

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION  
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting at **9:30 a.m.** on **Wednesday, February 8, 2017** at the **TRPA Offices**, located at **128 Market Street, Stateline, NV**. The agenda for the meeting is attached hereto and made a part of this notice.

February 1, 2017

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

Joanne S. Marchetta  
Executive Director

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

TRPA  
Stateline, NV

February 8, 2017  
9:30 a.m.

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AGENDA

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

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

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

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

- IV. DISPOSITION OF MINUTES
- V. ADMINISTRATIVE MATTERS

- A. Resolution recognizing Advisory Planning  
Commission member Mike Lefevre, US Forest  
Service representative

**Approval**

**Page 1**

B.	Resolution recognizing Advisory Planning Commission member Mike Riley, Douglas County Lay member	<b>Approval</b>	<b><u>Page 3</u></b>
C.	Recommendation to the Governing Board that Jennifer Merchant, Placer County, fill the vacant position on the Development Rights Working Group	<b>Recommendation</b>	<b><u>Page 5</u></b>
VI.	PUBLIC HEARINGS		
A.	Ordinance to adopt technical amendments to Chapters 34, 36, and 38 of the TRPA Code of Ordinances related to adoption of the Placer County Tahoe Basin Area Plan	<b>Recommendation</b>	<b><u>Page 7</u></b>
VII.	PLANNING MATTERS		
A.	Advisory Planning Commission Priority Setting Workshop	<b>Discussion and Possible Direction to staff</b>	
VIII.	REPORTS		
A.	Executive Director	<b>Informational Only</b>	
B.	General Counsel	<b>Informational Only</b>	
C.	APC Members	<b>Informational Only</b>	
IX.	PUBLIC COMMENT		
X.	ADJOURNMENT		



TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

TRPA  
Stateline, NV

December 7, 2016

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Teshara called the meeting to order at 9:31 a.m.

Members present: Ms. Brekke-Read, Mr. Esswein, Ms. Hill, Mr. Hitchcock, Mr. Hymanson, Ms. Krause, Mr. Larsen, Mr. Lefevre, Mr. Plemel, Mr. Riley, Mr. Teshara, Mr. Trout, Mr. Weavil

Members absent: Mr. Donohue, Mr. Drew, Mr. Guevin, Ms. Carr, Mr. Patterson, Washoe Tribe Representative

II. APPROVAL OF AGENDA

Mr. Riley moved approval.  
Mr. Larsen seconded the motion.  
Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

Mr. Lefevre announced that this will be his last Advisory Planning Commission meeting and that he will be retiring from the US Forest Service on December 31, 2016 after a 42-year career.

IV. DISPOSITION OF MINUTES

Mr. Teshara provided his minor edits to Ms. Ambler.  
Mr. Plemel moved approval of the November 9, 2016 minutes as amended.  
Mr. Esswein seconded the motion.  
Ms. Brekke-Read, Mr. Riley, Mr. Weavil, Mr. Larsen, and Mr. Lefevre abstained.  
Motion carried.

V. PUBLIC HEARINGS

- A. Certification of Placer County Tahoe Basin Area Plan and Tahoe City Lodge Final Environmental Impact Statement and Approval of Placer County Tahoe Basin Area Plan

Ms. Hill recused herself from this agenda item.

Ms. Maloney, TRPA, Ms. Jacobsen, Placer County, Mr. Lewandowski, Ascent Environmental provided an overview.

Ms. Jacobsen, Placer County said the Area Plan will consolidate all of the existing community plans and regulatory provisions in the Basin into one area plan policy and implementing regulation document. The implementing regulations contain the development standards and the zoning intended to implement the Area Plan and the Regional Plan.

There are a number of programs included in the Area Plan and the key objective is to implement the Regional Plan by carrying forward the Regional Plan redevelopment incentives within the town centers. It implements the Regional Plan through area wide amendments, substitute standards and mixed use districts. The first is that residential uses would be allowed in commercial areas (commercial nodes outside of the town centers). Those commercial centers are designated as mixed use districts consistent with the Regional Plan. The second is the parking ordinances were updated to provide more flexibility within the town centers. There are mixed use site and building design standards for all areas outside of the town centers to ensure community character and provisions for dark sky lighting.

