

TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN IMPLEMENTATION COMMITTEE

TRPA
Stateline, NV

December 18, 2019

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Shute called the meeting to order at 9:41 a.m.

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

II. PUBLIC INTEREST COMMENTS

None.

III. APPROVAL OF AGENDA

Mr. Hester said that agenda item number eight will be heard after agenda item number five. Mr. Shute deemed the agenda approved as amended.

IV. APPROVAL OF MINUTES

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

V. Item No. 4: Discussion and possible recommendation of Technical amendments to Chapter 2, 21, 30, 37, 50, 51, 53, and 84 of the TRPA Code of Ordinances to clarify existing language and incorporate technical corrections

TRPA team member Mr. Conger provided the presentation.

Mr. Conger said this package consists of technical amendments that are intended to clarify existing language. The amendments effect the Code of Ordinances which is a consolidated set of TRPA ordinances that are designed to implement the Regional Plan. The last major update was done in 2012 as part of the Regional Plan Update. These amendments are intended to address errors, inconsistencies, and to clarify existing provisions. The last technical amendments were approved in April 2019. The proposed technical amendments include 11 individual amendments effecting eight chapters of the Code of Ordinances.

The first category relates to references to area plans. The area plan concept was introduced with the 2012 Regional Plan Update. Over time, area plans will replace the existing plan area statements and community plans. There are five adopted area plans with two more in development. When the Code of Ordinances was revised in 2012, some sections were not updated to reflect the area plan concept. Staff recommended that the language be revised to

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clarify that residential units can be transferred into area plans and to clarify that commercial floor area displaced by a public service use can be transferred into town centers.

The next category has to do with achievable housing. In 2018 the Governing Board adopted the Development Rights Initiative, and this created a new income category for residential bonus units, called “achievable housing.” While most references in the code were updated to recognize the achievable category, a couple were missed. As part of this package, staff is proposing to broaden the references in the Code of Ordinances to residential bonus units to cover all potential income restriction categories.

There are three miscellaneous clarifications. The first is for accessory residential living space. The subsection involves detached living space other than a secondary dwelling. Secondary dwellings include kitchens and can have more than one bathroom are subject to separate provisions in the Code. The provisions in this subsection apply to detached living space on parcels that are ineligible for secondary residences. Staff is proposing to update the subsection to correctly refer to both Subsection 21.3.2 and any adopted area plan in determining whether the parcel is ineligible for secondary dwellings. The reference to area plans is needed as some area plans include substitute secondary residence standards.

The next category relates to building height. Under current code provisions, a structure on a sloping lot can be divided up into three segments for the purposes of calculating height. Staff is proposing a revision to the general standard specifying how height is calculated to recognize that these procedures may be applied to the building as a whole or to individual building segments.

The final miscellaneous clarification relates to buoy fields. Existing language was added to the Code in 2018 as part of the shoreline plan. The code limits buoy field capacity based on the boundaries of the buoy field area. Existing language, however, is awkward and unclear. Staff proposes to reword the language to state that the buoy field is defined by the parcel’s lake frontage and a depth of 300 feet.

The final category are editorial changes. These include one editorial revision to the text, and renumbering of several tables, figures, and graphs to match the numbering scheme in the Code of Ordinances.

The proposal was reviewed by the Advisory Planning Commission in October and unanimously recommended Governing Board approval of staff’s recommendation.

Committee Comments and Questions

Mr. Shute said these proposed amendments come up periodically and are typically ministerial corrections to bring the Code of Ordinances into full compliance with the plan and to correct mistakes that were made in the past such as typos.

Mr. Yeates referred to the statement about the total number of buoys allowed within a buoy field shall not exceed the buoy field capacity. That establishes what is going to be in the buoy field within a 50 foot grid spacing pattern. He asked what happens if there’s grandfathered buoys that are brought into this that would be outside this grid. How does this and the

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upcoming item on how we're addressing the grandfathering of buoys within a buoy field fit together? He doesn't want us to have a bunch of grandfathered buoys that don't fit in what's being described as the capacity of a buoy field.

Mr. Marshall said like with many of our standards, if they are existing buoys that exceed the capacity, they can remain, but they can't expand that capacity if there are already over capacity. If they are grandfathered and over capacity, then they couldn't add anymore new buoys.

Ms. Aldean asked if it was correct that even if they can't meet the spatial requirements in the Code of Ordinance, they're eligible to remain in terms of distance between buoys and observing the required setbacks.

Mr. Marshall said no, they would have to go out further lakeward. They would still have to comply with the location standards because that's Army Corps rules along with other safety requirements.

Ms. Aldean said she's in favor of grandfathering on a philosophical level but it's her understanding that the Code of Ordinances indicates that a buoy field that services an association for example, there cannot be more than one buoy per unit. This would then be an exception to that rule by acknowledging that there may be an overabundance of buoys in relationship to the number of units being served. But we are recognizing them because of their grandfather status?

Mr. Marshall said this agenda item does not include the grandfathering of buoys. There are two ways in which a capacity of a buoy field is limited. One is by the number of units served, even if there's capacity in the buoy field, there may be a limitation by the number of units served. The second is the actual dimensions of the buoy field. It's the lesser of the two that marks the maximum capacity. If it's over with existing buoys, then you could keep what you have but no expansion would be allowed.

Ms. Aldean said then all that is built into the numbers with respect to the total number of moorings.

Mr. Marshall said this change was to clarify the actual mathematics for how to figure the area and the number of buoys within the area. That is all this change is addressing.

Mr. Lawrence asked if the depth of 300 feet is measured from ordinary high water or low water.

Mr. Conger said the parcel boundary projection lines are from low water and presumes that this would fall within that definition.

Ms. Good said buoy field standards for new buoy fields is a floating rectangle. It depends on water depth and the topography of the site. That 300 feet is a capacity, but it also depends on the water levels at the time and where elevation 6,220 falls within that project area.

Mr. Marshall said that's not for new buoy fields but rather looking at additions to existing buoy fields.

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Ms. Good said the standard in the Code of Ordinances states 600 feet from elevation 6,220 and the 300 foot delineation. This is a clarification to the mathematics on how we get to capacity. It's a 300 foot grid spacing by however wide the property is, divided by 50 feet (spacing for buoys) within that 600 feet from elevation 6,220.

Mr. Marshall said one is the calculation of maximum number of buoys in a particular field and the second one is the location where the buoys can be placed. This is not about placement so there's no beginning point of that 300 feet, it's just 300 feet multiplied by the lake frontage gives the rectangle. The location standards in a different provision tell where they can be placed such as how far out and from the starting point.

Presentation can be found at:

[Agenda-Item-No.-4-Technical-Code-Amendments](#)

Public Comments & Questions

None.

Committee Comments and Questions

Ms. Aldean made 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.

Motion carried.

