funded by the California Tahoe Conservancy and guided by the Lake Tahoe Aquatic Invasive Species Coordinating Committee. Some of you took a survey to kick this off a few months ago. This action agenda will fit within our aquatic invasive species management plan. There is a federally approved management plan signed by Ms. Marchetta and the California and Nevada Governors and approved by the Aquatic Nuisance Species Task Force that oversees strategic actions nationwide for aquatic invasive species. The plan is built in distinct components and elements. A few years ago, they also developed an implementation plan and this action agenda is the next iteration of that. This has specific elements within the plan itself. They've built on the successes, they produced a big goal of trying to find long term funding for control and with the Lake Tahoe Restoration Act and funding from Senate Bill 630 and other sources such as the Nevada License Plate program. They have a good basis but what this plan is suggesting is that we need quite a bit more.

Ms. DeBruyckere said the action agenda is a ten year plan. It's all encompassing of including a multitude of taxa or different variety of organisms that threaten the health and well being of Lake Tahoe's waters, region, and economy. The journey on how you get to the end is sometimes more important than the end itself. They developed a robust process with the Lake Tahoe Aquatic Invasive Species Coordinating Committee and the Tahoe Interagency Executive Steering Committee. They met with the coordinating committee throughout this process getting feedback and guidance from them as they developed aspects of the action agenda. They reached out across a variety of stakeholders in the region to get feedback on what their expectations were relative to aquatic invasive species and the health of the region. They did that through a comprehensive survey and with the guidance of the coordinating committee they selected individuals that were associated with policy, management, and a variety of deliverables associated with aquatic invasive species. Marina owners, landowners, state and federal agencies. They also looked at what other plans were out there and realized that there are other priorities in the region whether it's stormwater, infrastructure, and a variety of other tasks. They wanted to make sure that this plan fit and aligned with a lot of the other plans that have been developed to date. The draft action agenda and identified some existing sources of funding to implement that agenda and also the funding gaps. After consensus with the coordinating committee they met with Tahoe Interagency Executive Steering Committee and their feedback was incorporated into the action agenda. This action agenda builds on the already approved management plan for the region and nests well with the implementation plan. They built on the management plan goals that have been in existence since the development of that plan. It's important that they prevent new introductions, limit the spread of existing populations, and abate the harmful effects that result from the establishment of aquatic invasive species in the region.

When they devoted resources to prevention and containment, they spend fewer dollars long term on aquatic invasive species. The focus is always on prevention and is why Lake Tahoe has the model program for watercraft inspection and decontamination in North America. All watercraft inspection programs in existence were based on Tahoe's model program. If they break that barrier the next best way to invest the money is in eradication before the populations become large and widespread. This effort was focused on eradication because Tahoe already has a solid prevention plan in place.

The coordinating committee has their own idea of what success is but wanted to understand how regional stakeholders defined success. They also wanted to take the pulse of how people felt about the efforts to date, has it been sufficient, do we have some gaps and what are those gaps? They wanted to understand how people evaluated success. Are they evaluate success based on personal knowledge, existing performance metrics in the environmental improvement tracker program and if they're evaluating it on those existing metrics, are they satisfied with what those metrics are or would they like those metrics to be enhanced?

Everyone wants the aquatic invasive species program solved now. With aquatic invasive species it's strategic and long term investments on priorities. They majority of the people said it will take at least ten years to get ahead of curve. And some said it would take 10 to 20 years. This is the reality, even if there were hundreds of millions invested, it takes time to chip away at aquatic invasive species once they become established. People felt that it was a combination of government, private landowners, businesses, non-government organization, and visitors to control these species.

They wanted to get a sense of understanding that if they do prioritize efforts and say to the region that there should be a specified amount of investment made to do a certain list of projects on a priority list, what criteria should they use to prioritize? It's not easy to get consensus on what the criteria is to be used to strategically identify the prioritizing. The potential for AIS population to spread, the size of the AIS infestation, and the ability to achieve the goals aligned well with what the scientists thought. For the metrics to evaluate success there were gaps. In the Lake Tahoe region, there currently treating between 5 and 15 acres in aquatic habitats. There's been priorities in conducting control efforts based on the size and location of those infestations. The Tahoe Keys challenge is huge but is also an incredible opportunity. There's a lot of work being done right now on what technologies and techniques should be used to control aquatic invasive species in the Tahoe Keys. It's a big challenge and a big part of the funding of the action agenda.

The action agenda increases the pace and scale of current efforts, identifies priorities for AIS investment. If you were to only find 50 percent of the funding to implement the agenda in any one year, the coordinating committee can look at the action agenda which already has the priorities identified. It maximizes the return on investment. They've tried to in this plan ensure that those priorities align with the maximum return on investment. They do incorporate new suggested or proposed performance metrics, they incorporate adequate levels of monitoring, and add capacity to achieve goals. One of the mistakes seen is that people develop a great package and want to implement it and get the funding to do the implementation except the staffing and some of the other resources that are needed to fully implement are not included in it. They ensured that the administrative portion of this agenda includes the infrastructure to implement it successfully. It does support an all-taxa approach. They know that Quagga and

Zebra mussels have a detrimental effect on the aquatic systems that's why the watercraft inspection and decontamination program is targeted at species like that. We also have warm water species, bullfrogs, Mysis shrimp, and other species that are having an effect on Tahoe. They are using an all-taxa approach and incorporating that into the prioritization.

It is a ten year plan that's structured in two five-year segments. The reason is they wanted to consider and highlight the fact that the Tahoe Keys is on its own trajectory with a lot of environmental permitting, testing, and other activities associated with control on the Tahoe Keys. They wanted to ensure that they didn't bypass it or get in the way of it. The first phase that will start in 2021 will allow adequate time for planning and will be to aggressively treat AIS throughout the region while completing environmental documents and AIS control and testing in the Tahoe Keys. The goal is to reduced aquatic invasive species outside the Tahoe Keys to maintenance levels. In the second five year segment, the first five years work continues outside the Keys maintaining those populations at maintenance levels but the main thrust of funding then goes into the Tahoe Keys. The funding numbers for the Tahoe Keys came from working with the people doing a lot of the testing and those that understand what environmental documents are required.

The programmatic metrics that are currently in the tracker to assist staff effort are the acres treated for invasive species, number of projects completed, the biannual invasive species risk assessment completed, and the funds expended. The new ones being proposed that assess outcomes based on the goals and strategies established are Plants: percentage increase or decrease in infested area (acres) per species, number of AIS infested acres, number of newly established populations. Invasive Fish: Reduce in biomass and size classes in designated areas of Lake Tahoe. Aquatic Invasive Invertebrates: Reduce signal crayfish and mysid shrimp in designated area of Lake Tahoe. Invasive amphibians: Reduce bullfrogs in designated areas of Lake Tahoe. The coordinating committee felt that's important because if you're going to assess the return on investment, they need to assess what those specific outcomes are relative to the targets. The action agenda on pages 22 to 40 contains tables with all of the metrics and individual strategies.

This plan proposes \$74 million dollars over a ten-year period. If you only fund a portion of that it would be level A which is trying to do what is being done now, status quo, don't treat the Tahoe Keys but continue to do the work outside of the Keys. Level B includes A and does some comprehensive AIS monitoring and has a high risk assessment biannually. The next one would include the Tahoe Keys and then the last one is the \$74 million over ten-years. They're estimating that the known resources that would likely be available for implementation would be total about \$3 million from the Lake Tahoe Restoration Act, Senate Bill 630, state and federal agency and non-profit organizations, shoreline AIS sticker fee, and Nevada license plate fund. The gap would be about \$3.4 million dollars per year.

The consequences of status quo would lessen the chances of eradicating and controlling AIS populations in the region and continue to spread. There would be additional ecological harm to the function of Lake Tahoe, there will be uncertainty injected into the regional economy with a degradation of water quality, it will make it more difficult to recover populations of the Lahontan cutthroat trout, it will degrade the quality of experiences of residents and visitors, and will significantly increase long-term costs to address AIS in the Region.

What they didn't want to do was put out another document that competes with other documents but acknowledges that there are other priorities that exist in the Basin and can they produce something that aligns well with those. This would be implemented by the TIE Steering Committee and potentially be able to provide the AIS coordinating committee the budget and the available funding so they could develop a workplan based on the priorities in the ten-year action agenda.

Mr. Zabaglo said they have a lot of tools, but this is the next piece of the puzzle that's outcome based that will allow them to identify how they're progressing over time and react to the different prioritization's over the years based on these measurable outcomes and metrics.

Presentation can be found at:

[Agenda Item-No.-VII.A-LT-AIS-Control-Action-Agenda-.pdf](#)

Board Comments & Questions

Mrs. Cegavske asked if the Tahoe Keys homeowners were contacted and if they were willing to put any funding towards this. She asked if TRPA has a process to let people know not to dump species such as goldfish in Lake Tahoe.

Mr. Zabaglo said the Tahoe Keys Property Owners Association has been proactive in supporting the process and also are doing work on their own. They've assessed themselves through homeowners' dues or fees for about \$2.5 million over a period of time that would help pay for future efforts. Regarding the dumping of goldfish, they've started an education campaign. There's a non-profit company called the Invasive Species Action Network that can provide bags that say don't dump, bring them back. They're working with the local pet stores to have those resources available. Some of the fines have been used in the past for prevention efforts and can revisit this.

Mrs. Cegavske said the fines should be included in a list if that's something that we could use.

Ms. Aldean referred to page 43 of the staff packet. She asked if the backup stations and the bubble curtains are effective enough to keep plant fragments out of Lake Tahoe. In the first five years of the action agenda the focus is on maintenance levels and complete eradication. If there's still the influx of material from the Tahoe Keys because we haven't commenced the control efforts, this expectation of being able to completely eradicate any sort of plant species may be an unrealistic expectation.

Mr. Zabaglo said the bubble curtains are not 100 percent effective but are demonstrating to be very effective. They're looking at installing one at the east side marina entrance. They have achieved localized eradication in many areas of the Lake. They are making progress even though the Keys weed problem still exists. Areas of the South Shore are more of a challenge. They're doing the pilot ultraviolet light project at the Lakeside Marina and are also looking at doing bubble curtains where there's been treatment to keep the fragments out. They have tools at their disposal that will allow them to continue that planning and collaborative process within the Tahoe Keys and implement some strategic best management practices to prevent that spread from happening.

Ms. Aldean asked if all of the marinas are infested.

Mr. Zabaglo said no. The three are Meeks Bay that is no longer a marina but has an active project on it, Lakeside Marina, and Ski Run Marina. The Logan Shoals has a small infestation and they are working with the property owner. They're seeing some interesting results from the laminar flow aeration at the Ski Run Marina. The Tahoe Keys is also using the laminar flow aeration.

Mr. Shute said the Lake Tahoe Restoration Act is the bulk of the funding source. He asked how much has been appropriated from that to this project now and don't we depend on an annual appropriation that's unpredictable.

Ms. Regan said yes, it is unpredictable. We are subject to the annual appropriations of Congress. The Aquatic Invasive Species continues to be one of the highest program priorities within the Environmental Improvement Program for funding. They were successful in getting more money for invasive species than even some of the other programs. Looking ahead, Congress just passed a continuing resolution to get us right before Christmas to keep the government going. We were successful in upping from \$3 million to \$4 million in the bill that's being considered for interior appropriations. It was a heavy lift from our congressional delegation, Congressman Amodei on the house side has been a huge champion for invasive. This year, Senator Rosen took leadership to get us from the \$3 to \$4 million in the senate bill. That's an indicator of how important it is to our congressional delegation. Forest Health is another key priority. They feel confident to put that \$3 million as an estimate if congress passes a budget that we could count on that as much as you can count on an annual appropriation. They're also working with the Lake Tahoe Partnership through the Army Corps of Engineers. The Army Corps are funding considerable amounts on top of that \$3 million. They've done \$1 million that's helping the Tahoe Keys project and others. They're exploring new authorizations for the Army Corps through the Water Resources Development Act.

Mr. Shute asked if the \$450,000 from Senate Bill 630 as part of California's budget was predictable.

Mr. Zabaglo said he can't speak to the predictability of it but Senate Bill 630 that's managed through the Conservancy is based on pier and buoy leases and has been fairly consistent.

Mr. Shute asked if it's included in the Governor's budget each year.

Mr. Zabaglo said yes, that's his understanding because it's by statute. The statute said it should be used for aquatic invasive species and public access. We've received funding from that for AIS control over the past several years.

Public Comments & Questions

None.

B. Briefing on Forest Health Implementation Planning:

- 1) Forest Health Action Plan by Forest Schafer, California Tahoe Conservancy

Ms. McIntyre said Mr. Schafer supervises the community forestry program at the California Tahoe Conservancy and has worked in Wildland fire suppression and mitigation in the Lake Tahoe Basin for over 15 years. He's a registered professional forester and currently serves as the incident commander of the Tahoe Fires and Fuels Team. He previously worked as a wildland fire fighter and was a forester for the North Tahoe and Meeks Bay Fire Protection Districts.

Mr. Schafer, California Tahoe Conservancy provided the presentation.

Mr. Schafer presented an update on the release of the Lake Tahoe Basin Forest Action Plan. The Forest Action Plan integrates the work of almost two dozen agencies that are involved in forest management in the Lake Tahoe Basin. It describes how they're working together across jurisdictions to accelerate the community protection and forest restoration work.

The plan was developed by the Tahoe Fire and Fuels Team. The TFFT is a partnership of 21 agencies, federal, state, local government, and tribal. It was formed just after the Angora Fire in 2007. Subsequent to that fire, a Bi-State Blue Ribbon Commission was formed by Governors Gibbon and Schwarzenegger. The commissions report issued recommendations for what could be done to prevent a similar disaster of occurring in the future. It provided succinct recommendations for how agencies need to work together across property boundaries. One of the central recommendations was to utilize a newly formed working group, the Tahoe Fire and Fuels Team to bring together the implementors of projects with the regulators of projects to start developing mutually beneficial processes that can start breaking down some of those barriers to conducting more work, more quickly. When he worked for the North Tahoe Fire Protection District, he started working with TRPA to permit dozens of projects immediately. Staff from many agencies including TRPA provide collaborative support and leadership for the Tahoe Fire and Fuels Team and it's working groups.

This plan doesn't just speak to what they're doing, it speaks to how they're going to increase pace and scale and accelerate these treatments. You'll hear more about the what we're looking to accomplish in terms of outcomes across the landscape when Ms. McIntyre presents on the Lake Tahoe West Landscape Restoration Strategy. This integrates many different plans, like Lake Tahoe West, the multi-jurisdictional strategy for fuel reduction, and the community wildfire protection plan. There are three tiered strategies in order to accomplish it. First, is to scale up the work that they're doing. It's done by looking at landscape scale projects that extend over multiple ownerships. Second, they're looking to build capacity, so they can implement these large landscapes scale planning efforts. This includes things like expanding the work force that are working on forest restoration in the Basin. Using tools like prescribed fire and expanding the markets for biomass and small diameter trees.

There were over 350 wildfire ignitions in the Lake Tahoe Basin over an eight year period. In addition to those wildfire ignitions, there were hundreds more structure ignitions. Everyone of these structure ignitions have the opportunity to begin moving into the wildland or impacting other structures. When there are so many fires, we're so dependent on an effective suppression force and creating the best conditions possible for those suppression forces when fires occur. The confluence of an ignition on a hot dry windy day when there are not resources available those are the situations that they're looking to avoid and want to provide the best fire environment for the first responders. Central to this strategy is that they start from the

communities and work outwards. There looking at the forest, homes, neighborhoods, and defensible space. The fire districts and the Tahoe Resource Conservation District provide support directly to landowners with education and grant programs to reduce the risk of structures in neighborhoods from igniting. Complimenting the communities work is the forest management work on local government, state, and federal land. In working from the community outwards, they're changing the fire environment for the first responders. Basin wide three quarters of the land is federally managed. When you look at neighborhoods, they start to see the patch work of open space lots that are publicly managed along with many undeveloped private lots. The California Tahoe Conservancy, the Nevada Division of State Lands, and the US Forest Service are the primary public land managers of those small open space lots. They've completed nearly 100 percent of their initial treatments on those lots but still need to be maintained. Focusing on some of those privately owned undeveloped lots, these are pieces where past codes and requirements for defensible space really didn't apply to those. The Tahoe Fires and Fuels Team is working on integrating all of those areas into the treatment plans so there's continual defensible space that works across land ownerships. When they look at the edge of the neighborhoods and those spots that start to be filled in, they are 57,000 acres of treatments that partners have implemented in the Lake Tahoe Basin in the past ten years. In 2008, that was a fire shed moment when they were able to recognize the need and obtain the resources to increase the pace in which they were implementing treatments. Going back to the start of the Environmental Improvement Program there's an additional 20,000 acres of treatments that now are coming up and need to be maintained.

The key goals of this plan are over the next five years to complete the remaining 22,000 acres of treatments on the most vulnerable acres. This will complete all initial treatments in the wildland urban interface and maintain some of those earlier treatments that they implemented. Second, is to work with the fire districts and the state forestry agencies to obtain nearly 100 percent compliance with defensible space requirements. They're moving this forward by taking the neighborhood targeted approach to shift that landscape for fire.

This is what makes the plan different is that they are not just thinking about the forest or just the neighborhoods but everything from that shoreline to the ridge top. The first community wildfire protection plan was focused on where people live. The community in the Lake Tahoe Basin is more than just where people live, it's the forest that we recreate in, the air that we breath, it's all the pieces that drive the recreation economy.

The three overarching strategies: Scaling up, building capacity, and leveraging technologies. The first of the actions in scaling up is developing and implementing landscape scale initiatives. These sorts of initiatives compliment the wildland urban interface treatments to integrate multiple disciplines and multiple focus areas and realize the benefits to watersheds at the Lake that can be accomplished by managing the forest. This includes decades long efforts in the State of Nevada with the Nevada Tahoe Resource and the California State Parks that led the way in terms of utilizing prescribed fire and taking a large landscape scale approach to forest restoration. The Lake Tahoe West restoration partnership for which TRPA has played a critical role in its formation and leading the program. The second action is streamlining planning and permitting. One of the strategies is to take on these large multi-benefit projects and transition away from planning dozens of smaller projects each of which need to go through distinct separate process for environmental review, permitting, and planning to large projects that meet multiple benefits concurrently and provide that pipeline of future work to continue

implementing and restoring the forests. Within that is updating regional and local regulations. The Tahoe Fire and Fuels Team has a regulation working group which is chaired by TRPA and the TFFT that works closely with TRPA to provide implemented recommendations based on their experience of implementing these projects. Provides recommendations to TRPA for edits and refinements to the code as it moves forward in ways that maintain the environmental safeguards while providing mechanisms to be able to move projects forward more efficiently.

One of the primary ways that land managers are interacting with power companies is by thinking of power line corridors as our resilience corridors and looking to leverage the work that power companies are already doing. They are expanding with their ignition prevention work with fire behavior modification, fuel reduction, and forest health treatments that surround that. This helps to provide strategic fire breaks while at the same time going further to protect these critical pieces of community infrastructure and further reducing the risk that might originate at power lines.

From scaling up the work, to implement these large landscape restoration projects, they need to build the capacity for doing so. Capacity means different things to different people. Working with partners they're looking to refine what is it they mean by capacity, not just that they need people to do the work but how can they move that forward and what is the focus. Often when they're thinking about capacity needs often times, they go to project implementation. But they also need to think around the entire cycle from assessing the needs, to creating a strategy, to planning, permitting, and surveying, and monitoring the projects. These all important components that we need to think of around capacity. Funding is the driver of the capacity. They can enter into contracts, hire more people, buy facilities, and equipment which helps build capacity but there's another type of capacity. It's the hub capacities of the partnerships to share resources across jurisdictions, using technology to make the work more efficient, and building organizational efficiency helps the cycle turn more smoothly to get projects done more quickly, and at cheaper costs. One is to expand the restoration workforce. They need to develop shared crews that aren't specific to anyone jurisdiction. Not just for one jurisdiction, but for implementation but for things like conducting wildlife surveys, and field preparation. Hand in hand with that is providing training and career opportunities.

One of the limitations to strategically using prescribed fire is are we providing the tools and information necessary to the public to be able to ensure that we have the support and understanding of the residents and visitors for implementing this work. TRPA has been critical in enhancing the prescribed outreach through its role with the Public Fire Information Team which provides frequent updates for the public as well as tools for reducing smoke exposure.

Leveraging technology are technologies being pursued to be able to increase the pace and scale of their work. The Environmental Improvement Program and tracker has been their intelligent hub for making smarter decisions about the work that we're completing. They're using it as a tool for monitoring. Where they treat and how much its cost is dependent upon the foresight of TRPA in developing this tool that all partners can share. The TFFT also maintains a defensible space database where they look at compliance Basin wide for defensible space recommendations. The team is currently working with TRPA to link these systems together to provide greater capability to communicate with partners about the priorities and enhance the decision making.

Historical investments in key categories in the goals of the plan: The largest category is wildland urban interface treatments. Those investments include both secured and expended funds since 2008. There are also estimates of future need of projects. As they complete initial treatments in 2023, they see a drastic decrease in the amount of costs needed to maintain those treatments over time because they're able to use fewer substantial treatments and increase the reliance on prescribe fire for the maintenance of that work.

The Forest Action Plan was a joint effort with 21 different organizations to align the work and move it forward. TRPA was a founding partner of the Tahoe Fire and Fuels Team and spearheaded the process improvements coming from recommendations of the Bi-State Commission after the Angora Fire. Since then TRPA has been with them through every step over the past 11 years, not just as a regulator, but a partner moving projects forward. The partner organizations are their greatest form of capacity. This amount of work is not something they could have accomplished as single agencies working alone. More than half of the Tahoe Basin is outside of the wildland urban interface and that's where initiatives such as the Lake Tahoe West who takes a more comprehensive look at the entire forest.

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Ms. Aldean said while most people understand the efficacy of using prescribed burns there is a concern about those burns getting out of control. She asked if they could use thermal imaging to determine where the hot spots are during prescribed burns if there's a change in the weather such as wind. If they could lessen the likelihood of prescribed burns getting out of control, it would be more embraced by the public in general.

Mr. Schafer said one of the central pieces around prescribed fire and how it interacts with uncontrolled wildland fire is that in the Basin especially under the pressures of climate change, every area that can burn, will burn at some point. Prescribed fire is about shifting the timing to a situation when the resources are available, and the weather conditions are more suitable to not cause some of the catastrophic damage that occurs. One of the significant challenges associated with that is the systems around fire and fire response means that when there's an unexpected fire in the middle of summer, they get a lot of resources dedicated to that fire. Incident management teams are set up, resources are brought in from out of the area to focus on control. It's at those times when they see a lot of use with the thermal imaging cameras. Those are heavily used on wildland fires. They're also used on controlled fires, but typically prescribed fires have less resources available and committed to them and generally federal budgets don't allocate as much funds to prescribed fires. Funds often have to be borrowed in order to pay for wildland fires every year. Key in the Tahoe Basin for prescribed fires and the control is utilizing things like new technology. They're working with an organization right now that's using near real time satellite imagery to support some of that work and to also bring in support from the Tahoe Fund and its smartest forest fund to support prescribed fire implementation. In the Lake Tahoe Basin, they've taken a cautious approach to prescribed fires. The factor in the Basin is the immense amount of prework and all of these wildland urban interface treatments that are occurring prior to utilizing prescribed fire. In order to shift towards that, it's going to take time. Vegetation around homes is going to need to be managed and larger treatments will need to be implemented. It will take several years before they're ready to utilize prescribed fire at that larger scale but those are the pieces of the multiple strategies working towards a safer use of prescribed fire.

Ms. Aldean said she understands that thermal imaging may be expensive but in terms of instilling in the general public a sense of confidence that these fires are not going to get out of control, having as many tools as possible would be beneficial. This is for the peace of mind for the people who are being asked to support prescribed burning.

Mr. Hicks thanked the Tahoe Fire and Fuels Team and its members. As a member of the Bi-State Commission they issued a report after the Angora Fire. The general thought was that they had done a lot of good work but like many that the report would sit on a shelf. That did not happen because of the people in these different agencies. The Camp Fire is another wake up call to all of us. Anything we can do to organize ourselves and educate people who are in the path of potential fires is good. It will come into the Basin sooner or later and we need to be prepared. Our agencies are doing all they can but there's always a funding issue.

Ms. Gustafson said yesterday at the Placer County Board of Supervisors meeting they allocated just shy of \$400,000 to remove 200 plus dead and dying trees that were a threat to county infrastructure. A question that came up was the amount that was going into permitting because all of these trees were located on Forest Service land, yet state and county resources were funding those. She asked if there was discussion in the partnership about the permitting fees per agency and how they could streamline that as well. It didn't sit well with her counter parts that they were removing these trees on federal property with state and local resources and a significant increase in cost for those. It's something politically they need to continue to work on and that the partnership has discussed that.

Mr. Schafer said the partnership has discussed issues of permitting fees and some of those additional costs. It's from both the needs for considering permitting fees for those who are looking to comply with fire defensible space recommendations to do work on their own property. The other is with the partnerships. One of the key tools from a local perspective has been the fire districts, state organizations, and the federal governments memorandums of understanding with TRPA. That's the basis for increasing some of those efficiencies and reducing some of the other associated costs. Those are critical tools as an implementor in being able to move these projects forward. The second is around individual homeowner permits and there are some fees that are at the state level and they're looking at ways to potentially reduce some of those. That's a small piece of a much larger state system. In that is how they can provide assistance through some of the grant funds both from a technical assistance perspective to be able to go through those permitting processes but also providing grant assistance for those permitting fees.

Ms. Gustafson said looking at the per tree costs, they were upwards of over \$2,000 per tree with administrative and permit fees. We need to look at streamlining because we're not going to get very far at those costs.

Mr. Shute referred to page 14 and the annual cost for each category. He asked if most of that is anticipated to come from the Lake Tahoe Restoration Act.

Mr. Schafer said if you just look at wildland urban interface treatments, they have an anticipated need of \$10 million per year over the next five years in order to meet those targets. The Tahoe Fire and Fuels Team is working on a funding strategy to be able to consider how they're leveraging federal funds with state funds along with local government and private contributions.

The State of Nevada has just made its most historic investments in forest health as has the State of California. For California, it's through a competitive funding processes that are uncertain of whether or not we'll be able to secure these funds. At the federal level, they're also looking at competitive processes through the Southern Nevada Public Land Management Act as well as the uncertainty associated with the Lake Tahoe Restoration Act funding. They are dynamically trying to piece together the various components of the program to be able to meet that need. But without a lot of future certainty especially with some of these high funding amounts. Through this funding strategy they're looking to be more explicit about how they're leveraging those different funding sources and perhaps provide incentive for more dedicated multi-year sustainable funding sources that help meet that need every year.

Mr. Lawrence said yesterday was the first meeting of this interim Lake Tahoe Oversight Committee and it was asked during the Lake Tahoe West presentation if there was documentation regarding the cost benefit of what is being saved for permitting and fees by going landscape as opposed to individual projects. The other question was how it was increasing the pace. There was a time when the Southern Nevada Public Land Management Act was funding \$10 million per annual round on the back end because the Tahoe projects were the ones being reported out as not getting implemented as quickly as the other projects across the state. It goes back to capacity, they can get \$3 million in bonds but if they have a window where they only have burn days because of smoke conditions, only so much work can be done. If there's large winters where snow melt is not until June or July and winter came in September or October, only so much initial treatment can be done. They don't have the crews or capacity to implement \$23 million dollars or whatever on an annual basis. He asked what's being done to increase that capacity. If they don't have the crews to do the work, it doesn't matter how much grant funding is there.

Mr. Schafer said the acres treated tends to lag behind the funds expended because of the process of entering into contracts and that date and when the treatments are done about one to two years later. Between 2008 to 2010 partners were able to quickly ramp up their treatments to the peak. After that period, there was a steady decline in the funding that was being put forward to forest restoration and then the subsequent decline in the treatments. This next year, they expect a doubling of acres treated and another 50 percent increase the year after that based on the contracts that have been done and a slight increase in the amount of funds committed. The challenge around these shorter frame investments which are typically grants that have specific deliverables. Sometimes the grants cause them to focus on something that's their priority as a partnership but blending those with the priorities of the grant funding source means that they're focusing on funding individual projects. They're not really funding programs rather funding individual projects and that shows in the amount of work that they're able to accomplish and the amount of capacity that they're able to build. The key to building capacity is having the organizational insurances to make those organizational investments necessary to hire new employees, rent facilities, and purchase new equipment. Right now, it's a piece meal approach. They're trying to combine multiple funding sources to be able to reach their thresholds. By being clever about how their including those within the grant funds and including that additional piece of the capacity component, they're able to hire a small crew next year. The goal is to double the size of that crew the following year. In the short term what they're looking to do is rather than sending out the contracts and hoping to get good bids, they want to make partners with private organizations. There's a lot of capacity throughout the west slope of the Sierra and in Nevada. They're helping to support that with things like long term

stewardship contracts and other flexible contracting mechanisms such as Nevada's good of the state mechanism. They're looking to build through hosting a contractor's summit and increasing the outreach throughout the state for these projects.

Ms. Aldean referred to page three of a typical neighborhood and the ownership of those lots. She asked how many lots the California Tahoe Conservancy currently owns.

Mr. Schafer said the California Tahoe Conservancy manages 3,700 lots that are within residential zones and quite a few more and larger acreages outside of the neighborhoods.

Ms. Aldean said they need to encourage good stewardship for people who own lots immediately adjacent to the California Tahoe Conservancy lots. She suggested that those lots could be deed restricted, given to an adjacent property owner in exchange for increased density on their property in exchange for their commitment to maintain those lots. The CTC would need to work with TRPA about transferring density and if the property owner had the desire to expand their home if there was sufficient land to do that. This is a huge burden for government agencies to continue to maintain these lots and it would give them more capital to work with if they didn't have to do this maintenance. It also removes the potential liability from the CTC if the defensible space work isn't done and fire should start and spread to adjacent homes.

Mr. Schafer said in terms of transferring density and ownership, he'll pass this on to other California Tahoe Conservancy staff who know about the deed restriction process. The Conservancy has treated for the first time most of its lots but understand that defensible space is an ongoing process. The US Forest Service has a homeowner agreement program which enables adjacent property owners to conduct annual defensible space maintain on adjoining properties that are within their defensible space zone. This is in addition to the projects that the Forest Service and the Conservancy implement on their own.

Ms. Faustinos asked how the Transformative Climate Communities program under the Sustainable Growth Council evolved to be a comprehensive funding mechanism to address climate adaptation. She asked how this forest action plan could be developed to address these multiple objectives and not be subjected to the difficulties of these individual competitive grant programs. In California, there are opportunities with several bonds that are in development. Strategically, where are we at in placing ourselves in a position to get something like that written into a bond.

Ms. Regan said they are looking at California programs through the Strategic Growth Council, cap and trade monies, greenhouse gas reduction funds. A lot of money is being devoted to forest management throughout the state. This is a big problem for both California and Nevada. Everyone is doing their best to try to figure out how best to utilize what resources we have and what to go after. Ms. Regan and Ms. Caringer attended the recent California Landscape Stewardship Network Conference in Yosemite. This problem was squarely in the middle of conservationist from throughout the state. Even with the limited resources we have, we're still considered a model for getting fire on the ground, prescribed burning, and the fuels reduction work. The State of California in the next legislative session may be putting forward a climate resiliency bond. They've already been engaged with the Natural Resources Agency and are working with the Conservancy and other partners in California. That would be something that would go to the voters in 2020. They would like the boards to provide input into the mix on how

best we can be positioned in Tahoe. The Fire Public Information Team works with communities to become fire adapted. It is critically important that they work on the home hardening to prepare structures to be more fire resilient.

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None.

2) Lake Tahoe West Landscape Restoration Strategy

TRPA team member Ms. McIntyre provided the presentation.

Ms. McIntyre said the Lake Tahoe West partnership was formed in 2016. TRPA has been a key player in the process from the inception of this partnership. It involves multiple agencies and some of the stakeholders are the US Forest Service, the California Tahoe Conservancy, TRPA, Pacific Southwest Research Station, the Tahoe Fund, and all the fire districts. It's working to increase resilience of forests, watersheds, recreation, and communities on the west shore of Lake Tahoe. It's getting at the planning at a large landscape and looks cross jurisdictionally. For along time in the Basin, they've been working on individual parcels and individual land ownership. This is to not worry about that and rather to look at the landscape as a whole and try to figure out how to build in resilience.

The Lake Tahoe West landscape is approximately 60,000 that stretches from Dollar Point in the north to Emerald Bay. It's at risk for high severity wildfire and tree mortality. Cal Fire and the California Department of Forestry have rated this area as high hazard because of tree mortality that is in close proximity to communities, roads, and power lines. The federal government is one of the largest land managers in this area. For planning and implementation, they're looking at how to do projects and get work done that benefits all the different land management agencies as well as the communities on the west shore.

The partners took a phased approach to developing this. Phase one is the landscape resilience assessment. This was conducted in 2017 with the partners looking at the most valuable attributes of this ecosystem and landscape and what are their current levels of resilience was to disturbance. They concluded that the west shore forest and watersheds are not currently resilient to fire, drought, or climate change. Some of the key findings of the landscape resilience assessment are that fire has been largely excluded. It's also led to higher tree density, fuel loading, and higher levels of ladder fuels. The current forest structure and composition is decreasing the resilience and habitat quality that's available in that landscape. About two thirds of the meadows in the area will likely not be able to provide spaces for wildlife to go to as climate changes. About 80 percent of streams have barriers blocking fish passage. When you look at forest density in terms of trees per acre, they're seeing that the majority of the landscape is not resilient for that metric. The partners looked at four scenarios under varying climate models as well as varying levels of activity. They looked at 1) suppression only, 2) thinning in the wildland urban interface, 3) thinning in the wildland urban interface-general forest and wilderness, and 4) thinning in wildland urban interface, prescribed fire in all management zones, and allow for managed natural ignitions. The key take away is that scenario three thinning in the wildland urban interface-general forest and wilderness consistently achieved the most optimal forest conditions. The landscape resilience assessment was completed then shifted into using it to inform the landscape restoration strategy.

The landscape resilience assessment was informed by modeling results. It combines aspects of scenarios three and four. It looks to reduce risk near communities and relies heavily on expanding treatments in terms of water restoration in the general forest. They'll be looking to increase that forest thinning and prescribed fire on the overall landscape.

There are six main goals. Each goal represents a long term desired condition that the partnership wants to achieve given 50 to 100 years overall. Each goal has a series of objectives, strategies, and prioritization guidelines. This is what will be guiding treatment and potential planning and implementation on this landscape. The key recommendations are to work collaboratively and the other is to substantially increase forest thinning and prescribed burning with trying to reduce the risk of fire and increase landscape resilience. They want to actively manage forested habitat including protected activity centers to help conserve or increase habitat quality for the California Spotted Owl and the Northern Goshawk. The partners recognize that water quality and clarity are critical to the Basin and shared values. They discussed trying to figure out what strategies they could do to help support this. One is to restore the meadow riparian aquatic, and aspen ecosystems to support native biodiversity, increase habitat connectivity, and provide refugia for species as the climate changes, restore streams and streamside habitat to increase resilience to flooding and protect water quality, restore streams to reduce erosion and transport of sediments and nutrients to Lake Tahoe, including sediments potentially released from wildfires or restoration treatments, and prioritize early detection and rapid response programs to manage and reduce invasive species.

Additionally, the Lake Tahoe West partnership wants to continue to protect communities from high severity fire. Part of this will include minimizing smoke impacts from prescribed and managed wildfires through public education and outreach. As well as more strategic smoke forecasting. They want to work to enhance engagement with the Washoe Tribe through stewardship activities that foster and support tribal and cultural resources and people. Lastly, support and build resilience into the local economy and recreation industry for this landscape.

The landscape resilience assessment is complete and should be available in December. They are now rolling into phase three which is project planning. Essentially multiple fuels treatment projects are in progress and are being planned for this landscape. The Lake Tahoe West partnership are now going through the preliminary stages of starting to do the environmental analysis to figure out how much work will be done, where, and the acreage. The goal is to start implementing in 2022. There's a funding strategy being considered which is still bare bones. Lastly, they'll be working on a monitoring and adaptive management strategy.

Approximately 20 percent of the landscape in Lake Tahoe West is on slopes of 30 to 50 percent. Currently, the Code of Ordinances doesn't allow mechanical thinning or treatments of slopes over 30 percent. The options now to treat land over 30 percent in the Lake Tahoe West Landscape is to do hand thinning or aerial yarding both of which can be expensive and inefficient. The current Code of Ordinances was created to limit erosion and sediment delivery to waterways but new and innovative technology and harvest methods for mechanical thinning ultimately show that it can be done on 30 to 50 percent slopes while still protecting the Lake and limiting erosion. Low pressure systems reduce soil impacts and allow the steeper slopes to be treated. Updating TRPA code to allow mechanical treatments on 30 to 50 percent slopes would reduce the acres that needed to be treated by hand and the number of piles that are left

out on the landscape, reduce the risk of the pile burning back logs, and reduce smoke from pile burnings. Without updating the Code of Ordinances treatments on 30 to 50 percent slopes it would be a limiting factor in achieving the goals outlined in the landscape resilience assessment. There are basin wide benefits to this code change. Outside the Lake Tahoe West landscape there are 43,000 acres that fall on slopes between 30 to 50 percent. About 30 percent of the total basin, not including those Lake Tahoe West acres are on those slopes. That's a large percentage of the basin that with a code change they would be able to access and build a level of resilience of increased pace and scale in terms of forest treatment. It would give the ability to increase the ecosystem resilience, decrease fire risk across the basin, increase that pace and scale of restoration. Mechanical treatments are often less costly than hand and aerial thinning. It would allow to have more acres treated for a lower cost. With these benefits in mind and the support of the agency partners, they intended to analyze the impacts of allowing mechanical thinning on slopes between 30 to 50 percent within the Lake Tahoe West environmental analysis. They're working with the Pacific Southwest Research Station to identify the data gaps and the needs to ensure that a basin wide approach looks at all potential impacts and gather the right data in place so when new code is written there are no detrimental effects.

Presentation can be found at:

[Agenda-Item-No.-VII.B.2-Lake-Tahoe-West-Landscape-Restoration-Strategy-.pdf](#)

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Mr. Shute asked for an example of an instrument or technology that's not as damaging as a bulldozer.

Mr. Schafer said a lot of the equipment that's currently being used across the western slope of the Sierra Nevada are low ground pressure equipment. That would be equipment with a large surface area that has tracks or wheels that are able to spread out that ground pressure. The key components are them being able to merge that with actually being able to work on the steep slopes. A bulldozer would be able to go up and down the hill but would not be able to go across a slope. One of the key technologies that's been demonstrated, state regulatory agencies allow this work to occur on over 30 percent slopes with these self-leveling cab excavators with harvesting attachments.