The substitute standards are the major changes being requested to the Regional Plan for Placer County. The first is a limited conversion of commercial floor area to tourist accommodation units; expansion of TRPA's land use conversion program with a limited pilot program. The proposed conversion rate is one TAU to 450 square feet of CFA consistent with TRPA's conversion rate developed for bonus units. The program has been modified from a cap of 400 TAUs to 200 TAUs. There is a provision that would allow for non-contiguous project sites within town centers to address land assembly challenges and a revised level of service standard included in the area plan; level F in town centers. The Area Plan is focused more on reducing vehicle miles traveled by shifting the focus on multi modal transportation and looking at mobility strategies rather than focusing on level of service. There is program that allows for secondary dwelling units on parcels less than one acre. The original proposal was for within one quarter mile of transit or mixed use but has been eliminated and a provision added that would require the units to be deed restricted for affordability. These units cannot be used for vacation rentals or converted to TAUs and will be evaluated every four years.

For the land use plan all existing regulatory provisions outside of the town centers are being carried forward. They are removing the plan area statements and relabeling them as sub districts. Within the town centers there are mixed use sub districts; town center core and transition areas. The transition areas are the gateways entering Tahoe City and Kings Beach

which is where the area plan is proposing three stories for a smaller scale in terms of the land use intensity pattern in the gateways. The core areas will allow for four stories. The Kings Beach Town Center land use classification cleanup is to align the town center boundary with survey data; a small cleanup of projection errors and mapping.

Land that has been acquired for conservation have been designated as recreation and conservation in terms of the zoning and land use map. The special planning areas are overlay districts for future planning or future projects that want to utilize the town center incentives would have to do additional environmental improvements. There are two in the Kings Beach area; one at the intersection of Highway 267 and State Route 28 which is being proposed to have connected sidewalks, stream environmental zone restoration and scenic enhancements. The second is the North Stateline Area that would have the existing regulatory provisions carried forward. If the property owners wanted to redevelop those lands they would need to prepare a town center plan in order to utilize those town center incentives through the Regional Plan.

The Truckee River Corridor Special District would require future zoning changes and standards to be considered. The Tahoe City River Special Planning Area encompasses the area around Fanny Bridge to encourage active recreation with access through bicycling, walking, and transit. The Tahoe City Western Gateway would require riverfront restoration, public access, bicycle and pedestrian improvements. The land around the Tahoe City Golf Course property will include a land use map change, town center modification and also includes a special planning area. The town center boundary would be modified along the golf course area. This change would result in a net reduction of three acres of public lands from the town centers. To utilize town center incentives on the land near the golf course there are additional environmental improvements required of matching stream environmental zone restoration with a 1:1 ratio and sidewalk extensions.

In November, the Tahoe City Public Utility District approved a deed restriction for the remainder of the golf course land that is now zoned for recreation. The Area Plan also includes opportunity sites that were analyzed in the environmental document; first being the Kings Beach Center Design Concept, former BBLC site that is owned by the County. A mixed-use project that included a lodge component, a civic component, and retail were analyzed at a programmatic level. The Tahoe City Lodge project application was also included at a project level analysis in the environmental document funded by the applicant.

The November 4, 2016 document included policies related to emergency preparedness and Evacuation and incorporated the Placer County Operational Area East Side Emergency Evacuation Plan. The County also required an emergency preparedness and evacuation plans for all new developments. Text and exhibits were modified that related to the Lakeside Trail missing link. They modified the commercial floor area to tourist accommodation units conversion program to reduce the cap to 200. There are new policies

related to transit, parking management strategies, adaptive traffic management, and wayfinding signage. They modified the North Tahoe East mixed use map so all the public beach lands in the Kings Beach area are zoned for recreation. Language has been added for prioritization of stream environment zone restoration projects; Griff Creek, Pomin Park, and Burton Creek. There were modifications for uses in town centers in response to comments, policies were added related to the public trust, and eradication of non-native terrestrial plants and protection of Tahoe Yellow Cress.

Mitigation measures and other modifications were made as a result of comments received after the document was released on November 4. Mitigation Measures 10-1h and 10-1g that were in the November 4 final environmental document but were not included as policies have been added. One requires implementation of TRPA's congestive management process and the second requires a four-year review of their transportation plan. Mitigation Measure 10-1c was modified to clarify that traffic impact fees that are paid by the Tahoe City Lodge project are dedicated to capital improvement projects in the Tahoe region. The secondary residential unit program was modified to require a four-year review cycle. In response to comments received last week, the County modified mitigation measure 12-1 to refine that mitigation related to reducing greenhouse gas impacts. All these updates were approved as an errata by their Board of Supervisors on December 6, 2016.