Ms. Aldean made a motion to recommend adoption of Ordinance 2019-___, amending Ordinance 87-9, as previously amended, to amend the Code of Ordinances as shown in Attachment A.

Motion carried.

- VI. Item No. 5: Discussion and possible recommendation of Amendment to Chapter 84 of the TRPA Code of Ordinances regarding permitting of existing buoys in buoy fields

TRPA team member Mr. Conger provided the presentation.

Mr. Conger said today's proposal is an amendment to the Code of Ordinances to help with implementation of the shoreline plan. This amendment deals with the recognition of existing buoys within buoy fields. Buoy permitting is a component of the shoreline plan that was adopted in October 2018. Phase one of the implementation began in March 2019 with the issuing TRPA permits for existing buoys. Phase two will begin in 2020 which involves permitting a limited number of new buoys. Before issuing permits for new moorings in phase two, phase one must be completed by determining the status of existing buoys. The shoreline plan involved comprehensive amendments to the Code of Ordinances and as they implement the plan, issues occasionally arise. When this happens, the shoreline committee is consulted for direction. Often resolving the issue involves amendments to the code which is the case for today's proposal.

During implementation staff noted that there were no provisions in the Code of Ordinances to

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allow TRPA to issue permits for existing buoys that are located within a buoy field. The code does include language for permitting buoys outside of a buoy field such as with a private littoral parcel. This provision sets a limit of three buoys. Absent the necessary code provisions, TRPA is unable to issue permits for these existing buoys. Throughout the shoreline plan process staff has communicated to the public that legally established buoys will be allowed to remain. This was intended to apply both to buoys associated with private parcels as well as buoys within buoy fields. The shoreline plan anticipated that these buoys would be allowed to remain and was factored into the environmental analysis that was done. Under the shoreline plan all buoys both existing and new must be covered by a TRPA permit. As a result, TRPA requires that grandfathered buoys not yet covered under a TRPA permit apply for a permit as part of phase one. To qualify as a grandfather buoy, a buoy must either existed prior to 1972 or have received a state or federal permit release prior to 2018. The shoreline steering committee recommends that the same grandfathering criteria that currently applies to private littoral parcels also apply to buoy fields offshore of a littoral parcel associated with a homeowner's association or a commercial tourist accommodation, marina, or public use. The limit of three buoys would not apply. As part of this proposal, they're adding a new subparagraph E.3 to the subsection that addresses buoy fields specifically.

This proposal was reviewed by the Advisory Planning Commission on December 11 and recommended Governing Board adoption of staff's recommendation. The proposed amendment is scheduled to be heard by the Governing Board today after this committee's consideration.

Mr. Marshall said this is as a result of some last minute issues they had with code when adopting it. There are minutes that demonstrate that they were always talking about grandfathering buoys and buoy fields. During the adoption of the shoreline plan there was the issue with Marla Bay and the permits they had from Nevada State Lands, but they hadn't been placed. They made clear during the adoption hearing that they were going to grandfather those buoys whether they were permitted or were in the Lake and were permitted by State Lands. The way the code was drafted made the grandfathering provision apply only to individual property owners. Because of that limitation of what it applied to, it didn't apply to existing buoy fields and recognizing or grandfathering buoys within existing buoy fields. When it came to the implementation of this first phase of trying to get all buoys that qualified for grandfathering under permit they realized while reviewing the Code of Ordinances that the grandfathering only applied to these private individual littoral parcels, not to buoy fields. Because of where it was located in this three buoy limitation. Staff went back to the shoreline steering committee and recommended that they make express in the code what they had assumed was going to be the case in the adoption hearing and copied over the same grandfathering standards to apply to existing buoys and buoy fields. This is how we got to this point.

Presentation can be found at:

[Agenda-Item-No.-VIII.A-Shorezone-Amendments](#)

Committee Comments & Questions

Mr. Shute said this is almost ministerial, it's carrying out an oversight as the shoreline plan always contemplated this grandfathering.

Ms. Aldean said staff has stated that the shoreline steering committee is not recommending

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language addressing existing buoys associated with non-littoral buoy fields at this time. Regarding the Marla Bay situation, she asked if it was correct that there was a piece of land between the land that is benefiting from that buoy field but is subject to an easement right. Did that fall under the category of non-littoral or how are those situations being treated?

Mr. Marshall said there are an array of conditions on the Lake regarding littoral status of homeowners' associations, buoy fields, and piers. It's not easy to try and figure out littoral status, etc. The first cut is we have only around five buoy fields that cannot be pinned to a littoral parcel. The issue of non-littoral grandfathering is controversial. The shoreline steering committee felt that they wanted to have more time to work on that issue. He's fairly sure that Marla Bay has a homeowner's association parcel out front. So, they have an existing buoy field that it's associated with. Their existing Nevada State Lands permits will be recognized but then if they have capacity because there are not serving the capacity, or their buoy field has capacity then they could add new buoys.

Mr. Yeates referred to the statement of "littoral parcel owner must provide clear evidence." He asked if "clear evidence" was a term we used in other areas. Is it consistent with what we would do outside of the buoy field? He asked if clear evidence was photographs, mapping, etc.?

Mr. Marshall said the word clear is also in the standard for the individual property owner buoys. For example, particularly in recognition of pre 1972 buoys they would be getting aerial photographs that someone said was a buoy and it could have easily been a white cap. This would create endless loops whether or not it's a buoy or white cap from these early aerials. The purpose of adding that word is it needs to be more than just an indistinguishable aerial. The word clear was enough for the planners and the shoreline steering committee that it needed to be more than an aerial that shows a white spot.

Mr. Yeates said he would prefer clear and convincing but will leave it up to staff.

Ms. Laine asked for further information on the letter received from Andy Huckbody in particular to the deadline of September 1, 2018.

Mr. Marshall said this comes directly out of what was done with the individual buoys as well. The assumption was that there was always going to be a cutoff date. The cutoff date was necessary so that there wasn't a particular rush for someone to get an application in and that either Nevada State Lands or California State Lands were being pressured to get a permit out so someone could claim that these were grandfathered buoys because they had a permit. This is a standard approach of grandfathering by putting an end date. It was an end date to receive a permit, not to apply so there wasn't a rush to file applications for essentially would be new buoys with either state lands in order to grandfather those. They supplied the cutoff date for the individual parcel ones and are carrying over that same cutoff date for the buoy fields. The comment from Lakeridge General Improvement District was that they didn't know that since there was no provision for buoy grandfathering, they didn't know that since the date wasn't published, and they didn't know that they had to get a permit by that date. Not that they could have received a permit by that date because that was essentially the date prior to the October adoption from the Governing Board of those rules. You may run into these situations where someone is just on the other side of that grandfathering date and because Lakeridge doesn't have any existing buoys for their homeowner's association, only individual property owners.