Ms. Laine said she's witnessed this mechanical thinning and it was obtrusive to the land. It may be a different vehicle than what's being discussed here because of the slope. She's concerned about that. She asked where the 30 percent came from, was it a restriction of the equipment and could that number be moved.

Ms. Marchetta said there's currently a prohibition in the existing TRPA Code of Ordinances against mechanical treatment on 30 percent slope or above. If we want to treat that acreage on the West Shore that's around 30 percent, the only option right now is to send in hand crews.

Ms. Laine asked how did TRPA decide that 30 percent was going to be the cutoff and can that number be adjusted if there's new technology.

Mr. Marshall said it's a historical regulatory cutoff between slopes that could be treated with other mechanical equipment. When you start increasing it becomes more harmful to the soils.

It's not just all slopes that we're talking about opening up for 30 to 50 percent. It's slopes that can handle the kind of low pressure harvesting mechanical equipment. It would be carefully designed so it has those protective measures that would like at the type of equipment and also the type of soil and slope.

Ms. McIntyre said that's what she's working with the Pacific Southwest Research Station on. They'll provide feedback on the percent of slope, types of soils, and type of area that will work with this type of mechanical thinning. The Lahontan Regional Water Quality Control Board currently allows treatment on slopes above 30 percent for BMPs and monitoring and that work would continue.

Mr. Marshall said to change that number would require an environmental analysis. That's why there are doing this analysis so they can move the prohibition from 30 to 50 percent.

Mr. Hicks said this was a highly debated issue at the Bi-State Fire Commission. They discussed this with the fire agencies, the conservation groups such as the Sierra Club, the League to Save Lake Tahoe, etc. The recommendation of the commission was to find some relief to allow thinning above 30 percent. About 11 or 12 years ago, there was new equipment that was being created and used in other jurisdictions. All of these are valid questions. If we were to have a catastrophic wildfire in the basin, all of that soil will wash down into the Lake for generations. We need to keep in mind what's practical and what's necessary.

Ms. McIntyre said the initial studies that the Pacific Southwest Research Station did show that catastrophic wildfire modeling across that landscape will have significant erosion impacts in comparison to allowing mechanical thinning on those slopes.

Mr. Shute said he understands Mr. Hicks' point but would like to see one of these pieces of equipment demonstrated.

Ms. Gustafson said her concern is that this is one technology and she's witnessed and seen videos on other technologies in Europe. They equipment looks like a spider. She suggested that the Code of Ordinance recognize that we need to analyze the environmental impacts, but new technologies are happening all the time. With this type of investment throughout California and throughout the Western United States, we don't know what's coming. The code needs to be monitor and evaluate new types of equipment to meet certain standards but not dictating a specific piece of equipment because we don't want to change the Code of Ordinances every time new equipment comes on the market.

Ms. Marchetta said the reason for bringing this presentation forward at this point is that the partnership is at a milestone. It's spent over one year working with the science committee, a science stakeholder committee, and stakeholder community committee to put together this preferred landscape restoration strategy approach. It's more or less at a conceptual stage all though it gives staff a good idea what kind of acreage they'll be considering for further actions on steeper slopes and using more prescribed fire on the landscape. Soon to be released, the landscape restoration strategy document that will then be moved into detailed environmental review. Nothing is a forgone conclusion although it's been developed in one of these collaborative processes where it gives us a greater likelihood of success. It's been extensively modeled with scientific input that will be considered. When the landscape restoration strategy

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document is launched on December 6th there will be a signature page in the document of the core stakeholders on the steering committee, TRPA, the Forest Service, the fire districts, the Tahoe Fire and Fuels Team, the California Tahoe Conservancy, and California State Parks. What her signature will mean is that they're endorsing this to advance it forward into a complete environmental review.

Ms. Aldean said although she's unsure of the origin of the code provision, the angle of repose for the earth is between 30 and 45 percent. That is the angle in which material will start to slide off of a slope.

Mr. Hester said it came from building construction requirements.

Mr. Yeates said he shared Mr. Shute's concerns. He's seen this equipment in Oregon, and they do a fine job but it's not over an iconic lake that we're trying to protect the clarity. In reading more detail, certain canyons wouldn't be part of this steep slope consideration. No matter what the slope, the soil will also be a consideration.

Public Comments & Questions

None.

VIII. REPORTS

A. Executive Director Status Report

Ms. Marchetta said yesterday was the first meeting of the Nevada Oversight Interim session. This meeting was an overview from each sector representatives; federal, two states, and TRPA. There are five additional meetings scheduled of the Oversight Committee over the next several months. Future meetings will be focused topically. January's meeting will be on transportation. Other sessions will have an economic development, forest & forest management, and water quality and environmental resource issues. Julie Ratti was elected as the committee chair and Assemblywoman Peters was elected vice chair. TRPA was honored with an award from the American Planning Association section of the Sacramento Valley. They recognized both the shoreline plan and the development rights initiative with their 2019 local vision award.

B. General Counsel Status Report

Mr. Marshall said that the Ninth Circuit Court has tentatively set sometime in the last week of March for the oral argument in the Garmong case.

IX. GOVERNING BOARD MEMBER REPORTS

Ms. Faustinos asked if the December meeting will be one or two days.

Ms. Marchetta said we are leaning towards putting all the agenda items into one day which means that we will not hold the annual holiday luncheon. We'll look at a future date for that. Also, she'll be calling in for the December meeting.

Mrs. Cegavske said in Las Vegas they have the same issues with the group housing and the bed

and breakfast accommodations. They have a bigger issue because in some ways they're in competition with the hotels. The Secretary of State's office have the same people that come in but have different LLC's or different company names and putting in for homes up to five because then they don't have to register anything. There are people from other countries coming in and buying up the properties than renting them out. She asked if there's been a decision about what is done with the money that comes in from those short term rentals. Are we using any of that money for any of these projects?

Mr. Yeates said what we did in the short term rental process was tie it to the allocations leaving it to local governments including fines depending on how they plan to address enforcement. They pick and choose from the locational menu options and staff will continue to monitor how this is being implemented. The locals who are working on this issue and adopting ordinances to address the issue, putting together funding for enforcement and would be the ones responsible for issues such as fines or how to deal with whoever is developing short term rentals in their area. The location issue should be consistent with the Regional Plan.

Mrs. Cegavske requested that the Secretary of States office be able to discuss with TRPA some of the new things that have been brought to light in the Las Vegas area and what some of the issues are in Washoe County in the Reno area. She's interested in what fines are assessed and where the money goes.

Mr. Hester said each local government can levy fines and use that to fund their enforcement. Some also use the permit money for enforcement as well as provide other services.

Mrs. Cegavske said the enforcement is costly, but you can never wrap your arms around it. That's how big it is in Las Vegas.

Mr. Hester said Host Compliance works with some of the local jurisdictions to assist with finding these short term rentals even if they don't have a permit. They'll also assist with generating enforcement mechanisms. He suggested that Mrs. Cegavske could speak with one of the local jurisdictions such as Placer County about this issue.

Mrs. Cegavske said they have no authority and no team to address this.

Ms. Gustafson said they've been working closely with Host Compliance and every month there's new violations found. Then they'll go after these illegal ones and issue fines.

Mr. Marshall said this is not agenzized for a discussion on short term rentals.

X. COMMITTEE REPORTS

A. Main Street Management Plan and other components of the US 50 South Shore Community Revitalization Project

Mr. Yeates said he attended the last meeting and was impressed of how far its proceeded.

Mr. Hester said the public open house on the main street management plan will be

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held this evening. Staff is waiting for the parking management plan that is being done by the Tahoe Transportation District. The TTD staff said it would probably be ready in March of 2020.

Mr. Shute said he's worked in a number of these consensus groups and in this group are folks who are new to the TRPA stakeholder group process. There are members such as the local business owners, the casinos, and local governments. This has been surprisingly easy to get consensus on a planned alternative. They later met with one of the casino executives and without him knowing what they recommended, he endorsed the same things that the committee endorsed.

B. Local Government & Housing Committee

This committee met at the conclusion of the Governing Board meeting.

C. Legal Committee

None.

D. Operations & Governance Committee

Ms. Aldean said there were no monthly financials in the packet this month because labor costs were not available with the new payroll and timekeeping system.

E. Environmental Improvement, Transportation, & Public Outreach Committee

This committee met prior to the Governing Board meeting.

F. Forest Health and Wildfire Committee

Mr. Hicks said the committee met this morning to discuss revisions to the Code of Ordinances regarding forest management and fire safety. Today, they reviewed and recommended changes to Chapters 61 relating to prescribed fire and tree removal. These and future recommendations will go to the Advisory Planning Commission, the Regional Plan Implementation Committee, and the Governing Board.

G. Regional Plan Implementation Committee

None.

XI. PUBLIC COMMENT

Ronda Tyner representing the Incline Village Short Term Rental Citizen Advisory Committee said short term rentals in Incline Village are taking over affordable housing. The extreme undersupply of affordable, achievable workforce housing is at a critical juncture in Incline Village. The long term rental occupancy is at its maximum and long term renters cannot find housing. The Incline Village residents know how important it is to regain and maintain workforce housing units for workers and local residents. They want Washoe County to put a cap on total short term rentals to control the density

within neighborhoods and to require short term rental homeowners to live in their residences at least six months of the year. Most of the big short term rental investors, those who don't reside in Incline Village have created or contributed to the affordable housing crisis. Long term rentals are so scarce that monthly rents have skyrocketed. This has had the ripple effect on housing prices throughout Incline Village. They've increased more than 15 percent in the past year. These price increases only benefit the investors who want to sell not the permanent residents. As former General Manager, Steve Pinkerton wrote that based on sewer flow is likely that the permanent population is closer to 7,000. This year there was a huge drop in elementary school enrollment. The flow and school enrollment data demonstrate the lack of available rental housing in the community. The relationship among the loss of affordable housing, escalating rents and business closures are cited as the main reason so many cities around the US have severely restricted short term rentals. In Los Angeles "City officials argue that Airbnb are taking needed rental units away from permanent residents." Santa Monica "In the mist of a statewide housing crisis, today's decisions affirms that the City of Santa Monica can take reasonable steps to protect residential uses from conversion and defacto hotels." San Francisco "As another city in the California housing market Airbnb is facing criticism from housing activist who blame the site for reducing already limited supply of housing." Clark County "STRs artificially inflate rental cost. Property owners have found ways to make a profit by converting long term living spaces into the short term rentals, thus there are fewer homes on the market wishing to rent long term." For TRPA to search for ways to increase affordable housing and yet refuse to limit the number and location of short term rentals in Incline Village makes no sense. Requiring a special use permit for short term rentals would immediately bring their number in control without infringing on short term rental homeowner's property rights. Special use permits are required for bed and breakfasts. They requested that TRPA encourage Washoe County to make special use permits mandatory for short term rentals.

XII. ADJOURNMENT

Chair Mr. Yeates adjourned the meeting at 2:25 p.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

TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN IMPLEMENTATION COMMITTEE

TRPA
Stateline, NV

October 23, 2019

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Shute called the meeting to order at 8:39 a.m.

Members present: Ms. Aldean, Mr. Bruce, Ms. Gustafson for Mr. Sevison, Ms. Laine, Mr. Lawrence, Mr. Shute, Mr. Yeates

II. PUBLIC INTEREST COMMENTS

None.

III. APPROVAL OF AGENDA

Mr. Shute deemed the agenda approved as posted.

IV. APPROVAL OF MINUTES

Ms. Aldean said she provided her minor edit to Ms. Ambler and made a motion to approve the August 28, 2019 minutes as amended.

Ms. Gustafson abstained.

Motion carried.

V. Item No. 4 Discussion and possible recommendation of proposed Amendment of Performance Review System, Code Amendment, Section 50.5.2, regarding Short-Term Rentals; and Short-Term Rental Neighborhood Compatibility Guidelines

Ms. Marchetta said the short term rental market that is now pervasive in our mountain resort towns has grown expedientially to this \$32 billion dollar per year industry over the past decade. The solution for influencing that kind of an imbedded system doesn't come quickly or easily particularly without broadly aligned support. The influence we can have on that kind of a system of that size is sometimes built in increments. It was 2.5 years ago that TRPA began working with the local governments in Tahoe to influence how and where short term rentals are created and how their managed. With the expediential changes over this past decade, local governments have struggled to keep up with the pace, scale, and scope of those changes and impacts of that new system. Now they're all developing local jurisdiction short term rental programs. When the Governing Board directed staff to work with TRPA's Local Government and Housing Committee to address the management of short term rentals it was through the distribution of allocations. They surveyed best practices, reported on strategies from each local government and they suggested some added strategies. By December 2017, all the Tahoe local governments were

actively building programs. TRPA then again revisited local government progress in 2019 and directed staff to work with the issue through the allocation distribution system by adding a criterion to the performance review system. That's where we are today. They engaged the stakeholder working group and more than half of the Governing Board members participated as the Local Government and Housing Committee members, two statewide representatives, and a wide range of other interests such as environmental groups to neighborhood representatives, and the construction business. They met four times since mid-summer and developed guidelines in three areas; operations, enforcement, and location. The effect of today's action if it passes, is that each jurisdiction is strengthening and implementing new programs for nuisance abatement and enforcement. This action addresses primarily existing short term rentals. It will also apply to all future short term rental permits going forward. This action is also going to impel local governments to take a hard look at where those units are located. That location criteria, specifically for locations that are consistent with the Regional Plan goals is an important addition. The work group unanimously recommended the code amendments to the Advisory Planning Commission, the Regional Plan Implementation Committee, and the Governing Board. It wasn't perfect but it was a good step and that's the nature of influencing these very large embedded systems. Staff is urging the committee today to honor the last six months of collective work. It was worked that served to build some trust and progress happens at the speed of trust. Once this action is complete, our work is not done. They've been asked to scale up and look at the overall housing context in Lake Tahoe through the Local Government and Housing Committee and the Governing Board. They will be particularly looking at the gaps and meeting the needs for Tahoe's workforce and local residents. Sometimes these tough issues that we're dealing with such as short term rentals can be better addressed by scaling up. Perhaps in a more holistic way not just working with allocations which is less than one percent of the housing supply. But instead shifting to look at actions that may have a broader effect on the housing system. When we move beyond that one percent that is allocations, we can put our resources into policies that perhaps have a broader beneficial effect. As we start to work with new housing needs assessments that are being developed by the Tahoe Prosperity Center and that already have been developed by the Mountain Housing Council we can start to look at where the real gaps are. This is the regional scale work and from this broader vantage point, we can perhaps work towards meeting that gap in Tahoe's workforce and resident housing supply while at the same time shifting to some of these more regional questions. We can look at making sure that satisfying workforce and resident housing doesn't necessarily increase the use of short term rentals. We can look to ensuring that the conversion and transfers of residential commodities are not competing with the workforce and residents needs by conversion to short term rental. Development of a housing action plan is getting underway on the south and north shore. It is in the larger context where broader solutions that may not be limited solely to allocations may be able to make a shift in the system and work towards supplying legitimate workforce and resident housing. To get there, we're hoping to mind some of the ideas from other mountain towns that we convened around last week. Today's request is for the committee to honor and accept this unanimous recommendation of the Local Government and Housing Committee work group on the performance review system as well as to acknowledge and provide direction to move into this larger context of how to meet Tahoe's workforce housing strategies both through the housing action plan and considering policies here.

TRPA team member Ms. McMahon provided the presentation.

Ms. McMahon said In April 2019, the Local Government and Housing Committee prior to the distribution of the 2019/2020 residential allocations agreed to develop a code amendment and guidelines to make short term rental neighborhood compatibility a third criterion of the performance review system for the distribution of residential allocations to the local jurisdictions. They agreed to develop the proposed code amendment and guidelines to the Governing Board by the end of 2019. The committee approved a work program that included the formation of working group, process, and schedule. The working group included members of the Local Government and Housing Committee, representatives from neighborhood and environmental groups, the real estate and building industry. The working group developed a menu of locational, operational, enforcement, and Best Management Practices for managing short term rentals. They also developed an updated current conditions report. All the local jurisdictions are currently collecting transient occupancy tax. Four of the five jurisdictions are using a monitoring service to identify and bring illegal short term rentals into compliance. Three of the jurisdictions currently have a short term rental ordinance and Placer County and Washoe County are working on developing ordinances. All of the jurisdictions have enforcement programs in place, but all have room for improvement. The City of South Lake Tahoe through Measure T is the only jurisdiction to date that has addressed location for short term rentals. A website was developed to provide information on the working group and has links to local jurisdictions short term rental programs and includes public comments received to date.

The performance review system calls for the distribution of residential allocations based on two criterions; Total Maximum Daily Load implementation and residential audit performance. Last September, the working group voted unanimously to recommend approval of a code amendment that would add short term rental neighborhood compatibility as a third criterion. On October 9th, the Advisory Planning Commission also voted to recommend approval of the code amendment.

Like the existing code language demonstrating compliance with the Total Maximum Daily Load implementation and residential audit performance, the proposed code language requires that a local jurisdiction receive a score of 90 percent or greater based on short term rental neighborhood compatibility guidelines to receive their full allotment of residential allocations. The working group guidelines provided a menu of Best Management Practices that the local jurisdictions could select from that provided flexibility. They were encouraged to address locational, operational, and enforcement criteria, link the guidelines to Regional Plan goals and policies, the environmental thresholds, and include a numerical value for scoring purposes. Throughout the process there was widespread support from the local jurisdictions and members of the real estate community and construction industry for the operational and enforcement criteria in the guidelines. What was more challenging was the recommended locational criteria. A core principal of the 2012 Regional Plan was to direct development and uses towards mixed use compact town centers, public transit, and bike and pedestrian amenities. The location component was maintained in the guidelines and endorsed by the working group.

To assist the local jurisdictions in developing their location strategies, TRPA mapped all permitted short term rentals and developed an online short term rental interactive map. They also did some location analysis and found that there are approximately 6,500 permitted

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short term rentals in the Tahoe region. Approximately six percent are located within town centers, 22 percent are either within a town center or within one quarter mile of a town center. Around 30 percent are within one quarter mile of a transit stop, and 60 percent are within one quarter of a major highway. Ninety percent of existing short term rentals are within the residential regional land use district. That indicates that short term rentals are not being located in town centers.

Additional analysis was done, and it was found that about four percent of existing short term rentals are within one quarter mile of a ski resort or golf course. About one percent are within one quarter mile of a major trailhead that has a parking lot. Fifty percent are within one quarter mile of a recreation site and 70 percent are within one quarter mile of an existing or proposed shared use path, bike lane, or bike route.

In order to receive 30 points under location in the guidelines, local jurisdictions will need to demonstrate that they're directing short term rentals towards town centers and transportation amenities such as public transit stops, bike and pedestrian amenities. As well as address neighborhood or residential compatibility. To receive 30 points under operation, local jurisdictions need to demonstrate that they have a short term rental program or ordinance in place that addresses noise, occupancy, parking, refuse, defensible space, water quality, public health and safety, and education. To receive 40 points, local jurisdictions need to have an enforcement program in place that addresses implementation, funding, education, and includes penalties.

It is unusual for TRPA to provide a recommendation contrary to an Advisory Planning Commission recommendation. As stated in the staff report, the Advisory Planning Commission voted to recommend removal of the water quality criteria in the guidelines, but TRPA staff is recommending that it be retained because the working group did endorse the guidelines with the water quality criteria. The guidelines include best management options for addressing water quality criteria. The easiest one would be to require best management practices be installed with all short term rental permits. TRPA has a number of resources such as the website, handbook, and hotline for people that need to install their best management practices. They also offer a free permitting program for people that want to retrofit their property. Another best management practice that's recommended in the guidelines is requiring people that come in for short term rental permits to mitigate all their excess coverage. The guidelines also give local jurisdictions the flexibility of developing an alternative strategy.

Presentation can be found at:

[RPIC-Agenda-Item-No.-4-GB-Agenda-Item-No.-VIII.A-Short-Term-Rentals.pdf](#)

Committee Comments & Questions

Ms. Aldean referred to locational, example for transportation best practices, paragraph three. It states that "The short term rental neighborhood compatibility program limits the total number of cars allowed per short term rental regardless of the size or number of bedrooms to a maximum amount equal to or less than the minimum." Shouldn't it read number of parking spaces required by local ordinance? The example just has the minimum amount and suggested it should be more specific.

Ms. McMahon noted the suggestion.

Ms. Aldean referred to operational, example for public health and safety best practices, paragraph three. She suggested adding back in under paragraph three "The short term rental neighborhood compatibility program uses transient occupancy tax revenues and permit fees needed to fund public services such as law/code enforcement and fire." "Code" was omitted from the original text. She suggested that the Local Government and Housing Committee incorporate into it's future meeting agendas a periodic update rather than waiting for two years to see how this is being implemented and how effective it is for the local jurisdictions.

Mr. Lawrence asked for further information on the rationale for removing versus keeping the water quality standard. BMPs are foundational in the Regional Plan and has been a requirement for a long time for residential properties. He's curious why it would be removed since it's already a requirement.

Mr. Larsen, California Natural Resources, Interim Chair of the TRPA Advisory Planning Commission said Ms. Roverud with the City of South Lake Tahoe made this suggestion. The concern was that this was another step in putting local government in the position of enforcing the BMP requirement. The concern was that local government didn't want more of the burden as what they saw was a TRPA program and then having that hitched to the neighborhood compatibility program as another mechanism. He can't say that the entire commission agreed with that point.

Public Comments & Questions

Pete Todoroff, Citizen Advisory Board, Incline Village and Crystal Bay said his concern is about safety. They don't have enforcement codes from Washoe County. He attended a board of directors meeting at the fire department because he feels that they are the people that can enforce the codes and do the inspections when business licenses are applied for, new construction, etc. There's an Incline Village business across the street from the fire station that's in violation of TRPA codes. They were putting stuff on the dirt and looked like a junk yard. He tried to get something done for three years from the County. The code enforcement person suggested he talk with the owner of the roofing company. The business has been cleaned up but is still not in compliance. The fire department is the only agency in Incline Village that is there 24/7. The fire department should issue the permits for short term rentals and there should be a mandatory annual inspection by the fire department. The fire department should be provided with contact information for the owner of the properties in non-compliance. The owners of the properties for short term rentals need to comply with defensible space and BMPs to ensure that the property is safe for the occupants and neighboring properties. The Incline Village General Improvement District is responsible for enforcing trash. A copy of the rules and regulations and evacuation plan should be posted on the door of a short term rental. An owner of a short term rental was recently denied payment for a fire that happened during a rental where there were 14 occupants rather than the stated 6. It's hard enough to get homeowner insurance, this should be mandatory to have proof of insurance.

Janet McDougall representing residents for Tahoe said last year she wrote to this committee expressing concern that local government would do nothing to limit vacation rentals as the transient occupancy tax that is generated are an ever growing source of funding. Resident's

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frustration has continued to grow as we are the property owners with rights, yet those rights are being trampled on by the very officials we elected to represent us. We've had a front row seat to all the problems that are being allowed to grow, yet our voices have not been heard. In El Dorado County there are more than 863 vacation rentals but no way to prove it. They've learned in a staff report through El Dorado County that Host Compliance contacted the County that there are about 800 more illegal vacation rentals in the County. The total is at least 1,663 illegal vacation rentals. They continue to hear from El Dorado County that government works slowly. Through this staff report from El Dorado County, they will not even be looking to engage Host Compliance for another six months. All of this is diametrically opposed to this agency's ability to successfully implement the Regional Plan. TRPA can delegate some of its authority to local government, but they cannot advocate their responsibility. This agency can't continue to promulgate regulations and hand them off to local government to be enforced through memorandums of understanding with no oversight. As transient occupancy taxes grow making local government more reliant on this revenue stream the harder it's going to be to effect changes that need to be made today. It's time to address which is more important, continuing to allow local government and unending supply of vacation rentals to generate transient occupancy tax or successful implementation of the Regional Plan that will ultimately provide for sustainability of the fragile environment. She hopes everyone charged with implementing the Regional Plan will choose the latter and impress upon your colleagues the need for real immediate action including but not limited to what is being considered today. Their group feels strongly that we need the BMPs enforced. There are a lot of vacation rentals that have dirt driveways.

Mike Hess, Incline Village resident applauded Ms. McMahons and the committees work on the neighborhood compatibility, but they didn't go far enough. Washoe County has no regulations to date for short term rentals. Unless TRPA adopts enforcement mechanisms for short term rentals besides the allocation method, Washoe County doesn't care. That's the problem with the proposal, there's no enforcement within Washoe County. He suggested that they use special use permits, it allows public hearing, community involvement, and clear representation by everyone involved.

Wayne Ford, Incline Village resident said this started in 2004. At that time, the Washoe County Planning Director was sent a letter telling them that they weren't doing what was asked of them. Here we are again. Washoe County choose to put on their website their intended adoption of what the working group created. Washoe County has 14 of the 65 possible recommendations. Commissioner Berkbigler stated that allocations mean nothing to the County. Incline Village is generally built out. They've been asking for short term rental maps for one year, the commissioner told them they couldn't find them. How are these going to be enforced or have the ability to collect money from them if we have no maps. There needs to be a special use permit. The regulations are there to be adopted, unfortunately, it doesn't seem like history has changed their thoughts very much.

Mike Rich, El Dorado County said a solution to the housing crisis would be to allow houses in the County to have mother-in-law units. In 2004, the definition of residential was changed to include vacation rentals. That policy gave the green light that would dramatically change the neighborhoods. Presently TRPA only allows a finite number of hotels and motels to operate in the City. The long range goal was to get visitors to stay in the town center reducing automobile travel. The spread of vacation home rental automobile travel has exploded. By allowing the

spread of vacation home rentals, you're undermining the very motels that are located in the town centers. If you only allow a finite number of hotel rooms, then you should go by the same set of rules for short term rentals in the neighborhoods. The zoning laws are being ignored and the streets are in gridlock. Some day these giant hotels are going to start buying up these mini hotels that are in the neighborhoods. The enforcement rules don't cut it. Please help the residents of Lake Tahoe by banning or at least restricting vacation home rentals around the Lake. They are not getting help from El Dorado County, there addicted to transient occupancy taxes.

Hilary Roverud, City of South Lake Tahoe said the motion she made at the Advisory Planning Commission was to support the Local Government and Housing Committee Working Groups recommendations to the Governing Board with a modification to the neighborhood compatibility criteria related to water quality. The motion was made not with any intent of disrespect towards water quality goals in the Tahoe Basin. She and the City of South Lake Tahoe agrees with the staff's statements in the staff report that it is a very important issue and one that we all need to partner to work on. The explanation that she provided at the Advisory Planning Commission meeting was related to the nexus of the water quality scoring in the neighborhood compatibility criteria with short term rentals. A lot of the comments made at the City and TRPA meetings regarding short term rentals are related parking, noise, and trash which all seem to be tied to occupancy. She was surprised that occupancy had such a low scoring in the criteria for operational. She's not heard any testimony that someone felt that short term rentals were not compatible with the neighborhood because they don't have BMPs installed. She's also heard from the staff from a variety of agencies involved in regulating and implementing water quality programs that BMPs on single family homes is a low priority in these programs. We already have as part of the performance review criteria for the allocation distribution the compliance with the Total Maximum Daily Load programs. With the water quality having equal weight in the neighborhood compatibility criteria of occupancy, it may be forcing local jurisdictions to put resources towards enforcement. Because there's also criteria about adequate funding for enforcement of BMPs on short term rentals when maybe those resources could be focused on the higher priorities related to their BMP and Total Maximum Daily Load programs. There wasn't very much discussion amongst the Advisory Planning Commission members on that particular topic. Most of the discussion was higher level, whether this approach in general was appropriate and that the California Environmental Quality Act document was adequate. So, she can't speak to whether individual Advisory Planning Commission members felt that particular modification was important in their vote for or against. There's no disrespect for the water quality programs and the importance of BMPs and Total Maximum Daily Load compliance and all the work that jurisdictions are putting towards that. It was related to whether this was the right place to put local jurisdiction resources and where is the nexus with the neighborhood compatibility.

Steve Dolan, Incline Village resident said he's heard several times that Washoe County doesn't have enforcement but one of the slides said that they do. Also Incline Village also doesn't have the capability of enforcing and they are deferring to Washoe County for most of their rules and regulations. Mother-in-law units are a great idea as long as they don't turn out to be short term rentals. He supported staff's recommendation that we maintain the water quality aspect of the proposal. That's the main emphasis of TRPA is to protect the Lake and the water quality. The stream environmental zones will also be impacted by the larger group of people who will be in the short term rentals if they're encouraged. He suggested that it be discouraged.

Carole Black, Incline Village resident said she supported the discussion about extending this initiative to address the broader picture of short term rentals. The assessments that have been done to date have not looked at that as an issue. The initial environmental checklist doesn't consider the true impact of short term rentals on the communities. The findings report for this proposal doesn't include that because it's a limited project. She suggested that we move up the pace of the broader project because this is ruining the neighborhoods. The findings for this ordinance are limited and do not address the broader picture. There are regional plan policies that are not supported by the growth in short term rentals. These entities by virtue of how they are currently regulated do not fall under the public accommodations act. In Washoe County they are not specifically looked at by the health district. These short term rentals are houses acting as hotels. She supported the idea of a special use permit. On page five of her written documents there is a list of things she would like to see done as a part of this broader project. She feels that the wording for land use best practices, item number three and transportation, best practices, item number one unfairly potentially impact specific neighborhoods while not supporting the Regional Plan goals as much as you hope it would. She supported the goals for the town centers but suggested that there be some minor wording changes for those two items would continue to support the goals, not undermining the chances of achieving the broader goals, and not unduly impact a few specific neighborhoods.

Mark Salmon said he's been representing the construction industry and was a member of the working group. Today he's also representing the South Tahoe Association of Realtors. It's unfortunate that TRPA had to get involved with the conversation and sets a rocky precedence to allow people to bypass local jurisdictions to have TRPA come and save the day. Although, he's an advocate for vacation rentals that we needed to light the fire under local jurisdictions. We'll need to allow time for these ordinances to take shape and see how effective they are before we jump the gun. We need to recognize that there's a clear assumption that every vacation rental is mismanaged, and every guest is poorly behaved, that's not the case. The travel industry has radically changed, the Marriott and Embassy Suites, etc. have shifted gears in how they develop properties and acquire lands adjacent to their hotels to develop residential compounds to give people a choice in how they travel. He's involved in running massive soccer tournaments in this community that generate about 14,000 to 15,000 visitors over two weekends in June and September. Often, they are looking for team bonding and the hotels don't provide that. There's been a lack of rules and regulations and once we get those in place, the results are proven with what the City of South Lake Tahoe has done. It was probably too little too late but when there's a 53 percent reduction in complaints to the City because there's an ordinance out there with an enforcement mechanism, we would continue to push in that direction before we jump the gun. He hopes the compatibility piece looks at how we can get the short term rentals to be compatible, not assume that they'll never be compatible. The operational and education piece makes sense. The locational piece would probably be a moot point if the other two were effective. Your penalizing jurisdictions for what they've already done which is a bit out of their control. What ever land is left is what's left. Whether that's going to create a clustering situation or high density. If they're well behaved, the density won't be an issue, so, we should focus in that direction. The costs are excessive for land and to develop in this area. The construction trade would be happy to develop multi-family or affordable housing projects if there was some incentive. They've not found a way to be profitable in that.

Pat Davison, Contractors Association of Truckee Tahoe said their association has 385 companies. Allocations are precious to them because it represents work. As a member of the working group

they did what the Governing Board asked them to do. She referred to the baseline in the staff report and the percentage that shows the number of short term rentals within the various locational criteria. Whether it's one quarter mile, one half mile, the major transportation corridor, and recreational amenities, are seen as major problems. Local jurisdictions have three choices. They can either use the guidelines that are provided in the chart. TRPA wants to see some change, how are they going to measure that change, when does that change have to happen? The number of points that are being allocated, there's not clarity on whether they're going to get five points next year or ten points in four years. That kind of information has not been flushed out so there's ambiguity on how the points will be awarded. There's no economic analysis and it's probably up to the local jurisdictions to have to analyze the impacts of changes if you're reducing short term rentals and moving them from one area to another. What happens with that displaced use and what happens with the loss of jobs. There are impacts that need to be analyzed. The second option is that the jurisdiction can use the guidelines as they're proposed. Not sure how those ten points are going to be awarded because it's going to depend on some degree of change. The next option is they can provide a substitute standard to receive those ten points, but then the burden of proof is on the local jurisdiction to show that the substitute standard meets the goals of the Regional Plan or thresholds. The allocations are at risk, not to mention some possible delay. The third option is that they forgo the ten points. We'll know in the next 15 to 18 months how these guidelines will be applied and think there will be more monitoring and question coming up. Their position is that the local governments are allowed to work with their constituents to make the decisions about land use. They supported the operational and enforcement guidelines.

Steve Teshara, Lake Tahoe South Shore Chamber of Commerce said the vote on this proposal at the Advisory Planning Commission wasn't unanimous. Members were thoughtful in their deliberations and casting their vote. They're disappointed that the staff report didn't address or incorporate some of the suggestions that were made. From their perspective the locational criteria remain problematic, they remain concerned about the scoring system and the relative weight of specific factors. They supported the operational and enforcement criteria. He's also on the Douglas County Vacation Home Rental Advisory Task Force. They are concerned about the constant vilification of visitors that is going on at this podium and other podiums in the region. There's a message that visitors are guilty until proven innocent. There are some bad actors in vacation home rentals and so are some of the full time residents. Education and enforcement for all of us is the key. They are also concerned about TRPA becoming a forum for residents seeking their help in dealing with issues that are best left to the local governments who have the responsibility to fund and provide local public services.

Jennifer Merchant, Placer County Executive Office thanked staff for the thought and time assembling something that most people can live with. Placer County is ready to meet the standards prescribed in the Tahoe Basin Area Plan and TRPA's Regional Plan. While the locational criteria continue to give them pause, they are committed to doing their best to achieve 100 percent compliance with the criteria. The best medicine on limiting the role of short term rentals in the residential neighborhoods is ensuring robust redevelopment of the blighted and sub environmental standards in the town centers. They want to push that kind of development there but acknowledge that part of the challenge in the Tahoe Basin in addition to the growth of short term rental uses nationwide and in resort areas is the difficulty in getting those environmental redevelopment projects done in the town centers.

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Laurel Ames, Sierra Club said the City of South Lake Tahoe is somewhat protected from TRPA in terms of their short term rentals. She's appalled that the water quality in the scoring system was shorted and should be one of the highest categories. She suggested reviewing the short term criteria and beefing it up for water quality. TRPA is here to help protect the water quality.

Wendy Wood, Placer County resident said she attended the Placer County Board of Supervisors meeting yesterday and everyone echoed how pleased they were with what the County is coming up with regarding their rules and regulations. Last year, a property was purchased in her neighborhood and was turned into a short term rental by a Washington State resident who owns ten other short term rentals. She's tried to serve him in small claims court regarding snow removal he didn't pay for, trash service he didn't have and his renters parking everywhere. She's hopeful that the hotline and compliance officer will contact her to help resolve the issue. To say that we're vilifying all tourists is not right, some come into her neighborhood and they're fine, but there needs to be rules and enforcement. Placer County is doing a good job right now, but it has to be implemented and is a work in progress. What you're doing with these short term rentals is important and must have regulations.

Bob Larsen, California Natural Resources, Interim Chair of the TRPA Advisory Planning Commission said he's served on the Advisory Planning Commission for about seven years and this is the first vote that he can remember that wasn't unanimous. That split vote represents is the complexity and change of this issue. At the APC meeting there was reasonable concern that was expressed about the inequitable value of residential allocations. They mean a lot to some jurisdictions, but some jurisdictions have plenty. Therefore, there is the incentive or disincentive associated with the neighborhood compatibility program and linking that to allocations is not equal. Also heard today there was concern that some of the criteria was subjective and the review process was not well defined. Ms. Roverud did a good job of also describing some of the questions regarding the scoring system. Like today, the APC heard that TRPA should be doing more. There were also persuasive arguments that this is a local government issue and TRPA should not have its hands in this particular pie. Some of the local government representatives were very uncomfortable with the criteria, specifically the location criteria. Some of the nay votes were from the local government representatives who felt they could not support what was being proposed. For him, what this diversity of opinion and perspectives highlighted was that this sausage was not easy to make. Kudos to the everyone involved in this process. One of the APC members highlighted the importance of not making the perfect the enemy of the good. That's where he and some of the other APC members who voted to advance this were, that it's not perfect but it's a first good step. They look to the Regional Plan Implementation Committee and the Governing Board to evaluate and determine whether or not this does effectively move the needle in the desired direction.

Peggy Bourland said there's an elephant in the room and this organization seems destined to postpone a real and comprehensive solution. Before you can fix a problem, you need to first acknowledge that there is a problem. The problem is that there are 8,000 homes in the Tahoe Basin that have been converted or built to be short term rentals. These units are not accounted for in the tourist accommodation system. To what happens next to fix this problem is up to this committee and the Governing Board. But doing nothing or so little should not be an option. The first problem involves that distribution of residential building allocations. They're called residential building allocations because they were intended to be used for residences to be built. Another problem is restoring zoning, and this will require a plan to gradually remove short

term rentals from residential neighborhoods. For reasons that remain unclear, TRPA failed to follow through on enforcing their own policies concerning zoning and the tourist accommodation unit system. Because of that it's contributed to the housing crisis, over tourism, and the negative neighborhood impacts that exist in literally every neighborhood around Lake. The proponents of Measure T in the City of South Lake Tahoe recognize that local and regional government had been captured by special interest and have become overly reliant on the transient occupancy tax that is generated from these residential areas. The proponents sought to give the voters the right to find a solution, that solution came in the form of a citizen's ballot initiative that removes vacation rentals from residential zones only over an amortized three year period. While at the same time encouraging nightly rental lodging in areas zoned for such use. The passage of Measure T established the City's new vacation home rentals rules that are consistent with the goals of the 2012 Regional Plan. Measure T and the voters have done what TRPA and local governments lack the political will and clear thinking to implement. It's not too late for TRPA to walk this back and reestablish their original intent concerning zoning and the limit of tourist accommodation units. Accomplishing this will require your commitment to preserving Tahoe's environment.

Brendan Ferry, El Dorado County Offices said the County has been a part of the local housing working group. They support this program, it's not perfect but is a step in the right direction. This is a polarizing and challenging issue. They feel the new neighborhood compatibility program will be challenging, especially the locational criteria. Their board is committed to addressing the clustering and density issues associated with vacation home rentals. They were going to take this item to their board yesterday but due to Supervisor Novasel being ill, it's postponed until November 5th. They'll seek direction from their board on the number of vacation home rentals, address clustering issues, ratios, etc. This system has been good for them because it's making them think outside the box to address some of those issues. Allocations are important to the County. They've already used all 60 allocations received earlier this year. Water quality and BMPs are a challenge to tie to this program, especially about the thought of issuing vacation home rental permits in the winter when BMPs cannot be installed. Time lags need to be considered and look at other ways to make that work. They are committed to getting BMPs on the ground as it ties into the Total Maximum Daily Load program.