There were concerns about community character and scale in regards to the height allowances of four stories in Kings Beach along the lakeside. Three stories is allowed in the gateway to Kings Beach and four stories closer to town. There are site and building standards to ensure community character. Any new development or redevelopment for four stories would have to maintain 35 percent of the site as an open view corridor to the Lake and building massing; as height goes up, it must be stepped back. There was concern about existing residential uses in the core of Kings Beach along the Lake. Many property owners wanted it to be zoned residential only, the area plan is zoned for mixed use consistent with the Regional Plan.

There were also comments regarding non-conforming uses outside of town centers; the Area Plan land use changes and zoning changes have all been focused on the town centers and nothing is included outside of the town centers.

Both the North Tahoe Regional Advisory Council (NTRAC) and the Placer County Planning Commission recommended approval of the Tahoe Basin Area Plan and Tahoe City Lodge. The Placer County Board of Supervisors unanimously adopted Tahoe Basin Area Plan and Tahoe City Lodge project on December 6, 2016.

Mr. Lewandowski, Ascent Environmental said scoping meetings were held during the 60-day public comment period for the Notice of Preparation that was released on June 3, 2015. There were five public comment hearings after the release of the draft environmental



document on June 15, 2016. In response to comments the final environmental document resulted in several changes including additional and expanded mitigation measures.

Proposed alternatives were vetted with the Regional Plan Implementation Committee prior to being included in the environmental document.

- Alternative 1: Proposed Area Plan and lodge
- Alternative 2: Area Plan with no substitute standards or map revisions/reduced scale lodge
- Alternative 3: Reduced intensity Area Plan/reduced height lodge
- Alternative 4: No Area Plan/no lodge

The environmental document found that the Area Plan and the Lodge would have no impact or less than significant impacts related to land use, biological resources, public services utilities, and recreation.

Impacts reduced to a less-than-significant level with mitigation:

- Cultural resources
- Traffic and circulation
- Air quality
- Noise
- Geology, soils, land capability, and coverage
- Hydrology and water quality
- Hazards, hazardous materials, and risk of upset
- Cumulative impacts

The Area Plan would also result in several beneficial effects related to a reduction in vehicle miles traveled, water quality, recreation, and scenic resources.

There were significant and unavoidable impacts. Two impacts related to Transportation, primarily related to localized congestion within Tahoe City. All four proposed alternatives would contribute to a continued exceedance of a level of service standard within Tahoe City and some level of future greenhouse gas emissions from the construction and operation of buildings. The Area Plan would decrease greenhouse gas emissions by reducing sprawl, dependency on private automobiles, and encourage redevelopment of town centers. The document included mitigation measure 12-1 for implementation of all feasible measures recommended by the Placer County Air Pollution Control District to reduce greenhouse gas emissions from new projects and retrofits. It is consistent with the Lake Tahoe Sustainability Action Plan and the California Air Resources Board's 2030 Scoping Plan. These impacts would occur with or without adoption of the Area Plan but the mitigation measures would only apply with adoption of the area plan.

The majority of the comments for the Tahoe City Lodge were related to noise on the rooftop terrace and parking. Mitigation Measure 13-5 was expanded to require additional noise reduction measures specific to activities on the rooftop terrace. Parking issues were addressed in an analysis in Chapter 10 in the draft document environmental document.

The final environmental document clarified that public sector restoration is still a priority. The Environmental Improvement Program is incorporated into the Area Plan and the Plan was revised to identify additional stream environmental zone priorities. The Area Plan implements the Regional Plan restoration strategies and includes additional incentives and requirements for stream environment zones restoration within those special planning areas.

Many comments for affordable housing were related to the second residential unit program and focused on the program rather than the environmental analysis. The environmental document clarified how the existing in lieu fees are used to provide affordable housing and the County's plan to address short term rentals through transient occupancy tax enforcement.

There was concern that increased development would increase traffic and delay emergency evacuation response times. The Area Plan did not change the development potential in the plan area but addressed the location and design of that development. The environmental document prepared an emergency evacuation analysis that was based on full build out of the plan area. Key considerations of this analysis was that traffic lights and other standard traffic control measures would be overrode during an emergency evacuation. Under build out conditions, traffic volumes would result in a less than significant increase compared to today's condition and no difference in evacuation times with or without the Area Plan.