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That would have been the only way they could have received a buoy field because no new buoys are allowed. They are interested in trying to advocate on that point. Staff has been in communication with Lakeridge to see if their existing circle of buoys can be construed as an existing field then they may be able to do something with it but that depends on the participation of their lakefront owners. While staff understands that this puts them in a difficult in terms of not being able to qualify because they did apply after September 1, 2018 and did get a permit from Nevada State Lands. They were informed during that process that even though they received a permit that they would most likely not be able to qualify for these buoys or for a new buoy field.

Ms. Laine said she understood it to be that if you were organized prior to 1972 or.....

Mr. Marshall said the reason why 1972 is relevant is because what we were trying to do is grandfather buoys that had some legal status. If you're prior to 1972 and you didn't have a permit from anyone, that was a legally existing use, someone didn't need to have a permit at that point. That buoy for all intensive purposes was legally placed at that time. After 1972, the permit requirements started to kick in and that's the reason why if you have a permit, even though someone didn't get a TRPA permit, the grandfathering compromise was that TRPA would recognize that as being enough. If someone received a permit from Nevada or California State Lands or the Army Corps, they would be allowed to be grandfathered.

Ms. Aldean said it was her understanding that when TRPA started permitting buoys, the requirement was not widely disseminated. Now in addition to getting an Army Corps and state lands permit, you also have to get a TRPA permit. That was one of the reasons for the grandfathering because in her opinion there wasn't ample notice by the Agency that this was an additional requirement that buoy owners had to comply with.

Public Comments & Questions

None.

Committee Comments & Questions

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

Motion carried.

Ms. Aldean made a motion to recommend adoption of Ordinance 2019-___, amending Ordinance 87-9, as previously amended, to amend the Code of Ordinances as shown in Attachment A.

Motion carried.

- VII. Item No. 6: Discussion and possible direction on the Draft City of South Lake Tahoe Tourist Core Area Plan Amendment for Ski Run/Pioneer

Ms. Fink said this is an informational item on an amendment to the Tourist Core Area Plan. There's a focus on trying to find ways to address the shortage of work force housing in the

Tahoe basin. This amendment provides additional opportunities for workforce housing. The focus is on amending three parcels that are adjacent to the Tourist Core Area Plan. This will allow them to get the needed height, coverage, and density so workforce housing can pencil in this location that's in close proximity to transit, jobs, and other amenities. These three parcels have been identified as possible locations for housing mitigation for the US Highway 50 revitalization project. The City's intent is to see workforce housing go in this location regardless of the outcome of the US Highway 50 project.

Mr. Hitchcock, City of South Lake Tahoe provided the presentation.

Mr. Hitchcock said TRPA and the City adopted the Tourist Core Area Plan in 2013. This is the second amendment proposed. The Tourist Core Area Plan is located in the center of the city and is the tourist based land use pattern. As part of the plan they adopted they're focusing on mixed use and housing in the area plans and this amendment is moving in that direction to provide housing in close proximity to the service and employment centers. They received an application from the Pacific Development Group to amend the Tourist Core Area Plan, tourist mixed use corridor. This is the spine that runs down Ski Run Boulevard. This would incorporate three parcels into the mixed use corridor. Currently, two of the parcels are developed and one parcel is vacant. The idea is to incorporate these two parcels into the mixed use corridor. These three parcels would be combined with two other parcels that are currently located in the tourist core area plan to develop an affordable housing project. The amendment is being proposed to allow the proposed project to be able to use incentives provided in the tourist core area plan. The density would go from 15 dwelling units per acre up to 25 units per acre. The allowed height would go from 42 to 56 feet, and the coverage would go from 30 to 70 percent which includes a transfer that requires a 2:1 reduction. These incentives are needed in order to make affordable housing, multi-family projects at high density feasible. They looked at the requirements of the area plan and one requirement to amend an area plan is that the parcels have to be surrounded by adjacent existing uses. In this case, they believe that this amendment is consistent with section 13.5.3.g in that the one vacant parcel is surrounded by existing development.

This site is a good location for high density housing and is close to the tourist core area plan, existing employment centers, and a fixed transit route that runs from the Y transit center as well as the Stateline and Kingsbury transit center. There's also a seasonal route that runs along Ski Run Boulevard to Heavenly Ski Resort California base.

They conducted a public information meeting in November 2019. Although, they notified everyone within 300 feet, newspaper notices, there were only about 5 or 6 people who attended. One person was not against the project but was interested in seeing the design when it moved forward. They're proposing to circulate the initial study and the initial environmental checklist next week and then the item will go to the City Planning Commission in February, the City Council in March, and requested adoption by TRPA Advisory Planning Commission, the Regional Plan Implementation Committee, and the Governing Board in March and April of 2020. If the amendment is approved, the applicant will be required to submit a design that will require review and approval by the City's Planning Commission. If the project is less than 50,000 square feet of new floor area, it would be reviewed under the memorandum of understanding by the City. If it's over 50,000 square feet, then it will require two permits; one from the City of South Lake Tahoe and one from TRPA. At this time, they have not received an application for a permit, so they don't have conceptual site plans. They do have other example projects in the basin that

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this project would look like which is the Aspens at South Lake Tahoe. The Aspens is 56 units, 55 units are deed restricted, 2 are affordable, and 1 is deed restricted moderate. They are two and three story buildings and includes onsite amenities. Currently, the Aspens has a two to three year wait list to get into this property. The proposed project could potentially accommodate 77 units on the five parcels.

There have been changes to California laws related to housing that has put a lot of pressure on the City to meet their housing targets, in particularly the regional housing needs allocation numbers that are provided to them every housing cycle. They're currently in the fifth cycle and their gap is 99 for very low to moderate income. In the sixth cycle that starts in December 2021, they've been allocated an additional 162 units that they have to meet. To meet their numbers, it includes looking at sites to rezone in order to accommodate higher density housing and multi-family housing.

Presentation can be found at:

[Agenda-Item-No.-6-CSLT-Tourist-Core-Area-Plan-Amendment-Pioneer Ski-Run-Affordable-Housing](#)

Committee Comments & Questions

Ms. Aldean asked if it was correct that 56 feet in height is approximately four stories.

Mr. Hitchcock said yes, that is correct.

Ms. Aldean asked if the buildings would be below the forest canopy.

Mr. Hitchcock said yes, that is correct. The conifer trees in that area exceed 100 feet in height. As part of the Tourist Core Area Plan there are standards that require stair stepping of structures, so it reduces the bulk and mass, so it doesn't have impacts on adjacent residences. It also requires development to be below the tree line. As part of the environmental analysis, they'll be looking at the bulk and mass issue.

Ms. Aldean asked if the owners of the two cabins are willing to sell.

Mr. Hitchcock said the Pacific Development Group owns all three parcels.

Mr. Shute suggested that the staff report have a distinction between an area plan amendment that includes a change in the town center boundary.