Gavin Feiger, League to Save Lake Tahoe said they're happy to see that TRPA recognizes the regional planning implications of short term and vacation home rentals by including the locational criteria. They're looking forward in the near term to see how the information gathered so far through this locational criteria effort can inform transportation, planning, and modeling. The medium to long term, they're looking forward to implementation and seeing how the region and local jurisdictions address the land use and transportation impacts of short term rentals. While there's regional goals, it will take concerted local efforts to reach those.

Natalie Yanish, realtor said it started in the City of South Lake Tahoe and El Dorado County and now it's a topic not only here but nationwide. Every area is unique, and people are trying to figure out how to take the sharable economy and the digital disruption technology that we have now that has been allowing for different types of use for tourism and travel. Local jurisdictions often have to create rules as things change. She's on the Douglas County Vacation Home Rentals Task Force and have discussed a lot of the topics but something everyone agrees on is the enforcement. All the local jurisdictions have been moving towards beefing up the enforcement and that they have the resources and funding to put towards it. The local jurisdictions are the

ones with the police power and are the ones who deal with nuisances. She encouraged leaving as much discretion as possible up to the local jurisdictions. Some of the guidelines in the recommendations that came forward in the motion, especially the locational recommendations are difficult and aren't going to be a one size fits all. You get a bundle of rights when you own a private property and have the right to rent and make income off of the property and at the same time, you also have the right to quiet enjoyment. She feels the local jurisdictions are trying to find the balance with that. El Dorado and Douglas County has ordinances in place that are fairly strict and have had less complaints.

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Ms. Gustafson said yes, the locational criteria is the most challenging. The enforcement issues are something there are addressing. When she speaks to locational, remember that in the north shore the towns centers are extremely small. They have decades and decades of condominium development and short term rental use outside of the town centers so, making dramatic changes could create havoc on a lot of peoples plans for how they purchased their homes. They support where the staff has gone and appreciate the flexibility and the proposing different alternatives, but it needs to be done in a thoughtful manner and not a knee jerk reaction that creates issues. Their ordinance that they heard yesterday and hopefully will be going back to them on November 5th for the first reading addresses all the nuisance issues they've been hearing today. Their ordinance will cover safety, environmental, nuisance issues, noise, trash, bear boxes, occupancy issues, parking, and having onsite improved parking. They work with the local fire departments to do inspections. They've instituted an 800 number and are tracking the complaints. All of this is being done in an ordinance that they can require an official permit. In the past, it was only a transient occupancy tax certificate that didn't have rules and regulations. Their board is not one to regulate so, the first thing they did was to limit it to above 5,000 feet elevation. They believe they'll be able to deal with a lot of those problem behaviors and will raise the funds to have an appropriate code enforcement. They like the flexibility and acknowledging that each jurisdiction is unique in their approach and circumstances. They want to work with TRPA in a proactive manner.

Mr. Lawrence said he participated in the working group as the Nevada State representative. He extended his appreciation to staff, the working group, and the public who attended the meetings. The idea of BMP retrofit is foundational to the Regional Plan whether it's a garage addition, a change of use, etc. BMPs on a property are foundational. He's more in the camp of keeping the water quality standard in place although he does understand the rationale that Ms. Roverud provided. Nothing in the Basin is done solely by individual entities, it's a group effort. It's the same for this, TRPA, local government, safety, etc. all have a role. He understands that the locational standards could be difficult or somewhat a black box right now on how we're going to get there. It has some guidance but is not specific but feels that's by design. There has to be some subjectivity in order to allow for the local governments to reach those locational standards, but they cannot be so broad that every single property fits a locational standard. He supported the work of staff.

Ms. Laine said she's not use to a body that has an entity like the Advisory Planning Commission that makes recommendations but that's not what they're voting on today. She's in somewhat of an awkward position because she was on the working group and they hadn't necessarily discussed this water quality piece. Ms. Roverud is a distinguished staff member of the City of

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South Lake Tahoe. She presented to the Regional Planning Implementation Committee that she was representing the concern with the regards to how does the local jurisdiction enforce what is really a TRPA mandate. The short term rentals are a very small number overall when you talk about housing. Even in Incline Village, Washoe County where the number is larger than everyone, it's still a small number of about 20 percent. She asked how TRPA expects local governments to either ensure BMPs are installed/recertified and that does appear as though it's going to put pressure on local jurisdictions to do what TRPA should be doing. The flip side is how is it that you're incentivizing individual properties that aren't short term rentals to comply with the best management practices. Shouldn't that be left at TRPA?

Mr. Marshall said the key thing is the BMP certificate. Every private property should have a BMP certificate. Whenever anyone comes in for a permit, including permitting that's delegated to the City or other local governments, one of the boxes that needs to be checked is that the property has a BMP certificate or recertification certificate. The applicant for a short term rental would have to be able to check the box that they have a BMP certificate. It doesn't require any enforcement for you to go out and do anything, it asks if the property has it or not. If the property doesn't have it then they'll be required to get it. It's just one of the proposals for that particular thing. A jurisdiction could decide not to do it and get their points another way or come up with something different that's equivalent. It's not to go out and actively enforce on properties that don't have a BMP certificate. It's to make sure that applicants for this type of license has a BMP certificate or that their recertification is up to date. TRPA does that work in terms of giving the certification and recertifying.

Ms. Laine said soon all of the City's short term rentals will be in the tourist core area. Right now, they already have permits to be short term rentals. They don't ask them to come in every year and re up that. This is going to make local jurisdictions have to catch everyone up. It's not a situation where TRPA kicks this in when someone wants to do something with their property. It's not that it isn't the right thing, but it will require local jurisdictions to enforce that piece of it. It's putting some pressure on local government to institute what TRPA doesn't proactively go out and ensure every property has a certificate.

Mr. Marshall said the thinking of staff was that this was when there was a licensing or a relicensing and there was an action by the local governments to either issue a permit or relicense. This is what TRPA was trying to accomplish and not an affirmative obligation to go out and enforce TRPA BMP rules. Staff can clarify that if necessary. They have active programs to go out and ensure that it's done on a priority bases to prioritize the greatest need first. TRPA is not trying to impose on local governments the obligations to enforce where they're not having a touch point with the property owner.

Ms. Laine said that would be helpful in the example for that category to add at the end of the sentence "When issuing new permits."

Mr. Shute suggested when the motion is made that the clarifying language is included.

Mr. Hester said the Local Government and Housing Committee met and constituted a working group so staff didn't feel like they should discount that. Staff felt that they should bring both recommendations to present to the committee. They weren't trying to cut the Advisory Planning Commission out of the process. Ms. McMahon articulated the different part of the APC's

recommendation versus what the Local Government and Housing's working group came up with.

Ms. Laine said the staff report did an excellent job of pointing out the differences. She's not suggesting that anyone was trying to squash it. She feels once the process starts and moving towards a decision that each of those levels should be respected. The Local Government working group had no authority to implement this. The working group was asked to come up with recommendations which they did. In the City of South Lake Tahoe, had their planning commission made a motion and approved it to recommend something, that is what would have been moved forward.

Mr. Hester said the Regional Plan Implementation Committee is also making a recommendation. It's not that one is higher than the other.

Mr. Shute said the Advisory Planning Commission is like a planning commission that's in the Compact. Sometimes it's a clumsy process but it's law that has to be followed. Staff was faced with what was a group of people that were charged with a particular thing and have a conflicting recommendation with the APC.

Ms. Aldean said a possible remedy would be to have closer coordination between the Advisory Planning Commission and the members of the Governing Board. She views the APC as a technical advisory committee. The intent of the memorandum of understanding process was to start handing off more responsibility to local jurisdictions. Part of collaboration is partnering. What concerns her about BMPs is that implementing them is one thing but maintaining them overtime is of critical importance if we're going to meet our water quality mandates. Having TRPA and the local jurisdictions periodically reviewing them to ensure that they're being properly maintained or installed is important to that collaboration between the Agency and the local jurisdictions. TRPA's response to this short term rental issue has been thoughtful, measured, and respectful. This is a work in progress and these code amendments can be further refined.

Mr. Shute said he appreciated everyone's effort in putting this together. Staff came up with a starting point. Short term rentals are a problem and TRPA are partly responsible for them for better or worse with the 2004 amendment that allowed residential allocations to be used for short term rentals. He doesn't think anyone saw how that would develop into this problem so there's no blame to be assessed, it's the way it happened, and we have to deal with it. We hear a lot about TRPA stepping on local government. We are violating our Regional Plan right now because short term rental are tourist units and are not in the locations that they're supposed to be in the 2012 Regional Plan and they're busting the cap. By law TRPA needs to make findings that we are in compliance with our Regional Plan. This package is a good start, but we have to do more. TRPA doesn't control what happens in the neighborhood with parking, nuisances, etc. but we do control the allocations, the conversions, and transfers. These all have short term rental ramifications. As we go forward, he would like to see efforts made to reduce and eliminate conversions, transfers, and allocations being used for short term rentals. As we move forward to address workforce housing, we need to ensure that workforce housing isn't converted into short term rentals. We can use that as an occasion to look beyond the workforce housing and how to eliminate short term rental conversions through the allocation's conversions and transfers. He agreed that there should be some reporting. It's okay if that goes

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to the Local Government and Housing Committee but suggested that the Governing Board receive a summary possibly quarterly to stay informed. Because these housing plans are coming forward in the spring, he asked staff to return in the spring with options for preventing the allocations, conversions, and transfers in the context of workforce housing being converted to short term rentals. In addition, how we could extend that to all of the allocations, conversions, and transfers.

Ms. Aldean made a motion to recommend approval of the required findings, including a finding of no significant effect, for adoption of the Code Amendment to the Performance Review System (TRPA Code, Section 50.5.2.E), as provided in the Governing Board Staff Report as contained in Attachments A.

Motion carried

Ms. Aldean made a motion to recommend approval of Ordinance 2019-___ , amending Ordinance 87-9, as previously amended, to amend Section 50.5.2.E of the TRPA Code of Ordinances to add Short-Term Rental Neighborhood Compatibility as a third criterion to the Performance Review System, as provided in the Governing Board Staff Report contained in Attachment B.

Motion carried

Ms. Aldean made a motion to recommend that the proposed Short-Term Rental Neighborhood Compatibility Guidelines be used during the future application of the Performance Review System, as provided in Governing Board Staff Report as contained in Attachment C but subject to the requested clarification on the record with respect to BMP installation and the minor clarifications made on the record with respect to the number of parking spaces and code enforcement.

Motion carried.

VI. Item No. 5 Discussion and possible direction on the Draft Washoe County Tahoe Area Plan

Mr. Conger said this is an update on the development of the Washoe County Tahoe Area Plan. This will be an opportunity to provide feedback before the plan is brought before the Washoe County Planning Division and Board of County Commissioners for action. Washoe County proposes an area plan that will cover all of the county's jurisdiction with the Tahoe Basin. It includes the community's town centers, residential, and conservation areas. The area plan would replace the 23 existing plan area statements and four community plans. Their boundaries, special policies, density limitations, and permissible uses will remain largely intact. This is similar to the approach Placer County used with the Tahoe Basin Area Plan. Once the Washoe County Tahoe Area Plan is adopted, basin wide all but one town center will be covered by an area plan and thereby able to apply the redevelopment incentives envisioned in the Regional Plan.

Mr. Young, Washoe County provided the presentation.

Mr. Young said the emerging partnership that they've established with TRPA staff has been helpful and they couldn't have moved forward without that cooperation and input. In addition,

they've established a good relationship with their environmental consultant that's opened their eyes to the exceptions.

There's one significant overarching goal, several more focused goals, and a handful of permissible use changes.

There'll be the establishment of one area plan over all of Washoe's jurisdiction in the Basin. It will create one unified approach to planning that's based on TRPA's approach. For zoning it hasn't changed any boundaries. The big change is Washoe County's regulatory zones are no longer going to be overlaid on to the plan area statements and community plans. Since 1996, there's been this dual approach to planning where the County has tried to maintain its own regulatory zone and planning scheme with TRPA's planning rules. This new plan establishes TRPA's approach over the Washoe County part of the Basin. The big accomplishment is to establish this one unified zoning approach that's based on TRPA's plan. They consolidated their plan area statements and community plans to apply them everywhere they should apply with one citation. With the 2012 Regional Plan they had some new goals and policies that had to be added. From time to time, there were goals and policies that were already completed and some that didn't make sense anymore and qualified for removal.

The town center environmental redevelopment, greenhouse gas reduction, the urban forestry standards, natural hazards standards, and BMP compliance. The Regional Planning Agency for the Truckee Meadows has also adopted a new regional plan that Washoe County will have to be in conformance with. They'll be adopting small area wide master plans throughout that area. In the Tahoe Area Plan it will be broadly informative for those plans. They'll be establishing some things that will be new for Washoe County to set a precedence for perhaps including them in their master plan for the valley. For the town center redevelopment, they plan to adopt any incentive that TRPA's made available such as increased height, density, and coverage. Another item to achieve this goal of town center redevelopment is to create a common pool of development rights. Currently, the way that the plans are established the developed rights dedicated to specific community plans in general.

For greenhouse gas reduction they are doing standards and incentives. Any habitable space, multi-family, and public space that Washoe County is building it will meet high standards for sustainability. Fees for the development rights can be waived for projects that adopt these standards. If you're outside of a town center and want development rights, greenhouse gas standards will need to be done in return to do it.

Some of the standards that will qualify are the Living Building Challenge, Net Zero Energy Building, LEEDS, Energy Star, Green Globes, National Green Building Standard, and similar standards. People will be able to pick and choose with a final determination by the County to see if they're meeting the intent of the code. Those incentives are there to not have to pay for development rights if a person agrees to meet these standards.

Urban bear and urban forestry standards: The county has an urban bear strategy that is focused on education in the community. While this area plan articulates their standard for urban bears, they're looking at adopting the standard in the valley that includes urban wildlife in general. They don't have an urban forestry standard but are committed in the conservation chapter to

implementing one. Currently, with his position on the Advisory Planning Commission, they've become aware of a lot of the ongoing forestry studies.

Natural hazards: This is a new approach but is not new standards. Washoe County has standards for all of these different areas such as zoning or building standards but are not all in one place or all called out. These need to be elevated to a higher level of discussion so they've developed a natural hazards map for Incline Village and Crystal Bay that shows any area that are prone to any natural hazards such as landslides, floods, avalanche, seismic, tsunami, and wildfire. The map identifies if you maybe subject to some of the codes and standards to protect you from those things. While it doesn't establish new standards, it does create a map that will help highlight the issue.

Best Management Practices: They recognize the need to move forward on better BMP compliance. They've done well on the Total Maximum Daily Load but those commitments for TMDL reduction are real commitments and over time, they'll have a harder time meeting those commitments. BMP compliance will become more important. They need to find a way to become 100 percent compliant. While they were unable to come up with any of those approaches in the plan, they're committing and raising the issue to a higher level. They're committing to additional incentive programs. They're going to better coordinate with enhancing that private property certification program. There are places in Washoe County where private property compliance should be prioritized.

Changes responding to community input: There looking at permissible use changes in the neighborhood that serves the southern gateway to the community at Ponderosa Ranch. Changes reflect the changing nature but are of continued importance in the community. They are proposing uses that are less impactful than the previous amusement park but are more supportive of the access to the lake and the area's extensive trail system that the neighborhood provides.

The neighborhood area around Fairway (the Chateau) are looking at permissible use change to permit day use in the Fairway Neighborhood. That area requires a special use permit for day use activities such as snow shoeing and other activities during the winter. That golf course activity during the summer is impactful and are unsure if it requires a special use permit. Part of the review is to see if that's an appropriate change to allow that as a permitted use instead of a special use permit for day use at the Chateau.

An increasing issue on the other side of the ridge is how to facilitate nursing and personal care and residential care in more areas in order to meet a growing demand for this use. The data shows that the way these operate are more like a tourist accommodation unit and may have even less impact than a TAU. The plan proposes that if you are in a town center and you are in one of these that are dedicated primarily to memory care, then it could go up to 40 persons per acre in the town center.

Increased design standards for transmission and receiving facilities (cell towers): They feel that it is appropriate to have a look at the ground base structure such as the fencing and buffering. There are requirements in the plan to meet the alpine character of the area that would require appropriate construction materials that would prohibit a chain link fence with slats.

The next steps after the Regional Plan Implementation Committee's input will be to continue the public outreach process. There's been many community meetings over the past five years on how to maintain their zoning system. The County has a parallel processing going on with the development of their short term rental ordinance. They'll go to the County Commission on November 12 with a draft concept. They've had three community workshops to put together their short term rental approach. It would be disappointing to have this amount of progress made on this area plan and to be fairly close to adopting an area plan over the entirety Washoe County's basin. To have that put off or delayed waiting for them to finish the short term rental ordinance would be disappointing. They are 100 percent committed to responding to their citizens and the issues that need to be resolved. They'll do that with a short term rental ordinance. If it shows that it's not possible that they need to have some specific language just for Incline Village, they'll do that. The attempt is to try and have an ordinance that covers all of Washoe County but if that's not possible, they'll come back and put something where it needs to be. They're hoping that they can move forward with this area plan without stumbling over that very important issue as they go along. As they move forward with the community outreach process the next thing that will happen is a neighborhood workshop meeting in November. Then they'll allow time for feedback and agency review. They'll make changes that would come out of the initial environmental checklist, the Regional Plan Implementation Committee input, and neighborhood workshop. If any of those are significant, they'll bring them back to the Regional Plan Implementation Committee. Then they'll go to the Washoe County Planning Commission around January or February of 2020. After that it would go to the Washoe County Board of County Commissioners twice, probably in one month. Then it will go to TRPA's Advisory Planning Commission, the Regional Plan Implementation Committee, and the Governing Board sometime in Spring of 2020.

Presentation can be found at:

[RPIC-Agenda-Item-No.-5-Washoe-County-Draft-Area-Plan-.pdf](#)

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Ms. Aldean referred to an email they received about tourist accommodation units and where new ones will be allowed within the county. Under greenhouse gas reduction standards and incentives, paragraph 3 states that projects outside of town centers are only eligible for new allocations of commercial floor area or tourist accommodation units if they meet an industry recognized sustainable building construction and greenhouse gas reduction standard. Although reducing greenhouse gas is an objective of this agency and all the local jurisdictions, she asked if they are excluding residential neighborhoods.

Mr. Young said nothing in that greenhouse gas language or anything in the area plan that discusses the distribution of any development rights supersedes the permissible uses that are already in existence for each neighborhood. If you don't have that permissible use listed in the neighborhood then you're not eligible for that discussion in the first place. That use has to be already allowed to be eligible for that discussion.

Ms. Aldean said for purposes of public consumption that should be made clear because to her it was not inferred that permissible uses are of paramount importance with respect to the issuance of new tourist accommodation units and commercial floor area. She asked if the

property owner was consulted with the suggested land use changes in connection with special use area number one, Ponderosa Ranch.

Mr. Young said the public comment was around the idea that the area needs to support that emerging use and need to have uses that support that. Without specific discussion of what those might be that area needs to support what the area is now and not what it was before. The list of specific uses they are proposing and the list of uses that they are proposing to delete with the exception of the amusement park, that lists of uses came from the landowner's consultant and workers. At the upper level, the community said make sure this area fits what we want it to be now and at the finer level, they got that list from the landowner.

Mr. Lawrence said he liked the forward thinking that's going into this area plan, particularly the greenhouse gas component. He had the same question as Ms. Aldean and agreed that clarification is needed. The urban forestry component and the nursing and personal care is important. There's not a one size fits all for transportation in each community, jurisdiction, and corridor will be different. He asked how they plan to incorporate some transportation into the larger picture of the area plan. The discussion in the basin are moving more towards mobility hubs. The recreation area for Incline Village and Washoe County is not the east shore beaches but rather a ski area, people traveling up Mt. Rose, and the flume trail on Highway 28. The state gave a grant to the Incline Village General Improvement District many years ago to purchase a property in the Tahoe Meadows area but haven't seen any plans come to fruition regarding the use of that parcel. He asked how they incorporated some of the recreational element and meeting the needs of transportation and moving people around and not just the residents.

Mr. Young said they struggled on how to combine the recreation and transportation element. Because so much of the recreation element is based on some form of transportation facilities, bike and multi-purpose facilities. All these things that fit well in the recreation element also fit in the transportation element. They discussed how to show them on both maps. They have internal ways to pointing to this existence of the extensive trail, multi-purpose system. Specific to transportation nodes, there is so much work being done now about how to do that. There's been a lot of discussions about transportation management. The Tahoe Transportation District has an infrastructure that is in their plan and say that they'll do each one of those projects. But they feel that discussion about how people get to the Lake and how do they get around once they get here is a pretty active discussion right now. They felt like with reaching out progressively on transportation and establishing where there'll be a transportation hub, etc. maybe getting ahead of themselves. Their school district has a temporary arrangement for some transportation that everyone knows that at some point is going to have to get a permanent approval or a special use permit or it's going to go away. They've been having those discussions with the school district about what they want to do with their property. They have their own reasons for needing to be deliberative about what they do with that property. They need to work more interagency and cooperation and coordination to nail down location on where those things are going to be and how they're going to function. Before short term rentals it was parking and parking is still a significant issue. This plan commits them to keep track of it and to pursue it but establishing specific progressive solutions might be a little early.

Mr. Lawrence said at the same time this is a huge issue to the Basin, we do need to be mindful that the area plan incorporates the appropriate input. The plan needs to accommodate maybe not specifically identifying parcels and mobility hubs but ensure that it doesn't preclude them. It

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is an emerging discussion, but the area plan should have some thoughtfulness behind it regarding recreational use and transportation, because that's one of the biggest things in the Tahoe Basin.

Mr. Shute said there are 91 parking places dedicated to the new bike trail which seem to fill up early. The area plan needs to address more specifically than just thinking about it. They need to think about what they can do, maybe with the new Ponderosa area there are trade offs with the developer to provide parking. This is a very important factor. He asked if there's anything in the area plan that's inconsistent with the Regional Plan.

Mr. Conger said TRPA has been working with Washoe County on adding additional items into the area plan that would meet the requirements of Chapter 13 in the Code of Ordinances that lays out the criteria for an area plan. They're confident that it has the basic information in it. They're just at the point where a complete draft plan has been compiled. He will be submitting that to the subject matters within TRPA for a more detailed level of review. Those comments will be reviewed with Washoe County to complete the next version of the draft that will go through the hearing process.

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Pete Todoroff, Incline Village Citizens Advisory Board said this is a problem, they are not Reno, they don't have a lot of places to park in Incline Village. The old elementary school is not a prerequisite because they don't know what they're going to do about it. The main function of TRPA is water clarity. They don't have the parking to host the different functions in the area.

Wayne Ford, Incline Village resident thanked Mr. Young and Mr. Conger for their work on this. He's seen over the past ten years how this plan gets derailed easily and wants to see it move forward. There's an element embedded within the area plan that was recently moved; the short term rental element. One item that will be a struggle are the homes that were built with homeowner exemptions. Because someone lives in the home, the code doesn't address many things that would be there if it were a motel or hotel. Many of these items in motels and hotels are there to protect the people staying there and to protect that area around that residence. Currently, Washoe County has the 2018 International Building Code and IRC. The code that's its being reviewed under when it's being built provides these exemptions that wouldn't be there if it were a motel or hotel. Once that use is changed, how is it corrected in a structure that was already built? As part of this plan, one way is for that use to have an asterisk stating special use for short term rentals. That use would require in the review of that structure that they home be brought up to standards that would protect the people whether that's a sprinkler system, exiting, etc. Some homes wouldn't be able to be brought up to standards because certain rated wall construction is required. It would also address parking because under a bed and breakfast, one parking space per bedroom is required. Under a short term rental, the requirement is two parking spaces. A special use permit would look at those details that's not happening within the guidelines. That's a conflict that's coming and that home may lose its exemption status as a residence.

Carole Black, Incline Village resident said Mr. Young and his staff have been fabulous to work with. The permissible use discussion has underplayed one point. The 2004 ordinance that TRPA passed which includes short term rentals within the residential use is not present today in the

code for Incline Village. By harmonizing the two codes without explicating addressing this point, this use automatically becomes a residential use in Incline Village. It needs to be considered as a change. The special use permit requirement is there for other transient lodging in residential zones, it needs to be there for short term rentals. Today, Washoe County Health District doesn't apply those to short term rentals. These are businesses and not residential uses

Mike Hess, Incline Village resident said he applauded Mr. Young and Washoe County's work for putting together an area plan, but you cannot approve an area plan that misses the major implications of its plan. Parking, transportation, and short term rentals need to be addressed prior to approving this plan.

Steve Dolan, Incline Village resident said currently the US Forest Service has a proposal to impact that property at Tahoe Meadows. The Nevada Department of Wildlife Fisheries and the Incline Village General Improvement District is addressing the Forest Service proposal. It's time for Washoe County to jump in and include that area as a forestry concern for the things that it will do to the watershed for Third Creek and traffic management. During sledding season it's a big traffic situation. It will be worse by increasing traffic with snowmobiles.

Gavin Feiger, League to Save Lake Tahoe said the League has been a strong advocate for progressive policies mostly around restoration, land use, and transportation. They're happy to see the greenhouse gas element and some of the transportation policies of the plan.

VII. Item No. 6 Discussion and direction on the Tahoe Keys Lagoons Aquatic Weeds Control Methods Test Alternatives

TRPA team member Mr. Zabaglo provided the presentation

Mr. Zabaglo said they've received over 300 comments, with many in the categories of non-chemical and chemical alternatives. There's significant concern that herbicides should never be used and other feels that it's the only tool we have. There were also a lot of comments about a combined approach and testing over a three year period. Comments by theme were the anti-degradation/test analysis and the test protocol. The antidegradation analysis is to ensure that if herbicides were approved what is the long term breakdown of those products. Also, there's discussion about modifications of the Tahoe Keys. These would be physical modifications or manipulations to the ground such as filling it in, draining, dredging, or drying.

There's been a lot of work with the stakeholder committee, the technical team, and the public to take all the comments, what they know about the methods, and the situation of the Tahoe Keys. They developed a set of objective criteria and applied that criteria to come up with a set of alternatives that can be moved forward with an analysis.

The proposed project is a comprehensive test method of group A. These are used in combination and standalone approaches that can be done in triplicate fashion to get the scientific rigor and ensuring it's addressing the inherent variability of physical or plant densities within the Tahoe Keys.

The group A methods are methods that can treat at large scales but also expect to see large reductions in density of the plant populations. In response to scoping comments they included a

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non-chemical alternative. This is essentially the same as previous alternatives. What's a little bit different about this proposal is originally included in the Notice of Preparation was the addition of Laminar flow aeration as part of the control methods test. That's new because of some of the preliminary information from Ski Run Marina who have been doing this treatment for over one year. The preliminary results are encouraging that the organic layer at the bottom of the marina is reducing along with significant reduction in plant population. In response to some of the scoping comments, there'll also be an alternative that is non-chemical herbicide use that would focus on the ultraviolet light and laminar flow aeration. There were comments received about the physical modification or alteration of the Tahoe Keys. There's a lot of potential unmitigable impacts of filling in or a draining approach. They've engaged with geo technical experts and are being told that if they do a draining method it could create a pressure that would allow an existing perchloroethylene plume surrounding the Tahoe Keys to be drawn into that. There trying to come up with an alternative that would avoid some of those severe impacts but still responsive to scoping. They've discussed dredging and replacing of the substrate. They would be suction dredging to remove that organic material that includes all the nutrients along with roots, turions, and the plants themselves and then replacing that with a clean sand substrate that is less likely to support plant growth.

There's also a requirement to have a no action alternative of status quo in the Tahoe Keys. They would continue to do harvesting and fragment collection along with voluntary homeowner intermittent bottom barrier use. It's been commented that the no action alternative needs to be analyzed just as rigorously as all others to ensure that if something isn't approved, what is the greater risk to Lake itself.

The test methods would have group A and would be followed up by group B methods. Those were consistent with all the alternatives. Group B will be follow up spot treatments using some of the more traditional methods such as bottom barriers, diver assisted suction, and hand pulling. There are just over 20 test sites for the proposed project. It will be triplicate testing and the control sites to account for the variability within the Tahoe Keys. This also preliminarily identifies some potential locations for where dredging and substrate replacement could occur.

There's a screening criteria that was used to select methods to carry forward and also ones that wouldn't be considered for inclusion at this time which is filling in the Tahoe Keys. It doesn't meet the goals and objectives of the project and there are feasibility issues. Rotovation is a tilling technique and was discussed in the initial stages of the development of this project. There are significant impacts with aluminum toxicity because of alum that was used as a flocculant several decades ago. Bio-Controls are something that are used in other areas without a lot of success.

Upcoming Milestones: The scoping report will be done by the end of the month, the Administrative Draft of the EIS/EIR in February, the Draft EIS/EIR in June with a public comment period starting in July, response to comments and a Final EIS/EIR in early Spring 2021, Board Approval/EIS Certification in late Spring 2021, with an anticipated application of the project around April or May 2021.

Presentation can be found at:

[RPIC-Agenda-Item-No.-6-Tahoe-Keys-Alternatives-.pdf](#)

Committee Comments & Questions

Ms. Aldean asked how the control sites were selected and is it correct that there won't be any control treatment for the three year period. Those waterways could be impassable at the end of a three year period.

Mr. Zabaglo said they're working on the protocols for that. The harvesting could still continue because that would be an element of the no project alternative.

Ms. Aldean said it states that there will be no mechanical harvesting permitted in treatment and control areas during the methods test.

Mr. Zabaglo said they'll need to make some clarifications on that.

Public Comments & Questions

Tobi Tyler said in order to test with herbicides a prohibition exemption is required by the Lahontan Water Quality Control Board. To get that exemption a failure of non-chemical measures must be demonstrated. This has not been achieved. Therefore, the proposed project of using herbicides is premature. None of the alternatives cited here address the root of the problem, the nutrients that flow into the lagoons not just from the Keys fertilizer used but from numerous stormwater outflows collecting stormwater from the City streets and impervious surfaces. Without addressing the root of the problem, any treatment except for the one missing will be temporary and lead to perpetual treatment. The bottom substrate replacement is not a viable alternative. Alum is a flocculant that was dumped into the lagoons to settle out suspended sediment to create clear waters for those perspective Keys homeowners. It is ill advised to disturb these sediments that contain large amounts of aluminum. Suction dredging results in a huge amount of water that needs to be treated. Lake Tahoe is an outstanding national resource water which requires that "Water quality be maintained without exception, i.e., not allowed to degrade up to set standards. The Lake thereby subject to anti-degradation laws." The Lahontan Regional Water Quality Control Board is required to comply with anti-degradation laws. Lahontan's basin plan states "Pursuant to the state boards statement of policy with respect to maintaining high quality waters of California, Resolution No. 6816, any degradation of high quality water is only permissible if the Regional Board finds that such a lowering of the existing water quality will be consistent with the maximum benefit to people of the state." Using herbicides in perpetuity in Lake Tahoe to control invasive weeds is not to the maximum benefit of the people, but instead only benefits the Keys homeowners. The alternatives proposed completely ignore the suggested alternative in the Sierra Clubs comments on the Notice of Preparation that call for restoring portions of the lagoons to recreate marsh habitat lost years ago. This is a highly feasible alternative and more feasible than dredging and is the right thing to do. Going down the path of herbicide use leads to perpetual herbicide use in the future throughout the country wherever aquatic weeds are a problem. Mitigation for the huge loss of acres of marsh and wetland that acted as kidneys for the Lake has never been accomplished or even attempted to restoring some of the most stagnate inter reaches of the lagoons to marsh habitat would serve to mitigate not just the current aquatic weed problem but to mitigate some of those huge wetland marsh losses from years. She urged the board to consider revising the staff recommendation to include that alternative and have this as the proposed project.

Laurel Ames, Tahoe Area Sierra Club said they submitted comments on restoring the marsh. Not removing the houses or the keys but the lagoons. The lagoons are the problem with the weeds. There is not a lot of hope of the poison lasting, it will be the endless years of trial with public funds. Zero weeds are a much better solution. If you close off the keys, not fill, just close off the water, the weeds cannot get into the Lake. The Lake is public, and the Tahoe Keys are private. Both the Lahontan Regional Water Quality Control Board and TRPA list their mission to restore and protect. She objects to the statement in the alternatives analysis that they proposed filling the Keys. They proposed its natural restoration to a marsh. It's been more than 50 years that the Tahoe Keys has been shoving the weeds out into the Lake.

Committee Comments & Questions

Mr. Shute said the request from staff to the committee was for the committee to evaluate whether they feel these are a reasonable range of alternatives and whether they have any trouble with how they're formulated or whether they think the marsh alternative should be included.

Ms. Aldean said there would need to be enough money to buy every home in the Tahoe Keys if you're going to consider reverting it to a marsh. That would significantly diminish the value of those homes. She doesn't consider the marsh as a viable alternative.

Mr. Shute asked if that was what was meant by fill, when it was stated that the no fill alternative was disregarded or rejected.

Mr. Zabaglo said that is one of those type of projects where it would be filled in.

Mr. Shute said it should be rephased because that's pejorative to call it fill. It's a legitimate point to ask whether it shouldn't be reverted to its natural state.

Mr. Marshall said this is for a testing project, not the actual decision what is the proposal and are there any feasible alternatives that accomplish the principal objectives of the project description. This is not the last opportunity in what should happen inside the Tahoe Keys. This is the bite at what method should be tested in order to inform the decision on what the weed management plan should be. That's different than the question today, is do you have a reasonable range of testing options that should go forward in this interim period before the long term solutions are discussed and brought forward for permits.

Mr. Yeates said the test itself is a project and it will still have to meet the requirements necessary as a result of the unique character of Lake Tahoe, its legal status and all the things that the Lahontan Regional Water Quality Control Board has to address in addition to TRPA's requirements. The tough nut is the question of whether you can allow the use of herbicide within the adjacent waters to Lake Tahoe. The alternatives are all there and this will be controversial because of that. This board and Lahontan even after the test could reject it. The test itself is going to address the controversial issue for the use of herbicides. The issues have been covered in today's presentation.

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- VIII. Item No. 7 Discussion and possible recommendation of Technical amendments to Chapters 2, 21, 30, 37, 50, 51, 53, and 84 of the TRPA Code of Ordinances to clarify existing language and incorporate technical corrections

Agenda item continued to a future meeting.

- IX. Item No. 8 Threshold Update: Discussion and possible direction on a Mobility measure

TRPA team member Mr. Segan provided the presentation.

Mr. Segan said today's discussion is part of the threshold update initiative workplan for updating the vehicle miles traveled threshold standard that was adopted in 1982 to support restoration of Lake clarity. While that standard may no longer be grounded in the latest science for clarity of the Lake, reducing reliance on the automobile and supporting state policies to reduce greenhouse gas emissions remain core priorities for the region.

At the August meeting they identified or endorsed a workplan with two core elements. The first focused on mobility and the second was focused on greenhouse gases. Today's presentation will be focused on the mobility part of that workplan. Mobility is a concept within transportation planning that shifts the focus away from how comfortable it is to drive around in my automobile to how comfortable is the overall travel experience. Also, are there options for people to get from point A to point B. At the last meeting they identified six possible metrics. Slide five identifies how they arrived at the recommendation. "All modes" is the metric that considers other modes beyond traveling in the automobile. Modes are the option to bike, walk, take public transit, or a boat between point A and B. Because we're focused on the overall travel experience and not just the automobile, the initial screen was how's this metric been applied beyond just automobile focus. They're trying to hone in on those metrics that serve this multi modal focus. "Outcome based" was a significant part of the work with the Science Advisory Council who advised them to focus on the end result as they established new goals. The goal is to provide people options that they'll use. One of the screens they applied was does this actually get at that end goal. "Best Practice" is this advised in practice and is it utilized by other agencies. The review focused on other agencies with similar goals and they're trying to identify which of these metrics are being used most frequently in practice. The last one was could the metric be used to establish Specific Measurable, Attributable to the Region, Relevant, and Time bound (SMART) goals. All passed these criteria.

The recommended metric is to focus on mode share which is the proportion of trips that people take within the region and what fraction they use for each mode.

The most trips in the region are driving alone. It's a flexible metric that allows people to distinguish different types of trips even within the automobile category. It's common to separate out carpooling to driving alone for example. Who uses mode share to establish goals, it's used all over the place at the state level in California and Minnesota and are also used in a lot of local levels. Some of those areas are Park City, Utah, Santa Barbara, California, Boulder, Colorado, Eugene and Portland, Oregon, and Aspen Colorado use these to establish the goals for increasing non-auto mode share. The use of mode share is most prevalent as opposed to other metrics because it's responsive to the type of activities they're trying to promote both in the transportation plan and land use planning. A big focus of the Regional Plan is centralized mixed use development. When you bring residences and tourist accommodations closer to the

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amenities that people want to be near you are reducing the trip length such as how far someone needs to travel. The research suggested that if the trip length is shorter then a person is more likely to choose walking or biking. Looking at mode share and how well development has been centralized and encouraged people to choose these alternative modes focuses on and is responsive to not just provision of additional transportation options but also how well the Regional Plan is implementing this policy.

Mode share is likely not appropriate at the project level. They didn't find many examples where it was utilized at the project level. Because of that they've discussed internally is a project level evaluation tool that relies on items such as multi-modal level of service and transportation demand management. The primary way they would expect to achieve mode share goal is through implementation of the Regional Transportation Plan and Regional Plan. The Regional Transportation Plan contains a list of projects and there's research being done right now that assess the effectiveness of those projects. That's summarized in a tool called Our Trip Reduction Impact and Assessment. For example, what the tool does is if a mile of bike path is added, how much do we expect to reduce automobile trips and how much do we expect that to reduce vehicle miles traveled in the region. All that's grounded in literature for each of those strategies. They would like to use that same literature and apply that at the project level, so applicants also have a consistent framework. There are design features that can be done on site to encourage people to use other modes not just to drive. There could be bike racks, showers, a car share program, an employee shuttle for example. All these things encourage people not to drive. That's not going to entirely alleviate the impacts. The projects also have an obligation to pay their fare share as part of the implementation of regional programs. As talked about in the past, the air quality mitigation fee update. This may also be a part of the mobility fee because that's helping them to implement the projects on the Regional Transportation Plan that allow people to feel more comfortable walking, biking, and taking public transit. There are a number of examples where they've seen other communities implement a similar style of tool.