The Area Plan reduced vehicle miles traveled below existing levels by reducing sprawl, focused future growth into the town centers, and promoted transit and other modes of transportation. Without the Area Plan, vehicle miles traveled would increase. With cumulative build out, vehicle miles traveled would increase under any scenario but would increase less with the Area Plan. The intersection at State Route 28 and Grove Street in Tahoe City exceeds the level of service standard and would continue to do so under any scenario. One roadway segment on State Route 28 between Grove Street and the Tahoe City Wye exceeds the level of service standard in one direction and in build out conditions it would exceed that standard in both directions under any scenario with or without the Area Plan. The final document included a series of expanded and new mitigation measures to address those level of service impacts.

Two mitigation measures were expanded: 10-1a; Construct pedestrian crossing improvements at the Grove Street and State Route 28 intersection and 10-1b; Establish a County Service Area Zone of Benefit to fund expansion of transit capacity. Five new mitigation measures related to traffic were added to the final document: 10-1d; Expand

requirements for transportation demand management plans 10-1e; Prepare and implement a comprehensive wayfinding program for parking and multi-modal transportation, 10-1f; Long-term monitoring and adaptive management of mobility strategies, 10-1g; Four-year review of vehicle trips and mobility strategies, and 10-1h; Implement TRPA's Congestion Management Process.

Ms. Maloney said in order to ensure conformance with the Regional Plan and Code of Ordinances, Chapter 13, Placer County and TRPA developed an Area Plan Finding of Conformance Checklist. This shows that the Area Plan will implement the Regional Plan and will achieve environmental threshold gain consistent with the objectives of the Regional Plan, improving the environment by reducing regional vehicle miles traveled by increasing mobility, enhancing transit, increasing stream environment zone restoration, decreasing pollutant loads, increasing public access to Lake Tahoe public lands and recreation areas, and reversing blight. It will also help foster sustainable communities within the North Lake Tahoe area. The Final Environmental Impact Report and Environmental Impact Statement analyzed both regional and local impacts of implementation of this area plan.

The Area Plan took the Regional Plan one step further in some areas. Height, density, and coverage allowances of the Regional Plan were carried forward. As a result of stakeholder comments, the Area Plan proposed transition areas on the outside of town centers where the maximum height is reduced. The Area Plan enhances lighting standards to prevent light pollution and promote dark skies. The Area Plan would also add view corridor standards that require four story buildings in town centers on the lakeside of State Route 89 and 28 to maintain 35 percent site as an open view corridor to the Lake or increase existing view corridors by ten percent.

The secondary residential unit program was included to expand all residential parcels in the plan area which resulted in ten additional parcels. This was analyzed in the Draft Environmental Impact Report and Environmental Impact Statement as part of another alternative. A deed restriction for affordability requirement was added on these units as well as a deed restriction requirement for use to prohibit tourist and vacation uses or conversion to tourist accommodation units.

The conformance checklist on page 89 of the staff summary still refers to the market-rate secondary residential units. It will be corrected before the document goes to the Governing Board to reflect the errata and change for the deed restriction for affordability.

The commercial floor area, tourist accommodation units conversion program ratio proposed in the Area Plan is the same as the conversion ratio developed for TRPA's pilot program for conversion of the bonus units. The maximum number of units that could be created under this program was lowered from 400 to 200.

The Area Plan contains many mobility policies including adaptive traffic management for Highways 267 & 89, parking management strategies, wayfinding signage, trip reduction, transportation demand management plans, and emergency preparedness and evacuation plans.

Threshold gain includes water and air quality, soil conservation, scenic resources and recreation.

The Memorandum of Understanding will specify the extent and degree to which the activities in the Area Plan are delegated or exempt from TRPA review. This will be brought forward within six months of the Governing Board's Finding of Conformance of the Area Plan. For the Code of Ordinances to be consistent with the adoption of this Area Plan, technical amendments will be required for Chapters 34, 36, and 38.

Presentation material can be viewed at:

<http://www.trpa.org/wp-content/uploads/Agenda-Item-No.-V.A-Placer-County-Tahoe-Basin-Area-Plan.pdf>

#### Commission Comments & Questions

Mr. Riley asked if the location of State Route 28 and Grove Street are in Tahoe City.

Ms. Maloney said yes, it is in Tahoe City near the Pepper Tree Inn.

Mr. Hymanson asked what the next steps are after the information is collected every four years on the secondary dwelling program and traffic volumes.