Public Comments & Questions

Lew Feldman on behalf of the Pacific Development Group said this is an unusual affordable housing project in that the developer has already acquired the land and has entered into a memorandum of understanding with the City of South Lake Tahoe and the Tahoe Transportation District. These projects are complex in terms of funding, process, and competition for tax credits and funds. It's on a fast track before the City and TRPA. This is win win and whether or not the US Highway 50 project proceeds, the housing is vital important to the region and city.

Steve Teshara, Lake Tahoe South Shore Chamber of Commerce said the parcels that are subject to this revision are centrally located and are on a major transit line. Pioneer Trail is subject to receiving some streetscape improvements. Currently, there are sidewalks and streetscape about halfway to Ski Run Boulevard and the City has approved a project to extend that to Ski Run Boulevard. These parcels are located near the Aspens which are one of the newer and nicest affordable deed restricted projects within the City. Over the years, the City has done a good job in their housing. The State of California is issuing new laws and are trying to accelerate the inventory of affordable housing. The Chamber was a part of the south shore housing needs and opportunities assessment that was recently completed that has a lot of supportive data in terms of the needs for housing. This is an excellent project and is a consistent use of the area plan and the amendment is consistent with TRPA's procedures and policies. He hopes the committee will give direction to staff in a positive manner today so this can move forward.

Ms. Aldean said in other jurisdictions there's been a problem with ongoing maintenance of affordable housing projects. She asked if the developer intends to manage this facility or hire a professional management company to ensure that doesn't happen.

Steve Teshara said the Pacific Development Group is a class act.

Lew Feldman said the Pacific Development Group has a long history in the City of South Lake Tahoe and have been developing affordable housing projects here for decades. All projects have been well maintained and professionally managed without any neighborhood problems. They recently completed a renovation of the Sierra Gardens property near the Y in South Lake Tahoe.

Carl Hasty, Tahoe Transportation District said they're pleased to be working with the Pacific Development Group and supported the plan area amendment.

Committee Comments & Questions

Ms. Gustafson commended TRPA and the City staff and the development team, this is a great proposal moving forward. There is an issue with housing throughout the basin and this is a great step forward.

Ms. Laine said this project has the full support from the City of South Lake Tahoe's City Council.

Mr. Lawrence said he agreed with other committee comments. It's important to have more affordable housing in the basin. Some of the items he'll be looking at as this moves forward is the scenic and water quality issues. Because there's a lot of Forest Service and California Tahoe Conservancy land around this project, he suggested that there is fire safety education done because of all the open space around the project area.

Mr. Shute said this is a good project and conforms with everything we've been thinking about and trying to do in connection with the US Highway 50 project.

VIII. Item No. 7: Discussion and possible direction on the GHG and Mobility metrics for the Vehicle Miles Traveled Threshold Update

TRPA team member Mr. Segan provided the presentation.

Mr. Segan said today's presentation is divided into three parts. The first is to provide an overview of the context in which the planning is occurring. Second, is the continuing role of vehicle miles traveled (VMT) in the planning processes, and third, is the continuing role of vehicle miles traveled in project level analysis.

The Threshold Update Workplan touches a lot of different elements of the system and we often bounce around between these elements in a confusing manner. The individual silos will be identified and then provide some of the link between those different elements. First is the goals, the threshold standards. They've talked about taking a second look at the VMT threshold standard. In the past, the committee has directed staff to target the efforts into two forums. One is to look at a potential threshold standard for reducing mobile source greenhouse gas emissions within the region and second, to explore a new goal or target for increasing non-auto mode share within the region. Both of these goals are consistent with the Bi-State Compact and the direction that it provides to the agency.

The second element is the planning and improvement programming. This starts with the Regional Plan which establishes both the land use for today and in the future. That interacts as a coherent bundle with the Regional Transportation Plan which guides how people get around in the region and the investment of transportation infrastructure. The Regional Transportation Plan includes a number of different project lists. These are the projects that are going to help improve how we travel around the region. The Bi-State Transportation initiative prioritized a ten year project list. A subset of that is the four year project list which is a federally mandated list that is maintained for projects that will be receiving federal money in the next four years. These are analyzed with another element of the workplan which is the Regional Transportation model. The Regional Transportation model takes the existing and expected land use in the future, the existing transportation infrastructure as well as the investment and tells how it is all working together and what to expect in terms of traffic volumes and how people are going to get around the region.

The final element of the workplan is project level analysis. The project level analysis is fairly straight forward. They received an application for development, either new or redevelopment within the region. That goes through a project review process that assesses its consistency with the Regional Plan or area plan or how well it fits in with the Regional Transportation Plan. They often ask applicants to incorporate specific design features as well as pay a mitigation fee that contributes to the overall programs.

Moving from the individual silos to how those silos are linked and create an internally consistent process. There's a feedback loop between establishing the goals and understanding the plan to achieve those goals. With both mobile source greenhouse gas emissions and increasing non-auto mode share, the elements relied on to achieve those goals are the elements within the Regional Plan to focus development in town centers and the Regional Transportation Plan to increase transit service to increase walkable and bikeable communities by providing sidewalks and other features for people to navigate the region more easily. There's an integral process whereby the pull the individual levers, whether that's a lever in the Regional Plan or Regional Transportation Plan. They analyze the impact of those policy changes using our regional transportation model. That allows them to say whether or not they'll be meeting these established targets for greenhouse gas emissions or non-auto mode share. There's also a link to the project evaluation process. Projects are evaluated for consistency with the Regional Plan or

local area plan, how well they fit into the Regional Transportation Plan expectations. The forecast that's used to develop whether or not we are going to be meeting the targets and if so, what year will those be achieved. This is an iterative process and a feedback loop between the air quality mitigation fees or the fees that are collected from project applicants and the design features that they implement. Those need to be consistent with the plans and projects that are included in the Regional Transportation Plan and the Regional Plan to ensure that the project is contributing to achieving the overall targets.

They've heard comments through stakeholders that TRPA is abandoning the VMT and that VMT will be going away. VMT will continue to be a core part of the planning processes. VMT is a core part of estimating mobile source greenhouse gas emissions. Per capita VMT is also a Regional Plan performance measure that was adopted. The Regional Plan Performance Report that will be released in February and will show how their performing against the per capita VMT reductions that are identified in the Regional Plan. VMT is a core part of the transportation model. It also a requirement of the Regional Transportation Plan. It will be a part of project level analysis and likely the basis for implementing design features and assessment of the mitigation fee going forward.