If the Regional Plan Implementation Committee selects a mobility metric today, staff will return in January to present mobility target setting and the next part of the workplan for mobile source greenhouse gas target setting with the full implementation framework around April of 2020.

Although, we are not talking about target setting today, they received comments yesterday that they want to mention. The suggested target in the staff report on page 383 is a target that focuses on increasing non-auto mode share. There was a suggestion in the staff report that the target should be for maintaining the status quo. The maintaining the status quo is typical language that is used for project evaluation. The language states that the project will not impede attainment of the overall goal. It either contributes to or doesn't prevent us. This is similar to the level of screening that is done for other projects.

Presentation can be viewed at:

[RPIC-Agenda-Item-No.-8-Threshold-Update- Mobility-Measure-.pdf](#)

Committee Comments & Questions

Ms. Aldean said she would like to understand better how this intersects with the vehicle miles traveled. This was a question that was posed in the letter from the California Attorney General's office. She asked if it was correct that this is a metric that's being developed that vehicle miles

traveled is a threshold. How are these two compatible? The objective of the mobility metric is to reduce the reliance on the automobile which will have a beneficial effect on vehicle miles traveled. She would like to better understand from a process and regulatory standpoint where these two intersect and how they're different and how each will be achieved or maintained as either a metric or a standard.

Mr. Segan said when the discussion was first started around the vehicle miles traveled (VMT) threshold standard, they identified two areas where VMT was being used in discussions as a surrogate for concerns. One was mobility and the other one was for mobile source greenhouse gas emissions. For both they recognized that VMT was part of the equation but was not providing the full scope of what they needed to understand the concern. For mobility or reliance on the automobile, just understanding how much people drive in absence of the other transportation modes or options, doesn't provide a complete picture of how well we're doing as a region to reduce reliance on the automobile. Consistent with other parts of the threshold update initiative, they sought out to identify the best measure for each to have an idea of how we're traveling the overall goal and to ensure they're benchmarking the goal to the right thing. Today the suggestion is to use mode share as an overall measure of mobility. In January, they would then come back with the measure and target for greenhouse gas.

There are two components to how much mobile source greenhouse gas there is; how much are you driving and what does your fleet mix look like? When you add the two together, you get the overall greenhouse gas emissions for the region. As they move forward with establishing a target for greenhouse gas, they'll bring that back in more detail. The second part of the question is how this relates to existing threshold standards. That is something they're seeking guidance from the committee on as they go forward. Part of the overall mission is first to identify the right metric and then making sure they have the right metric in the right bins whether that's threshold standards, performance measures, and Regional Transportation Plan performance measures. As they identify these targets, they'll come back to seek guidance about where's the appropriate place for these to live in the system and what else should they link to.

Ms. Aldean said currently we're not eliminating vehicle miles traveled as a standard. It was originally used in connection with air quality but has become synonymous with congestion issues in the Tahoe Basin. It's not going to disappear from the equation at this point, it's just one of the items in the various bins that will inform them with respect to how they reduce reliance on the automobile and what the consequences are of reducing that reliance for greenhouse gas, congestion, and other metrics being measured.

Mr. Segan said yes, that's right. They're not asking for any decisions on a threshold standard today. The workplan lays out a process whereas they come to a decision over the summer about where these different metrics live. Vehicle miles traveled as a metric will not go away, it's a core part of transportation planning. They've used all these metrics within our region, and we continue to use them in various capacities. That doesn't mean that they are all threshold standards are appropriate for being a threshold standard, but we use them as part of project level evaluation and as part of the Regional Transportation Plan performance measures. Even if they're not elevated as part of this process as the primary measure of mode share measure, they'll continue to be used as part the planning purposes.

Ms. Aldean said there was concern that vehicle miles traveled was going away.

Mr. Yeates referred to slide number ten on implementation framework. The slide is a bit complicated but it's a good way to make clear what we're attempting to do with mode share, and it doesn't make any changes to where we're heading to address the question of vehicle miles traveled impact and how we reduce. First, he read the staff report for the State Route 89 corridor and Emerald Bay. One of the issues was how to deal with the increased traffic and parking that's occurring in and around Emerald Bay. When he read this staff report and what the mode share doesn't consider that the increased traffic question was falling off the table. The California Attorney General's office raised that same question. Slide ten lays it out and how it will be incorporated. Especially at the project level when we trying to deal with something such as how are you going to get people in and out of Emerald Bay without a car. Other modes could then be addressed at a more specific level. We cannot walk away from vehicle miles traveled, it's state law. We aren't abandoning a vehicle miles traveled threshold. It was not an VMT threshold, it was an air quality threshold. VMT was a metric that was used as an indicator if we were going to increase too much nitrogen in the air that would deposit itself in the Lake and cause a nitrate problem. Every time, there's been a threshold review, we don't have a nitrate problem. Cars are cleaner, they are causing other problems that we need to address. We're trying to deal with VMT in the concept of how we improve the transportation issues. Whatever metric or threshold we come up is the process we're going through now. We're trying to figure out what the most appropriate threshold is to attain that goal in the Compact of trying to get people out of their cars.

Mr. Lawrence said he's concerned about the issue with the California Attorney General's office. There was the Bi-State Consultation on Transportation which has diverse opinions on what the priorities should be but what everyone did coalesce around was a goal of increasing the non-auto mode share by five percent.

Public Comments & Questions

Ed Moser, South Lake Tahoe resident said many eastern cities have jitneys which are a slightly oversized van. It provides for quick, efficient, and smaller pull outs for them. Most of the time the Blue Go buses are close to empty. You can buy more jitneys and pay more drivers. To get people to ride the buses is to make them more frequent. Cost isn't really a factor and establishing free bus service is not the factor. People would readily pay if it was frequent and reliable.

Jennifer Merchant, Placer County Executive Office said Placer County supported the focus of the vehicle miles traveled threshold workplan transportation metric and mobility proposal. They do have questions related to implementation of a new threshold potentially in development, if that's the direction we're going in. They reviewed the letter submitted by the California Attorney General's office and are in agreement with some of those points. Notably questions contained in the comments one, two, five, and six. Also, notable is their disagreement that there is empirical evidence which supports the statement about the likelihood of vehicle miles traveled threshold exceedance. Their questions are will this be a required analysis at project level, it sounds like the answer is no after today's discussion. We'll be using ways to breakout the regional analysis and apply them to the project. They're anxious to learn more about what tools and TRPA's model and the data that goes into that will be utilized to perform such an analysis. She asked if the TRPA model will be updated to effectively predict the effects of transportation demand management measures such as alternative modes. What happens with

the level of service policies? And does mode shift replace or layer on a further analysis. The California Attorney General's letter assumes that this is the case, and this is an area that they would agree that could add excessive cost to a project that may be unnecessary. If VMT is to remain a threshold, it would be ideal to align it with the VMT metric required under California Senate Bill 743 to help streamline things and project applicants would only have to do one VMT metric instead of two. They encouraged TRPA to investigate streamlining opportunities as they work on the implementation guidelines. For example, workforce housing and or affordable housing shouldn't be subject to an additional level of analysis. A similar argument could be made for infill development. For the environmental metric, what is the status of the portion of the workplan and has there been further discussion related to the continued use of VMT for this purpose. Will the new target thresholds for VMT or VMT service population be coordinated with the local agencies, they assume that's yes. Stakeholder engagement as it relates to California efforts related to VMT, greenhouse gas, and transportation should be heavily coordinated with the local agencies regarding the aforementioned Assembly Bill 32 and Senate Bill 743. They have an interest in achieving that overall goal and would like to participate with TRPA on the technical side to guide good policy. They're committed to the reduction of vehicle dependency and its effects and continue to track those efforts both the regional and project level. It's important for the County to be able to provide at the earliest point possible clear policy and direction to potential development projects. Although, they support the goal of this new mobility effort they feel that there's some remaining unanswered questions. They hope that the Regional Plan Implementation Committee today serves to answer those questions, resolve the issues, and move forward and not defer action and direction to staff.

Gavin Feiger, League to Save Lake Tahoe said they generally support the proposed effort and motion to endorse the use of mode share as a regional mobility metric and to develop the target for mode share. It's helpful that TRPA has already been tracking mode share for some time and appreciate staff's initial discussion of the evaluation and mitigation framework. That's the only way to ensure effective implementation. Some of the concerns are the ability of project level actions to be meaningful and contribute to regional goals. Some of those will need to be immediately implementable. He asked how the mode share target will be determined, will it be regional or local, or a combination of the two. It needs to be aspirational and achievable. Also, what will the relationship be with VMT?

Committee Comments & Questions

Ms. Laine asked if in the motion it would be useful to tie it back to the vehicle miles traveled threshold. For example, it may say "Motion to endorse the use of mode share as a regional mobility metric as related to the VMT threshold."

Mr. Shute said that is a good point. There's some confusion about how this fits into the current threshold and what thresholds might come up. He understands that there will be some kind of VMT threshold most likely because that's California requirement. The number is a different story, is it the number we have now or another number. Then we need a component for greenhouse gas emissions. We're working our way toward that but there's confusion about how that's working right now.

Mr. Marshall said the workplan that was endorsed is a workplan to update the VMT threshold. In concept what's happening is that the VMT threshold as Mr. Shute and Mr. Yeates have

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articulated. The existing one is premised on air quality/water quality measure for nitrate deposition in the Lake. That has been achieved for a long period of time and will only get better from auto sources in the basin. The work elements that were endorsed were to update the existing VMT threshold with metrics that are more specific to what individuals were thinking VMT could be used for if it was not used for air quality purposes. These are more direct expressions instead of an indirect measure. The other one that was authorized to proceed on was the greenhouse gas metric. We say the word metric instead of goals, standards, etc. to preserve for you the ability to decide where it belongs. That will be a subsequent step should this mode share be a threshold, or should it be a performance metric. At many different levels there'll be discussions about it. VMT in of itself present in TRPA's planning system on multiple different levels. It's a required element to produce for our Regional Transportation Plan because of our status as a Metropolitan Planning Organization. It will be required for California side projects as a mechanism for project by project significance determination. There is going to be significant coordination at that level of what the standard of significance should be for VMT as a surrogate to get greenhouse gas. Right now, we're sitting in a situation where there's not a lot of clarity as to what exactly the status of each one of those measure should be. We envision that as being the next step. Once they get the metric in place, get an implementation plan flushed out, then they'll come back to the committee and look at where metrics should be placed and where they're currently now being implemented, measured, and utilized. He suggested not to tie it to the existing VMT threshold because what we're trying to do is preserve that option for when it comes back around to what should we do with these metrics. The existing VMT threshold remains in place and active. We're using our interim guidance on how to implement that threshold on the project and planning level during this interim while we're getting these metrics in place. The committee's decision will be what should ultimately happen to the VMT threshold.

Ms. Aldean said the subject matter we've been discussing is a VMT threshold update. She asked if it would help if we stated in the motion to update the VMT threshold by including the use of mode share as a regional mobility metric.

Mr. Marshall said that is consistent with the workplan. It sounds like this endorsement is to substitute the VMT threshold with this mobility measure.

Ms. Aldean said it would include it.

Mr. Marshall said yes, that's okay.

Ms. Marchetta suggested that it state something like "As part of the VMT threshold update, endorse the use of mode shares as a regional mobility metric."

Mr. Bruce suggested that we leave it with Mr. Marshall's recommendation of leaving it for a later date to determine where we plug it in.

Mr. Marshall said Ms. Marchetta's language works if you want to include a reference the VMT update process.

Mr. Shute suggested that it would be good to make that reference. There are people that think we've done away with the VMT threshold.

REGIONAL PLAN IMPLEMENTATION COMMITTEE

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Mr. Lawrence said he's skeptical of whether changing this motion is going to move the needle one way or another. The explanation the Mr. Marshall made makes sense. There's a lot of different ways to measure and what are you measuring for, whether it's nitrogen deposition, traffic congestion, level of service, etc. It's important to preserve our space as we're gathering the different information to make informed decisions on the best place to put these things.

Mr. Shute feels it helps with public perception but is okay either way.

Ms. Aldean moved to endorse the use of mode share as a regional mobility metric and to develop a target for mode share and an associated implementation framework.

Motion carried.

X. Item No. 9 Upcoming Topics

No further report.

VIII. COMMITTEE MEMBER COMMENTS

None.

IX. PUBLIC INTEREST COMMENTS

None.

Chair Mr. Shute adjourned the meeting at 12:48 p.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: December 11, 2019
To: TRPA Governing Board
From: TRPA Staff
Subject: Fiscal Year 2019 Audit

Summary and Staff Recommendation:

Staff recommends acceptance of the fiscal year 2019 final audit report and financial statements.

Required Motion:

In order to accept the Financial Statements, the Governing Board must make the following motion:

- 1) A motion to accept the Fiscal Year 2019 Audit

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Background:

The independent audit firm of Davis Farr completed their review of TRPA's Fiscal Year 2019 Financial Statements and issued an unmodified audit report. An unmodified auditor's report means the Agency is compliant with GAAP and GASB accounting standards. A copy of their opinion letter, and SAS 114 Summary of Audit Results is attached.

Advance electronic copies of the audited financial statements will be available to Governing Board members by request, and we will distribute bound copies at the December 18th Governing Board meeting. Fiscal Year 2019 Audited Financial Statements will be available on the TRPA website following acceptance by the Governing Board.

Financial Results:

The following tables summarize the Agency's FY 2019 financial results. The first reflects assets and liabilities, the second revenues and expenses. A detailed discussion of the changes can be found in the Management Discussion and Analysis portion of the audited financial statements.

TRPA net assets increased by \$1.2 million dollars. Liabilities increased by \$0.8 million, yielding an increase in net assets of \$0.4 million. The increase in net assets reflects an operating surplus for the year.

Table 1 - Summary of Statement of Net Position

	2019	2018	Change	%
Assets				
Current & Other Non-Current Assets	15,780,025	14,718,120	1,061,905	7%
Capital Assets	9,337,747	9,175,911	161,836	2%
Total Assets	<u>25,117,772</u>	<u>23,894,031</u>	<u>1,223,741</u>	5%
Liabilities				
Current Liabilities and Other	9,004,338	7,110,437	1,893,901	27%
Unearned Revenue	1,297,412	2,398,278	(1,100,866)	-46%
Long Term Liabilities	8,505,531	8,503,639	1,892	0%
Total Liabilities	<u>18,807,281</u>	<u>18,012,354</u>	<u>794,927</u>	4%
Net Position				
Net Investment in Capital Assets of Debt	2,358,543	2,337,745	20,798	1%
Restricted	2,381,213	2,328,971	52,242	2%
Unrestricted	1,570,735	1,214,961	355,774	29%
Total Net Position	<u>6,310,491</u>	<u>5,881,677</u>	<u>428,814</u>	7%

TRPA revenues increased significantly, by \$1.9 million, or 12%. The increase is due to grants. AIS grants, funded through the Lake Tahoe Restoration Act increased \$0.9M. Transportation grants increased by \$1.4 million. Minor reductions in other grants netted out to the \$2.0 million overall number. Expenses increased by \$1.7 million or 11%. This reflects work performed on those grants. The bulk of the added expenses are in contracts. Compensation costs increased by \$0.5 million, reflecting annual salary and merit reviews.

Table 2 - Revenue, Expenses, Changes in Net Assets

	2019	2018	Change	%
Revenues				
Program Revenues				
Charges for Services	2,897,252	3,094,298	(197,046)	-6%
Grants and Contributions	7,220,626	5,192,557	2,028,069	39%
General Revenues				
State Revenue	6,810,236	6,967,457	(157,221)	-2%
Local Revenue	150,000	150,000	0	0%
Investment Earnings - Unrestricted	332,719	118,337	214,382	181%
Miscellaneous	14,645	30,822	(16,177)	-52%
Total Revenues	<u>17,425,478</u>	<u>15,553,471</u>	<u>1,872,007</u>	12%
Program Expenses				
General Government	2,663,662	3,339,821	(676,159)	-20%
Env. Planning & Implementation	13,775,339	11,323,220	2,452,119	22%
Building Operations	165,719	220,632	(54,913)	-25%
Interest and Debt Service	391,944	391,944	0	0%
Total Expenses	<u>16,996,664</u>	<u>15,275,617</u>	<u>1,721,047</u>	11%
Increase (Decrease) in Net Assets	<u>428,814</u>	<u>277,854</u>	<u>150,960</u>	54%

These numbers are based full accrual accounting and, as a result, are comparable to corporate financial statements. Additional detail by Fund (modified accrual basis) is included in the Financial Statements.

Independent Auditor:

Davis Farr is a specialized audit firm focusing on Government clients. Davis Farr has been our auditor for the past five years. This is the last year left on their contract.

For Fiscal Year 2019, Davis Farr conducted seven audits for TRPA. In addition to the audit of the overall TRPA Financials; a) a single audit for Federal Awards, b) an audit of Proposition 1B (California) grants, c) Placer County Local Transportation Fund, d) El Dorado County Local Transportation Fund, e) El Dorado County State Transit Assistance Fund and f) an audit of the Tahoe Science Advisory Council.

Contact Information:

For questions regarding this agenda item, please contact Chris Keillor at (775) 589-5222 or ckeillor@trpa.org.

Attachments:

- A. Auditor's opinion letter
- B. SAS 114 Summary of Audit Results

Attachment A

Auditor's opinion letter

INDEPENDENT AUDITOR'S REPORT

Board of Directors
Tahoe Regional Planning Agency
Stateline, Nevada

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Tahoe Regional Planning Agency (TRPA), as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise TRPA's basic financial statements as listed in the Table of Contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of TRPA, as of June 30, 2019, and the respective changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Report on Summarized Comparative Information

We have previously audited the financial statements of TRPA for the year ended June 30, 2018 and we expressed an unmodified audit opinion on those financial statements in our report dated December 11, 2018. In our opinion, the summarized comparative information presented herein as of and for the year ended June 30, 2018, is consistent, in all material respects, with the audited financial statements from which it has been derived.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis and Budgetary Comparison Schedules for the General Fund and each major Special Revenue Fund be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the Required Supplementary Information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise TRPA's basic financial statements. The combining financial statements and individual nonmajor budgetary comparison schedules are presented for purposes of additional analysis and are not a required part of the basic financial statements. The combining and individual nonmajor fund financial statements and schedules are the responsibility of management and were derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other

additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining financial statements and individual nonmajor budgetary comparison schedules are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 10, 2019 on our consideration of TRPA's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering TRPA's internal control over financial reporting and compliance.

A handwritten signature in blue ink that reads "Davis Fan" followed by a stylized flourish.

Irvine, California
December 10, 2019

Attachment B

SAS 114 Summary of Audit Results

SUMMARY OF AUDIT RESULTS

Operations and Governance Committee
Tahoe Regional Planning Agency
Stateline, Nevada

We have audited the financial statements of the governmental activities, each major fund and the aggregate remaining fund information of the Tahoe Regional Planning Agency (TRPA) as of and for the year ended June 30, 2019. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards* and 2 CFR 200 Uniform Guidance, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter dated June 19, 2019. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by TRPA are described in Note 1 to the financial statements. No new accounting policies were adopted, and the application of existing policies was not changed during the year. We noted no transactions entered into by TRPA during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting TRPA's financial statements were:

- Management's estimate involving the useful lives and depreciation methodology to use for capital assets is based on past history of similar types of assets, future plans as to their use, and other factors that impact their economic value to TRPA.
- Management's estimate of the accruals for goods or services received, but for which invoices have not yet been received by vendors is based on communication with the vendors for quoted amounts; and

- Management's estimate of employee usage of accumulated vacation and/or compensatory leave balances within the next year is based on the nature of the leave and actual experience of prior year usage.

We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested and received certain representations from management that are included in the management representation letter dated December 10, 2019.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to TRPA's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as TRPA's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to *Management's Discussion and Analysis* and the *Budgetary Comparison Schedules* for the major funds, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the combining and individual nonmajor budgetary comparison schedules, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Restriction on Use

This information is intended solely for the use of the Board of Directors and management of TRPA and is not intended to be and should not be used by anyone other than these specified parties.

A handwritten signature in blue ink that reads "Davis Fan" followed by a stylized flourish.

Irvine, California
December 10, 2019

STAFF REPORT

Date: December 11, 2019

To: TRPA Governing Board

From: TRPA Staff

Subject: Transfer of previously released El Dorado County Water Quality Mitigation funds in the amount of \$84,321.79 from completed water quality projects to active water quality projects

Summary and Staff Recommendation:

Staff recommends that the Governing Board approve El Dorado County's request, subject to the conditions cited below. The request is consistent with the Environmental Improvement Program objectives, Chapter 60 of the TRPA Code of Ordinances, and the Governing Board's policy guidelines for the release of mitigation funds.

Required Motion:

To approve the requested transfer, the Board must make the following motion:

- 1) A motion to approve the transfer subject to the conditions contained in this memorandum.

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Background:

El Dorado County is requesting the transfer of \$84,321.79 in Water Quality Mitigation Funds from nine previously approved water quality projects. All nine projects are now complete.

The County requests that these unused funds be transferred to three active water quality projects. These three projects have also been previously approved by the TRPA Governing Board.

This reallocation is necessary to provide funding to complete final design and contract specifications for the Oflyng Water Quality Project, project development through final project plans, specifications, and estimates for the East San Bernadino Ave Class 1 Bike Trail project, and project development through final project plans, specifications, and estimates for the final phase of the Community Service Area #5 erosion control project. Funds will be used as a match for future implementation grants and remaining funds will be used towards construction.

Table 1 below summarizes the County’s request.

Table 1 - Proposed Funding Transfer				
EIP #	PROJECT	Fund	Remaining Balance	Reallocation Request
01.01.01.0023	Golden Bear Erosion Control	WQ	\$16,025.56	
01.01.01.0024	Lake Tahoe Blvd Erosion Control	WQ	\$5,237.77	
01.01.01.0069	Montomery Area 2 Estates Erosion Control	WQ	\$5,000	
01.01.01.0028	Montomery Area 3 Estates Erosion Control	WQ	\$18,130.55	
01.01.01.0030	Tahoe Hills Erosion Control	WQ	\$12,196.50	
01.01.01.0060	Rubicon Erosion Control	WQ	\$6.53	
01.01.01.0061	Sawmill 2A Bike Path Erosion Control	WQ	\$12,278.41	
01.01.01.0067	Community Service Area #5 – Upper Area Erosion Control Project	WQ	\$9,795.31	
01.01.01.0075	Forest View Water Quality	WQ	\$5,651.16	
01.01.01.0074	Ofling Water Quality Project	WQ		\$35,327.05
03.01.02.0040	East San Bernadino Ave Class 1 Bike Trail	WQ		\$39,199.43
01.01.01.0067	Community Service Area #5 Erosion Control Project	WQ		\$9,795.31
	Total	WQ	\$84,321.79	\$84,321.79

The reallocation redistributes funds to projects that are active and closes projects that are complete. This request does not impact funds from the County’s existing funds balance

Conditions:

Staff recommends approving the release of these funds subject to the following conditions of approval:

1. The recipient shall only use the funds for the projects cited above and as approved by TRPA.
2. TRPA reserves the right to withhold funds to ensure project priorities, goals, and objectives are consistent with those of the Environmental Improvement Program and TRPA’s Regional Plan.
3. The County agrees to follow all laws, codes, and regulations adopted by federal, state, and local authorities/agencies.

4. The County agrees to maintain a report detailing the use and expenditures of all funds used on the project. These records shall be made available for review and audit by TRPA within thirty (30) calendar days upon written request.
5. All mitigation funds not used as described above shall be returned to TRPA. Upon written approval from TRPA, these funds may be re-allocated to another project.
6. These funds may not be used for design studies, environmental documents, application costs, or other pre-design tasks.
7. The County agrees to report the applicable EIP Performance Measures achieved by this project.

Regional Plan Compliance: The proposed release complies with the TRPA Regional Plan and Code of Ordinances.

Contact Information: If you have any questions regarding this item please contact Kimberly Caringer, Division Manager, Environmental Improvement Program at kcaringer@trpa.org or by phone at (775) 589-5263.

Attachment:

- A. EIP Project Fact Sheet - Oflyng Water Quality Project
- B. EIP Project Fact Sheet - East San Bernadino Ave Class 1 Bike Trail
- C. EIP Project Fact Sheet - Community Service Area #5 Erosion Control Project

Attachment A
Oflyng Water Quality Project



Oflyng Water Quality Project

Project Number	01.01.01.0074
Action Priority	Reducing Stormwater Pollution from City and County Roads
Implementers	El Dorado County, CA
Primary Contact	Donaldo Palaroan (donaldo.palaroan@edcgov.us)
Stage	Planning/Design
Duration	2017 - 2022

Stormwater Management ➤ Reducing Stormwater Pollution from City and County Roads

Urban development in the Oflyng residential area has resulted in a concentrated flow of storm water from the County of El Dorado (County) right-of-way (ROW) directed to pervious forested land as well as the Upper Truckee River. The hydrologic connectivity between Lake Tahoe and the Oflyng area results in a high to moderate potential to deliver fine sediment to Lake Tahoe. Storm water runoff will be directed into infiltration improvements providing a direct reduction in the transport of fine sediment to Lake Tahoe. It is also anticipated that urban storm water infrastructure will be upgraded to current design standards w/ conveyance improved to allow for proper flow sizing/routing.



Oflyng - Failing Slope

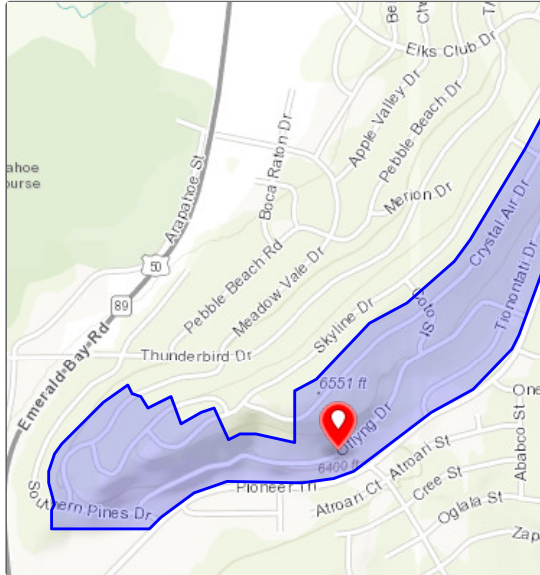
Key Accomplishments

Accomplishments to be provided upon completion of project

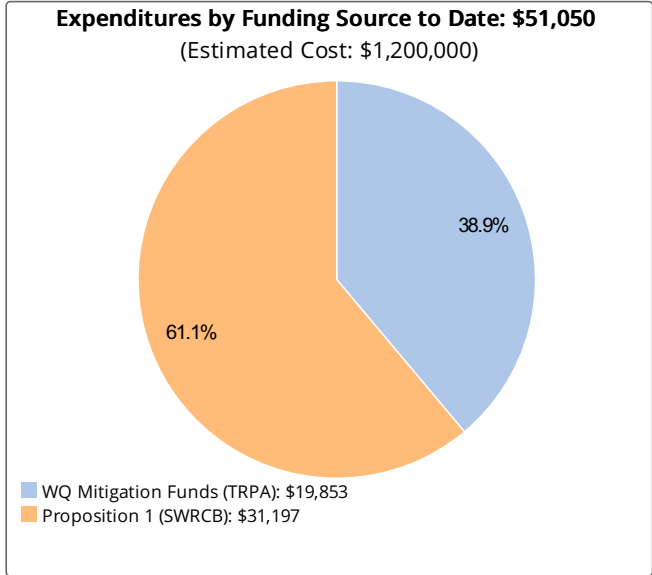
Threshold Categories

- Soil Conservation
- Water Quality

Location



Expenditures



Photos

Before



Outfall at Pioneer Trail - drains Crystal Air and Oflyng

Project Fact Sheet Data as of 12/02/2019

Attachment B
East San Bernadino Ave Class 1 Bike Trail



Class I Bike Path: East San Bernardino - West San Bernardino

Project Number	03.01.02.0040
Action Priority	Improving Transit and Trails Connections
Implementers	El Dorado County, CA
Primary Contact	Donaldo Palaroan (donaldo.palaroan@edcgov.us)
Stage	Planning/Design
Duration	2015 - 2020

Air Quality & Transportation > Improving Transit and Trails Connections

Construct approximately 0.37 miles of Class I bike path between West San Bernardino Ave and East San Bernardino Ave. The pathway will cross the Upper Truckee River and include access to Washoe Meadows State Park, Tahoe Paradise Park, and the Lake Tahoe Environmental Science Magnet School in the community of Meyers. The project proposes to link the bike lane facilities along North Upper Truckee Rd and Apache Ave via a Class 3 (bike route) through signage and pavement markings.



View in the southwesterly direction across the Upper Truckee River, near 38.8574, -120.0270.

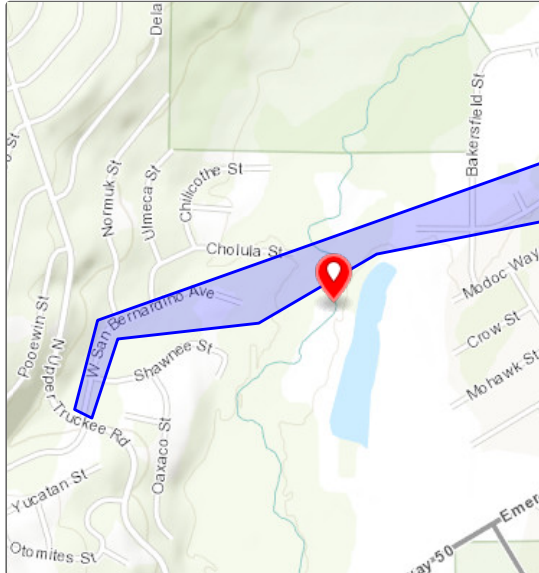
Key Accomplishments

Accomplishments to be provided upon completion of project

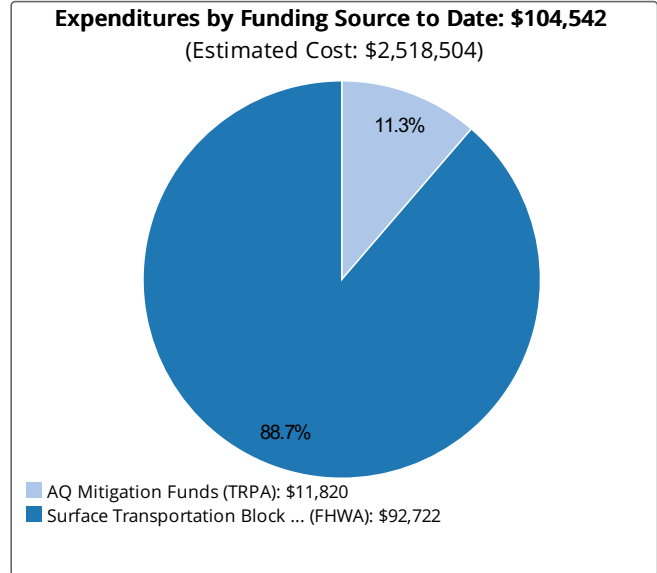
Threshold Categories

- Air Quality
- Recreation

Location



Expenditures



Photos

Before



View in the westerly direction across the Upper Truckee River, near 38.8573, -120.0269.



View in the easterly direction towards Tahoe Paradise Park, near 38.8573, -120.0269.



View in the southeasterly direction at the end of W San Bernardino Ave near 38.8562, -120.0299,

Project Fact Sheet Data as of 12/02/2019

Attachment C
Community Service Area #5 Erosion Control Project



CSA #5 Erosion Control Project

Project Number	01.01.01.0067
Action Priority	Reducing Stormwater Pollution from City and County Roads
Implementers	El Dorado County, CA
Primary Contact	Donaldo Palaroan (donaldo.palaroan@edcgov.us)
Stage	Post-Implementation
Duration	2011 - 2018

Stormwater Management > Reducing Stormwater Pollution from City and County Roads

The Community Service Area (CSA) # 5 Erosion Control Project includes the developed portions of the Tahoe Cedars subdivision southwest of Highway 89 between the El Dorado County Line and Poplar Street. The goal of the Project is to reduce the concentration of fine sediment in the storm water which exits the Project area before reaching Lake Tahoe.



Eroding slope on 10th, at Alder

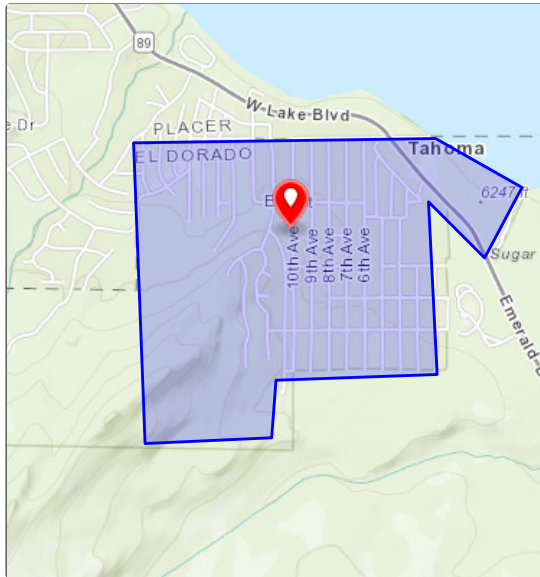
Key Accomplishments

- Miles of Roads Decommissioned or Retrofitted: **9 miles**

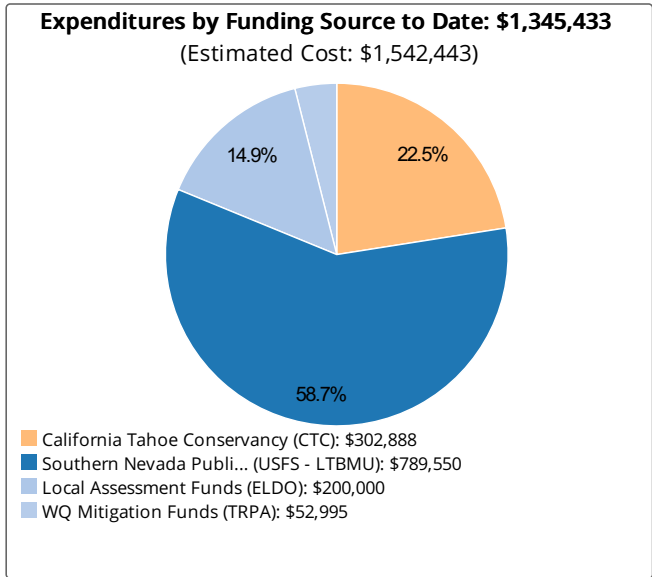
Threshold Categories

- Soil Conservation
- Water Quality

Location



Expenditures



Photos

Before



Partially buried pipe inlet(s) on Antelope. Opportunity for Sediment Trap to increase inlet and trapping capacity.



Eroding slope near pipe inlet

During



Construction of rock lined channel on Antelope Way



Construction of AC swale on Antelope Way

After



Atrium rack inlet for basin on Fourth Street



New block pad for vector clean out of Sixth street basin

Project Fact Sheet Data as of 12/02/2019

STAFF REPORT

Date: December 11, 2019

To: TRPA Governing Board

From: TRPA Staff

Subject: Technical amendments to Chapters 2, 21, 30, 37, 50, 51, 53, and 84 of the TRPA Code of Ordinances to clarify existing language and incorporate technical corrections

Summary and Staff Recommendation:

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

Required Motions:

In order to adopt the ordinance amendments, the Governing Board must make the following motion(s), based on the staff summary:

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

In order for the motions to pass, an affirmative vote of at least four Board members from each state is required.

Regional Plan Implementation Committee (RPIC) Recommendation / Discussion:

The RPIC is scheduled to review the proposed amendment at its December 18, 2019 meeting prior to the Governing Board's consideration.

Advisory Planning Commission Recommendation/Discussion:

The APC considered the proposed amendments at its October 9, 2019 meeting and unanimously recommended approval of staff's proposal with no changes.

Background:

The Code of Ordinances sets forth the regulations that implement the Regional Plan. TRPA staff recommends technical amendments of the Code of Ordinances from time to time in order to ensure

that language is clear and correct. Making these routine corrections helps to ensure that TRPA can effectively administer the Code of Ordinances, and the public can understand its provisions.

Code Amendment Description:

The proposal involves making 11 amendments to eight chapters of the Code of Ordinances. The individual amendments and rationale are shown in Attachment B. The proposed code amendments constitute technical corrections and clarifications. No substantive policy changes are proposed. The amendments fall into four categories:

- **References to Area Plans** – These amendments clarify that certain sections apply within Area Plans where references to the Area Plans were inadvertently omitted. The amendments proposed are all in relation to the transfer of development rights. They are consistent with the 2012 Regional Plan Update, which seeks to replace Community Plans and Plan Area Statements with Area Plans and to focus commercial development in existing Town Centers.
- **Considerations for Achievable Housing** – These amendments clarify that certain sections apply to achievable housing, where such references were inadvertently omitted. They are consistent with the 2018 Development Rights initiative, which established the new affordability classification of “achievable” and applied the same ordinance provisions as used for the “moderate” and “affordable” classifications.
- **Other Clarifications** – These amendments represent miscellaneous opportunities for clarification identified by TRPA staff. The four amendments in this category include:
 - Clarifying that the provisions for accessory residential living space in Subsection 21.3.6 apply only to parcels that are otherwise ineligible for a secondary dwelling.
 - Clarifying that building height calculations can be performed either on the whole building or on individual building segments, consistent with other provisions.
 - Clarifying how the boundaries of a buoy field are determined, which affects how buoy capacity is calculated.
- **Editorial Changes** – These amendments are necessary to correct errors and to consistently apply the established numbering scheme for tables and figures.

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

Environmental Review:

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

Regional Plan Compliance:

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

Contact Information:

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

Attachments:

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

Attachment A
Adopting Ordinance

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2019-

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

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

Section 1.00 Findings

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

Section 2.00 TRPA Code of Ordinances Amendments

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

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

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

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

Ayes:

Nays:

Abstentions:

Absent:

William Yeates, Chair
Tahoe Regional Planning Agency,
Governing Board

Exhibit 1 to Attachment A

Code Amendments

EXHIBIT 1: CODE AMENDMENTS

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

1. Amend Subsection 2.2.2, Paragraph B

Revise Paragraph B of Subsection 2.2.2 as follows:

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.2. PROJECT REVIEW

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

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

B. Residential Projects

1. Governing Board Review

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

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

2. Hearings Officer

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

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

2. Amend Subsection 2.3.2, Paragraph D

Revise Paragraph D of Subsection 2.3.2 as follows:

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.3. EXEMPT ACTIVITIES

2.3.2. General Activities

The following general activities are exempt.