Ms. Jacobsen, Placer County said the four-year review cycle was selected because it aligns with TRPA's four year recertification of the Area Plan. The data for both of those items would be collected annually and adjusted as necessary. If the traffic volumes exceed the projections, the County would develop a work program specific to the transportation chapter in the Area Plan and work with TRPA to identify solutions. Any policy changes would require public outreach, be recommended/approved by the North Tahoe Regional Advisory Council, Placer County's Planning Commission and Board of Supervisors, and TRPA's Advisory Planning Commission and Governing Board. County staff will also report out annually on the secondary residential unit program.

Mr. Hester said TRPA is realigning staff starting in 2017 to prepare an annual report on all the area plans. For example, the Code Compliance team completes an audit of winterization and finals for projects and Current Planning reviews a random group of completed projects.

Mr. Hymanson asked about the "significant" requests for zoning changes to parcels outside

the town centers that were not made.

Ms. Jacobsen, Placer County said they were not all requests. In 2014, staff looked at the nonconforming uses particularly where there were many on the west shore. At this time, they are not proposing any changes outside the town center.

Mr. Hymanson asked what the process is for landowners who want to pursue a zoning change outside the town center.

Ms. Jacobsen, Placer County said property owners can request an Area Plan amendment and go through an entitlement process with the County. Their Board of Supervisors directed staff to look at those nonconforming uses and consider a County work program to work with the landowners to try to make refinements and consider changes to those lands.

Mr. Hymanson referred to the SEZ Environmental document in section 3.1-22 in the paragraph that states "The Area Plan incorporates the Regional Plan policies." In the last sentence it states "Table 3-2 below summarizes the projects completed by Placer County and partner agencies that would result in SEZ restoration within the plan area." He asked if all these projects have been completed.

Mr. Lewandowski, Ascent Environmental said it is a combination of completed and in progress projects.

Mr. Hymanson asked how this list will be used.

Mr. Lewandowski, Ascent Environmental said a lot of comments about the environmental document expressed concerns that there was too much focus on incentivizing private land restoration and ignoring the public land restoration. This was included to disclose the efforts that are already underway. They are not necessarily new projects that are coming out of the Area Plan, but were incorporated into the Environmental Improvement Program and underway. It was to clarify that they are still a priority and on the list to be completed.

Mr. Hymanson asked if these projects that are being led by partner agencies are priority for them also.

Mr. Lewandowski, Ascent Environmental said yes that is correct.

Ms. Jacobsen, Placer County is working with the California Tahoe Conservancy to begin work on the Griff Creek water restoration project. Table in 3.1-22 highlights these projects better than what was initially done in the environmental document.

Mr. Hymanson asked what the Lahontan Regional Water Quality Control Board's view is on

the Area Plan.

Mr. Larsen said their focus was primarily on the water quality elements. They looked at Placer County's current progress and proposed projects related to TMDL compliance. Placer County is well positioned with the first five-year implementation target for the TMDL ten percent fine sediment particle load reduction. They are on track to exceed that and has documented load reductions within the crediting program to achieve that. The County has submitted a draft plan looking forward to the next ten percent reduction. There is nothing in the plan that suggests Placer County is deviating from the proposed water quality improvement elements. Their watershed restoration program appears to be comprehensive and on target.

Mr. Trout said the master response is not part of the question, it is an answer to questions that were submitted with the Draft Environmental Impact Report. It is hard to ask those questions in the context of what we are doing here because there are other references in the Final Environmental Impact Report that refers you to master response 3.1.2 to answer questions. The master response strategy is helpful to the public and decision makers to see a broader explanation to these finer points.

Ms. Brekke-Read said it took close to five years to complete and is a good plan. She asked if it is standard or required to respond to comments on the Final Environmental Impact Report, Environmental Impact Statement.

Mr. Marshall said often, yes. From a policy perspective, they want to ensure that issues are addressed. Although not required by Article 7, it is good practice to show that they are responsive to public comments, particularly when related to the validity of the environmental document. He feels that responses continue to be provided until a final decision is made to those that are relevant or that have not been addressed before.

Ms. Brekke-Read asked Mr. Marshall if staff felt that the additional comments received were adequately analyzed in the initial responses to comments and the Environmental Impact Report/Environmental Impact Statement.

Mr. Marshall said yes, they were. The bulk of the comments that were received post Final Environmental Impact Report/Final Environmental Impact Statement were repeat comments made on the Draft EIR/EIS that were responded to in the Final EIR/FEIS. There are some new comments that were raised that staff addressed or attempted to recharacterize what those comments were. He does not feel that there is anything in the document that is not defensible and does not satisfy all the requirements for Article 7 of the Compact.