Both California and Nevada are moving aggressively on climate change and greenhouse gas related initiatives. Forty percent of greenhouse gas emissions now come from the transportation sector and it's the only sector in either state that's been growing and not declining. As part of recent changes in California, each metropolitan planning organization within the region developing its regional transportation plan has been given a target for per capita greenhouse gas reduction. This is to help the state achieve its overall greenhouse gas reduction goals. The Tahoe Metropolitan Planning Organization has an eight percent target for 2020 and a five percent reduction by 2035. To achieve California's overall greenhouse gas reduction goals, the California Air Resources Board forecasted and developed an implementation plan for how the state could achieve those targets. There are two core elements to the strategy to reducing greenhouse gas emissions from mobile sources. The first is shifting autos to cleaner fuel and the second, is an interim strategy is curbing the growth in statewide VMT. As the population continues to grow, VMT within the state has also continued to grow. The state expects to have approximately a 24 percent increase in its population between now and 2050. Absent any policy changes, the state expected a large and commensurate growth in VMT. The California Air Resources Board describes this as bending the growth curbs and is not to halt VMT growth within the state. The state policy still allows for continued growth but at a slower rate. The target of this policy is intended to limit VMT growth to about 6.5 percent. In order to do this, the goals are established to reduce per capita VMT.

Since 1990, Nevada has more than doubled in size, its added over 1.5 million people. California has added ten million people which is about a 30 percent growth. The latest forecast for Lake Tahoe's population is that they've lost about 900 people since 1990. That's within the margin of error so it means there's been no change in the regional population over the past 30 years. If you think about a statewide policy whereby your trying to reduce per capita VMT growth. Within the Tahoe region that's looks fundamentally different because achieving the Regional Transportation Plan targets should not rely on population growth because they don't expect growth in the same manner that is forecasted for other communities. That's reflected within the Regional Transportation Plan. The Regional Transportation Plan doesn't look like that of many other metropolitan planning organizations within the region and that there no capacity

expansion, no major freeways or motorways expected to be built within the region. The Regional Transportation Plan functions a lot more like a mitigation strategy than it does a capacity strategy. It focuses on increasing transit, walkable and bikeable areas. This was reflected in the most recent bi-state consultation on transportation. All the significant investments are in the areas that they expect to reduce VMT growth and overall by increased transit, more complete streets, and greater technology to reduce demand. There's fundamentally a different approach to achieving the targets that have been provided within the Regional Transportation Plan process.

The role of VMT within project evaluation: The changes in statewide policy in review of TRPA's goals provide an opportunity to harmonize to provide an easier regulatory framework. The three regional goals are to increase the non-auto mode share, reducing greenhouse gas emissions, and changes to state policy and corresponding impacts to TRPA Article 7 requirements. At the project level not all of these are amenable to project level analysis but there are clear metrics that provide us with a way to analyze project impacts on each of three goals. For non-auto mode share they're talking about looking at automobile trips generated by a project that can be measured by greenhouse gas and the TRPA California Environmental Quality Act requirement through VMT. One of things they heard as they've gone through this process is that increasing the overall complexity of the existing and adding additional analytical requirements. That's not the case because all the metrics that we're talking about are explicitly linked to one another and build off of one another. Automobile trips can easily be directly measured as the number of automobile trips. VMT you can think of as a function of the number of automobile trips and the length of those trips that are generated. Greenhouse gas are automobile trips, the length of those trips, and then something about fleet mix. Analyzing all of these are ongoing requirements within the region. There's nothing new that's being introduced here. There's been discussion with the local jurisdictions about developing a simple tool for a project level analysis of transportation impacts. That tool would take basic elements of the project, the type of the project such as if it's a restaurant, hotel, etc., the size, and the location. It would feed into this tool that would do the necessary analytical requirements to provide them with trips generated, VMT generated as well as greenhouse gas impacts of that. Then it would be to walk through a suite of shared mitigation measures such as bike racks, car share programs, employee shuttles, etc. that are expected to reduce the overall transportation impacts and encourage attainment of the overall goals and understanding what mitigation or impact fee might be assessed with a project based on the impacts analyzed.

Mr. Segan provided a demonstration using the City of Los Angeles project level analysis tool <https://ladot.lacity.org/what-we-do/planning-development-review/transportation-planning-policy/modernizing-transportation-analysis>

The benefit of these tools to applicants is that it provides a straightforward framework and a set of shared assumptions. These can be used by staff in the development of the Regional Transportation Plan and Sustainable Communities Strategy so people know what they can do to reduce the overall impact of their project.

There are a lot of moving pieces and staff will continue to work to harmonize all those different elements to ensure that the feedback loops work smoothly together.

Mr. Marshall said Placer County with their implementation obligations of Senate Bill 743 is

trying to develop such a model in conjunction with their development of standards of significance under SB 743. TRPA is wanting to piggy back on some of that work they're doing by increasing and providing some resources to increase the scope of work to develop a tool that would be premised on Placer County information but could be populated with information from the City of South Lake Tahoe or El Dorado County. Then there would be one tool with information for all agencies within the basin. There are some complications with that because their consultant is the same one that's being used by the California Attorney General's office. They've requested clearance on that so they provide funding for that effort so Placer County can provide that tool that could be adapted to the various communities within the basin.

Mr. Hester said during the Regional Plan Update, staff brought the board conceptual articles that talked about when you change a land use pattern and the way you do transportation, you get these benefits. TRPA is almost to the point where they can quantify and use that when they evaluate both public and private projects.

Presentation can be found at:

[Agenda-Item-No.-7-VMT-Framework](#)

Committee Comments & Questions

Ms. Gustafson said she's concerned that on a project by project bases we can't achieve regional goals in transportation. She's concerned that the efforts that Placer County is making individually are credited towards those project developments. We need to ensure that in those models is factored in. Because a project applicant on its own is going to have a difficult time achieving those goals. She's been championing a lot of strong efforts in Placer County for Tahoe Truckee Area Regional Transportation (TART) and other improvements. There needs to be a mechanism that encourages the jurisdictions to take a holistic approach that paves the way for reinvestment in those town centers because that's been their challenge.

Mr. Hester said that's what we're trying to do. This framework that Ms. Marchetta has talked about captures the transportation improvement programs and the projects that the local governments are doing.

Ms. Gustafson asked if it was correct that in the model there would be opportunities to fill in the jurisdictional efforts.

Mr. Hester said they could use the model exactly the same for a jurisdictional project.

Ms. Gustafson said she's looking at that the jurisdiction has to be the co-applicant on these projects in order to take credit for that.

Mr. Marshall said it has to do with the standards that are being applied or hurdles for individual projects. What is their part in achieving the overall basin goals. If one jurisdiction is collecting monies and applying it to transportation for example, that is resulting in reduction in auto trips. So, its reducing VMT. He said how should that influence the decision regarding the Placer County project. When you get the calculations out of this model, it shows you where the impacts are associated with that particular development. That's going to come up with the number of trips, VMT, it can be converted into capita reductions. Depending on what the

individual jurisdictions, Senate Bill 743 standards of significance are. That will then influence the decision making on the ground. TRPA would then look at its thresholds and how those are implemented. Then if it's focused on greenhouse gas or mode split. If those are the two metrics, there may or may not be additional VMT analysis, not only based on the local jurisdictions but also TRPA has to look at some degree to VMT. It will be up to the board to decide for basin projects do they want to construct a link between what a local jurisdiction is doing and the individual project requirements.