D. Excavation, Filling, or Backfilling

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

3. Amend Subsection 21.3.2, Subparagraph B.3

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

CHAPTER 21: PERMISSIBLE USES

21.3. ACCESSORY USES

21.3.2. Secondary Residence

A. Residential Secondary Unit Parcel Size

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

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

B. TRPA-Certified Local Government Housing Program

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

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

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

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

4. Amend Subsection 21.3.6

Revise Subsection 21.3.6 as follows:

CHAPTER 21: PERMISSIBLE USES

21.3. ACCESSORY USES

21.3.6. Living Area Associated with Residential Accessory Structures

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

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

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

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

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

CHAPTER 30: LAND COVERAGE

30.4. LAND COVERAGE LIMITATIONS

30.4.3. Method of Transferring Land Coverage

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

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

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

6. Amend Subsection 37.3.1

Revise Subsection 37.3.1 as follows:

CHAPTER 37: HEIGHT

37.3. DEFINITIONS

37.3.1. Height

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

7. Amend Subsection 50.8.4, Subparagraph C

Revise Subparagraph C of Subsection 50.8.4 as follows:

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.8. REGULATION OF ADDITIONAL PUBLIC SERVICE FACILITIES

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

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

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

applicable adopted community plan allocation system. If the community plan area does not have an adopted allocation system, the applicable local jurisdiction shall be required to adopt a system pursuant to the requirements of subparagraph 50.6.4.C before the transfer may occur; and

- E.** TRPA determines that, when combined with all other public service-commercial transfers since January 1, 1998, the additional public service floor area associated with the transfer is within the 60,000 square feet of additional public service floor area estimated to be created by such transfers.

8. Renumber Figures 51.2 and 51.4 as Figure 51.2-A and Figure 51.4-A.

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

TABLE 1: REVISED FIGURE NUMBERS – CHAPTER 51

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

9. Amend Subsection 51.5.1, Subparagraph C.1

Revise Subparagraph C.1 of Subsection 51.5.1 as follows:

CHAPTER 51: BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT

51.5. TRANSFER OF DEVELOPMENT RIGHTS

51.5.1. Transfer of Potential Residential Unit of Use

C. Receiving Area

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

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

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

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

TABLE 2: REVISED TABLE AND GRAPH NUMBERS – CHAPTER 53

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

Subsection	Existing Reference	Title	Proposed Reference
	Table 53.11.3-4	Factors for Gradient and Ground below Fill Slope	Table 53.10.3-4
	Table 53.11.3-5	Parcels with Existing Access	Table 53.10.3-5
	Table 53.11.3-6	Disturbance in Stream Environment Zone (SEZ) for Access	Table 53.10.3-6
53.10.4	Table 53.11.4-1	Extent of Disturbance in SEZ	Table 53.10.4-1
53.10.5	Table 53.11.5-1	Condition of Watershed	Table 53.10.5-1
53.10.6	Table 53.11.6-1	Vegetative Groups	Table 53.10.6-1
	Graph 53.11.6-1	Aspect and Gradient of Parcel	Graph 53.10.6-1
	Table 53.11.6-2	Elevation of Parcel	Table 53.10.6-2
53.10.7	Table 53.11.7-1	Needed Water Quality Improvements	Table 53.10.7-1
53.10.10	Table 53.11.10-1	Per Unit Cost	Table 53.10.10-1

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

TABLE 3: REVISED TABLE AND GRAPH REFERENCES – CHAPTER 53

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

* - Reference appears twice.

11. Amend Subsection 84.3.3, Subparagraph E.1.c

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

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

84.3. MOORING STRUCTURES

84.3.3. Mooring Buoys

E. Buoy Fields.

1. Eligibility.

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

Attachment B

Amendments and Rationale

AMENDMENTS AND RATIONALE

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

CHAPTERS AND SECTIONS BEING AMENDED

Ref #	Chapter	Action	Page	Category
1	2	Amend Subsection 2.2.2, Paragraph B	3	B
2		Amend Subsection 2.3.2, Paragraph D	5	D
3	21	Amend Subsection 21.3.2, Subparagraph B.3	6	B
4		Amend Subsection 21.3.6	8	C
5	30	Amend Subsection 30.4.3, Subparagraph A.2.b and Table 30.4.4-1	9	D
6	37	Amend Subsection 37.3.1	11	C
7	50	Amend Subsection 50.8.4, Subparagraph C	12	A
8	51	Renumber Figures 51.2 and 51.4 as Figure 51.2-A and Figure 51.4-A.	14	D
9		Amend Subsection 51.5.1, Subparagraph C.1	15	A
10	53	Renumber the tables and graph in Section 53.10 and correct internal references within Chapter 53.	16	D
11	84	Amend Subsection 84.3.3, Subparagraph E.1.c	18	C

AMENDMENT CATEGORIES

A. References to Area Plans (2)

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

B. Considerations for Achievable Housing (2)

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

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

C. Other Clarifications (4)

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

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

D. Editorial Changes (4)

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

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

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

Revise Paragraph B of Subsection 2.2.2 as follows:

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

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

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

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

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

2. Hearings Officer

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

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

2. Amend Subsection 2.3.2, Paragraph D

D

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

Revise Paragraph D of Subsection 2.3.2 as follows:

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.3. EXEMPT ACTIVITIES

2.3.2. General Activities

The following general activities are exempt.

D. Excavation, Filling, or Backfilling

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

3. Amend Subsection 21.3.2, Subparagraph B.3

B

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

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

CHAPTER 21: PERMISSIBLE USES

21.3. ACCESSORY USES

21.3.2. Secondary Residence

A. Residential Secondary Unit Parcel Size

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

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

B. TRPA-Certified Local Government Housing Program

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

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

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

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

4. Amend Subsection 21.3.6

C

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

Revise Subsection 21.3.6 as follows:

CHAPTER 21: PERMISSIBLE USES

21.3. ACCESSORY USES

21.3.6. Living Area Associated with Residential Accessory Structures

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

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

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

D

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

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

CHAPTER 30: LAND COVERAGE

30.4. LAND COVERAGE LIMITATIONS

30.4.3. Method of Transferring Land Coverage

A. Land Coverage Transfer Ratios

2. Uses Within Approved Community Plans or Centers

b. Transfers from Non-Sensitive Lands

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

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

6. Amend Subsection 37.3.1

C

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

Revise Subsection 37.3.1 as follows:

CHAPTER 37: HEIGHT

37.3. DEFINITIONS

37.3.1. Height

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

7. Amend Subsection 50.8.4, Subparagraph C

A

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

Revise Subparagraph C of Subsection 50.8.4 as follows:

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.8. REGULATION OF ADDITIONAL PUBLIC SERVICE FACILITIES

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

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

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

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

8. Renumber Figures 51.2 and 51.4 as Figure 51.2-A and Figure 51.4-A.

D

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

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

TABLE 1: REVISED FIGURE NUMBERS – CHAPTER 51

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

9. Amend Subsection 51.5.1, Subparagraph C.1

A

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

Revise Subparagraph C.1 of Subsection 51.5.1 as follows:

CHAPTER 51: BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT

51.5. TRANSFER OF DEVELOPMENT RIGHTS

51.5.1. Transfer of Potential Residential Unit of Use

C. Receiving Area

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

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

D

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

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

TABLE 2: REVISED TABLE AND GRAPH NUMBERS – CHAPTER 53

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

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

TABLE 3: REVISED TABLE AND GRAPH REFERENCES – CHAPTER 53

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

* - Reference appears twice.

11. Amend Subsection 84.3.3, Subparagraph E.1.c

C

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

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

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

84.3. MOORING STRUCTURES

84.3.3. Mooring Buoys

E. Buoy Fields.

1. Eligibility.

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

Attachment C

Required Findings

REQUIRED FINDINGS / RATIONALE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment D

Initial Environmental Checklist (IEC)

INITIAL DETERMINATION OF ENVIRONMENTAL IMPACT CHECKLIST

Project Name:

Autumn 2019 Code Amendment Package

Project Description:

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

Since the last technical Code corrections were adopted in April 2019, staff has identified a number of proposed amendments to the Code of Ordinances. The project involves making 11 amendments to eight chapters of the Code of Ordinances. The proposed code amendments constitute technical corrections and clarifications. No substantive policy changes are proposed. The amendments fall into four categories:

- **References to Area Plans** – These amendments add references to Area Plans where they were inadvertently omitted in relation to the transfer of development rights. They are consistent with the 2012 Regional Plan Update, which seeks to replace Community Plans and Plan Area Statements with Area Plans and to focus commercial development in existing Town Centers.
- **Considerations for Achievable Housing** – These amendments add references to achievable housing where they were inadvertently omitted. They are consistent with the 2018 Development Rights initiative, which established a new affordability classification of “achievable.”
- **Other Clarifications** – These amendments represent miscellaneous opportunities for clarification identified by TRPA staff. The four amendments in this category include:
 - Clarifying that the provisions for accessory residential living space in Subsection 21.3.6 apply to parcels that are otherwise ineligible for a secondary dwelling.
 - Clarifying that building height calculations can be performed on the building itself or individual building segments.
 - Clarifying the boundaries of a buoy field, based on which buoy capacity is calculated.
- **Editorial Changes** – These amendments are necessary to correct errors and to consistently apply the established numbering scheme for tables and figures.

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

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

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

I. ENVIRONMENTAL IMPACTS:

1. Land

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

Yes No

No, With Mitigation Data Insufficient

b. Deterioration of ambient (existing) air quality?

Yes No

No, With Mitigation Data Insufficient

c. The creation of objectionable odors?

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

e. Increased use of diesel fuel?

Yes No

No, With Mitigation Data Insufficient

3. Water Quality

Will the proposal result in:

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

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

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

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

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

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

4. Vegetation

Will the proposal result in:

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

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

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

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

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

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

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
 No, With Mitigation Data Insufficient

5. Wildlife

Will the proposal result in:

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

- Yes No
 No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

6. Noise

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

b. Exposure of people to severe noise levels?

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- 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?

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

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

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

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

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

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

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

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

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

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

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

8. Land Use

Will the proposal:

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

9. Natural Resources

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

10. Risk of Upset

Will the proposal:

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

11. Population

Will the proposal:

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

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 September 24, 2019

Michael T. Conger, AICP, Senior Planner

Title of Evaluator



Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
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STAFF REPORT

Date: December 11, 2019
To: TRPA Governing Board
From: TRPA Staff
Subject: Proclamation celebrating 50 Years of the Bi-State Tahoe Regional Planning Compact

Summary and Staff Recommendation:

The United States Senate presents a Certificate of Commendation honoring the 50-year anniversary of the Tahoe Regional Planning Agency. This item is for informational purposes and no action is required.

Background:

In the proclamation presented to the Tahoe Regional Planning Agency, the United States Senate commends the agency on 50 years of partnership and collaboration in protecting Lake Tahoe and ensuring that it remains a national treasure for future generations to enjoy.

Contact Information:

For questions regarding this agenda item, please contact Julie Regan, at (775) 589-5237 or jregan@trpa.org

STAFF REPORT

Date: December 11, 2019

To: TRPA Governing Board

From: TRPA Staff

Subject: Amendment to Chapter 84 of the TRPA Code of Ordinances regarding permitting of existing buoys in buoy fields

Summary and Staff Recommendation:

Staff recommends that the Governing Board approve the proposed amendment to the Code of Ordinances. These amendment address implementation of the Shoreline Plan regarding permitting of existing buoys in buoy fields.

Required Motions:

In order to adopt the proposed ordinance amendment, the Governing Board must make the following motion(s), based on the staff summary:

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

In order for the motions to pass, an affirmative vote of at least four Board members from each state is required.

Regional Plan Implementation Committee (RPIC) Recommendation / Discussion

The RPIC is scheduled to review the proposed amendment at its December 18, 2019 meeting prior to the Governing Board's consideration.

Advisory Planning Commission (APC) Recommendation / Discussion:

The APC is scheduled to review the proposed amendment on December 11, 2019, after publication of this report. Staff will report on the Advisory Planning Commission's recommendation during the Regional Plan Implementation Committee's meeting.

Background:

In October 2018, the Governing Board adopted the Shoreline Plan, a comprehensive program for regulating uses and structural development in the shorezone and lakezone. Registration of existing moorings began in March 2019. The permitting process for new moorings will begin in 2020.

“Existing buoys” include those that existed prior to 1972 or that had received a permit from TRPA or a pre-2018 lease from a state or federal agency. Subparagraph 84.3.3.D.3, *Existing Buoys*, of the TRPA Code of Ordinances sets forth the following provisions for the grandfathering of existing buoys:

- **Littoral parcels.** TRPA may authorize up to two existing mooring buoys on a littoral parcel with less than 50 feet of lake frontage and up to three existing mooring buoys on a littoral parcel with 50 feet or more of lake frontage.
- **Non-littoral parcels.** TRPA may authorize up to one existing mooring buoy on a non-littoral parcel, provided it existed prior to 1972.

While this subparagraph addresses buoys associated with private residential parcels, it does not address buoy fields. Buoy fields are typically associated with a public use, homeowners’ association, marina, or commercial or tourist accommodation use. The limitations, which allow a maximum recognition of only three buoys for any individual littoral parcel, would not accommodate buoy fields.

Staff reviewed the analysis of buoy field characteristics that was completed as part of the Shoreline Plan, using the 2016 buoy surveys. Staff also reviewed prior TRPA permits for buoy fields, state permits/leases for fields with more than five buoys, and 1969 aerial photographs. Based on this review, roughly half of buoy fields already have a TRPA permit issued prior to adoption of the 2018 Shoreline Plan and nearly all buoy fields have state leases or permits.

The Shoreline Steering Committee continues to meet regularly to discuss the ongoing implementation of the Shoreline Plan. The Steering Committee considered the issue of having no provision to grandfather buoys in existing buoy fields. They recommend that the code be amended to address these existing buoys when the buoy field is offshore of a littoral parcel. The steering committee is not recommending language addressing existing buoys associated with a non-littoral buoy field at this time.

Amendment Description:

This proposal amends Chapter 84 of the TRPA Code of Ordinances as shown in Exhibit 1 to Attachment A. The proposed amendment would add a new Subparagraph E.3, *Existing Buoys*, to Subsection 84.3.3, *Mooring Buoys*. This subparagraph would establish the parameters for grandfathering existing buoys that are located in an existing buoy field. These parameters are the same as those currently described in Subparagraph D.3 for private littoral parcels, except there is no limit on the number of buoys per littoral parcel. To be covered under the grandfathering provisions, an existing buoy in a littoral buoy field must:

- have existed prior to 1972; or
- have a pre-2018 state or federal lease.

Environmental Review:

The Code amendment has 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, which tiers from the Shoreline Plan Environmental Impact Statement (EIS), finds that the proposed amendments would not result in significant effects on the environment (see Attachment C).

Regional Plan Compliance:

The proposed amendments to the Code of Ordinances are consistent with the Shorezone Subelement, a component of the Regional Plan's Conservation Element.

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
 - Exhibit 1: Code Amendments
- B. Required Findings/Rationale
- C. Initial Environmental Checklist (IEC)

Attachment A
Adopting Ordinance

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2019-

AN AMENDMENT TO ORDINANCE NO. 87-9, AS PREVIOUSLY AMENDED, TO AMEND THE TRPA CODE OF ORDINANCES, CHAPTER 84 TO ESTABLISH PROVISIONS FOR RECOGNITION OF EXISTING BUOYS WITHIN AN EXISTING BUOY FIELD, AND OTHER MATTERS PROPERLY RELATED THERETO

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

Section 1.00 Findings

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

Section 2.00 TRPA Code of Ordinances Amendments

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

Section 3.00 Interpretation and Severability

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

Section 4.00 Effective Date

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

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

Ayes:

Nays:

Abstentions:

Absent:

William Yeates, Chair
Tahoe Regional Planning Agency,
Governing Board

Exhibit 1 to Attachment A

Code Amendments

EXHIBIT 1

CODE AMENDMENT

Text to be added shown in ~~red with strikeout~~.

Text to be deleted shown in blue with underline.

Add a new Subparagraph E.3 to Subsection 84.3.3 to read as follows:

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

84.3. MOORING STRUCTURES

84.3.3. Mooring Buoys

In addition to the general standards in subsection 84.3.2, mooring buoys are subject to the following standards:

E. Buoy Fields.

3. Existing Buoys. TRPA may authorize existing mooring buoys offshore of a littoral parcel associated with a homeowners association or similar entity, commercial, tourist accommodation, marina, or public use, providing:
 - a. The littoral parcel owner provides a valid buoy permit issued by a federal or state agency with appropriate jurisdiction prior to September 1, 2018;
or
 - b. The littoral parcel owner provides clear evidence of the existence of the buoy(s) prior to February 10, 1972.

Attachment B

Required Findings/Rationale

ATTACHMENT B

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 C). The IEC found that the proposed Code amendments would not have a significant effect on the environment.

The proposed amendment is consistent with and will implement the Shoreline Plan. The amendment is minor in nature and are not anticipated to result in environmental effects. The proposed amendment is consistent with the assumptions and analysis supporting the [Shoreline Plan Environmental Impact Study \(EIS\)](#). As demonstrated in the EIS and accompanying findings, implementation of 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 existing language in the Code of Ordinances. The amendments are substantially consistent with the Shoreline Plan's project description, environmental baseline, and associated policies. The changes are minor in nature and will not result in environmental effects. The Code amendments will increase the efficiency of Code administration and compliance. These changes will improve the implementation of the Shoreline Plan and the Regional Plan. Additionally, they will support the achievement and maintenance of the thresholds. The Code amendments are consistent with the Regional Plan policies and goals 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 for the Shoreline Plan, implementation of the 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 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 amendment would not adversely affect any state, federal, or local standards. The amendment is intended to add an unintentionally omitted Code provisions, which will maintain consistency with the Shoreline Plan.

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

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

Rationale: As demonstrated in the Chapter 4 [findings](#) for adoption of the Shoreline Plan (see Attachment C of the October 24, 2018 Governing Board packet), implementation of the Shoreline Plan will achieve and maintain thresholds. The proposed amendments to the Code of Ordinances will improve implementation of the 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 programs, will attain and maintain thresholds.

Attachment C

Initial Environmental Checklist (IEC)

INITIAL DETERMINATION OF ENVIRONMENTAL IMPACT CHECKLIST

Project Name:

Shoreline Code Amendment – December 2019

Project Description:

This project would involve amending Chapter 84 of the TRPA Code of Ordinances as shown in Exhibit 1 to Attachment A. The proposed amendment would add a new Subparagraph E.3, *Existing Buoys*, to Subsection 84.3.3, *Mooring Buoys*. This subparagraph would establish the parameters for grandfathering existing buoys that are located in an existing buoy field. These parameters are the same as those currently described in Subparagraph D.3 for private littoral parcels, except there is no limit on the number of buoys per parcel. To be covered under the grandfathering provisions, an existing buoy in a littoral buoy field must:

- have existed prior to 1972; or
- have a pre-2018 state or federal lease.

The project constitutes a minor amendment to the Shoreline Plan. The Shoreline Plan was adopted in October 2018 pursuant to an Environmental Impact Statement (EIS). The EIS considered continued use of existing moorings (i.e. moorings with a TRPA/state/federal permit or existing prior to 1972) as part of the environmental baseline. Beyond these existing moorings, the Shoreline Plan allows for up to 2,116 new moorings.

Because the amendment focuses on procedures for recognizing existing buoys, it is not anticipated to result in any further shoreline development than what was already anticipated in the Shoreline Plan EIS. This IEC tiers from the Shoreline Plan EIS and considers only the potential for impacts of the amendment that were not otherwise addressed in the Shoreline Plan EIS.

The Shoreline Plan EIS, which is included by reference, is available at this link under the “Shoreline Plan” heading: <http://www.trpa.org/document/projects-plans/>

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?

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

3. Water Quality

Will the proposal result in:

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

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

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

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

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

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

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

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

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

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

Discussion (Item 5.d): Existing mooring buoys being recognized pursuant to this amendment must meet Chapter 84 standards. These standards include requirements designed to minimize impacts to fish habitat, such as a restriction on locating within a Stream Mouth Protection Zone. Implementation of existing standards will ensure no impact occurs as a result of this amendment.

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?

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No

No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

8. Land Use

Will the proposal:

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

Discussion (Item 8.b): The proposal will not result in expansion or intensification of a non-conforming use. Rather, the provisions in the proposed ordinance would provide a mechanism to recognize and register existing buoys within a buoy field. Pursuant to Chapter 84 standards, recognized buoys must still meet minimum standards, including setbacks, spacing, and location.

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?

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

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

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

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

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

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

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

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

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

Discussion (Items 18.a and 18.e): The Shoreline Plan EIS includes a visual mitigation program. All recognized buoys are required to pay a scenic mitigation fee as part of the registration process. The fee goes contributes towards scenic restoration projects.

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

Discussion (Item 19.b): The proposed amendment would provide a mechanism to recognize existing buoys within a buoy field that were either established prior to 1972, or have been established since 1972 subject to a TRPA permit or state or federal lease. These existing buoys represent existing recreational capacity, rather than additional capacity.

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

Discussion (Item 21.a): Existing mooring buoys being recognized pursuant to this amendment must meet Chapter 84 standards. These standards include requirements designed to minimize impacts to fish habitat, such as a restriction on locating within a Stream Mouth Protection Zone. Implementation of existing standards will ensure no impact occurs as a result of this amendment.

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.)

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> 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 November 21, 2019

Michael T. Conger, AICP, Senior Planner
Title of Evaluator

STAFF REPORT

Date: December 11, 2019

To: TRPA Governing Board

From: TRPA Staff

Subject: Proposed Tahoe Douglas Visitors Authority Tahoe South Events Center Project; 55 Highway 50, Stateline, Nevada

Summary and Staff Recommendation:

Staff will provide an informational update on the Tahoe South Event Center (TSEC) project. This item is for informational purposes and no action is required.

Background:

In early 2015, the Tahoe Douglas Visitors Authority (TDVA) conducted a feasibility study for the potential development of a new multi-purpose entertainment and conference center on Lake Tahoe's South Shore. The study analyzed the local market, demographics, economic and fiscal impacts, and competitive and comparable facilities. Subsequently, the TDVA submitted a project application to TRPA for a 6,000-seat event center located in Stateline, Douglas County, Nevada at the southeast corner of the US Highway 50 intersection with Lake Parkway. The TDVA is responsible for the planning, construction and eventual operation of the TSEC. TRPA is currently reviewing the application and preparing an Environmental Assessment (EA) to evaluate the potential environmental impacts resulting from the proposed project.

TRPA anticipates releasing the EA in early January, presenting and taking comment on the EA in January 2020, and taking the project as an action item in February 2020.

Applicant's Project Purpose and Need:

The South Shore of Lake Tahoe currently lacks a year-round venue necessary to attract conventions, trade shows, special events and entertainment. The TDVA desires a high-quality public assembly and entertainment venue for residents and visitors to the south shore of Lake Tahoe. There is also a desire to reinvent the built environment, animating the street with retail, dining, entertainment and events, providing aesthetic and environmental enhancements and improving the area's market position and visitor experience.

The TDVA proposes a facility capable of accommodating the seating for 6,000 persons for entertainment and with an area of 29,000 sf for sporting events. This space allocation will also accommodate floor exhibition and trade show functions, as well as banquet seating for up to 1,500 persons. The TSEC program is typical for small multi-use facilities and is similar in dimensions to a sister structure in Dodge City, Kansas. To host the range of anticipated events, approximately 10,000 sf of meeting rooms, a

commissary kitchen, concession stands, locker rooms, dressing rooms, storage, ticket office, and supporting office spaces are programmed. TDVA anticipates most annual events (approximately 90) will be expected to draw between 250 and 1,200 attendees.

List of Project Objectives:

1. Continue transition from a gaming-based economy to a recreation-based economy.
2. Create a facility that can accommodate performing arts, sports, exhibition and association and corporate group business.
3. Develop a facility to attract shoulder season (spring/fall) and mid-week business.
4. Develop a facility to mitigate the significant decline in work hours impacting the tourism-based work force in spring and fall.
5. Implement a formal paid parking program in the casino core to reduce VMT and incentivize residents and guests to utilize alternatives to the private automobile.
6. Implement a seasonal, free and frequent micro-transit system with the goal to expand the system if ridership demonstrates the micro-transit system is an attractive alternative to the private automobile.
7. Construct an emergency shelter-in-place location within the casino core.
8. Reduce pollutants of concern discharged to the Stateline Stormwater Association regional water quality system.

Project Location:

The Tahoe South Events Center Project (Project) is proposed in Stateline, Douglas County, Nevada at the southeast corner of the US Highway 50 intersection with Lake Parkway. The project area consists of portions of two parcels currently owned by Edgewood Companies: the site of the MontBleu Resort Casino and Spa (APN 1318-27-001-007) and an adjacent undeveloped parcel (APN 1318-27-002-006). Although both parcels have been used to define the project area, the proposed improvements associated with the Tahoe South Events Center (TSEC) will be sited within a 13.3-acre project area boundary that fits almost entirely within the existing MontBleu surface parking lot.

Project Description:

The proposed Events Center building would consist of two levels: an event floor level and a suites and offices level. The building footprint is approximately 88,000 square feet and the total floor area is approximately 122,000 square feet. The proposed Events Center design has a maximum height of 85 feet and complies with the maximum height limits within 100 feet of U.S. Highway. The facility's design would offer the flexibility of hosting a wide variety of events including conventions and conferences, sports, trade shows, performing arts and musical concerts. The maximum seating capacity is approximately 6,000, which would include floor seating for a concert or performing arts event.

During trade shows, ice skating shows, and sporting events, such as hockey, basketball and volleyball, up to 4,200 seats would be available. To reduce traffic loads and competition with other area venues during the peak season, which runs from June 15 through Labor Day, a 2,500-seat limit would be implemented for the Events Center during the peak season. In addition, the Events Center is designed as a "shelter-in-place" for use as an emergency shelter should a natural disaster occur in the area.

Patrons arrive for events via the ground level concourse or the event floor level. Fixed, telescopic seating is arranged in a horseshoe pattern around the event floor with the event stage at one end. This ground level concourse also includes restrooms, concessions, ticketing, first aid and entry vestibules. The second level includes fixed loge seating, 13 suites, press boxes, spectator concourse, support facilities, meeting rooms, conference space, offices and restrooms. Office and meeting spaces are designed to accommodate event center administration, the TDVA and the Tahoe Chamber. It is anticipated that community meetings such as the Douglas County Board of County Commissioners would be held in one of the meeting rooms.

Environmental Assessment (EA):

An EA is being prepared for the project. The EA will assess whether the project may proceed without preparation of a full Environmental Impact Statement (EIS) if all potential impact can be safely determined to not be significant. The primary issues that will be discussed in the EA to date are:

Traffic:

The EA will describe the existing traffic, parking, and circulation system in the vicinity of the project site, presents the regulations applicable to the study area, identifies significance criteria for traffic, parking, and circulation impacts, and evaluates the potential impacts associated with “no project” and “plus project” conditions. In addition, future cumulative transportation impacts will be evaluated. Paid parking and micro transit service are key elements of the project description that are aimed addressing impacts related to traffic.

The parameters of the paid parking program are as follows:

- At a minimum, the paid parking program would be in place daily during the peak summer visitation period (e.g., mid-June to mid-September) and each weekend during heavily visited seasons throughout the rest of the year.” Employees are exempted from the paid parking program.
- Paid parking is assumed for Harveys, Harrah’s, MontBleu and Hard Rock Hotel and Casino.
- A flat parking fee of \$20 per day, at a minimum, is assumed. This includes all guests/customers, including club card holders.
- No other changes in parking supply and controls are assumed. The existing paid parking at the Heavenly Village Parking Garage and along Transit Way and Bellamy Court are assumed to stay in place, along with other existing parking limitations. No other parking management measures (such as additional parking duration limits) are assumed.

The parameters of the micro transit service are as follows:

- A general route would be followed between the Round Hill, NV area on the north and the Bijou Center, CA area on the west, including a one-way loop around Pioneer Trail, Ski Run Boulevard and US 50. Key stops would be served on a schedule, and the vehicles would deviate up to a half-mile to serve requests received through an app, by phone, or on request to the drive.
- Service would be provided from approximately June 15th through September 15th (encompassing the peak summer period), from 10 AM until 2 AM on Fridays, Saturdays and holidays, and from 10

AM until 10 PM on other days (encompassing the peak traffic period).

- Service would be provided with a minimum of two vehicles at a time. In off-peak times, this would result in service every 30 minutes, while in peak traffic times delays would increase travel times to approximately 45 minutes.
- The service would be operated using a vehicle with 20 to 25 passenger capacity.

The traffic analysis evaluates the daily one-way vehicle trips (DVTE) based on a 2,500-seat capacity limit during the peak summer season with paid parking and micro-transit service in place. The preliminary traffic analysis identifies a net reduction of approximately 6 percent of daily DVTE made to and from the casino access points primarily due to the implementation of paid parking and micro-transit. During the PM peak hour, the project would result in a net increase of less than one percent of DVTE.

When compared to the existing summer daily vehicle miles travelled (VMT) in the Tahoe region the proposed project is estimated to reduce region wide VMT from existing conditions by approximately 1.1 percent. To validate the assumptions in the traffic analysis regarding the effects of paid parking and micro transit TRPA staff retained a transportation consulting firm to conduct a peer review of the traffic analysis which is currently in progress.

Groundwater Interception:

Groundwater is expected to be intercepted during construction and seasonally over long term operations of the facility. Generally, seasonal high groundwater measurements across the project area range from 13.5 feet to over 25 feet below ground surface (bgs) where excavations are proposed with groundwater levels generally higher at the eastern portions and lower at the western portions of the site. The Proposed Action requires a maximum excavation depth of approximately 25.5 feet, which would extend approximately 12 feet below the seasonal high groundwater levels at the eastern extent of the proposed structure (located at the back of house and vehicle service area).

Most of the excavation depths are not anticipated to extend to the seasonal high groundwater level. However, because of seasonal fluctuation and the timing of construction and slope topography across the site, the need for construction and post construction dewatering is anticipated. The TRPA Code of Ordinances allows for the interception of groundwater if “there are no feasible alternatives for locating mechanical equipment, and measures are included in the project to prevent groundwater from leaving the project area as surface flow, and any groundwater that is interfered with is rerouted in the ground water flow to avoid adverse impacts to riparian vegetation.”

Mechanical equipment such as boilers, electrical, chillers and an elevator are located on the ground floor which is the same level as the event floor. According to the project architect the building would not be marketable if mechanical equipment associated with back of house functions (such as loading/unloading dock) were not located on the same level as the event floor. The EA is identifying dewatering methods for during construction and over long-term operations of the facility to prevent the intercepted groundwater from leaving the site as surface flow.

Project Conditions:

In order to consider approval of the project, a number of special conditions will have to be included within the permit addressing several key areas:

Venue Capacity/Parking Management/Micro-transit

	TDVA	TRPA
Proposal:	To reduce traffic loads and competition with other area venues during the peak season, which runs from June 15 through Labor Day, a 2,500-seat capacity limit would be implemented for the Events Center during the peak season.	
Permit Condition:		Prior to permit acknowledgement TDVA will record a TRPA approved deed restriction limiting venue capacity in perpetuity. The deed restriction will not be revocable, or modified, in the future without TRPA approval.
Proposal:	Implement a formal paid parking program in the casino core to reduce VMT and incentivize residents and guests to utilize alternatives to the private automobile. Paid parking is proposed for Harveys, Harrah's, MontBleu and Hard Rock Hotel and Casino during the peak summer visitation period (e.g., mid-June to mid-September) and each weekend during heavily visited seasons throughout the rest of the year.	
Permit Condition:		Prior to permit acknowledgement TDVA will submit parking agreements approved by all parties documenting the details of the proposed paid parking program.
Proposal:	Implement a seasonal, free and frequent micro-transit system with the goal to expand the system if ridership demonstrates the micro-transit system is an attractive alternative to the private automobile.	
Permit Condition:		Prior to permit acknowledgement TDVA will submit a transit plan specifying the details (e.g. schedule, routes, vehicle capacity, etc.) of the proposed micro-transit system.

Groundwater Interception

	TDVA	TRPA
Proposal:	Implement dewatering methods during construction and over long-term operations of the facility to prevent the intercepted groundwater from leaving the site as surface flow.	
Permit Condition:		Prior to permit acknowledgement TDVA will submit a temporary and permanent groundwater interception and re-infiltration plan prepared by a qualified engineer.

Anticipated Project Hearing Schedule:

December 2019

- Governing Board informational item to introduce the project and discuss major issues identified to date during the environmental review.

January 2020

- Governing Board public hearing on draft Environmental Assessment to solicit public comment on environmental document. The draft EA will be released prior to GB meeting for members and public to review.

February 2020

- Governing Board public hearing to consider action (approve/deny/continue) on EA and project.

Contact Information:

For questions regarding this agenda item, please contact Paul Nielsen, at (530) 318-6025 or pnielsen@trpa.org

STAFF REPORT

Date: December 11, 2019

To: TRPA Governing Board

From: TRPA Staff

Subject: Update on the Main Street Management Plan and Other Components of the US 50/South Shore Community Revitalization Project

Summary and Staff Recommendation:

This staff report provides a brief update on the Main Street Management Plan and the South Shore Community Revitalization Project. This item is for informational purposes and no action is required.

Project Description/Background:

Prior to permit acknowledgement of Phase 1 of the South Shore Community Revitalization Project (SSCRP), the Main Street Management Plan (MSMP) must be developed and adopted by the TRPA Governing Board. The MSMP will provide a plan for the transition of the Main Street area after its conversion from a five lane US highway to a space which enhances the business environment, visitor experience and environmental sustainability. TRPA, as a partner agency and in coordination with the Tahoe Transportation District (TTD), is the lead in developing the MSMP. TTD is the lead in developing and completing three components of the MSMP and the remaining project conditions/components of the SSCR, as shown in the table below.

Project Condition/Component	Lead Entity
Main Street Management Plan must be approved by TRPA before proceeding with roadway realignment	TRPA
<ul style="list-style-type: none"> • Main Street Design and Wayfinding • Main Street Management Plan Transit Circulator • Main Street Management Plan Property and Improvements Ownership, Management, and Funding • Parking Management 	TRPA TTD TTD TTD
Replacement Housing - 109 Transit Oriented Development (TOD) Residential Units (102 low income, 7 moderate income).	TTD
<ul style="list-style-type: none"> • 76 units shall be constructed prior to displacement of any residents for any part of the SSCR. • No less than 33 units shall be constructed before or concurrent with the roadway realignment. 	
Rocky Point Neighborhood Amenities Plan	TTD

US 50 Engineering and Construction Plans	TTD
Secure Project Funding	TTD

TRPA Status Report:

Main Street Management Plan Stakeholder Working Group

- The fourth Stakeholder Working Group (SWG) meeting was held on November 19th. TRPA staff and consultants presented two alternative options for the design of Main Street to the group; each had an overarching theme: The Green Street Alternative and The Festival Street Alternative. The Green Street incorporated native Tahoe plants and materials as a visual guide through the corridor and surrounding recreation. The Festival Street provided opportunities for street activation by reserving space for events, increasing outdoor dining opportunities and community gathering spaces.

Along with the plan view maps and renderings illustrating the potential of each design, an alternatives analysis was presented showing how each option meets the goals developed by the SWG in the beginning of the process. Both alternatives were analyzed using the goals developed by the SWG which included safety, circulation during events, vehicle and pedestrian flow, cost, and maintenance, among others. The SWG chose a hybrid of the two options which will be presented back to the group in the draft plan in early/mid 2020. The focus of the next few months will be on other components of the Main Street Management Plan, including parking management, transit, ownership and operation of new facilities, a funding strategy, and working with the Project Development Team discussed below.

Outreach

- Following the SWG meeting, TRPA held the third of four open houses in the Main Street series. The two alternatives were presented to the community for input that will be further incorporated into the draft plan. The final open house will be held concurrently with the next SWG meeting in early/mid 2020.

TTD Status Report:

Main Street Management Plan/US 50 Engineering & Construction Plans

- A Project Development Team (PDT) meeting was held on December 2nd. The PDT is focused on the technical details of the US 50/SSCRP and is made up of representatives from the City of South Lake Tahoe, Douglas County, South Tahoe Public Utility District, and California and Nevada Departments of Transportation. This phase of work will focus on determining Rocky Point Neighborhood and Main Street features, preparing the necessary bid documents for construction, and obtaining necessary rights of way.

Replacement Housing

- Pacific Development Group and TTD applied to the City of Couth Lake Tahoe for an amendment to the Tourist Core Area Plan. This amendment would incorporate three parcels adjacent to Ski Run Blvd and Pioneer Trail into the existing Tourist Core Area Plan and would allow for an increase in density for multi-family residential by 17 units. The RPIC will review the amendment this month. If processed and approved by the City, the amendment would be considered by the TRPA Governing Board for approval. Prior to the initiation of this process all parties met with TRPA staff to verify the appropriate process for the plan amendment. Pacific Development Group, the City, and TTD entered into a Memorandum of Understanding in August 2019.

Contact Information:

For questions regarding this agenda item, please contact Alyssa Bettinger, Associate Planner, at (775) 589-5301 or abettinger@trpa.org.

STAFF REPORT

Date: December 11, 2019

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

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

Summary and Staff Recommendation:

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

This item is scheduled for Governing Board review in December, following the RPIC's consideration and recommendation. Please refer to the relevant Governing Board consent calendar item number 3 in the packet for the full staff summary, ordinance, and other relevant attachments.

Required Motions:

In order to recommend adoption of the ordinance amendments, the Regional Plan Implementation Committee must make the following motion(s), based on the staff summary:

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

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

Contact Information:

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



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STAFF REPORT

Date: December 11, 2019

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

Subject: Proposed amendment to Chapter 84 of the TRPA Code of Ordinances regarding permitting of existing buoys in buoy fields.

Summary and Staff Recommendation:

Staff recommends that the Regional Plan Implementation Committee recommend Governing Board approval of the proposed amendments to the Code of Ordinances. These amendments address implementation of the Shoreline Plan regarding permitting of existing buoys in buoy fields.

This item is scheduled for Governing Board review in December, following the RPIC's consideration and recommendation. Please refer to the relevant Governing Board agenda item no. VIII.A in the packet for the full staff summary, ordinance, and other relevant material.

Required Motions:

In order to recommend adoption of the proposed ordinance amendments, the Regional Plan Implementation Committee must make the following motion(s), based on the staff summary:

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

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

Contact Information:

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

STAFF REPORT

Date: December 11, 2019

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

Subject: Review of proposed amendments to the Tourist Core Area Plan (Ski Run/Pioneer Parcels)

Summary and Staff Recommendation:

TRPA and the City of South Lake Tahoe will provide an overview of proposed amendments to the Tourist Core Area Plan (TCAP). This item is for informational purposes and no action is required. Staff requests comments from the Regional Plan Implementation Committee before the City of South Lake Tahoe begins the process of bringing these changes forward for approval through the City of South Lake Tahoe Planning Commission.