Ms. Brekke-Read said two questions were raised; one was if localized impacts were analyzed and the second was if the density analyzed was applied adequately for the Tahoe City

Lodge.

Mr. Marshall said the term localized impacts is loaded because you are looking at the impacts from implementation of this Area Plan and project. Those impacts may be felt more locally than if you were taking a broader look at the region. For example, the Sierra Club and the Friends of the West Shore didn't feel vehicle miles traveled were looked at locally. Staff modeled the implementation of the Area Plan which is in Placer County. It comes up with a modeled output for Placer County as a reduction in vehicle miles traveled. Both local and regional need to be looked at; the analysis provides where it occurs, but the number reported that is relevant to the standard of significance for the basin wide vehicle miles traveled shows a reduction. There is no significant impact because there is a beneficial impact associated with vehicle miles traveled. The same for water quality which was their other major discussion point. The Ninth Circuit Court opinion said not only do you need to look locally but because it is within TRPA's expertise, they have the ability to select the best way to look at impacts from the aggregation of concentration of coverage within a town center. It is consistent with all the Area Plans that there will be a small increase in coverage within the town centers that is more than offset by a reduction in coverage overall because we do not know exactly where the transfer ratios are going to happen. The environmental document looked at the Pollution Load Reduction Model and determined that the net impact of the Area Plan is positive because it results in the decrease in the loading of nutrients and fine sediments. We have done a localized analysis of the impacts for this Area Plan. The Sierra Club and Friends of the West Shore want another analysis done based on Bailey coefficients on a subwatershed basis. The Bailey thresholds apply region wide and the better analysis is through the Pollutant Load Reduction Model.

Ms. Good said the Code of Ordinances, Chapter 13 is intended to authorize development and design standards in Area Plans that are different than otherwise required in the Code of Ordinances. It includes provisions that can be applied to projects or Area Plans upon adoption.

Mr. Marshall said there is concern that TRPA's density calculations are inconsistent with non-applicable provisions of the Code of Ordinances. They are consistent with Chapter 13 density standards upon adoption of the Area Plan.

#### Public Comments Questions

Pat Davison, Contractors Association Truckee Tahoe thanked Placer County for making changes in response to their concerns with the ten parcels that were not included in the secondary residential unit program. The County also addressed their concerns about market rate allocations. They approve of the secondary units to come out of some other program, however they feel that the deed restrictions based on income are a deterrent. The income restrictions according to TRPA Code of Ordinances have a 55 year life span for very low or

low income housing or for moderate income housing those bonus units are in perpetuity and will scare off potential homeowners. They suggested something that is more incentive based and suggested a locals only program as an alternative. They are pleased with the four-year review language that was added in; these are reasonable compromises. They would like to see housing take center stage for TRPA in 2017. She suggested inviting Stacy Caldwell with Tahoe Truckee Community foundation to give a presentation on the regional housing study that was recently released.

Ann Nichols said in many cases the secondary dwelling issue is making single family residential zoning multi-family all over Placer County and she believes Washoe County will follow. This is additive development with 600 bonus units. Though it went from 400 to 200 new secondary dwellings, it is still a significant increase that is not coming out of an existing program. It is unfortunate that all of the focus has been on the Tahoe City Lodge. The reduced height was thrown out and we are now back to the 56-foot height as allowed in the Regional Plan.

Ellie Waller, North Tahoe West Team said she was disappointed with the Placer County Planning Commission and Board of Supervisors for not addressing some of their questions regarding environmental concerns and impacts. There is no debate that new lodging is needed, but there are issues. In regards to density, it is not about the equation, but is about answering the question because these are new tourist accommodation units. The Regional Plan states no new TAUs. The analysis cannot be completed until we know how many of the 200 TAUs are going to be converted. The commercial environment generates different impacts and this question may not ever be adequately answered. She suggested that the Tahoe City Lodge project be restricted to what is defined in the Code of Ordinances for outside town centers of 15 units per acre and also should be a phased project. There is no definition of a pilot program. Permissible uses and "other things" need to be defined so an actual analysis can be generated. The golf course is being rewarded with a new clubhouse which is bad practice, they have had four years to do their BMPs. The deed restriction for the golf course is not part of the Tahoe Basin Area Plan. The affordable housing obligation is unclear, there are different numbers stated. It is unknown how many full time equivalent employees there will be. The mitigation measures change based on the number required. Today, the employees and occupants lease that space. The lodge applicant is not responsible for that employment status.