Mr. Hester referred to slide ten. At the bottom is the transportation improvement program, that's a list of projects both public and private. At the bottom right, there's the design for the private project, mitigation fee, or both. That's capturing the part that a private project provides. But its incumbent upon us as a region to have a regional transportation improvement program that includes everything to meet our Regional Transportation Plan and the Regional Plan goals and standard.

Ms. Aldean said the agency has spent a lot of time analyzing the negative impacts of development. Now, we're not only looking at those cumulative impacts but the cumulative impacts of the mitigations that are being implemented at the project and regional level.

Mr. Shute referred to the chart under the Regional Transportation Plan, Sustainable Communities Strategy, the Tahoe Metropolitan Planning Agency at a target of minus 8.8 percent. What is that being deducted from and what does that mean?

Mr. Segan said that's a per capita greenhouse gas reduction target.

Mr. Shute asked what happens if it's not met.

Mr. Haven said there is a lot of ramifications to funding programs such as not being able to apply for certain programs. It creates a downward spiral if they're unable to meet that. Another thing if they're unable to meet the greenhouse gas targets, they would have to produce an alternative planning strategy. The Sustainable Communities Strategy that you are producing must be fiscally constrained. They're looking at what forecasted revenues in a reasonable manner can pay for those improvements. The alternative planning strategy if they can't meet the number is more unconstrained. It's a lot broader thinking and more of a wish list. It's not necessarily a desired path but it looks like there's more regions in California that may be going down that path. They're trying to reduce the stigma of having to produce an alternative planning strategy and unwind some of the legislation that's constrained some of the funding because it can't be met. They're hopeful that they can meet that target with the new modeling tools to give them a path forward. The Regional Transportation Plan is more or less a mitigation fee. We're not building new roads or expanding capacity, it's a matter of how much they can deliver and implement in terms of transit, trails, and other transportation demand management strategies.

Mr. Marshall said because we have these numbers and a flat population curve, or no curve if it's not growing or if it grows, it's going to be very small, the per capita reduction means in that situation that you have to reduce absolute VMT. You can't depend on population growth or slowing population growth to help one get to a reduced per capita VMT. The Regional Transportation Plan, the Regional Plan, and other elements have got to result as a planning

matter in reducing VMT. This is different from the rest of the State of California which is a slowing in the growth of VMT. That's why the plans as you see them, the net result is a reduction in VMT. That's what they're shooting for. In effect, that's what it's going to be in order for the basin to hit these targets.

Ms. Gustafson said per capita is full time residents. The Placer County region significantly lost population of about 20 to 30 percent over the last census. It was stated that the basin lost 900 people. She asked that those numbers be reviewed because there seems to be a difference within jurisdictions. As housing is developed in the basin to draw back some of the full time population, thereby they would have VMT reductions. That needs to be looked at per capita because that's not driving the transportation issues right now. It might be driving some of the VMT issues, but a lot of the traffic and congestion is not based on the full time residence.

Mr. Shute said what was not stated directly in this presentation but is in the packet that VMT threshold would go away. Those that were concerned with a potential moratorium because it would hit the VMT threshold realized that the threshold number was based on a fictional set of circumstances because it was based on nitrate deposition and we're meeting that standard. Those of us who advocated for modifying it, thought about modifying VMT, level of service or something to address traffic. He never thought that the threshold would go away. When the staff report states that there's no proposal that a threshold be retained or considered, that's not accurate. He's stated previously that the VMT threshold would emerge in a new sophisticated or substituted form that addresses traffic congestion. He feels ours is not meeting what he thought was going to happen.

Mr. Marshall said we've been using the neutral term "metrics" for the greenhouse gas and the mobility mode share. Staff is retaining that so the board can decide where those live. Should they be the replacements for the VMT threshold based on nitrate deposition or should they live as metrics within the Regional Plan or someplace else. They were not prejudging that is the outcome of that.

Mr. Shute said the staff report states that there's no proposal for any of this to be a part of the threshold. He doesn't necessarily agree with Mr. Marshall's statement.

Mr. Marshall said staff is not proposing one way or the other and are trying to leave that judgement after the models are developed. It will ultimately be the decision of the board. Right now, the VMT threshold is in place and projects are being reviewed for consistency for that threshold which will be heard on the events center agenda item. That will be in place until the Governing Board chooses to either replace it with another threshold or delete it. Currently, they've received no direction that there should be a VMT threshold. VMT is an important planning and project objective but that is a way of providing information so when they get to the point of deciding what they want to do with the VMT threshold, either replacing with these two, maintain it, direct staff to change it to some other number, or put these two other metrics in another form. This is a decision that's awaiting the committee's recommendation and the board's approval. If there's anything inconsistent in the staff report with that approach, that was not intentional.

Mr. Yeates said he shared Mr. Shute's concern about the optics of removing the VMT standard. Within the air quality category of the threshold there's the VMT standard that was established

primarily for zoning. VMT was a proxy and is described in the 2015 threshold evaluation for the production of a nitrate in the region. The reality is that we could double the amount of VMT in the Tahoe Basin and would have a very small impact on nitrate production because cars are cleaner. Another way the prior board could have dealt with this issue is to require a smog station every time someone came into Lake Tahoe. They choose VMT. The VMT has now taken on a broader role and the question of greenhouse gas. The one way for us to reduce transportation impacts and the creation of carbon to reduce the effect on climate change is to reduce VMT. The challenge is that a lot of the vehicle miles are not generated within the basin but rather are the ones that come into the basin. The metropolitan planning organization in California are trying to figure out how to wrestle this issue. VMT is definitely going to go out of the air quality category because he feels many agree that VMT is an appropriate metric for determining nitrate because we've attained the nitrate. No matter what we do, it's not going to exceed it. Where some have used it as a way to say that growth needs to be stopped because it's going to reach a certain level of VMT is wrong. One of things we don't have and are still going through this review of the thresholds for which ones are retained or changed and is an ongoing review. One place we don't have a threshold or standard or is greenhouse gas and is probably something that should be updated. It's something we're working on with both states as to how we're going to address the question of the reduction of greenhouse gas. We may end up with a threshold that addresses VMTs role in reducing greenhouse gas. We are going to remove the VMT threshold because we agree it doesn't apply to nitrates. But it's integral to whatever we're going to accomplish to meet our state requirements, greenhouse gas requirements, and transportation goals to reduce the impacts of vehicles in the basin and do what the Compact encourages for people to get of their cars. We not abandoning VMT, we're recognizing that the VMT standard that was established in 1981 is not appropriate today. It may end up in a greenhouse gas area for us to meet our goals.