Required Motions:

No motion is required.

Project Description/Background:

The City of South Lake Tahoe (City) in cooperation with the Tahoe Transportation District (TTD) and Pacific Development Group (PDG) propose to amend the boundaries of the City of South Lake Tahoe Tourist Core Area Plan/Specific Plan (TCAP), the Pioneer/Ski Run Plan Area Statement 092 (PAS 092), and Lakeview Heights Plan Area Statement 085 (PAS 085). The proposed amendment would modify the TCAP boundary to incorporate three parcels located in the PAS 092 and PAS 085. The three parcels abut the TCAP boundary and are located east of the intersection of Ski Run Boulevard and Pioneer Trail. The purpose of the proposed amendment is to facilitate the development of affordable community housing, and the amendment would enable an increase in land coverage, height, and density to permit the potential development of approximately seventy-seven (77) multi-family dwelling units on the subject parcels when combined with two other parcels currently located in the TCAP.

The parcels which are the subject of this revision are centrally located and on a major transit line. Pioneer Trail is slated to receive streetscape improvements (e.g. sidewalks and better lighting) that will make this area more walkable and bikeable. These parcels are also across the street from an existing affordable housing development (the Aspens).

Detailed information on the proposed revisions are included in the attached memo from City of South Lake Tahoe staff.

Based on RPIC's direction, the City of South Lake Tahoe and TRPA staff may refine recommendations and will bring a full amendment package forward for future consideration by the TRPA Advisory Planning Commission and Governing Board in March and April of 2020.

Contact Information:

For questions regarding this agenda item, please contact Karen Fink, at (775) 589-5258 or kfink@trpa.org.

Attachments:

A. Tourist Core Area Plan Amendment (Ski Run/Pioneer Parcels) Project Description

Attachment A

Tourist Core Area Plan Amendment (Ski Run/Pioneer Parcels) Project Description



"We will reflect the National Treasure in which we live"

Project Description

Tourist Core Area Plan/Specific Plan & Pioneer/Ski Run Plan Area Statement 092 & Lakeview Heights Plan Area Statement 085 Boundary Line Amendment City of South Lake Tahoe, CA

PROJECT DESCRIPTION

The City of South Lake Tahoe (City) in cooperation with the Tahoe Transportation District (TTD) and Pacific Development Group (PDG) propose to amend the boundaries of the City of South Lake Tahoe Tourist Core Area Plan/Specific Plan (TCAP), the Pioneer/Ski Run Plan Area Statement 092 (PAS 092), and Lakeview Heights Plan Area Statement 085 (PAS 085). The proposed amendment would amend the TCAP boundary to incorporate three parcels located in the PAS 092 and PAS 085. The parcels to be incorporated into the TCAP are APNs 028-081-02, 028-081-04, and 028-081-15. The three parcels total 1.61 acres in size and are located east of the intersection of Ski Run Boulevard and Pioneer Trail and abut the TCAP boundary. The purpose of the proposed amendment is to facilitate the development of affordable community housing, and the amendment would enable an increase in land coverage, height, and density to permit the potential development of approximately seventy-seven (77) multi-family dwelling units on the subject parcels when combined with two other parcels currently located in the TCAP. Construction of these affordable housing units may be used to satisfy the U.S. 50 Highway Revitalization Project's (U.S. 50 Project) requirement to provide replacement housing for residents in the Rocky Point neighborhood, however, this project is not contingent on the U.S. 50 Project and is planned even if the U.S. 50 Project never occurs.

The TCAP was adopted by the City of South Lake Tahoe on October 15, 2013 and provides land use guidance for future development and redevelopment. The TCAP addresses land use regulations, development and design standards, transportation, recreation, public services, and environmental improvements for the area. It encourages general improvement and enhancement for the built environment and provides a framework to change the existing conditions into opportunities for redevelopment with a focus on achieving environmental improvements, encouraging a mixed-use land use pattern that includes tourist accommodation, residential, commercial, public facilities, public spaces and opportunities for housing in close proximity to job centers. The TCAP is the center of tourist services and recreation access and has traditionally been the area with the highest concentration of services and density.

The proposed amendment would amend the existing Tourist Center Mixed-Use Corridor (TSC-MUC) boundary to incorporate the three subject parcels. The subject parcels would be eligible for a maximum height of up to 56 feet, maximum land coverage of 70%, and a maximum density of 25

dwelling units per acre. See maps below for the existing zoning map and proposed boundary amendment to incorporate the three subject parcels.

EXISTING CONDITION

One parcel (APN 028-081-15) is entirely located in PAS 092. Two parcels (APN 028-081-15 and 028-081-02) are primarily located in PAS 092 with a small southerly portion of the parcels located in PAS 085 (see Existing Area Plan/Plan Area Boundaries Map below). Multi-family is an allowed use in PAS 092; however, only at a density of 15 units per acre. Multi-family is not a permissible use in PAS 085, however the corner of the parcel proposed for the housing project possesses attributes compatible with multi-family housing, such as being within a quarter-mile of transit, adjacent to bicycle and pedestrian facilities, and within a half-mile of neighborhood services. Some commercial uses are currently allowed in PAS 092 with a Special Use Permit. One parcel currently sits vacant, one is developed with two small cabins, and the third has an existing dirt road that provides access to five parcels located just east of the subject parcels. The subject parcels are surrounded primarily by single-family residential uses to the north, east, and south and to the west by a vacant commercial parcel and existing commercial uses. Parcels adjacent to Ski Run/Pioneer intersection include an existing firehouse and the Aspens affordable multi-family housing development.

DESIRED CONDITION

The subject parcels will be incorporated within the Tourist Center Mixed-Use Corridor District. The primary list of permissible uses, maximum densities, land coverage, and height that would apply to the subject parcels are shown in the following table. As described above, the proposed amendment would result in the subject parcels being eligible for a maximum height of up to 56 feet, maximum land coverage of 70%, and a maximum density of 25 dwelling units per acre for multi-family uses. Although tourist densities of up to 40 units per acre are allowed in the Tourist Core Mixed-Use and some additional commercial uses are allowed, these additional uses would be excluded from the subject parcels.

Land Use Category	PAS 085		PAS 092		Tourist Core Tourist Center Mixed-Use Corridor	
	Permissible	Density	Permissible	Density	Permissible	Density
Residential						
Employee Housing	-	-	S	15 DU/acre	A	15 DU/acre
Multiple Family Dwelling	-	-	A	15 DU/acre ¹	A	25 DU/acre
Multi-Person Dwelling	-	-	S	25 persons/acre	S	25 persons/acre
Single Family Dwelling	A	1 unit per parcel for parcels less than an acre. 2	A (condos allowed)	1 unit per parcel for parcels less than an acre. 2 units for	A (includes condos)	1 unit per parcel for parcels less than an acre. 2 units for

		units for parcels greater than an acre, provided one unit is an authorized secondary residence		parcels greater than an acre, provided one unit is an authorized secondary residence		parcels greater than an acre, provided one unit is an authorized secondary residence
		PAS 085		PAS 092		Tourist Core Tourist Center Mixed-Use Corridor
Land Coverage		Up to 30%		Up to 30%		Up to 70% with Transfer
Height		Up to 42 Feet ²		Up to 42 Feet ²		56 Feet

¹ Per the TRPA Code of Ordinances Section 31.4.1, affordable housing developments may be eligible for a 25% increase in density (or 18 units per acre) for areas outside of an adopted area plan.

² Per the TRPA Code of Ordinance Section 37.4.1, maximum height is calculated based on percent slope across a building site and proposed roof pitch.

PUBLIC OUTREACH

The City hosted a public workshop on November 14, 2019 for interested stakeholders to learn more about the proposal and to submit comments directly to agency staff and the environmental consultants. The workshop was held at the Forest Suites Resort at Heavenly Village, 1 Lake Parkway, South Lake Tahoe, California. Approximately four members of the public attended, including one adjacent property owner who had questions about the height of the proposed project.

The City requested public comments on the scoping notice by November 26, 2019. All comments received to-date are attached.

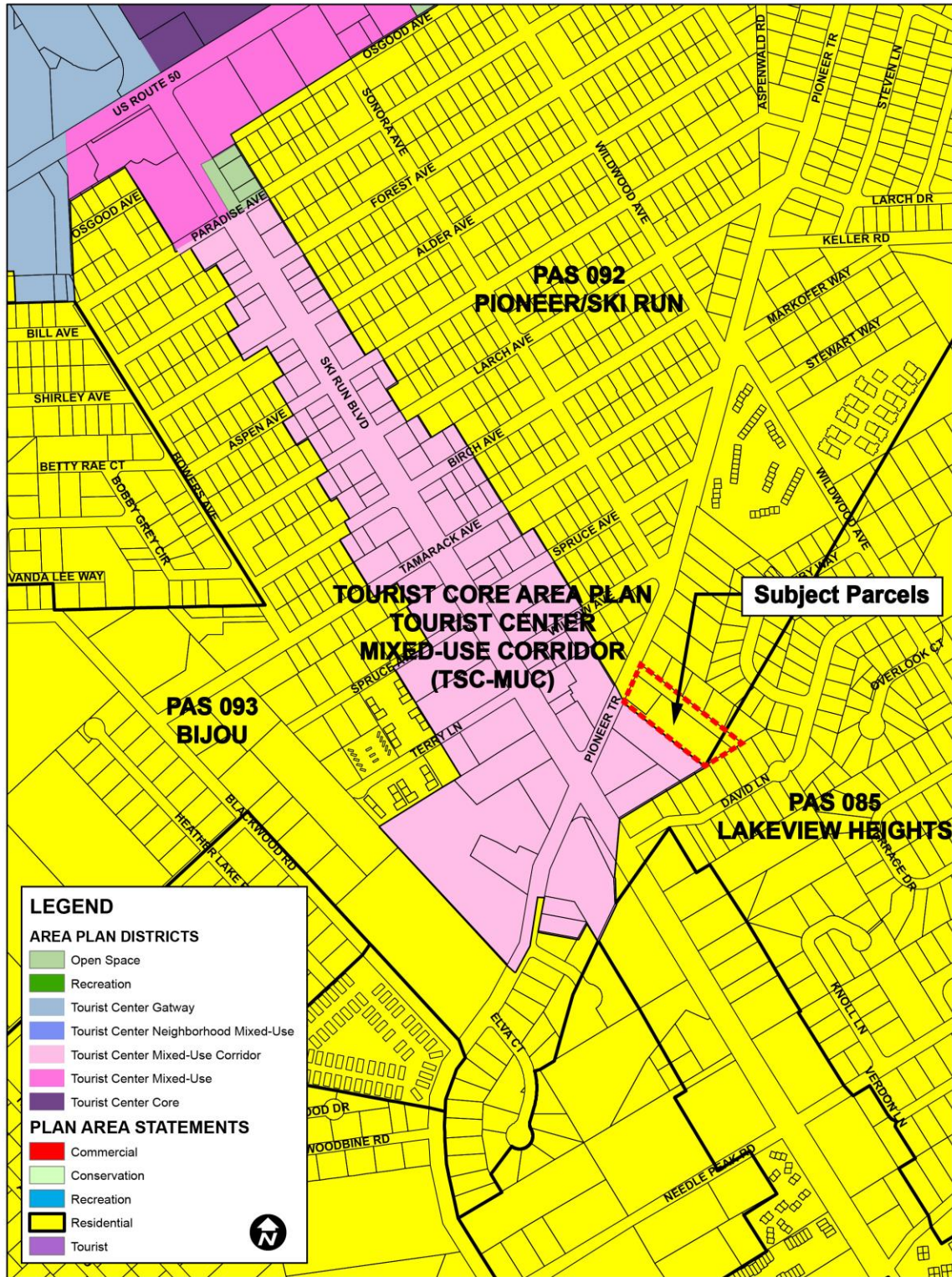
TIMING

The CEQA and TRPA environmental analysis for the TCAP amendment will proceed until the end of January 2020. Commission hearings at the City and TRPA for approval of the TCAP amendment will begin in February 2020, with expected approvals in April 2020.

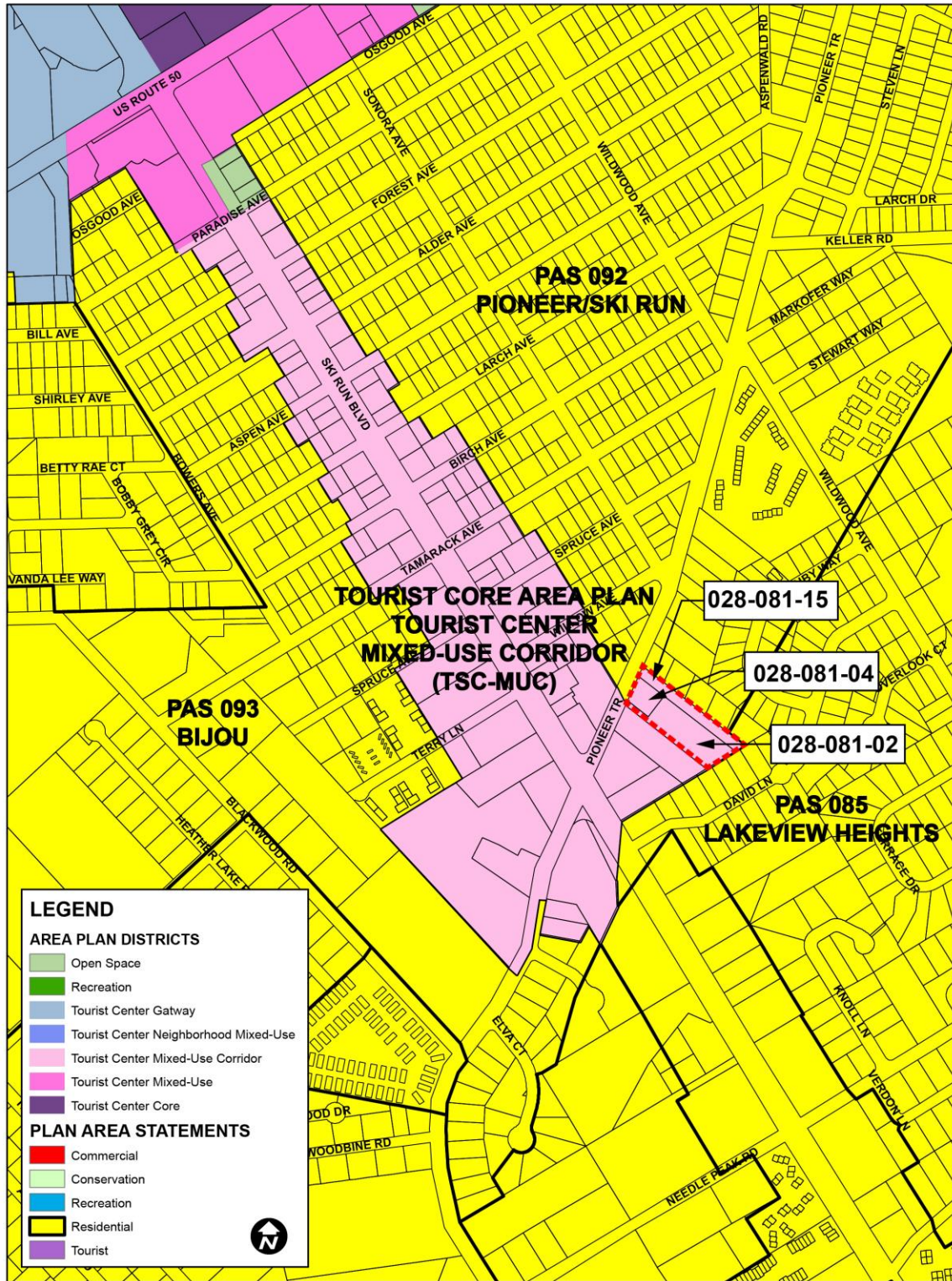
ATTACHMENTS

- A. Public comment received as of November 26, 2019

EXISTING AREA PLAN/PLAN AREA BOUNDARIES



PROPOSED BOUNDARY AMENDMENT



STAFF REPORT

Date: December 11, 2019
To: TRPA Regional Plan Implementation Committee
From: TRPA Staff
Subject: VMT Threshold Update – System Overview

Summary:

The Vehicle Miles Traveled (VMT) Threshold Update workplan includes the development of new mobility/transportation goals and standards for the Region and an associated implementation strategy and framework to achieve those goals. Achieving the goals relies on coordinated land use and transportation planning. The interaction between land use and transportation planning in the Region is complex and often misunderstood. This presentation will provide an overview of the interrelationships and dependencies of program elements and their relationship to the VMT threshold update initiative. The presentation will also address how VMT will be retained as a planning principle and as an action forcing mechanism to encourage project design that promotes the goals of the Regional Plan. The presentation is offered for information purposes only.

Background:

Historically land-use and transportation planning have been siloed into separate planning disciplines, ignoring the natural feedback loop between the two. Land-use planning guides where people live, stay, work, shop, and recreate, which in turn influences travel decisions and development of the transportation system. Ease of navigating the landscape (travel time and comfort) in turn influences preferences for where people shop, eat, and live, influencing investment decisions and shaping the land-use patterns of the future. In Tahoe, the silo between the two was dissolved earlier than it was in most regions. The Bi-State Compact directs TRPA to maintain a Regional Plan to limit and guide development, inclusive of a transportation plan to establish the connective tissue that allows people to navigate the landscape to achieve the goals of the Regional Plan.

The VMT Threshold Update workplan includes development of new goals and standards in two focus areas; 1) To increase non-automobile mode share, and 2) to reduce mobile source greenhouse gas emissions. Achieving those goals will require updating and aligning the complimentary implementing mechanisms in the Regional Plan and Regional Transportation Plan (RTP).

The Regional Plan limits overall development in the Region and contains policies that incentivize redevelopment within the Region's town centers. Promoting redevelopment in Tahoe's town centers benefits multiple environmental objectives including the water quality and lake clarity objectives, scenic standards for the built environment, and reduced reliance on private automobiles by locating residents and visitors close to work, services, and recreational amenities. The Regional Transportation Plan compliments the policies of the Regional Plan by focusing on strategies and infrastructure to reduce reliance on the automobile and promote walkable bikeable communities. Unlike other areas, the Tahoe Region's RTP does not include construction of new highways or expressways to meet forecasted increased demand, instead the RTP focuses on trip reduction policies and programs, connecting trails, and increasing transit. At the Regional Plan level, interest and comments we have received have primarily focused on how to assure action forcing mechanisms exist at the project level to achieve the integration of transportation and land use goals. Towards this end, most comments urge an action-forcing project level metric and an update to the air quality mitigation fee, both of which will likely be modified as a result of the VMT threshold update. The presentation will discuss the role of each.

In conversations and through comments received, we understand that some stakeholders would like to see VMT established as a de facto development cap. Because other more direct measures are adopted to cap development in the Regional Plan, there is not now a proposal to use VMT as a cap on regional development. Nonetheless, VMT will have an enduring role in regional planning and project evaluation. The goals of promoting regional mobility and reducing greenhouse gas emissions are linked to automobile travel, trip generation, and VMT. At the project level, reducing VMT generation is currently, and will be maintained as a core planning principle. Specifically, project impact assessment will include analysis of project impact on VMT as an action forcing mechanism for better project design.

The presentation and discussion at the December 18, 2019 meeting of the RPIC will include an overview of the different elements of the initiative and how they fit together and provide a comprehensive framework to achieve the region's goals.

Contact Information:

For questions regarding this agenda item, please contact Dan Segan, Principal Natural Resource Analyst, at dsegan@trpa.org or (775) 589-5233 or John Marshall, General Counsel, at jmarshall@trpa.org or (775) 303-4882.

STAFF REPORT

Date: December 11, 2019

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

Subject: Discussion and possible direction on area plan procedures and guidance materials

Summary and Staff Recommendation:

Staff will provide the RPIC with a brief overview of guidance materials to help public agencies develop area plans in conformance with the Regional Plan. This is an informational item and no action will be taken.

Since 2012, TRPA and local jurisdictions have adopted five conforming area plans. During that time, TRPA staff developed and refined guidance on best practices based on experience from past area plans. The *Area Plan Development Handbook* represents a consolidation and update of these guidance materials. This handbook has been shared with the local municipalities and will be used as a primary resource as TRPA provides technical assistance to agencies wishing to develop or amend an area plan.

Required Motions:

This item is informational and no action will be taken.

Background:

Area plans can be developed by a local, state, federal, or tribal agency. Once adopted by that agency, the TRPA Governing Board reviews the area plan for Regional Plan consistency. Though the public agency leads the area plan development process, Regional Plan Policy LU-4.13 requires that TRPA staff “actively participate” in an area plan’s development. This policy ensures that when the plan is reviewed by the Governing Board, it will be consistent with the Regional Plan. In September, the Governing Board received a presentation on the status of area plan development.

To help advise the development of area plans, TRPA first published the [Area Plan Framework](#) in 2014 as part of the Lake Tahoe Sustainable Communities Program. The *Framework* expands on the requirements in TRPA Code of Ordinances Chapter 13: *Area Plans* by recommending certain topics and maps be included in an area plan. Over time, staff supplemented the *Framework* by providing area plan development guidelines, an outline of the adoption process, and a summary of lessons learned to local jurisdictions. The *Area Plan Development Handbook* (Attachment A) consolidates and updates these materials.

Area Plan Activity:

Awareness of the handbook’s provisions is important, because area plan activity may increase in the coming year. In 2020, staff anticipates that the Governing Board will review two new area plans and four

area plan amendments for conformance with the Regional Plan. Table 1 provides a summary of these proposals.

TABLE 1: Anticipated Area Plan Activity in 2020	
Area Plan	Proposal in Process
Washoe County Tahoe Area Plan	<p>New area plan. This area plan would cover all of Washoe County’s territory within the Tahoe Basin. It includes three Town Centers.</p> <p><i>RPIC Informational Session – October 2019</i></p> <p><i>Public Review Draft – October 2019</i></p>
Tahoe Douglas Area Plan	<p>New area plan. This area plan would cover all of Douglas County’s territory within the Tahoe Basin outside of the South Shore Area Plan.</p>
South Shore Area Plan	<p>Area plan amendment. This proposal would entail a comprehensive amendment to the South Shore Area Plan, originally adopted in 2013, to be processed concurrently with the Tahoe Douglas Area Plan. The amendment would potentially expand the area plan boundaries.</p>
Placer County Tahoe Basin Area Plan	<p>Area plan amendment. This package of amendments would better align the area plan with statewide housing legislation.</p> <p><i>RPIC Informational Session – May 2019</i></p>
Tourist Core Area Plan	<ul style="list-style-type: none"> • Area plan amendment. This area plan amendment would expand the area plan boundaries to encompass 18 acres of the Bijou/Al Tahoe Town Center. <p><i>RPIC Informational Session – June 2019</i></p> <ul style="list-style-type: none"> • Area plan amendment. This area plan amendment would expand the area plan boundaries to include a 1.61-acre site near Pioneer Trail and Ski Run Boulevard in support of a proposed affordable housing project. <p><i>RPIC Informational Session – December 2019</i></p>

In addition to the above proposals, staff has been in preliminary conversations with the City of South Lake Tahoe about developing an area plan for either the Bijou/Al Tahoe Town Center area and/or for the remaining areas of the city not currently included in an area plan.

Features of the Area Plan Handbook:

The *Area Plan Development Handbook* is available to help guide a public agency’s decision-making throughout the planning process. It is also a tool for TRPA staff to foster consistency amongst the area plans. The *Handbook* includes the following features:

- Recommendations on work planning and project management (Section 2)
- A discussion of the process for area plan adoption (Section 3)
- Recommendations and requirements for area plan contents (Section 4 and Appendix A)

- Mapping and Geographic Information Systems (GIS) considerations (Section 5 and Appendix B)
- Guidance on the environmental review process (Section 6)
- A summary of the conformance review process (Section 7)
- A discussion on permit delegation through adoption of a Memorandum of Understanding (Section 8)
- The procedure to amend an area plan (Section 9)

The *Handbook* reflects seven years of TRPA staff experience in guiding the development of conforming area plans. Some of the more poignant topics that are addressed in the *Handbook* include the following:

- **A procedure for amending area plans.**
To date, no area plans have been amended, but three amendments are in process. TRPA Code Chapter 13 provides only general guidance on the area plan amendment procedure: follow the same conformance review process as a new area plan. The handbook supplements this by offering the following guidance:
 - Similar to the development of new area plans, the public agency takes the lead on area plan amendments with TRPA providing technical assistance.
 - An area plan should be amended no more frequently than twice a year. Multiple amendments should be consolidated where feasible.
 - Private parties seeking to amend an area plan should apply to the local agency. If the local agency determines that they wish to proceed with the amendment, they will notify TRPA of their intent to amend the area plan.
- **Insight regarding the scope of an area plan.**
One of the most significant decisions a public agency will make in the development of an area plan is the scope. In terms of geography, an area plan can cover just a small neighborhood of a few hundred acres or the agency's entire jurisdiction. From a policy standpoint, an area plan can carry forward existing policy or it could propose significant changes. Decisions on scope can affect the environmental review process, schedule, and budget. Based on staff experience, pursuing a jurisdiction-wide area plan that carries forward important environmental and community development policies may be the most efficient path to getting an area plan in place.
- **Advice on the environmental review process.**
Nevada jurisdictions are generally unfamiliar with the environmental review process due to lack of a statewide mandates, while California jurisdictions struggle with overlapping requirements in the California Environmental Quality Act (CEQA). To address this, the handbook stresses the efficiency of tiering off of existing environmental documents, discusses the need for professional services, and recommends best practices for environmental review.

A full copy of the handbook is provided in Attachment A. TRPA staff anticipates updating the handbook regularly to include insight gained from developing new area plans and monitoring and amending existing area plans.

Contact Information:

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

Attachments:

A. Area Plan Development Handbook

Attachment A

Area Plan Development Handbook

Area Plan Development Handbook

December 2019



A Voice for Lake Tahoe

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1 INTRODUCTION

The Lake Tahoe Regional Plan is the blueprint for the Tahoe Region’s sustainable future. The long-term economic and natural health of the region depends on maintaining a balance, or equilibrium, between the natural environment and the human-made environment. The plan establishes a framework for large-scale ecosystem restoration with regional growth and land use strategies to promote communities where people can live, work, and thrive. The Lake Tahoe Regional Plan’s priorities include:

1. **Water quality.** Accelerating water quality restoration and other ecological benefits by encouraging private investment in stormwater systems and delivering restoration projects under the Environmental Improvement Program that achieve erosion control on roadways and restore forests and wetlands.
2. **Transportation.** Creating walkable communities and increasing alternative transportation options.
3. **Environmentally beneficial redevelopment.** Incentivizing improvements to older properties, the transfer of existing development from sensitive or outlying areas to Town Centers, and restoration of sensitive areas.
4. **Local permitting.** Transitioning most development review to the local governments to create one-stop permitting.

Area plans allow other public agencies in the region to implement the Lake Tahoe Regional Plan policies at a smaller scale and with greater flexibility. Area plans are created by local, state, federal, or tribal governments with community members and stakeholders at the planning table. These plans can be developed for varying geographical scales – from a local neighborhood or Town Center to an entire county – and reflect the community’s vision for their future. Area plans are reviewed and approved by the local government and TRPA through a public process. The local government will demonstrate the plan is in keeping with the Lake Tahoe Regional Plan and have annual reviews with TRPA to ensure the plans are working towards regional goals and policies.

This handbook is intended to provide guidance for public agency staff in preparing new Area Plans or making amendments to existing ones. To date, local governments and TRPA have adopted five area plans for the Lake Tahoe Region. This document presents lessons learned during the preparation of these area plans to help agencies with initiating and completing an area plan process.

1.1 WHY PURSUE AN AREA PLAN?

1. **Project applicants want one-stop permitting.**

Applying to two different agencies for development permits can be time consuming, confusing, and often redundant. An area plan is your chance to streamline the permitting process. By adopting an area plan, you can take over the authority for completing local development and environmental review for many types of projects. This creates a more efficient planning system that integrates TRPA requirements into the plans and permits of your local government agency, while reducing the time, cost, and complexity of the entitlement process. Additionally, having a single plan adopted by both your agency and TRPA eliminates a longstanding issue of inconsistent policy language.

2. Current regulations and design standards are starting to show their age.

Most of the Plan Area Statements that govern local development conditions were written more than 30 years ago. These planning documents may no longer represent current conditions or the vision for the area. By replacing these statements with a modern area plan, you can respond to changing land use patterns, emerging development trends, design standards, and local priorities. Additionally, area plans allow you to consolidate multiple plan area statements into one document.

3. You need more flexibility for your Town Centers to flourish.

Regulations like those addressing height, density and land coverage are integral to protecting Lake Tahoe. Town Centers, however, may need more flexibility to encourage compact, lively, walkable and bikeable development. Area plans provide a mechanism to modify basin-wide standards and obtain additional redevelopment incentives. By adopting an area plan, a jurisdiction can plan for increased heights, increased density, and increased land coverage¹ in Town Centers.

Incentives to redevelop key properties can also be built into an area plan. Redevelopment allows a community to respond to changing economic pressures while also incorporating environmental improvements, like Best Management Practices (BMPs) and fire-safe building materials. An area plan can be just the tool you need to catalyze conversion of a blighted area into one that is environmentally sensitive and aesthetically pleasing.

4. You're in the driver's seat.

Area plans are driven by the lead agency, not TRPA. These documents are intended to bridge the Regional Plan and the public agency's policy documents, such as a local jurisdiction's General/Master plan. Area plans can outline the long-term vision for the community and connect that vision to environmental protections in the Tahoe Basin. As the local jurisdiction, you get to decide your approach to developing an area plan that is consistent with the Regional Plan. You can choose to focus an area plan on a critical intersection or gateway area. Alternatively, you can choose to have an area plan cover your entire jurisdiction within the Tahoe Basin. Managing the schedule and plan adoption process remains in your hands. Nonetheless, TRPA has staff available to provide technical assistance and guidance throughout the process. Before an area plan can be put into effect, it will be reviewed and approved by the public agency (e.g. local planning commission, city council or county commission/board) and TRPA. To help facilitate this process, you should engage TRPA staff early in the process and ask for feedback at each major milestone.

¹ Increased land coverage requires corresponding reductions in areas with environmental constraints.

1.2 RELATIONSHIP TO SUSTAINABILITY

“Sustainability is based on the principle of meeting the needs of today’s population without compromising the needs of future generations. Another definition involves improving the quality of human life while living within the carrying capacity of supporting ecosystems. Sustainability is often thought of in regard to the natural environment and environmental resources, but there are also economic and social aspects of sustainability that are linked to the natural environment.”

–[Lake Tahoe Sustainability Action Plan](#)

The Regional Plan is intended to balance urban development in the Tahoe Basin with environmental capacity. Many of the region’s environmental problems can be traced to past and existing development which was built before current regulations were put in place and without recognition of the sensitivity of the area’s natural resources. Roughly 72 percent of the fine particles entering Lake Tahoe every year are coming from urbanized areas, such as neighborhoods, Town Centers, and roadways. Often, the source is “legacy development,” pre-dating TRPA’s current regulations. Redevelopment in these areas brings properties up to current standards and helps to attain environmental standards called for in the Regional Plan, such as improvements to stormwater systems, scenic and aesthetic upgrades, and more energy efficient buildings.

Focusing growth in walkable, bikeable, and transit-oriented Town Centers is a crucial strategy to achieving and maintaining thresholds. Consistent with the [Regional Transportation Plan](#), Town Centers serve to cluster commercial and tourist land uses and create alternative transportation opportunities within a given area. This approach to land use reduces vehicle miles travelled, which results in corresponding reductions in greenhouse gases and improvements to air and water quality.

Area plans address sustainability by providing a platform to:

- Improve environmental conditions
- Create incentives for redevelopment
- Reduce the existing auto-dependent land use pattern
- Provide economic opportunities

Any area plan should address existing regulatory barriers to promoting sustainability. To achieve this, TRPA recommends focusing on the following strategies:

1. **Promote a mix of land uses.** Modify regulations to encourage mixed use development in Town Centers and other areas designated for mixed-use development by the Regional Plan. This could include:
 - a. Allowing and/or requiring mixed use development, depending on the area.
 - b. Requiring that the first floor in core areas be dedicated to active uses (e.g. retail, restaurants, offices).
 - c. Allowing prioritization and variation of active uses in neighborhood centers and key nodes.
 - d. Expanding housing options (e.g. accessory dwelling units, etc.) so that the workforce can live in close proximity to employment centers.

2. **Ensure high-quality development.** Establish improved development and design guidelines that address such things as site design, building design, location of parking, height, orientation, facades, screening, landscaping and defensible space, and pedestrian connections.
3. **Provide for an areawide approach to development.** To provide flexibility and innovation in design, allow for properties within Town Centers to participate in an areawide approach to coverage limitations and BMPs. This can facilitate intensification in Town Centers and provide greater benefit than on-site facilities.
4. **Maintain the character of existing residential and non-urban areas.** Preserve the character of established residential areas outside of centers, while seeking opportunities for environmental improvements.

1.3 APPLICABILITY

Area plans serve as a single land use plan for a specific geographical area. As of 2019, TRPA has adopted five area plans. Each of these area plans were developed by a local municipality (i.e. city or county) to replace former Community Plans and Plan Area Statements. These can cover all or a portion of the jurisdiction's area. This handbook primarily guides the preparation of this type of municipally based area plan.

While area plans are primarily intended to be undertaken by local governments to align regional land use planning with their General/Master Plans, Section 13.2 of the TRPA Code also allows other local, state, federal, and tribal governments to develop area plans and receive delegated permitting authority. The contents and scope of these area plans should be established on a case-by-case basis through dialogue between the lead agency and TRPA. Some example of alternative plans that could function as area plans include:

- Corridor plans, such as those prepared by the Tahoe Metropolitan Planning Organization, Tahoe Transportation District, and State Departments of Transportation.
- Land management plans, such as those prepared by the US Forest Service or State Parks.
- Watershed management plans, such as those prepared by a resource conservation district.
- Facilities master plans prepared for public facilities, such as an airport or community college.

While any public agency may prepare an area plan, quasi-governmental entities, such as utility districts, service districts, and general improvement districts are not eligible to prepare an area plan.

2 GETTING STARTED

Jurisdictions interested in developing an area plan should first begin to conceptually scope the plan. In doing this, you may want to consider the following questions:

1. **What geographical area should the plan cover?** – An area plan can be limited to a small neighborhood or Town Center. Alternatively, you can develop an area plan that covers the entire area of the jurisdiction within the Tahoe Basin.
2. **Should existing policies or land uses be kept or should major changes be proposed?** – You can choose to make broad policy and land use changes with an area plan. Alternatively, you can simply consolidate and carry forward existing policies and land uses.

3. **What level of environmental review would be needed?** – The scope of the area plan can determine the level of environmental review. Broad policy and land use changes may require an Environmental Impact Statement (EIS), while limited changes could be accomplished with an Initial Environmental Checklist (IEC).
4. **Can the area plan address a major development proposal?** – If there's a crucial development site in the area, there may be an opportunity to combine efforts. An area plan can provide a platform to shape policies around projects that benefit the community and environment. Through the area plan process, you can build in flexibility and complete the environmental review up-front. The developer, in turn, can contribute towards costs of developing the area plan.

2.1 DEVELOPING A WORK PROGRAM

Once you have mapped out a concept for the area plan, your first step will be to develop a work program and schedule. TRPA's Long Range Planning Division is available to assist in the development of work programs. Additionally, TRPA has made several templates available for local jurisdictions to use and modify at their option (MS Word .docx format):

- [Work Program Template #1](#) (Area Plan with an Initial Environmental Checklist)
An area plan that consolidates existing policies and land uses with few substantive changes.
- [Work Program Template #2](#) (Area Plan with an Environmental Impact Statement)
An area plan with substantive policy and land use changes, necessitating an Environmental Impact Statement.
- [Work Program Template #3](#) (Area Plan Amendment)
Amendment of an existing area plan, assuming preparation of an IEC. For amendments that may trigger an EIS, follow Template #2.

2.2 ENGAGING WITH TRPA

While area plan development is led by the local jurisdiction, TRPA is here to help throughout the entire process. Once you have a concept for an area plan, we recommend an initial meeting with Long Range Planning staff to discuss the procedure and major policy considerations before solidifying the work plan and schedule. Section 7.2 identifies the specific stages in the process where TRPA staff should be involved in review and commenting to ensure that the plan will be developed in alignment with the Regional Plan.

3 AREA PLAN PROCESS

3.1 ROLES AND RESPONSIBILITIES

The public agency is expected to take the lead in the developing the area plan. Nonetheless, the public agency should work closely throughout the process with TRPA staff. As the lead, the public agency is expected to be the "public face," guide the process, develop the plan, facilitate community engagement, and complete the environmental review process. TRPA staff can assist in the development of area plans in an advisory capacity to answer questions and ensure an efficient review and approval process. TRPA staff can also help ensure policy and land use decisions are in keeping with the Regional Plan and identify any potential red flags.

There is an expectation that there will be public outreach and engagement (i.e. working groups, public workshops, information posted on website) to inform the development of a draft Plan. The format of public workshops is important; world café style or informational stations are recommended. It is highly recommended that TRPA staff review draft documents associated with an area plan before these are released to the public. TRPA staff can bring its experience reviewing area plans from around the Basin to help inform the success of your plan.

3.2 PROCEDURAL STEPS

A typical development and approval process for a new area plan includes the following steps:

1	Develop Work Program	Put together a work program specifying the schedule, budget, and scope of proposed amendments.
2	Initial Contact with TRPA	<p>Notify TRPA of your intent to develop an area plan. Begin communicating with TRPA Long Range Planning to scope out the amendment process, review the schedule, and discuss environmental review needs.</p> <hr/> <p><u>Submit to TRPA:</u></p> <ol style="list-style-type: none"> 1. Notice of intent to develop an area plan (TRPA Code Sec. 13.4.2) 2. Work program and schedule
3	Receive Authorization to Proceed	Follow your jurisdiction’s administrative procedures for initiating a General Plan / Master Plan amendment. Typically, this will involve approval of the work program and funding.
4	Complete Background Research	Compile existing plan documents ² ; gather data on existing conditions; complete a land use bridge/crosswalk showing new vs. proposed uses; identify which policies and special projects are already complete; produce a background report.
5	Initiate Outreach	Identify stakeholders and begin regularly meeting with them. Hold public workshops as needed to help with visioning and scoping the plan. Include other land managers, TRPA, and regulatory agencies in the development and facilitation of public meetings and workshops. Engage with cultural resource managers and public land agencies (e.g. CTC/NDSL, Forest Service).