Jennifer Quashnick, Friends of the West Shore said traffic is stated that it is not significant because it is being compared to the regional vehicle miles traveled standard. The threshold report shows that the vehicle miles traveled in North Lake Tahoe has gone up, while it has gone down in South Shore. When averaging the two together, it cancels out the impacts that are being seen in North Shore. These are based on traffic data from 2014 and earlier. Even if Fanny Bridge allows for extra traffic to go through the two-lane highway on the West Shore is a concern for emergency services. She asked when these impacts are going to be



looked at. The 2016 TMDL Findings and Recommendations Report model shows treatments to be more effective than they are. There is a lot of building based on the modeling of the Pollutant Load Reduction Model, yet the model assumes high levels of effectiveness that are not being seen with no backup plan. They are concerned that the Tahoe City Lodge took away from discussing the larger Area Plan and would have preferred that they were two separate items.

Shannon Eckmeyer, League to Save Lake Tahoe said the League felt that their comments on the environmental review were responded to and that mitigation measures were added that can be incorporated into other Area Plans. The deed restriction for the Tahoe City Town Center modification came from two years of negotiations with the Tahoe City Golf Course Oversight Committee, Tahoe City Public Utility District, Tahoe Truckee Airport, North Tahoe Resort Association, and Placer County. They would like that to be included as an appendix to the Area Plan with its adoption in January. Along with that restriction, comes stream environment zone restoration not only for the Tahoe City Lodge, but opportunities for future projects. Placer County Board of Supervisors approved an updated plan for the Tahoe Area Regional Transit Plan in April. This is a tool that they are hoping other local jurisdictions will follow and it will make it easier for the League to try and bring funding into the Basin. They supported the Tahoe City Lodge project. It is the type of project that will support the Regional Plan. Mr. Tuma and his team have gone above and beyond with doing stream environment zone restoration, a bike plan, changing stations for employees, bus passes for employees, and thinking of out of the box. The League raised concerns in 2014 about being able to track and see when coverage reduction was happening in stream environment zone restoration areas at an area plan level. This is the first Area Plan to incorporate the tracker for conformance review.

#### Commission Comments & Questions

Mr. Teshara said that the amount of additional mitigation in the Area Plan is substantial and is responsive to comments received. He agreed with the annual updates that staff is planning to do. He suggested that TRPA and Placer County do public outreach on some of the mobility related mitigation measures to ensure people understand the requirements and how they can participate.

Ms. Brekke-Read made a clarification on a comment made earlier about a cap of 200 units on secondary residential units. The correct information on the cap is that 200 CFA are being converted to TAU.

Ms. Maloney said that is correct.

Ms. Brekke-Read asked staff for confirmation that the TRPA growth management system will remain intact with the adoption of the Tahoe Basin Area Plan.

ADVISORY PLANNING COMMISSION  
December 7, 2016

Ms. Maloney said that is correct. Conversions of the commercial floor area to tourist accommodation units will permanently retire that CFA. They are not new TAUs being created, but are a conversion.

Ms. Brekke-Read said as the Placer County representative on the Advisory Planning Commission she is confident that the Planning Commission, Board of Supervisors, and Placer County staff put on record that all the comments made on the Tahoe Basin Area Plan and the Environmental Impact Reports were adequate and appropriately addressed. Today there was not a lot of comments made about the Tahoe City lodge, but at the North Tahoe Regional Advisory Council, Placer County's Planning Commission, and Board of Supervisors there were a number of people that came out in support of this project. Comments were submitted over time and responded to. The Tahoe City Lodge was brought together with the Tahoe Basin Area Plan to ensure that the concepts were workable. They want to accelerate environmental redevelopment and this is the vehicle to do that.

Mr. Hymanson said as the Placer County lay representative said he believes they got the best document possible in terms of both the plan itself and the environmental document. Although it may not be perfect, it is a move in the right direction. The key is the implementation and how things on the ground change; does the community get better. He appreciated the mitigation measures, particularly those that incentivize or require the County and TRPA to regularly monitor how the plan is doing. We do not want to wait another 20 years for change to happen and hopes everyone can embrace the adaptive management process and be more proactive about making change.

Ms. Maloney said there were five errata sheets that were provided as handouts that affects the first motion.