Mr. Lawrence said it's important to contemplate the standard for greenhouse gas. A lot of what he hears about the frustration with transportation is the quality of life and traffic congestion. He asked how we're getting at the traffic congestion, is it going back to the level of service or is it the non-auto mode share that gets us there?

Mr. Hester said the next steps are to bring the Regional Plan Implementation Committee recommended targets on mobile greenhouse gas reduction, not all of greenhouse gas initially and then mode share. An integral part of mode share is VMT. It's going to be up to the committee and the board to decide what measure is used to address both traffic congestion and greenhouse gas reduction.

Mr. Lawrence said it sound like there's still a lot of moving parts. There are environmental impacts but there's still the quality of life issue. Whether it's the resident or the quality of life being diminished from the sustainable recreation perspective. As we move forward, he would like to know how the quality of life and congestion fits in and how those metrics get worked out.

Mr. Hester said the reason they brought the entire framework was to show the committee that staff doesn't expect them to say that they're ready to move to this new standard until a lot of the framework pieces are in place. They'll want to be comfortable with the project level analysis tool and the targets. Until that's in place, staff doesn't expect them to change the threshold or adopt new standards. The Threshold Update Initiative Stakeholder Working Group recommended bringing forward the new generation of standards with all of these models and

pieces in place, so everyone understands how it works together. It's complex and we expect to have all the pieces together before you feel comfortable stepping away from what you had before.

Ms. Aldean said staff clarified that the metropolitan planning organization recommended a target of -8.8 percent for the Tahoe Metropolitan Planning Agency is based on full time residents in the Tahoe Basin. She asked how you assign to each resident a portion of the greenhouse generation. How do you assign a value to only the people living here when there's a massive influx of tourist coming into the basin? In theory, if you could get all of those visitors to use public transit then that would result in a reduction that is not related to per capita. The reduction is coming from successfully encouraging visitors to the basin to reduce their use of an automobile. She asked how these two interplay from a quantitative standpoint.

Mr. Segan said it's an ongoing discussion between TRPA and the California Air Resources Board in terms of how we deal with visitor generated VMT. They acknowledged that we're in a bit of a unique situation because the best estimate is that more than half of the VMT is generated by visitors. They didn't design the rules or these targets with visitors in mind. They're developed primarily for big cities. They have the ability to disaggregate within the travel demand model the different sources of VMT. They have estimates for what fraction of that VMT is generated by visitors and what fraction is generated by residents. They have the ability to drill down and say has per capita VMT per residents changed if they only look at resident generated VMT. That is currently not the standard that we are held to by the California Air Resources Board but are ongoing discussions in terms of how they deal with that element.

Ms. Gustafson said Placer County has a standard from the State of California and they get credit for funding. Then they have standards for the issues that they want to achieve basin wide. They need to be careful that in trying to achieve their regional goals and where they might want to take the basin, they don't cutoff the opportunity to secure the funding and meet the goals based on the state perimeters because they're basing it all on per capita. They feel they have methods to achieve that. Traffic congestion and quality of life is an issue everywhere. That growth and those compounding impacts that we see in the basin are relatively minor here compared what she's experienced in other areas. They want to be able to continue to be able to work on what they want to do regionally to improve and protect this treasure without cutting off opportunities to qualify for funding. Is this correct?

Mr. Hester said yes.

Public Comments & Questions

Jennifer Quashnick, Friends of the West Shore said the new tools will provide consistency and help with planning efforts. They expressed concerns before about anything that would eliminate or reduce the protections provided by having a regional or absolute VMT standard. Currently, TRPA's standard is based on a regionwide overall total maximum VMT for everyone, not just residents whereas California's is based on residents. If we were to do anything to give up or reduce TRPA standards because they have California standards that are being followed, we are losing some protection because we're not accounting for all impacts. She asked that in future presentations it's clarified when they're discussing the per capita or per person versus the total regionwide VMT. It's gone back and forth today, and it created confusion. The environmental

carrying capacity is a capacity and gets back to not looking at VMT per person but the total regionwide impacts. You could reduce the VMT per person or per capita but that increase of the total number of people and still have a net increase in total VMT and then there's a net increase in the water and air quality impacts and the quality life. With the suggestion of relying on a VMT standard based on greenhouse gas as the VMT standard might get us into a similar place that we are now with the air quality. If we're using VMT to address greenhouse gas issues but then saying because we have that, it will also address other issues. As the cars get cleaner and maybe greenhouse gases go down, there are still the other issues to address such as the wear and tear of tires on the road, flooding, etc. If you just tie it to greenhouse gas we may end up in a similar situation. They're very supportive of adding additional VMT metrics or measures but retaining the stricter TRPA standards.

Gavin Feiger, League to Save Lake Tahoe said it sounds like there's some agreement on where this is heading at this early stage. They still have concerns along with Supervisor Gustafson about being able to achieve the regional goals without having a regional threshold standard that's linked to development for regional plan goals and linked to transportation for regional transportation plan goals. The current VMT is out of date for nitrogen for air quality but it still does have some local air quality, greenhouse gas, and water quality effects. There needs to be some kind of threshold standard linked to development and or transportation that has teeth, otherwise they don't feel that there's any way to achieve the regional goals for transportation and the land use. They're wondering what drastically changing the VMT standard will do to the Regional Plan Environmental analysis as well as all the projects included in the Regional Plan and the projects and plans tiered off of it. It was discussed today about encouraging area plan developers to tier off of the Regional Plan environmental impact statement. The largest piece of mitigation for VMT is that link to allocations and wonder what will happen to that and all those plans that tier off of it. Will there have to be an environmental review to address that or if by maintaining some kind of link between transportation and land use or a standard that ensures we're attaining those regional goals.

Committee Comments & Questions

Mr. Shute said he sees that traffic congestion and the quality of life issues were not really mentioned in the way this was presented. It is important to a large segment of the committee and public and needs to be emphasized as it moves forward.

IX. Item No. 8: Discussion and possible direction on area plan procedures and guidance materials Update

TRPA team member Mr. Conger provided the presentation.

Mr. Conger said today's presentation will focus on the area plan development handbook. The development of area plans is led by individual public agencies typically a city or a county. TRPA does maintain an active role in the development of area plans to ensure that the resulting plan will be consistent with the Regional Plan. Since the Regional Plan was updated in 2012, TRPA has prepared several resources to help guide jurisdictions in developing their own area plans. The primary document has been the area plan framework that was published in 2014 as part of the Lake Tahoe Sustainable Communities Program. Overtime, the framework was supplemented with additional documents that were periodically updated based on experiences with the five

adopted area plans. TRPA has recently consolidated and updated this guidance documentation to produce a new document, the Area Plan Development Handbook.