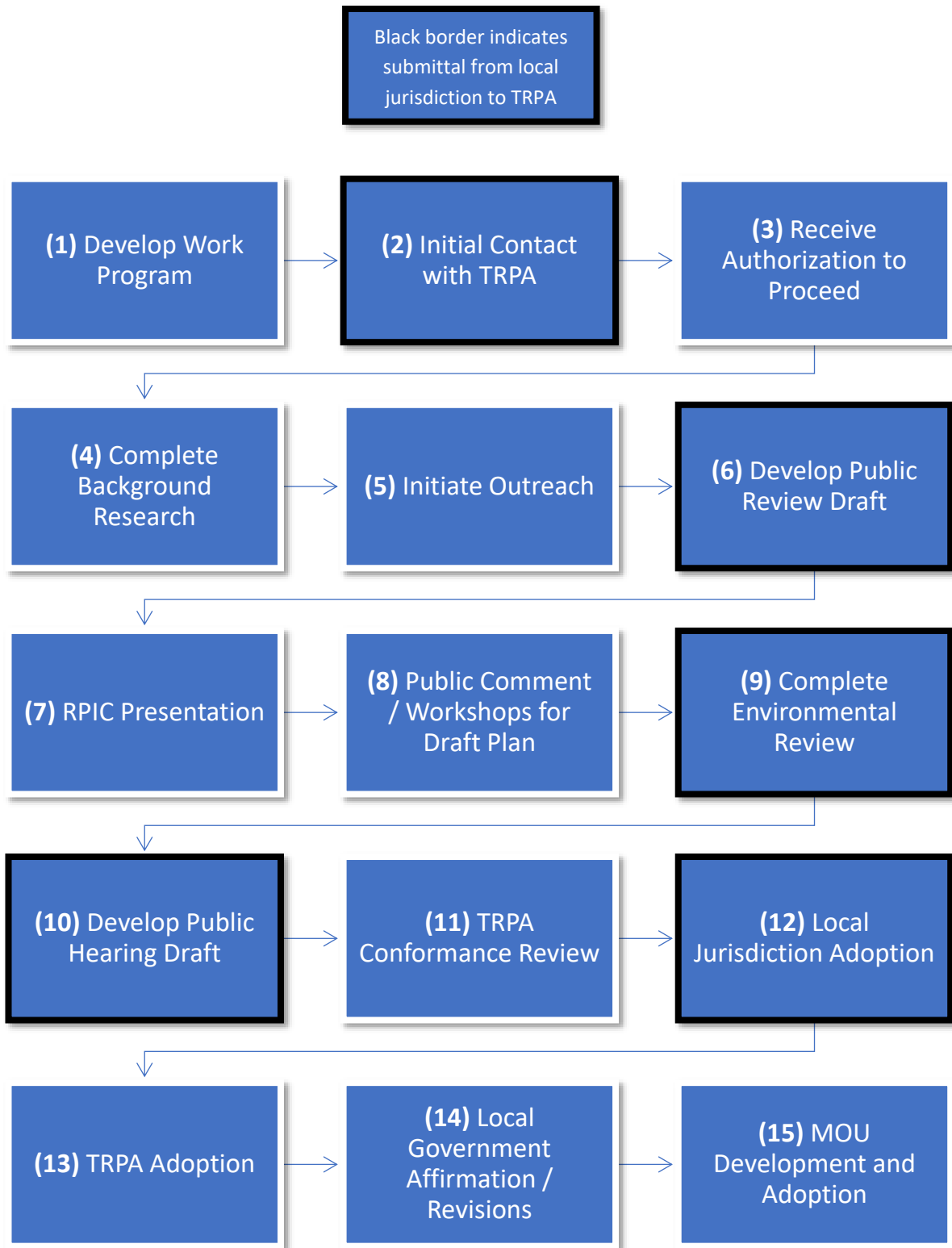
² Area Plans are developed to implement the 2012 Regional Plan Goals and Policies and replace and consolidate the existing Plan Area Statements and Community Plans and associated Design Standards and Guidelines, which were developed to implement the 1987 Regional Plan. The existing plans will need to be evaluated early in the process and existing goals, policies, and development standards that act as “environmental safeguards” should be carried over into Area Plans. In most cases, existing permissible uses should also be carried forward.

<p>6 Develop Public Review Draft Plan</p>	<p>After holding at least one community workshop or receiving input from a steering committee, develop a draft plan and implementing regulations and circulate them for public review and comment. If an Environmental Impact Statement is needed, release a Notice of Preparation.</p> <hr/> <p>Submit to TRPA (prior to releasing draft):</p> <ol style="list-style-type: none"> 1. Draft Area Plan 2. Draft Implementing Regulations 3. Conformance Review Checklist 4. Threshold Evaluation and Compliance Measures Evaluation 5. Change Log 6. Notice of Preparation (<i>if EIS or EIR is required</i>) 7. Updated work program and schedule <hr/>
<p>7 RPIC Presentation</p>	<p>The plan will be previewed by the Regional Plan Implementation Committee (RPIC) before it goes to the local jurisdiction for adoption. Local agency staff should be available to respond to questions.</p>
<p>8 Public Comment / Workshops for Draft Plan</p>	<p>Hold a public workshop to go over the draft plan and solicit input. If an Environmental Impact Statement is needed, hold a scoping meeting.</p>
<p>9 Complete Environmental Review</p>	<p>Complete a draft of the Initial Environmental Checklist (IEC). Based on the outcome of the IEC, a draft Environmental Impact Statement (EIS) may also be required³.</p> <ul style="list-style-type: none"> • An EIS may not be necessary if the area plan does not deviate from Regional Plan goals and policies, increase development potential, or trigger a significant environmental impact (such as a negative effect on threshold attainment) • Current <i>and</i> relevant EISs may be used as part of the analysis. These could include EISs/EIRs for the Regional Plan Update, Regional Transportation Plan Update, and/or local jurisdiction’s General Plan. • Submit the draft IEC/EIS to TRPA <i>prior to</i> release to the public. <p>The draft IEC / EIS should consider any changes anticipated with the subsequent draft (Public Hearing Draft, Step 10). Ideally, Steps 9 and 10 and timed to run concurrently.</p> <hr/> <p>Submit to TRPA (prior to public release):</p> <ol style="list-style-type: none"> 1. Draft IEC / EIS 2. Supporting documents (e.g. technical reports) <hr/>

³ The TRPA environmental review process may be combined with the California Environmental Quality Act (CEQA) process for jurisdictions in California.

<p>10 Develop Public Hearing Draft Plan</p>	<p>Revise the Public Review Draft, incorporating any mitigation measures and any changes needed to address public input.</p> <hr/> <p><u>Submit to TRPA (prior to public release):</u></p> <ol style="list-style-type: none"> 1. Draft Area Plan 2. Draft Implementing Regulations 3. Conformance Review Checklist 4. Threshold Evaluation and Compliance Measures Evaluation 5. Change Log 6. List of changes since the Public Review Draft 7. Preliminary GIS mapping data <hr/>
<p>11 TRPA Conformance Review</p>	<p>Submit the area plan, implementing regulations, IEC/EIS, conformance checklist, threshold and compliance measures evaluation, and associated GIS data to TRPA to review for conformance with the Regional Plan.</p>
<p>12 Local Jurisdiction Adoption</p>	<p>Follow the local jurisdiction’s process for adopting a General/Master Plan Amendment. This typically involves a Planning Commission recommendation to be reviewed by the legislative body (City Council, Board of Supervisors, Board of County Commissioners, etc.).</p> <hr/> <p><u>Submit to TRPA (upon local adoption):</u></p> <ol style="list-style-type: none"> 1. Area Plan 2. Implementing Regulations 3. List of changes since the Public Hearing Draft 4. Final IEC / EIS 5. Conformance Review Checklist 6. Threshold Evaluation and Compliance Measures Evaluation 7. Final GIS mapping data <hr/>
<p>13 TRPA Adoption</p>	<p>Once the area plan is adopted by the local jurisdiction, it will be reviewed by TRPA’s Advisory Planning Commission (APC) and Regional Plan Implementation Committee (RPIC). Recommendations from the APC and RPIC will be brought forward to the Governing Board for final conformance review.</p>
<p>14 Local Government Affirmation / Revisions</p>	<p>No further action from the local jurisdiction is required if TRPA adopts the area plan without changes. Otherwise, the local jurisdiction’s legislative body will need to affirm TRPA’s approval and formally adopt the associated modifications to the area plan.</p>

AREA PLAN ADOPTION AND AMENDMENT PROCESS



15 Memorandum of Understanding (MOU) Development and Adoption

Work with TRPA to develop and adopt an MOU granting the local jurisdiction permitting authority. This should be accomplished within six months of area plan adoption.

- TRPA will create policies and procedures based on the MOU and analyze whether the local jurisdiction is equipped⁴ to implement the area plan.
- TRPA monitoring will occur after the MOU is adopted.

3.3 CONFORMANCE REVIEW

Each area plan must be found in conformance with the Regional Plan and TRPA Code of Ordinances Chapter 13 requirements. The initial step in the conformance review process is to evaluate a draft area plan and associated implementing regulations (e.g. development code, design standards, etc.) using the [Conformance Review Checklist](#). The checklist evaluates an area plan against each relevant Regional Plan Goal and Policy and Chapter 13 requirement. Local jurisdictions are responsible for submitting a Conformance Review Checklist along with an area plan submitted to TRPA for a conformance review.

Additional information on the Conformance Review process is found in Section 7.

4 AREA PLAN CONTENTS

To demonstrate that an area plan will implement the Regional Plan it must include certain components, including sustainability measures (e.g., bicycle and pedestrian facilities in designated centers). This is confirmed through the conformance review process. Further, these area plans are subject to annual review and certification by TRPA. The specific requirements for area plan preparation, adoption, conformance review, monitoring, etc. are listed in TRPA [Code of Ordinances](#) Chapter 13: *Area Plans*.

To be found consistent with the Regional Plan, it is recommended that an area plan include the following components (see Appendix A for specific details), though they need not be in the specified arrangement or order:

1 Introduction	This discusses what an area plan is and how it fits in with the Regional Plan and the local jurisdiction’s general/master plan.
2 Current Conditions	This element must describe existing environmental conditions, the amount and type of development, modes of transportation and service levels, public facilities and their service areas and capacities, and current implementation activities.
3 Conservation	This must address water, air, land, cultural, scenic, and other natural resources, as well as attainment of thresholds required by the bi-state compact.
4 Land Use	The land use element includes development constraints, and the types and amounts of different land uses, including physical development standards.

⁴ In determining the scope of the MOU, TRPA generally considers a wide variety of factors such as staffing levels, project review procedures, training, inspection protocols, and record-keeping practices.

5	Transportation	The transportation element must identify the different modes of transportation used in the plan area, the levels of service, and planned changes in facilities and services.
6	Recreation	Existing and planned parks, trails and other leisure facilities must be included in the recreation element.
7	Public Services and Facilities	This element must address provision of water, sanitary sewer, fire and police protection, telecommunications, and similar public services, and it must be consistent with the land use element.
8	Development Standards and Guidelines	This element establishes development regulations for the area plan, including zoning, permitted uses, density, parking, height, signage, and structural design.
9	Implementation	This must include a link to implementing code, any applicable improvement programs (e.g., local government capital improvements program, the Environmental Improvement Program), and relevant operations and maintenance programs.
<i>OPTIONAL COMPONENTS</i>		
10	Housing	This element should address the area plan’s need for housing to accommodate residents and the workforce, with a focus on replacing old, dilapidated multi-family housing and old hotels with new energy-efficient housing within or near Town Centers.
11	Economic Development / Prosperity	This element should address ways that an area plan can help to foster environmental redevelopment, sustainability, and economic prosperity.
	Other Optional Components	<ul style="list-style-type: none"> • Areawide BMPs – An area plan can include larger scale water quality treatments and establish funding mechanisms in lieu of site-specific BMP requirements. Such an alternative must achieve equal or greater effectiveness in terms of water quality benefits. • Areawide Coverage Management – An area plan may propose a comprehensive coverage management system as an alternative to the parcel-level coverage requirements established in the Code of Ordinances. Such an alternative must achieve an overall reduction in the cumulative base allowable coverage. • Alternative Parking Strategy – An area plan may include shared or area-wide parking strategies to reduce land coverage and to use land more efficiently for parking and pedestrian uses. • Substitute Standards – An area plan may contain additional or substitute requirements that promote threshold attainment relating to such things as site design, building height, building design, landscaping, lighting, and signage.

- **Urban Forestry Strategy** – Local governments are encouraged to develop urban forestry components within their area plans. These programs should seek to reestablish natural forest conditions in a manner that does not increase the risk of catastrophic wildfire.
- **Urban Bear Strategy** – Local governments are encouraged to develop and enforce an urban bear strategy addressing bear-resistant solid waste facilities and related matters as part of an area plan.

The above contents are focused on land use plans undertaken by a city or county. For other types of plans proposed to serve as area plans (e.g. corridor plans), the lead agency should work with TRPA to determine the appropriate contents based on the specific objectives of the plan.

4.1 TRANSFER OF DEVELOPMENT

The 2012 Regional Plan and amendments in 2018 incentivized the transfer of development from outlying areas to Town Centers. Some existing Plan Area Statements and Community Plans outside of Town Centers also incentivize transfer of development to designated receiving areas for increased density. A local jurisdiction may want to carry over incentives to transfer development into an area plan for properties outside of Town Centers if these incentives are considered appropriate for future development.

4.2 REGIONAL PLAN LAND USE MAP ADJUSTMENTS

Map 1, *Conceptual Regional Land Use Map*, of the Regional Plan reflects the same land use and boundaries established with Community Plans and Plan Area Statements, with some minor amendments that are outlined in the legend. The land use boundaries do not always follow parcel boundaries or rights-of-way. It may be appropriate to adjust the land use boundaries to follow parcels lines if the adjustment will not result in a significant environmental impact. All Center modifications must also comply with the requirements in Section 13.5.3.G of TRPA Code.

4.3 THRESHOLD GAIN

To ensure a successful adoption of an area plan, it is strongly encouraged that an area plan highlight identified projects or new design standards and guidelines that will result in [environmental threshold](#) gain (area-wide BMPs, area-wide water quality projects, bike trails, undergrounding of utilities, redevelopment projects, etc.) and architectural renderings showing the potential scenic benefits associated with environmental redevelopment. This can be achieved through a combination of text, pictures, graphics, and/or architectural renderings (visioning documents).

5 MAPPING AND GIS

As part of developing the area plan, you will need to generate new maps. TRPA has a wide variety of data available through the [Tahoe Open Data](#) platform to aid in creating these maps. TRPA can also provide a template geodatabase on request.

We strongly recommend consulting with TRPA’s Research and Analysis Division before maps are developed to ensure that any new Geographic Information System (GIS) layers can be integrated into TRPA’s GIS database and shared with your jurisdiction and all users. To achieve this, once the new layers have been developed, the data should be submitted to TRPA’s Research and Analysis Division before it is formally adopted as part of the area plan.

5.1 QUESTIONS TO CONSIDER

1. Are any boundary or category changes being made to the Regional Plan Land Use GIS layer as part of the adoption of the area plan?
2. Are boundary changes being made to Town Centers?
3. Are changes being made to add new Special Areas or adjust boundaries of existing Special Areas?

5.2 MAPS AND EXHIBITS

The following maps and exhibits should be included with an area plan:

1. **Existing Conditions** – This includes existing land use, land coverage, building footprints, land capability, etc.
2. **Conservation** – This includes soils, stream environment zones, floodplains, land capability verifications, viewsheds, etc.
3. **Planned Land Use** – This should show both planned land use and required amendments to the existing land use.
4. **Existing and Planned Transportation Facilities** – This includes all modes of transportation.
5. **Parks and Trails** – This includes existing and planned facilities and, where applicable, service areas.
6. **Public Services and Facilities** – This should show existing and proposed water, sanitary sewer, emergency service, telecommunications, and similar services and facilities, including service areas.

A full list of recommended and required maps is included in Appendix A of this document.

5.3 GIS LAYERS

Area plan GIS data should include the following GIS data layers and attributes. TRPA would like to discourage the creation of unique, non-standard layers for the local plans that are not listed below. It is best to fit the regulatory boundaries within the existing system listed below to promote consistency and reliability.

GIS Layer	Attributes
Area Plan Boundary	Plan Name, Plan Type (Area Plan), Jurisdiction
Town Center Boundaries	Name of Town Center, Description (Town Center, Regional Overlay District, High Density Tourist District), Community Noise Equivalent Level (CNEL) Standards (if applicable), Jurisdiction, and Regional Land Use Classification
Zoning District Boundaries	Zoning Name, Zoning Description, Local Plan Name, Local Plan Type (i.e. Area Plan), Local Plan Number or Acronym for Area Plans, Regional Plan Land Use, Number of Special Areas (if applicable), Jurisdiction, Single Family Density, Multi Family Density, Tourist Accommodation Density, Bed and Breakfast Density, Time Share Density, CFA Allowances, Secondary Dwelling Unit Allowances, and Caps of Development Rights (if applicable)

GIS Layer	Attributes
Regional Land Uses for the Area Plan	Regional Land Use Name (paraphrased), Regional Land Use Description (full name), Local Plan Name, Jurisdiction, whether this is an area for Transit Oriented Development, and CNEL (if applicable)
Special Areas (if applicable)	Special Area Type (connecting to the name in the Area Plan document), Local Plan Type (i.e. Area Plan), Local Plan Name, Local Plan ID (Acronym for Area Plans), Jurisdiction, Special Area Number, Regional Land Use Classification, and Shorezone (Y/N)

5.4 GENERAL GIS STANDARDS

1. **Projection.** The standard format used by TRPA is North American Datum of 1983 (NAD 83) UTM Zone 10.
2. **Coordinates.** The standard for storing coordinates is meters.
3. **File Format.** Data can be delivered in either a shapefile or personal geodatabase format.
4. **Geometry.** Data should be cleansed to remove slivers, geometry errors, and line-work flaws. GIS data should either be snapped to parcel boundaries or follow a documented rationale (e.g. roadway centerline) that would be understandable to another user.
5. **Metadata.** All GIS data should include metadata. Refer to Appendix B for guidance on metadata standards.

6 ENVIRONMENTAL REVIEW

An environmental document will be required for an area plan pursuant to the requirements in Chapter 3: *Environmental Documentation* of the [TRPA Code](#) and Article 6: *Environmental Impact Statements* of the [Rules of Procedure](#), which includes the requirements for the preparation and processing of environmental documents pursuant to Article VII of the [Compact](#). At a minimum, the code requires that a TRPA Initial Environmental Checklist (IEC) be prepared for an area plan. If an IEC does not provide sufficient information to determine whether an area plan will have a significant effect on the environment, then an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) will be required. If an area plan is also subject to the California Environmental Quality Act (CEQA), the local jurisdiction should coordinate with TRPA to prepare a joint environmental review document (refer to Section 6.2 of the [Rules of Procedure](#)).

6.1 BASELINE

The baseline conditions for the purposes of preparing an environmental document will be the current year conditions (at the time of writing of the document) and the adopted Regional Plan, other plans (Regional Transportation Plan, 208 Plan, etc.) and TRPA Code, as well as Plan Area Statements and Community Plans and associated Development Standards and Design Guidelines that will be replaced with an area plan.

6.2 TRACKING OF POLICY CHANGES

In order to adequately assess environmental impacts, it will be important to track all substantive policy changes that will occur as a result of adopting the area plan. Environmental safeguards in the policies and standards of the former Plan Area Statements and Community Plans should be carried over into the area plan or replaced with language that is more comprehensive and up to date. Changes should be proposed wherever language is vague, obsolete, or inconsistent with modern practices.

Some of the factors to consider include additions, deletions, and changes to:

- Permissible uses
- Densities
- Development standards (e.g. parking, design, signage, etc.)
- Boundaries (e.g. subdistricts, special areas, Town Centers, etc.)
- Special Policies
- Special Designations

TRPA strongly recommends that the jurisdiction maintain a change log. Below is a fairly simplistic example:

	Subject	Summary	Current Conditions	Proposed Change	Reference
1	Permissible Uses	Add Snowmobile Courses to Martis Peak subdistrict.	Snowmobile courses are prohibited.	Snowmobile courses would be an (S) use.	Development Code Section 1.3
2	Density	Allow secondary residences in all residential districts.	Secondary residences only allowed on parcels over 1 acre.	Secondary residences allowed regardless of parcel size.	Development Code Section 3.5
3	Boundaries	Merge Incline Village #2 and Incline Village #5 subdistricts.	Presently these are separate residential districts.	Use lists for both districts are merged. Adds “local post office” to allowed uses for Incline Village #5.	Zoning Map, Development Code Section 1.3.3

Additional examples of tables that are useful for tracking changes and assessing environmental impacts are provided in Appendix C.

6.3 TIERING

The Regional Plan Update Environmental Impact Statement (RPU EIS) and Regional Transportation Plan Environmental Impact Report / Environmental Impact Statement (RTP EIR/EIS) are program-level environmental documents that include a regional scale analysis and a framework of mitigation measures that provide a foundation for subsequent environmental review at an area plan level. These documents serve as first-tier documents for the TRPA review of an area plan. To the extent that an area plan is consistent with the Regional Plan and the RTP, for which the program EISs were prepared, the area plan could be found to be “within the scope” of the program EISs. To streamline the environmental review process, environmental documents for area plans should tier from the RPU EIS and RTP EIR/EIS wherever feasible. Environmental analysis will need to focus on new, specific environmental effects resulting from the area plan that were not adequately addressed in the program-level EISs

If a local jurisdiction wants to limit the environmental review of an area plan to an IEC and take full advantage of tiering from the RPU EIS and RTP EIR/EIS, then an area plan will need to be developed that is consistent with Regional Plan, TRPA Code, and associated EIS. Furthermore, existing provisions from Plan Area Statements and Community Plans that act as environmental safeguards will need to be carried forward into an area plan.

Note: As time passes, “tiering” from the 2012 RPU EIS may no longer be feasible.

6.4 PROFESSIONAL SERVICES

Most local jurisdictions hire consultants familiar with TRPA procedures to prepare the necessary environmental document for an area plan. Justification in the environmental document will need to be provided for all provisions in the existing Plan Area Statements and Community Plans not being carried forward. Engaging a consultant familiar with TRPA in the development of an area plan will help to ensure a more straightforward environmental review process and will likely help to reduce the ultimate cost associated with preparing an environmental document.

6.5 TECHNICAL STUDIES

Jurisdictions should also consider technical study needs in budgeting for, recruiting, and selecting consultants. Technical study needs vary depending upon what changes are being proposed under the area plan. Examples of supporting studies provided for past area plans include:

- Transportation and circulation analysis, considering such things as traffic volumes, trip generation, distribution, levels of service, vehicle miles travelled, roadway safety, and proposed improvements.
- Air quality and greenhouse gas emissions modeling.
- Cultural resource assessment / inventory.
- Noise / acoustical analysis.
- Pollutant load reduction modeling.
- Biological resource assessment.
- Visual simulations.
- Natural hazard assessment.

6.6 NOTICE OF PREPARATION AND SCOPING

The Notice of Preparation (NOP), as required, should be issued at the same time a draft area plan is released to the public or following the release of a draft area plan to the public. A scoping meeting is required for projects that involve the preparation of an EIS and encouraged for projects that do not. Consolidating the scoping meeting for the draft area plan and the environmental document is encouraged. Public scoping typically takes place in the form of a workshop held at a location and time that are convenient for the community to attend.

Joint scoping meetings covering both the NOP and draft area plan are encouraged.

6.7 TRIBAL CONSULTATION

Local jurisdictions should consult with local tribes and engage with other cultural resource managers at the start of the environmental review and/or area plan process. Jurisdictions in California are subject to specific tribal consultation requirements under Senate Bill 18 (SB18) and Assembly Bill 52 (AB52).

6.8 CALIFORNIA ENVIRONMENTAL QUALITY ACT

In addition to following TRPA’s environmental review procedures, jurisdictions in California must also follow the California Environmental Quality Act (CEQA). Typically, a single document is produced which fulfils both TRPA and CEQA requirements. The local jurisdiction serves as the lead agency for CEQA purposes, while TRPA serves as the lead agency for the TRPA process.

TRPA and CEQA requirements for environmental review frequently overlap; however, there are also significant differences. For example, CEQA uses different terminology and specifies different requirements for public noticing and the contents of the environmental document. CEQA’s requirements are contained in the California Public Resources Code and the CEQA Guidelines (California Code of Regulations). In addition to the statutes and regulations, CEQA also has a rich history of case law. As the lead agency, the local jurisdiction is responsible for CEQA compliance.

It can be a complex undertaking to develop a document that meets both CEQA and TRPA requirements. TRPA staff is available to help develop and scope an appropriate work program. Another helpful resource is a guide published by the Office of Planning and Research on integrating a CEQA document with the federal National Environmental Policy Act (NEPA) process:

- State of California, Governor’s Office of Planning and Research and the Executive Office of the President of the United States, Council on Environmental Quality (February 2014). *NEPA and CEQA: Integrating Federal and State Environmental Reviews*.
 - Link: http://opr.ca.gov/docs/NEPA_CEQA_Handbook_Feb2014.pdf

In 2017, TRPA also published a guidance document outlining various lessons learned in developing consolidated environmental review documents. These are a summary of the six lessons, excerpted from *Triple Environmental Documents in the Lake Tahoe Basin: A Review of Best Practices*:

Environmental Review Best Practices

(1) The Dream Team

A smooth process requires an interagency team that is dedicated, motivated, and has experience in environmental documents.

- Designate a project lead.
 - Engage the right agencies.
 - Engage the right people.
 - Keep the team small.
 - Designate staff time.
 - Involve executives and legal counsel throughout the process.
 - Allow “ramp-up” time for outside agencies.
-

<p>(2) Early Coordination is Everything Coordination early and often among all players in the foundation is critical for the process.</p>	<ul style="list-style-type: none">• Consider developing a memorandum of understanding.• Gain early-on agreement on:<ul style="list-style-type: none">○ Document structure and layout.○ Terminology.○ Project description.○ Approach to mitigation.○ Standards of significance○ Field analysis○ Heritage and cultural analysis.
<p>(3) Integration of the Document Integrate and streamline all environmental review requirements into one.</p>	<ul style="list-style-type: none">• Don't lose one (e.g. CEQA requirements) to at the expense of the other (e.g. TRPA requirements).• Recognize differences in the alternatives analysis.• Make it clear how requirements are addressed.• Ensure maps and visuals are consistent.
<p>(4) Choose the Right Type of Document One of the first decision the team will need to make is what type of document is the most appropriate for the project.</p>	<ul style="list-style-type: none">• Project level.• Programmatic level.• Performance based.• Combined approach.
<p>(5) Project Management Managing a project with multiple agencies and tight timelines can be challenging.</p>	<ul style="list-style-type: none">• Ensure the agency is internally in alignment.• Take a field trip with the project team.• Do a consistency check.• Maintain continuity.• Consider using project management software.• Schedule time for collaborative group writing, editing, and review.• Maintain version control.• Manage and frequently communicate with contractors.
<p>(6) Managing the Schedule Anticipate and deal with changes in the schedule so the project keeps moving.</p>	<ul style="list-style-type: none">• Develop a master schedule and commit to it up-front.• Build in flexibility.• Collaborate up-front before the formal process is kicked-off.• Address common schedule hiccups (e.g. additional hearings, review times over holidays, etc.)

7 CONFORMANCE REVIEW

As each area plan is completed it must be found in conformance with the Regional Plan. This conformance review model has been used in many states to ensure that local planning and development review are consistent with and implement a Regional Plan. The exact form may vary from state-to-state, but the concept is the same.

In the Lake Tahoe Region both the area plan and any associated code must be found in conformance with the Regional Plan. Additionally, the local government development review activity is monitored, evaluated, and reported on an annual basis. Any development decision may also be appealed to the TRPA Governing Board.

7.1 CONFORMANCE REVIEW CHECKLIST

The initial step in the conformance review process is to evaluate the local government area plan and associated code using the conformance review checklist. This checklist approach is used to foster a high degree of predictability and consistency in the conformance review process. The checklist evaluates all area plans against each relevant Regional Plan policy.

By utilizing this approach local governments must show how the area plan complies with all policies in the Regional Plan, including those designed to achieve sustainability. Moreover, when TRPA adds or changes policies via an amendment to the Regional Plan, the local governments have a one-year period to amend the area plans, if necessary, to comply with the amendment. This approach ensures that both existing and new sustainability measures in the Regional Plan will be incorporated into and implemented through local area plans. It also ensures conformance with the Regional Transportation Plan and other applicable documents (e.g. Active Transportation Plan).

7.2 TRPA REVIEW OF DRAFT DOCUMENTS

In order to ensure that the plan being developed will achieve consistency with the Regional Plan, TRPA will be involved early on in reviewing and commenting on draft plans. Drafts should be submitted to TRPA for review and comment before releasing these to the public. To help guide this review process, submittal of draft documents should follow the schedule in Section 3.2.

8 MEMORANDUM OF UNDERSTANDING

A major benefit of developing an area plan is the ability to assume additional permitting authority from TRPA. This is accomplished by developing and adopting a memorandum of understanding (MOU). The MOU will specify the type and size of development projects that the local jurisdiction may permit. Often, the MOUs are written to phase-in additional permitting authority over time.

8.1 PURPOSE

Tahoe Regional Planning Agency's mission is one of a regional nature. Section VI(a) of the Bi-State Compact encourages the agency to focus on matters which are "general and regional in application," while allowing local jurisdictions to develop regulations that conform to the Regional Plan. Area plans serve as a single land use plan that are a component of both the Regional Plan and the local jurisdiction's General/Master Plan. Based on this framework, area plans provide a means for TRPA to delegate permitting authority for most permitting matters to the local jurisdiction. This delegation is formalized through adoption of an MOU.

An area plan in combination with an MOU provide the following benefits:

- It allows TRPA to focus on regional priorities rather than parcel-level permitting activities.
- It provides local jurisdictions with additional autonomy to address issues that are not regionally significant.
- It establishes a more responsive and flexible regional framework for community planning in the Tahoe Region.
- It eliminates inconsistencies between the Regional Plan and the plans of other agencies.
- It reduces duplicative permitting requirements (i.e. separate applications, fees, and public hearings with TRPA and the city/county).

8.2 AUTHORITY

TRPA retains appeal authority on projects delegated to the local jurisdiction. In addition, TRPA does not delegate permitting authority for the following types of projects:

- **Shorezone.** Development within the shorezone of Lake Tahoe.
- **Certain Districts.** All development in the following districts as identified in the Regional Plan land use map:
 - Conservation
 - Backcountry
 - Resort Recreation
- **Development by Size.** All development greater or equal to the following sizes:

	Residential	Non-Residential
Outside of Centers	25,000 square feet	12,500 square feet
Within Town Centers	50,000 square feet	40,000 square feet
Within the Regional Center	100,000 square feet	80,000 square feet

8.3 MOU ADOPTION

Section 13.7 of TRPA Code outlines the procedures for adoption of an MOU associated with an area plan. TRPA and a local jurisdiction must make a good faith effort to get an MOU in place within six months of the Governing Board’s finding of conformity of the area plan. TRPA may grant time extensions beyond six months for good cause. If an MOU is not adopted during this period, the area plan may be suspended.

An MOU will not go into effect until Procedural Guidelines have been developed and local jurisdiction staff is trained. The TRPA Current Planning Division is responsible for working with local jurisdiction on the preparation and implementation of MOUs. The Research and Analysis Division and the Current Planning Division Local Government Coordinator are responsible for monitoring and reporting, respectively.

8.4 CERTIFICATION

After an MOU is enacted, TRPA is required to annually review development permitted by the local jurisdiction under an area plan. As part of this monitoring and evaluation, one of the following results could occur:

- **Certification.** TRPA may certify that permits are being issued in conformance with the area plan.
- **Conditional Certification.** TRPA may require that the local agency implement certain corrective actions within a six-month period in order to maintain certification.
- **Revocation.** If development is not being permitted in conformance with the area plan, TRPA may revoke all or part of the delegation MOU.

In addition to the annual review and certification process, area plans are also subject to a four-year recertification in alignment with the four-year evaluation of the Regional Plan. This recertification review largely focuses on conformance with load reduction plans.

9 AREA PLAN AMENDMENTS

9.1 PROCEDURE

A local jurisdiction may choose to periodically amend an area plan after its initial adoption. Amendments are typically pursued to accomplish one or more of the following:

- Expanding the area plan boundaries to annex adjacent land.
- Modifying boundaries (e.g. Town Centers, sub-areas/zoning, special areas, etc.).
- Changing allowable uses.
- Modifying development standards.
- Editing the text of the plan (i.e. technical corrections or new policy proposals).

TRPA strongly recommends consolidating amendments. Frequent, piecemeal amendments to area plans are discouraged. Amendments should instead be packaged together and submitted as a single proposal. As a guideline, TRPA recommends that an area plan be amended no more often than twice per year.

Area plan amendments follow the same adoption process as the original adoption of area plans (see Section 3.2). The amendments are first adopted by the local jurisdiction and then submitted to TRPA for conformance review.

Private parties who are seeking an amendment to an area plan must apply to the local jurisdiction. If the local jurisdiction accepts the amendment proposal, the jurisdiction will then submit a declaration of intent to TRPA to initiate an area plan amendment following the procedures outlined in this document.

9.2 SUBMITTAL CONTENTS

To initiate an area plan amendment, the lead agency submits the following items to TRPA:

1. Area Plan Amendment Submittal Coversheet
2. Draft revisions to the area plan (strikeout/underline format)
3. Draft revisions to the Implementing Regulations (strikeout/underline format)
4. Draft mapping revisions
5. Draft IEC / EIS
6. Compliance checklist
7. Threshold evaluation and compliance measures evaluation
8. Supporting documentation (e.g. technical reports)

10 REFERENCES AND RESOURCES

The Regional Plan, TRPA Code of Ordinances, Conformance Review Checklist, Plan Area Statements and Community Plans, Area Plan Framework document, adopted area plans, and model MOUs are available on the TRPA website (www.trpa.org).

One of the most important references will be **Chapter 13** of the Code of Ordinances. This chapter contains TRPA regulations pertaining to area plans.

The following are links to available resources:

Area Plan Development Handbook

1. [Code of Ordinances](#)
2. [Area Plan Webpage](#)
3. [Regional Plan – Goals and Policies](#)
4. [Conformance Review Checklist](#)
(MS Word .docx format)
5. [Threshold Evaluation](#) (MS Excel .xlsx format)
6. [Compliance Measures Evaluation](#)
(MS Excel .xlsx format)
7. [Area Plan Amendment Submittal Coversheet](#)

Lake Tahoe Sustainable Communities Program

8. [Area Plans Background](#)
9. [Area Plans Framework](#)

Data Sources

10. [BMP Reporting](#)
11. [BMP Mapping](#)
12. [EIP Project Lists](#)

Mapping

13. [Local Plans Maps](#)
14. [Tahoe Open Data](#)

Programmatic Environmental Documents

15. [Regional Plan Draft Environmental Impact Statement](#) (2012)
16. [Regional Plan Final Environmental Impact Statement](#) (2012)
17. [Regional Transportation Plan Initial Environmental Checklist / Initial Study](#) (2017)

General/Master Plan Guidance

18. [California General Plan Guidelines](#) – Office of Planning and Research
19. [Nevada Planning Guide](#) – APA Nevada
20. [Guide to Local Planning](#) – Institute for Local Government

APPENDIX A: REQUIRED AND RECOMMENDED CONTENTS

The following is a list of required and recommended elements to be included with an area plan. Items listed as **Required for Regional Plan Consistency** are specifically required in the Code of Ordinances in order for TRPA to make a finding of consistency. Items listed as **Recommended** are not explicitly required but do help to demonstrate Regional Plan consistency but are one way of showing how the area plan conforms to the Regional Plan. In the absence of any of the recommended items, alternative documentation may be needed to demonstrate Regional Plan consistency.

Please note that this appendix is focused on comprehensive land use plans developed by a city or county. For other types of plans proposed to serve as area plans (e.g. corridor plans, land management plans, facilities master plans, etc.), the lead agency should work with TRPA to determine the appropriate contents based on the specific objectives and scope of the plan.

References shown in [orange bracketed text] are to relevant provisions in the TRPA Code of Ordinances.

(1) Introduction

Purpose: To discuss what an area plan is and how it fits in with the Regional Plan and the local jurisdiction's general/master plan.

TEXT

Required for Regional Plan Consistency

None

Recommended

- 1.01. Describe the regulatory context (i.e. state laws, local planning framework, TRPA regulations, etc.)
- 1.02. Describe the outreach and public input process.
- 1.03. Summarize the area plan and its key features.
- 1.04. Describe the area plan's relationship to the Regional Transportation Plan and the Environmental Improvement Program.

TABLES AND MAPS

Required for Regional Plan Consistency

None

Recommended

- 1.05. **Map** showing the area plan's boundaries in relation to the local jurisdiction's boundaries and the Tahoe Basin.

(2) Current Conditions

Purpose: To describe existing environmental conditions, the amount and type of development, modes of transportation and service levels, public facilities and their service areas and capacities, and current implementation activities.

TEXT

Required for Regional Plan Consistency

None - *This chapter may also be folded into the discussion in subsequent chapters.*

Recommended

- 2.01. Describe existing land use and coverage patterns.
- 2.02. Describe the amount and type of development.
- 2.03. Describe the transportation system and service levels.
- 2.04. Describe public facilities, their service areas, and capacities.

TABLES AND MAPS

Required for Regional Plan Consistency

None

Recommended

None

(3) Conservation

Purpose: To address water, air, land, cultural, scenic, and other natural resources, as well as attainment of thresholds required by the bi-state compact.

TEXT

Required for Regional Plan Consistency

- 3.01. Through goals, policies, and programs, address how the area plan achieves the Conservation Goals and Policies in the Regional Plan. [§13.6.5.A(2)]
- 3.02. Identify a strategy for protecting and directing development away from Stream Environment Zones (SEZs) and other sensitive areas. [§13.6.5.A(7)]
- 3.03. Identify planned, new, or enhanced Environmental Improvement Projects. [§13.6.5.A(4)]
- 3.04. Identify a strategy for reducing greenhouse gas emissions. [§13.5.3.E]

Recommended

- 3.05. Summarize the findings of the latest threshold evaluation report.
- 3.06. Discuss Environmental Improvement Program (EIP) projects that have been completed.
- 3.07. Discuss Best Management Practices (BMP) compliance rates.
- 3.08. Develop an area-wide water quality treatment program. [§13.5.3.B(3)]
- 3.09. Discuss coverage and land capability.
- 3.10. Propose alterations to the land capability maps based on an updated soils analysis.
- 3.11. Develop an alternative comprehensive coverage management system. [§13.5.3.B(1)]
- 3.12. Discuss SEZs.
- 3.13. Discuss air quality.
- 3.14. Discuss scenic resources.
- 3.15. Discuss vegetation communities.
- 3.16. Identify an urban forestry strategy. [§13.5.3.C(2)]
- 3.17. Discuss fisheries and aquatic resources.
- 3.18. Discuss wildlife resources.
- 3.19. Identify an urban bear strategy. [§13.5.3.C(1)]
- 3.20. Discuss noise.
- 3.21. Discuss cultural resources.
- 3.22. Discuss natural hazards.