One of the reasons they're raising the topic of area plan guidance is that they're expecting quite a bit of activity in 2020. Two new area plans are in development now and staff is also processing amendments to three existing area plans. They've also been in preliminary discussion with the City of South Lake Tahoe about pursuing an area plan to cover either the remaining town center or all of the city that's not currently covered by an area plan. The handbook is intended to help guide decision making throughout the planning process and bring consistency among the various plans. It's also an opportunity to share what they've learned over the past seven years of doing area plans.

The focus of the handbook today will be on the scope of area plans, advice on environmental review, and procedures for amendment of an area plan. Determining the scope of an area plan is one of the most crucial decisions an agency will make. Scope can vary in terms of geography. In addition to geographic scope, the scope can vary in terms of policy; it can suggest that we carry forward existing plans and regulations or substantial revisions can be proposed to the existing policies. Decisions on scope will affect budget, schedule, and the environmental review process. The handbook all addresses the topic of environmental review. The environmental review is subject to TRPA requirements but in California it can also trigger the California Environmental Quality Act which can complicate the process. TRPA recommends tiering off existing environmental documents like the Regional Plan Update Environmental Impact Statement. The handbook also recommends keeping a log of changes and following certain best practices to avoid unnecessary costs and delays. Lastly, the handbook addresses area plan amendments. In accordance with TRPA Code of Ordinances, area plan amendments follow the same procedure as adoption of a new area plan. The public agency takes the lead on the amendment process. Private parties who desire an area plan amendment would make the application to the public agency rather than to TRPA. Multiple amendments to the same area plan should be consolidated where feasible. Ideally an area plan would not be amended more than twice during one year. The area plan handbook represents seven years of TRPA staff experience in processing and implementing area plans. It's a resource for both TRPA and the local agency staff to help guide decision making and to ensure consistency among the area plans. Staff intends to update the handbook from time to time to reflect new insights and address new issues as they arise.

Presentation can be found at:

[Agenda-Item-No.-8-Area-Plan-Procedures](#)

Committee Comments & Questions

Ms. Aldean referred to page 155 of the staff packet. Under the complete environmental review that an environmental assessment is not listed along with the initial environmental checklist and environmental impact statement. The environmental assessment is specifically provided for or referenced under the environmental review section on page 12. It's not either you do an initial environmental checklist, or you do an environmental impact statement. She assumes that an environmental assessment can be done depending upon the impacts of the project. She suggested that environmental assessments are included so there are a variety of options depending on the environmental impact of the project.

Mr. Conger said that's a good suggestion and staff will incorporate that

Ms. Aldean referred to area plan contents on page 158 of the staff packet. This is confirmed through the conformance review process. Further, these area plans are subject to annual review and asked if it should read recertification. Because there's the initial certification and then there's a recertification as the result of the annual review.

Mr. Conger said staff can make that change as well.

Ms. Aldean referred to optional components, economic development/prosperity on page 159 of the staff packet. Under optional components it states that "This element should address ways that an area plan can help to foster environmental redevelopment sustainability and economic prosperity." The purpose behind the area plan is to implement the components of the Regional Plan and the plan was built on the idea of environmental redevelopment and sustainability. She thought that environmental redevelopment and sustainability was at the heart of the Regional Plan and that would be an essential component of the area plan and not an optional component that may be incorporated if the local jurisdiction chooses to do so.

Mr. Conger said sustainability is echoed throughout the document. This particular section was meant to focus on the economic development aspect of that. He suggested that it be reworded to reorient the sentence that they're looking for this economic development and prosperity at the same time incorporating sustainability.

Ms. Laine said in the State of California there's been a lot of new laws and mandates with regards to housing that are not going to be in a local jurisdictions area plan and probably not be considered in anything TRPA has developed. In those cases where state law is telling them they can and should do something, how do local jurisdictions react to that in regard to TRPA.

Mr. Marshall said this is an issue particularly with accessory dwelling units that TRPA is dealing with right now. TRPA staff member, Ms. Fink has been working with local jurisdictions on the California side to try and reconcile directions at the state level that may or may not conflict with TRPA rules. It takes an added spin when you're discussing an area plan. Because the first step of an area plan is the adoption by a local jurisdiction. They've been trying to come up with creative solutions that will obviate the need for each individual local jurisdiction for each individual area plan go through an amendment process to reconcile. There is going to be some irreconcilable differences between the state guidance and TRPA rules. They are working on what is the best way to make the necessary changes and then work with the local jurisdictions to see what they need to do to comply with state law at the same time have a legally defensible area plan.

Mr. Hester said Ms. Fink has been working with board member Ms. Novasel, chair of the Local Government and Housing Committee. They anticipate having board presentations and legislation from both states in January. The Local Government and Housing Committee would then meet to prioritize changes that would go to the Regional Plan Implementation Committee for guidance on amendments. That will lead to draft code amendments in March and hopefully back to the board by April.

Mr. Marshall said Ms. Fink is working on a guidance sheet for local jurisdictions on accessory dwelling units. If the local jurisdictions get request from people for a permit based on the state

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laws, they would direct them to TRPA.

Ms. Laine asked if that will be the case then that the State of California is going to promote things that TRPA cannot approve.

Mr. Marshall said there are accessory dwelling unit laws on the books that are inconsistent with TRPA development rules. It's not unusual that statewide policy is trumped by specific bi state policy of the Compact and in the basin. Some of these rules are irreconcilable with the way that TRPA does coverage for example. They would want to explore ways in which to the maximum extent possible because this is a critical housing issue that they can reconcile those state level mandates for the local jurisdictions. They know that potentially there are detrimental outcomes if the local jurisdictions are meeting certain state mandates. They need to work out a system that it doesn't happen.

Mr. Shute said isn't correct that an area plan is intended to cover areas outside of town centers as well as town centers.

Mr. Hester said yes, that's correct.

Mr. Shute suggested that the handbook have some distinction between the town center criteria and an area plan.

Mr. Conger said staff can add some discussion on scope. They focused most of the scope on either focusing on a town center with an area plan or doing like Placer County's approach which was to cover the entire jurisdiction.

Mr. Shute said he didn't see a distinction between what would happen in a town center and what would happen outside of a town center. The handbook is a technical document and it's important that planners understand it. TRPA. Staff may want to consider a summary.

Mr. Conger said currently the website is the resource that people would be directed to and staff can develop a brief summary based on the materials on the website.

Public Comments & Questions

None.

Committee Comments & Questions

Mr. Shute asked if staff was satisfied with the input from the committee.

Mr. Hester said yes, and if the committee has any other suggestions, please contact staff.

X. Item No. 9: Upcoming Topics

Mr. Hester said in addition to what's on the report, staff will be bringing some housing items related to accessory dwelling units.

REGIONAL PLAN IMPLEMENTATION COMMITTEE

December 18, 2019

XI. COMMITTEE MEMBER COMMENTS

None.

XII. PUBLIC COMMENT

None.

XIII. ADJOURNMENT

Chair Mr. Shute adjourned the meeting at 11:53 a.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Marja Ambler".

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