TABLES AND MAPS

Required for Regional Plan Consistency

None

Recommended

- 3.23. **Map** showing the location of completed and proposed water quality EIP projects.
- 3.24. **Table** showing the number of BMP certificates and compliance percentage for each land use category.
- 3.25. **Map** identifying parcels with and without BMP certificates, land use, and TMDL catchments

- 3.26. **Table** showing completed TMDL projects, year completed, load reduction estimate, and number of lake clarity credits.
- 3.27. **Table** showing current TMDL projects, year of estimated completion, load reduction estimate, and number of lake clarity credits.
- 3.28. **Map** showing land capability districts.
- 3.29. **Table** identifying greenhouse gas emission sources and emission levels.
- 3.30. **Map** showing shoreline and roadway travel units and scenic quality and travel route ratings.
- 3.31. **Table** identifying vegetation communities, acreage, and land area percentage.
- 3.32. **Map** showing vegetation communities.
- 3.33. **Map** showing fish habitat.
- 3.34. **Table** listing fish species, including location and whether native or non-native.
- 3.35. **Table** listing special status animals and their associated habitat.
- 3.36. **Table** listing historic buildings/sites/districts, date, and location.
- 3.37. **Map** showing natural hazards (e.g. flood hazard, high landslide risk, etc.).

OPTIONAL AREA PLAN INCENTIVES

- **Areawide Water Quality Program**

An area plan can include larger scale water quality treatments and establish funding mechanisms in lieu of requiring stormwater control Best Management Practices (BMPs) to be designed and built on a site-by-site basis. Such an alternative must achieve equal or greater effectiveness in terms of water quality benefits.

- **Alternative Comprehensive Coverage Management System**

An area plan may propose a comprehensive coverage management system as an alternative to the parcel-level coverage requirements established in Chapter 30 of the TRPA Code of Ordinances. Such an alternative must achieve an overall reduction in the cumulative base allowable coverage.

(4) Land Use

Purpose: To address development constraints, the types and amounts of the different land uses, and physical development standards.

TEXT

Required for Regional Plan Consistency

- 4.01. Through goals, policies, and programs, address how the area plan achieves the Land Use Goals and Policies in the Regional Plan. [\[§13.6.5.A\(2\)\]](#)
- 4.02. Highlight how the area plan differs from current plans and identify any major land use or policy changes.⁵ [\[§13.5.2\]](#)
- 4.03. Describe zoning designations and how these designations are consistent with the Conceptual Regional Land Use Map. [\[§13.6.5.A\(3\)\]](#)
- 4.04. Identify a strategy to achieve environmentally beneficial redevelopment and revitalization in Centers. [\[§13.6.5.A\(5\)\]](#)
- 4.05. Ensure policies will preserve the character of residential areas outside of Town Centers. [\[§13.6.5.A\(6\)\]](#)
- 4.06. **TOWN CENTERS:** Identify a strategy to promote walking, bicycling, transit use, and shared parking. [\[§13.6.5.C\(2\)\]](#)
- 4.07. **TOWN CENTERS:** Address the adequacy of capacity for redevelopment and transfers of development rights. [\[§13.6.5.C\(4\)\]](#)
- 4.08. **TOWN CENTERS:** Identify an integrated strategy for coverage reduction and enhanced stormwater management. [\[§13.6.5.C\(5\)\]](#)
- 4.09. **TOWN CENTERS:** Address how development activity under the area plan will provide for threshold gain, particularly with respect to water quality. [\[§13.6.5.C\(6\)\]](#)

Recommended

- 4.10. Summarize the development standards and guidelines.
- 4.11. Describe existing land uses and how much of the plan area each use occupies.
- 4.12. Identify major land uses (e.g. colleges, hospitals, schools, airports, etc.)
- 4.13. Provide an overview of any Specific or Master Plans adopted pursuant to TRPA Code Chapter 14.
- 4.14. Describe publicly owned lands.
- 4.15. Discuss development trends and patterns.
- 4.16. Discuss the development rights system and development potential.
- 4.17. **TOWN CENTERS:** Discuss Town Center character, identify any special areas, and identify key opportunity sites.
- 4.18. Identify an alternative parking strategy aimed at reducing land coverage and using land more efficiently for parking and pedestrian uses. [\[§13.5.3.B\(2\)\]](#)
- 4.19. For area plans that include a Stream Restoration Plan Area, identify alternative transfer ratios. [\[§13.5.3.B\(4\)\]](#)

⁵ TRPA strongly recommends that a change log be maintained. For more information see Section 6.2 of this document.

- 4.20. Identify critical sites (“key opportunity sites”) and describe a vision for their future development or redevelopment.

TABLES AND MAPS

Required for Regional Plan Consistency

- 4.21. **Map** identifying land use categories / zoning designations. [[§13.6.5.A\(2\)](#)]

Recommended

- 4.22. **Table** listing existing land use, acreage, and percentage of area plan.
- 4.23. **Map** showing existing land uses.
- 4.24. **Table** identifying the number of parcels and acreage under different ownership: private, federal, state, local.
- 4.25. **Table** identifying the number of vacant residential parcels and acreage.
- 4.26. **Table** showing transfer of development rights bonus incentives.
- 4.27. **Map** showing the location of vacant residential parcels.
- 4.28. **Table** summarizing Commercial Floor Area (CFA) supply.
- 4.29. **Table** summarizing Tourist Accommodation Unit (TAU) supply.
- 4.30. **Map** showing Town Center locations.
- 4.31. **Map** identifying key opportunity sites.

OPTIONAL AREA PLAN INCENTIVES

- **Increased Density and Heights in Town Centers**
Within Town Centers, maximum densities and heights are subject to relaxed standards in Section 13.5.3.A(1) rather than those in Chapters 31 and 37, respectively.

(5) Transportation

Purpose: To identify the different modes of transportation used in the plan area, the levels of service, and planned changes in facilities and services.

TEXT

Required for Regional Plan Consistency

- 5.01. Through goals, policies, and programs, address how the area plan achieves the Transportation Goals and Policies in the Regional Plan and the Regional Transportation Plan. [\[§13.6.5.A\(2\)\]](#)
- 5.02. Identify facilities and implementation measures to enhance pedestrian, bicycling, and transit opportunities along with other opportunities to reduce automobile dependency. [\[§13.6.5.A\(8\)\]](#)

Recommended

- 5.03. Provide a background discussion on transportation planning, including such elements as:
 - (A) The purpose of a transportation plan.
 - (B) The elements of a transportation system.
 - (C) The linkage between transportation and land use.
 - (D) The linkage between transportation and threshold attainment.
- 5.04. Summarize the overall transportation strategy.
- 5.05. Describe any corridor planning efforts in the area.
- 5.06. Describe the current roadway network and identify planned roadway projects.
- 5.07. Describe the transit network and discuss the short-range and long-range transit plans.
- 5.08. Describe the active transportation network (i.e. bicycle and pedestrian paths).
- 5.09. **TOWN CENTERS:** Identify a strategy for pedestrian circulation (e.g. filling in sidewalk gaps).

TABLES AND MAPS

Required for Regional Plan Consistency

- 5.10. **Map** showing regional transit routes and stops. [\[§13.6.5.A\(8\)\]](#)
- 5.11. **Map** showing existing and planned pedestrian and bike infrastructure. [\[§13.6.5.A\(8\)\]](#)

Recommended

- 5.12. **Table** showing Level of Service (winter and summer) at key intersections.
- 5.13. **Map** showing major roadways and Level of Service at key intersections.
- 5.14. **Map** showing existing infrastructure and proposed transportation improvements.
- 5.15. **Table** showing location of transit stops and presence of improvements (e.g. shelter, trash bins, etc.)

(6) Recreation

Purpose: To address existing and planned parks, trails, and other leisure facilities.

TEXT

Required for Regional Plan Consistency

- 6.01. Through goals, policies, and programs, address how the area plan achieves the Recreation Goals and Policies in the Regional Plan. [\[§13.6.5.A\(2\)\]](#)

Recommended

- 6.02. Summarize recreational activities in the planning area.
- 6.03. Identify partner agencies that manage recreational facilities in the planning area.
- 6.04. Explain the plan's recreation strategy.

TABLES AND MAPS

Required for Regional Plan Consistency

None

Recommended

- 6.05. **Table** listing facilities, acreage, operator, and owner – broken town by facility type.
- 6.06. **Map** showing the location of parks, recreation areas, and trails.
- 6.07. **Table** listing existing and proposed multi-use trails, location, and length.

(7) Public Services and Facilities

Purpose: To address provision of water, sanitary sewer, fire and police protection, telecommunications, and similar public services, consistent with the Land Use Element.

TEXT

Required for Regional Plan Consistency

7.01. Through goals, policies, and programs, address how the area plan achieves the Public Services and Facilities Goals and Policies in the Regional Plan. [§13.6.5.A(2)]

Recommended

- 7.02. Discuss the water system(s).
- 7.03. Discuss the wastewater collection and treatment system.
- 7.04. Discuss the stormwater system.
- 7.05. Discuss the solid waste disposal system.
- 7.06. Discuss schools.
- 7.07. Discuss law enforcement.
- 7.08. Discuss fire services.
- 7.09. Discuss communications and emerging technologies (e.g. cellular facilities, fiber optics, etc.).

TABLES AND MAPS

Required for Regional Plan Consistency

None

Recommended

- 7.10. **Map** showing water and wastewater service areas.
- 7.11. **Table** listing schools in the planning area, their enrollment, their capacity, and percent above/below capacity.
- 7.12. **Map** showing location of schools, police substations, fire district boundaries, and fire stations.

(8) Development Standards and Guidelines

Purpose: To establish development regulations for the area plan, including zoning, permitted uses, density, parking, height, signage, and structural design.

TEXT

Required for Regional Plan Consistency

- 8.01. Provide a planning statement for each zoning district. [§§12.7.3.E(2), 11.6.5] Alternatively, this may be provided in the narrative discussion in the Land Use chapter.
- 8.02. Identify special designations (if any) for each zoning district. [§§12.7.3.E(4), 11.6.3]
- 8.03. Identify any special policies for each zoning district. [§11.6.7]
- 8.04. Define uses or refer to TRPA Code Chapters 21 and 81 for these definitions. [§§12.7.3.E(6), 11.6.8]
- 8.05. Identify allowable (“A”) and special (“S”) uses within:
 - (A) Each zoning district
 - (B) Any special areas
 - (C) Shorezone tolerance districtsAdditionally, define how the local jurisdiction will process (A) and (S) uses and refer to TRPA Code Chapter 21 for projects processed by TRPA. [§§12.7.3.E(6), 11.6.8]
- 8.06. Identify allowable (“A”) and special (“S”) shorezone uses within each littoral zoning district and shorezone tolerance district. [§§12.7.3.E(6), 11.6.8]
- 8.07. Establish density standards for each zoning district. [§§13.5.3.A, 12.7.3.E(14), 11.6.9]
- 8.08. Establish maximum Community Noise Equivalent Levels (CNELs) for each zoning district, consistent with those in the thresholds. [§11.6.10]
- 8.09. Identify the additional developed outdoor recreation capacity, measured in people at one time (PAOT) for each zoning district. [§11.6.11]
- 8.10. Establish height standards or otherwise refer to TRPA Chapter 37 for areas outside of Town Centers. [§13.5.3.A]
- 8.11. Refer to TRPA Chapter 30 for land coverage standards, or otherwise establish an alternative comprehensive coverage management system. [§§13.5.3.A, 13.5.3.B(1)]
- 8.12. Identify any substitute standards that are intended to apply in place of the TRPA Code of Ordinances. [§13.3.1]
- 8.13. Specify design standards, including the following:
 - (A) Retaining and incorporating existing natural features into the site design.
 - (B) Ensuring building placement, design, and scale are compatible with adjacent properties and planned land uses.
 - (C) Including drainage, infiltration, and grading in site planning considerations.
 - (D) Ensuring access, parking, and circulation are logical, safe, and consistent with the Regional Plan.
 - (E) Establishing buffers for noise, snow removal, aesthetic, and other environmental purposes.
 - (F) Considering viewsheds. [§§13.5.3.F(1), F(3)]

- 8.14. Specify landscaping standards, including the following:
- (A) Using native vegetation whenever possible.
 - (B) Using vegetation to screen parking and accommodate stormwater runoff.
 - (C) Using vegetation to give privacy, reduce glare and heat, deflect wind, muffle noise, prevent erosion, and soften the line of architecture.
- [\[§13.5.3.F\(4\)\]](#)
- 8.15. Specify lighting standards, including the following:
- (A) Minimizing lighting to protect dark sky views.
 - (B) Using cutoff shields to minimize light pollution.
 - (C) Maintaining compatible neighborhood light levels.
 - (D) Prohibiting lighting that blinks, flashes, or changes intensity.
- [\[§13.5.3.F\(5\)\]](#)
- 8.16. Specify signage standards, including the following:
- (A) Prohibition of off-premise signs.
 - (B) Incorporation of signage into building design.
 - (C) Clustering signage to avoid clutter.
 - (D) Regulating the number, size, height, lighting, square footage, and similar characteristics for signs.
- [\[§13.5.3.F\(6\)\]](#)
- 8.17. **TOWN CENTERS:** Specify building, site design, and use standards within Town Centers that address the form of development and promote pedestrian activity and transit use, and include the following:
- (A) Connection to transit stops and the active transportation network.
 - (B) Protection of lake views.
 - (C) Variation in building height and density.
 - (D) Pedestrian-oriented design features.
 - (E) Protection of undisturbed sensitive lands.
- [\[§§13.5.3.F\(1\)\(b\); 13.6.5.C\(1\), C\(3\)\]](#)
- 8.18. **TOWN CENTERS:** Establish height standards in Town Centers, with transitional height limitations along the perimeter of the Town Center. [\[§§13.5.3.A, F\(2\)\(c\)\]](#)
- 8.19. Specify procedures to amend the area plan and development standards. [\[§13.6.6\]](#)
- 8.20. Describe which projects can be permitted by the local jurisdiction and which projects are always subject to TRPA approval. [\[§13.7.3\]](#)
- 8.21. Describe the appeal procedure or refer to the TRPA Code of Ordinances. [\[§13.9\]](#)
- 8.22. Establish any standards to implement the greenhouse gas reduction strategy. [\[§13.5.3.E\]](#)
- 8.23. Unless alternative standards are proposed, refer back to the TRPA Code of Ordinances for the following requirements:
- (A) Temporary uses, structures, and activities, pursuant to Chapter 22.
 - (B) Density, pursuant to Chapter 31.
 - (C) Basic services, pursuant to Chapter 32.
 - (D) Grading and construction, pursuant to Chapter 33.
 - (E) Natural hazards, pursuant to Chapter 35.
 - (F) Subdivision, pursuant to Chapter 39.
 - (G) Water quality, pursuant to Chapter 60.
 - (H) Vegetation and forest health, pursuant to Chapter 61.
 - (I) Wildlife resources, pursuant to Chapter 62.
 - (J) Fish resources, pursuant to Chapter 63.

- (K) Livestock grazing, pursuant to Chapter 64.
- (L) Air quality, pursuant to Chapter 65.
- (M) Scenic quality, pursuant to Chapter 66.
- (N) Historic preservation, pursuant to Chapter 67.
- (O) Noise, pursuant to Chapter 68.
- (P) Shorezone, pursuant to Chapters 80 through 85.

[\[§13.5.2\]](#)

- 8.24. Establish setback standards that do not conflict with TRPA’s scenic corridor setback requirements in Subsection 36.5.4 of the TRPA Code of Ordinances, unless a substitute standard is proposed. [\[§13.3.1\]](#)

Recommended

- 8.25. Group zoning districts by category and paginate them so that standards for a specific district can easily be separated out.
- 8.26. Develop standards to address any locally salient planning issues (e.g. vacation rentals, secondary residences, wireless transmission facilities, etc.).
- 8.27. Develop standards to implement proposed area plan policies.
- 8.28. Identify which standards may be subject to a Variance (note: standards addressed in the TRPA Code of Ordinances cannot be varied).
- 8.29. Establish any optional standards to implement:
- (A) The urban bear strategy. [\[§13.5.3.C\(1\)\]](#)
 - (B) The urban forestry strategy. [\[§13.5.3.C\(2\)\]](#)
 - (C) The alternative parking strategy. [\[§13.5.3.B\(2\)\]](#)
 - (D) The alternative water quality management strategy. [\[§13.5.3.B\(3\)\]](#)
 - (E) The alternative coverage management system. [\[§13.5.3.B\(1\)\]](#)
 - (F) Alternative transfer ratios (Stream Restoration Plan Areas). [\[§13.5.3.B\(4\)\]](#)

TABLES AND MAPS

Required for Regional Plan Consistency

- 8.30. **Map** identifying the boundaries of zoning districts, special areas, and the Town Center. [\[§13.6.5.A\(3\)\]](#)

Recommended

- 8.31. Additional **maps**, as needed, to show details (e.g. location of a special area within a zoning district.)

OPTIONAL AREA PLAN INCENTIVES

- **Areawide Water Quality Program**

An area plan can include larger scale water quality treatments and establish funding mechanisms in lieu of requiring stormwater control Best Management Practices (BMPs) to be designed and

built on a site-by-site basis. Such an alternative must achieve equal or greater effectiveness in terms of water quality benefits.

- **Alternative Comprehensive Coverage Management System**
An area plan may propose a comprehensive coverage management system as an alternative to the parcel-level coverage requirements established in Chapter 30 of the TRPA Code of Ordinances. Such an alternative must achieve an overall reduction in the cumulative base allowable coverage.
- **Alternative Parking Strategy**
An area plan may include shared or areawide parking strategies to reduce land coverage and to use land more efficiently for parking and pedestrian uses.
- **Substitute Standards**
An area plan may contain additional or substitute requirements that promote threshold attainment relating to such things as site design, building height, building design, landscaping, and signage.

(9) Implementation

Purpose: To link policies in the area plan to implementation measures, such as regulations (e.g. development standards and guidelines), implementation programs (e.g. local government capital improvement programs and the Environmental Improvement Program), and relevant operations and maintenance programs.

TEXT

Required for Regional Plan Consistency

9.01. Establish goals, policies, programs, projects, actions, or other measures to implement the strategies and policies articulated elsewhere in the area plan. [[§13.6.5.A\(3\)](#)]

Recommended

- 9.02. Discuss capital improvement planning efforts and describe planned improvements.
- 9.03. Describe planned EIP projects.
- 9.04. Identify restoration targets and performance measures.
- 9.05. Outline and prioritize long-range future EIP and capital improvement projects.
- 9.06. Link policies with relevant development standards.
- 9.07. Identify partner agencies and organizations for each implementing action.
- 9.08. Provide an implementation schedule.
- 9.09. Estimate costs of needed improvements and identify potential funding sources.

TABLES AND MAPS

Required for Regional Plan Consistency

None

Recommended

- 9.10. **Table** identifying implementation measures, lead implementer, partner agencies and organizations, schedule for completion, and funding needs.
- 9.11. **Table** describing EIP projects and identifying the lead agency.
- 9.12. **Map** showing the location of EIP projects.

OPTIONAL COMPONENT

(10) Housing

Purpose: To address the planning area’s need for housing to accommodate residents and the workforce, with a focus on replacing old, dilapidated multi-family housing and old hotels with new energy-efficient housing within or near Town Centers.

TEXT

Recommended

- 10.01. Describe the current housing stock.
- 10.02. Describe homeownership patterns and trends.
- 10.03. Discuss any relevant housing studies.
- 10.04. Identify critical sites that have the potential for future development of affordable or employee housing.
- 10.05. Consider making multi-family development and employee housing a permissible use in areas in close proximity to transit, commercial centers, and employment.
- 10.06. Develop relevant goals, policies, and programs.
- 10.07. Develop relevant implementing measures and development standards.

TABLES AND MAPS

Recommended

- 10.08. **Table** showing the number of units occupied, vacant, owner-occupied, and renter-occupied.
- 10.09. **Table** showing seasonal housing units and percentage as a total of all housing units.
- 10.10. **Table** showing median household income.
- 10.11. **Table** showing median housing unit value.
- 10.12. **Table** showing median household income, affordable housing unit cost, and median housing unit value.

OPTIONAL COMPONENT

(11) Economic Development / Prosperity

Purpose: To address ways that an area plan can help to foster environmental redevelopment, sustainability, and economic prosperity.

TEXT

Recommended

- 11.01. Summarize socioeconomic conditions.
- 11.02. Discuss any relevant economic studies or forecasts.
- 11.03. Describe a strategy for socioeconomic improvement.
- 11.04. Describe demographic trends.
- 11.05. Discuss employment and commute patterns.
- 11.06. Identify any barriers to environmentally beneficial redevelopment.
- 11.07. Develop relevant goals, policies, and programs.

TABLES AND MAPS

Recommended

- 11.08. **Table** comparing population from the most recent census and prior census and noting percentage change.
- 11.09. **Table** or chart summarizing demographics.
- 11.10. **Table** showing population and percentage in each age category (five-year intervals).

APPENDIX B: GIS METADATA REQUIREMENTS

The following fields should be included with the GIS metadata layers:

Abstract

This item is to be used for a relatively short synopsis (2-4 sentences) of the contents of the dataset. It is intended to give the reader a brief idea of whether the data will be suitable for their needs. It often begins “This feature class contains . . .”.

Be sure to include:

- general content and features
- dataset form (GIS, CAD, image, dBase)
- geographic extent covered (county/city/area name)
- generally, a time period of content (begin and end date or single date)
- special data characteristics or limitations, although this item may alternatively be stored in the Supplemental Information section.

Purpose

This item is a very brief (one-two sentences) description of the purpose for which the data was originally created. It is a summary of the intentions with which the dataset was developed. This helps establish boundaries of usage for the data so that it might not be used for invalid purposes (e.g. analysis). This may also include warnings about how the data should not be used, although anything extensive should be included below under Use Constraints.

Access Constraints

This item describes any conditions placed on the data to restrict access to view, use and maintain the data. Access constraints may be used for datasets that are exempt from public records laws such as endangered species.

Use Constraints

This is a detailed description of any restrictions placed on the usage of the data. It includes disclaimers, caveats and explanations of warranties or guarantees (or the lack thereof). This can be very detailed. The TRPA staff usually includes something similar to the following:

Geographic information (including this dataset) provided by TRPA is for general reference only, is subject to change, and is not warranted for any particular use or purpose. Although efforts have been made to ensure the information is accurate and useful, the information contained within is derived from several sources of varying quality and accuracy. Therefore, TRPA assumes no responsibility for errors in the information and does not guarantee that the data are free from errors or inaccuracies. Comments on this data are invited and TRPA GIS would appreciate receiving information about inaccuracies found herein. While TRPA GIS endeavors to create the most accurate data available, this data should not be used for site-specific evaluation, surveying, or engineering purposes. It should also not be used beyond the limits of the source scale. Use of this data is considered acceptance of the limitations of this data and that the user has read and understood this metadata prior to its use in any form. This data may be used without further constraint (except as specified in the Access Constraints section of this metadata) provided this entire metadata document accompanies the dataset. This data may not be sold in any form. Acknowledgement of TRPA GIS would be appreciated in products derived from these data.

In addition, when possible including a description of the methods used to create this data would be nice (e.g. *Land coverage information was created based on extensive field work from 2008-2009 that included the collection of 200 training samples and the use of Landsat imagery and Erdas Imagine software. The accuracy level is 85% based on Kappa Statistics.*

OR – Point location data was collected during 2007-2008 using a Trimble GeoXT GPS unit and Pathfinder editing tools – point positional accuracy averages 10 feet.)

Dataset Credit

This item is the name of the agencies, county departments, divisions or sections which are to be credited (recognized) with producing/maintaining this dataset. It should also include other individuals or organizations that should be recognized for their (significant) contributions to the dataset. It may include data development contractors. TRPA uses just “Tahoe Regional Planning Agency”. This is not to be used to identify the sources of the data – that will be covered under Data Quality – Source Information.

Primary Contact

TRPA’s usual practice is to not identify individuals in its metadata except under Data Quality/Process Step/Process Contact. The reasons for this include 1) protection of staff privacy, 2) staff turnover, and 3) minimizing maintenance overhead (i.e. changing this metadata frequently). As a result, the “Organization” radio button in the Primary Contact box is always checked.

Person: left blank

Organization: The full name of the agency, county division or section responsible for maintenance of this dataset: for example, “Tahoe Regional Planning Agency”.

Contact Email Address: The email address which should be used to contact the staff of the agency named in the Organization box concerning usage or other information about this dataset. TRPA usually enters: gis@trpa.org.

Address Type

Select the type of address which describes the entries on this tab. TRPA staff should always use “mailing and physical address” or, if more appropriate, “mailing address”. Note that more than one address can be entered by using the buttons in the bottom left corner of this tab. This feature can be used to enter both mailing and physical addresses if they are different.

Time Period

The information on this tab relates to the relevant date of the data content. This can be a single date, multiple dates, or a range of dates.

Status

Progress (pulldown): Indicate by selecting an item on the pull-down list as to whether this data is “Complete”, “In Work”, or “Planned”.

Update Frequency (pulldown): Indicate by selecting an item on the pull-down list whether this dataset is updated “Annually”, “As Needed”, “Continually”, “Daily”, “Irregular”, “Monthly”, “None Planned”, “Quarterly”, “Unknown”, or “Weekly”.

Keyword

Enter a keyword which represents a subject area for this dataset. Usually, multiple words covering all aspects of the subject matter are entered such as “road”, “street”, “highway”, “access”, “travel”, or “path”.

Place

Geographic location keywords which describe what area this data covers. Keyword: Enter a keyword which represents a geographic area name for this dataset. This may be a political unit (country, state name, state acronym, county, city) or a physical place name (e.g. “Truckee River”). TRPA usually enters the following keywords (individually – one entry for each term) for basin-wide feature classes: “Tahoe Basin, California, Nevada”

Dataset Overview

This is a general summary or description paragraph of the data contained in this feature class. This may be similar to, but probably more extensive than, the Abstract box in the Identification section. For example, for a black and white orthophotograph, you may want to indicate that each pixel will have a gray scale value between 0 (black) and 255 (white).

APPENDIX C: TRACKING TABLE EXAMPLES

TABLE 1: CHANGES IN PERMISSIBLE USES

#	Zoning District	List	Use Category	Use Subcategory	Use Classification	Current	Proposed	Change	Town Center	Regional Plan Land Use	Former Plan
1	Incline Village Commercial	Special Area #1	Residential	---	Nursing and Personal Care	[]	A	Addition	Yes	Mixed Use	Incline Village Commercial Community Plan
2	Incline Village Commercial	Special Area #1	Residential	---	Residential Care	[]	A	Addition	Yes	Mixed Use	Incline Village Commercial Community Plan
3	Ponderosa Ranch	Special Area #1	Residential	---	Nursing and Personal Care	[]	S	Addition	No	Mixed Use	Ponderosa Ranch Community Plan
4	Ponderosa Ranch	Special Area #1	Residential	---	Residential Care	[]	S	Addition	No	Mixed Use	Ponderosa Ranch Community Plan
5	Ponderosa Ranch	Special Area #1	Commercial	Retail	Food and Beverage Retail Sales	A	[]	Deletion	No	Mixed Use	Ponderosa Ranch Community Plan
6	Ponderosa Ranch	Special Area #1	Commercial	Entertainment	Outdoor Amusement	S	[]	Deletion	No	Mixed Use	Ponderosa Ranch Community Plan
7	Ponderosa Ranch	Special Area #1	Commercial	Services	Animal Husbandry Services	[]	A	Addition	No	Mixed Use	Ponderosa Ranch Community Plan
8	Ponderosa Ranch	Special Area #1	Commercial	Services	Professional Offices	[]	A	Addition	No	Mixed Use	Ponderosa Ranch Community Plan
9	Ponderosa Ranch	Special Area #1	Commercial	Services	Business Support Services	[]	A	Addition	No	Mixed Use	Ponderosa Ranch Community Plan
10	Ponderosa Ranch	Special Area #1	Commercial	Services	Financial Services	[]	A	Addition	No	Mixed Use	Ponderosa Ranch Community Plan
11	Fairway	General	Recreation	---	Day Use Areas	S	A	S->A	No	Residential	PAS 044 - Fairway

TABLE 2: COMMUNITY PLAN POLICY TRACKING TABLE

Incline Village Commercial Community Plan				Corresponding Location in the Public Review Draft
Chapter	Section	Goal/Policy Number	Topic	
Land Use	Land Use Patterns	ICCP 1.1	Buffering	Goal LU1
		ICCP 1.2.1	Buffering	Policy LU1-1
		ICCP 1.2	Land Use and Transportation	Goal LU2
		<i>ICCP 1.3</i>	<i>Growth Management</i>	[DELETED]
		ICCP 1.3.1	CFA Allocation	Policy LU3-2
		ICCP 1.3.2	TRPA Approval	Policy LU3-2
		ICCP 1.3.3	CFA Eligibility	Policy LU3-3
		<i>ICCP 1.3.4</i>	<i>CFA Priority</i>	[DELETED]
		<i>ICCP 1.4</i>	<i>Residential Bonus Units</i>	[DELETED]
		ICCP 1.4.1	RBU Eligibility	Policy LU3-3
	Community Design	ICCP 2.1	Pedestrian-Oriented Downtown	Policy LU5-1
		ICCP 2.1.1	Pedestrian Facilities	Policy T2-2
		ICCP 2.1.2	Architectural Design	Policy LU5-2
		ICCP 2.1.3	Screening of Parking	Policy LU5-3
		ICCP 2.1.4	Community Events Sign	Policy LU5-6
		ICCP 2.1.5	SR 28 Access Points	Policy T3-1
		ICCP 2.1.6	Underground Utilities	Action IM4-1
		ICCP 2.1.7	Trash Screening	Policy LU5-3
	Economic Development	ICCP 3.1	Traditional Downtown	Policy LU5-1
		ICCP 3.1.1	Office and Service Commercial Uses	Policy LU2-2
		ICCP 3.1.2	Retail/Restaurant Uses	Policy LU2-1

Housing	ICCP 3.2	Economy	Goal LU6	
	ICCP 4.1	Housing Opportunities	Goal LU4	
	<i>ICCP 4.1.1</i>	<i>Housing Study</i>	[DELETED]	
	ICCP 4.1.2	Preferred Affordable Housing Designation	Policy LU4-4	
	ICCP 4.1.3	Integration, Harmonization	Policy LU4-1	
	ICCP 4.1.4	Single Family Dwellings	Policy LU2-8	
	ICCP 4.1.5	Residential Bonus Units	Policy LU3-4	
Transportation	Street and Highway Infrastructure	ICCP 5.1	Automobile Use	Goal T1
		ICCP 5.1.1	Road Capacity	Policy T1-4
		ICCP 5.2	Level of Service	Policy T4-1
		ICCP 5.2.1	Local Traffic	Policy T3-1
		ICCP 5.2.2	Consolidate Parking	Policy T6-1
		<i>ICCP 5.3</i>	<i>VMT Reduction</i>	[DELETED]
		<i>ICCP 5.3.1</i>	<i>Postal Home Delivery</i>	[DELETED]
	Parking Facilities	ICCP 6.1	Parking Areas	Goal T6
		ICCP 6.1.1	Parking Management Program	WCC 110.220.150(2)
		ICCP 6.1.2	Define Parking	Policy T6-2
		ICCP 6.1.3	New Parking Areas	Policy T6-4
		ICCP 6.1.4	Parking Connection - Walkways	Policy T2-3
	Transit Services and Facilities	ICCP 7.1	Transit Service	Goal T5
		ICCP 7.1.1	Transit Shelters	Policy T5-1
		ICCP 7.1.2	TART Hours/Frequency	Policy T5-2
		ICCP 7.1.3	Bus Pullouts	Policy T5-3
		ICCP 7.1.4	TMA Subcommittee	Policy T5-4
		ICCP 7.2	Alternative Transportation	Policy T1-2
		ICCP 7.2.1	Jitney Service	Policy T5-5A
		ICCP 7.2.2	Dial-A-Ride	Policy T5-5B
ICCP 7.2.3		Employed-Based Trip Reduction	Policy T1-4	
ICCP 7.3	Reno-North Tahoe Transit	Policy T5-5C		

Bicycle Facilities	ICCP 7.3.1	Reno-North Tahoe Transit	Policy T5-5C	
	ICCP 8.1	Bicycles	Goal T2	
	ICCP 8.1.1	Bicycle Lanes	Policy T2-4	
	ICCP 8.1.2	Reduce Driveways	Policy T3-1	
	Pedestrian Facilities	ICCP 9.1	Pedestrian Orientation	Goal LU5
		<i>ICCP 9.1.1</i>	<i>Pedestrian Corridor</i>	[DELETED]
		ICCP 9.1.2	Reduce Conflict	Goal T3
	ICCP 9.1.3	Pedestrian Connections	Policy T2-3	
Conservation	ICCP 10.1	EIP and Restoration	Goal C3	
	ICCP 10.2	Incentives for Community Improvements	Policy C3-1	
	ICCP 10.3	Threshold Attainment	Goal C3	
	<i>ICCP 10.3.1</i>	<i>Improvement Projects</i>	[DELETED]	
	<i>ICCP 10.3.2</i>	<i>Contribution</i>	[DELETED]	
	ICCP 10.3.3	Implementation	Policy C3-2	
	ICCP 10.4	Spring Flowers, Autumn Foliage	Policy LU5-7	
	ICCP 10.5	Underground Utilities	Action IM4-1	
Recreation	ICCP 11.1	Bicycle Facilities	Goal T2	
Public Services	ICCP 12.1	Reliable Services	Goal PSF1	
	<i>ICCP 12.1.1</i>	<i>New Public Buildings</i>	[DELETED]	
	<i>ICCP 12.1.2</i>	<i>Home Mail Delivery</i>	[DELETED]	
Implementation	<i>ICCP 13.1</i>	<i>Man-Modified Mitigation</i>	[DELETED]	
	ICCP 13.2	Reduce On-Site Coverage	Policy C1-1	
	<i>ICCP 13.3</i>	<i>Mitigation within the CP</i>	[DELETED]	
	ICCP 13.4	Improvements for CFA	Policy LU3-3	
	<i>ICCP 13.5</i>	<i>CFA Reservation</i>	[DELETED]	
	<i>ICCP 13.6</i>	<i>ISTEA Funds</i>	[DELETED]	
	<i>ICCP 13.6.1</i>	<i>CFA Release</i>	[DELETED]	
	ICCP 13.7	RBU Use	Policy LU3-4	

TABLE 3: POLICY DELETIONS AND RATIONALE

INCLINE VILLAGE COMMERCIAL COMMUNITY PLAN			
ID	Policy	Topic	Rationale for Deletion
1	ICCP 1.3	Growth Management	See General Response A
2	ICCP 1.3.4	CFA Priority	See General Response A
3	ICCP 1.4	Residential Bonus Units	See General Response A
4	ICCP 4.1.1	Housing Study	Obsolete language. The Community Plan included general language supporting housing studies that were underway in the late 1990s. Today, Washoe County's Master Plan addresses housing on a countywide scale, including the administration of an affordable housing trust fund. Existing language in the Regional Plan and Master Plan are sufficient to support ongoing housing programs.
5	ICCP 5.3	VMT Reduction	See General Response B
6	ICCP 5.3.1	Postal Home Delivery	See General Response C
7	ICCP 9.1.1	Pedestrian Corridor	Redundant language. The Community Plan promotes the establishment of a pedestrian corridor. Since that time, sidewalks have been installed along Tahoe Boulevard / Highway 28. The area plan calls for additional Class I multi-use pathways throughout the community, which will also promote the pedestrian corridor concept. With the incorporation of these projects, this language is no longer necessary.
8	ICCP 10.3.1	Improvement Projects	Not a policy. This text simply stated that existing improvements were recognized.
9	ICCP 10.3.2	Contribution	Vague language. The Community Plan states that all projects must contribute towards identified improvements. The amount or scope of contribution for each project is not identified. Historically, improvements have been achieved through on-site restoration activities or contribution towards a mitigation program when new development or redevelopment is proposed. The area plan proposes to continue using these existing procedures.
10	ICCP 12.1.1	New Public Buildings	Obsolete language. The proposed capital projects (e.g. county administrative building, elementary school, library expansion) have been completed.
11	ICCP 12.1.2	Home Mail Delivery	See General Response C

12	ICCP 13.1	Man-Modified Mitigation	Redundant language. The Community Plan includes language regarding mitigation for man-modified determinations. Existing language in the TRPA Code of Ordinances, Subsection 30.3.6 already addresses mitigation as part of man-modified determinations. The area plan proposes to rely on existing language in the Code of Ordinances.
13	ICCP 13.3	Mitigation within the CP	No longer a best practice. Existing language in the Community Plan calls for mitigation (e.g. water quality, air quality, etc.) to be accomplished within the community plan boundaries. This is no longer considered a best practice, as mitigation outside of the community plan may result in greater benefits. For example, sediment loading may be better mitigated by completed watershed restoration at the headwaters. The area plan proposes to delete this policy in favor of continuing TRPA's current approach to mitigation.
14	ICCP 13.5	CFA Reservation	See General Response A
15	ICCP 13.6	ISTEA Funds	Obsolete language. This language restricted allocation of new development rights until ISTEA funds were awarded. This has since occurred.
16	ICCP 13.6.1	CFA Release	Obsolete language. This language acknowledges that ISTEA funds were rewarded. Since ICCP 13.6 is being deleted, this can be deleted as well.

STAFF REPORT

Date: December 11, 2019

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

Subject: Summary of Upcoming Topics for Regional Plan Implementation Committee Consideration

Summary and Staff Recommendation:

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

Background:

This report provides a summary of topics anticipated to come before the Regional Plan Implementation Committee (RPIC) within the next three months based on priorities established by the Governing Board and current staff resources. All topics and dates are subject to change.

MONTH	ITEM(S)
January	<ul style="list-style-type: none"> • Amendment of TRPA Code Chapter 61: <i>Vegetation and Forest Health</i> • Threshold update – mobility and greenhouse gases
February	No items scheduled at this point.
March	<ul style="list-style-type: none"> • Amendment to the Tourist Core Area Plan (City of South Lake Tahoe) • Amendment to the Placer County Tahoe Basin Area Plan • Recommendation on the proposed Washoe County Tahoe Area Plan

Contact Information:

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