Mr. Hymanson made a motion to recommend approval for a finding of technical adequacy and a motion to recommend that the Governing Board certify the Placer County Tahoe Basin Area Plan and Tahoe City Lodge Project Final Environmental Impact Statement (State Clearinghouse No. 2014072039), and modified in the errata thereto, as provided in Attachment D.

Mr. Larsen seconded the motion.

Ayes: Ms. Brekke-Read, Mr. Esswein, Mr. Hitchcock, Mr. Hymanson, Ms. Krause, Mr. Larsen, Mr. Lefevre, Mr. Plemel, Mr. Riley, Mr. Teshara, Mr. Trout, Mr. Weavil

Absent: Mr. Donohue, Mr. Drew, Mr. Guevin, Ms. Carr, Mr. Patterson, Washoe Tribe Representative

Ms. Hill recused herself.

**Motion carried.**

Mr. Hymanson made a motion to recommend approval to make the findings required by Compact Articles IV and VII and Code of Ordinances Chapter 3, 4 and 13 for the Placer County Tahoe Basin Area Plan for adoption of the Placer County Tahoe Basin Area Plan, as provided in Attachment E.

Ms. Krause seconded the motion.

Ayes: Ms. Brekke-Read, Mr. Esswein, Mr. Hitchcock, Mr. Hymanson, Ms. Krause, Mr. Larsen, Mr. Lefevre, Mr. Plemel, Mr. Riley, Mr. Teshara, Mr. Trout, Mr. Weavil

Absent: Mr. Donohue, Mr. Drew, Mr. Guevin, Ms. Carr, Mr. Patterson, Washoe Tribe Representative

Ms. Hill recused herself.

**Motion carried.**

Mr. Hymanson made a motion to recommend Governing Board adoption of Ordinance 2017-\_\_\_, amending Ordinance 87-9, as previously amended, to amend TRPA's Regional Plan to incorporate the Placer County Tahoe Basin Area Plan, as provided in Attachment F.

Ms. Brekke-Read seconded the motion.

Ayes: Ms. Brekke-Read, Mr. Esswein, Mr. Hitchcock, Mr. Hymanson, Ms. Krause, Mr. Larsen, Mr. Lefevre, Mr. Plemel, Mr. Riley, Mr. Teshara, Mr. Trout, Mr. Weavil

Absent: Mr. Donohue, Mr. Drew, Mr. Guevin, Ms. Carr, Mr. Patterson, Washoe Tribe Representative

Ms. Hill recused herself.

**Motion carried.**

B. Issuance of 2015 Threshold Evaluation Report

Ms. Marchetta said the 2015 Threshold Evaluation Report is a status report that summarizes the most up to date information on the status and trend of the adopted threshold standards. It provides information on which of the environmental areas are making progress or which are still in need of attention. This is the second Threshold Evaluation Report to be scientifically peer reviewed. Comments from the scientific peer reviewers have been responded to and where possible were incorporated into the report. Comments received

from the Friends of the West Shore will be responded to in today's presentation.

TRPA team member Mr. Segan provided an overview of the Threshold Evaluation Report.

The report will be used for policy adjustments both in the Regional Plan and the Environmental Improvement Program. The findings of the report were largely in alignment with the findings of the 2011 Threshold Evaluation Report. There was incremental progress in a number of categories such as scenic and soil conservation. Some of the results suggested that the Regional Plan and associated actions of the EIP partners are having beneficial impacts and the watersheds in the Basin are slowly recovering. Trend summary was also generally in alignment with the 2011 report. Improving trends outnumbered declining trends by ten to one; the goal in environmental management is no change.

Conservation Science Partners led the review with the assistance of 15 scientists. The message was that there were greater deficiencies in the threshold standards than in the monitoring and evaluation programs; the issue was with the standards being evaluated and not how they were evaluated. Their recommendation was that it would be easier to adopt the monitoring and evaluation program once the content of the standards was revisited. The comments from the peer review in 2011 were similar. Based on those comments the Advisory Planning Commission and Governing Board directed staff to work on five year initiatives including the review of the threshold standards.

Modifications were made from comments received after the draft report was released in September. An errata sheet listing where the changes were made can be found on the TRPA website. Appendix L has details for the threshold standard status and Appendix M has additional detail about the 178 standards in the 2015 report.

Staff is collaborating with the Science Advisory Council on the proposed assessment of the threshold standards against best practice which will form the first phase of that initiative. A revised version of that assessment will be brought to the Advisory Planning Commission in the first quarter of 2017.

Presentation material can be viewed at:

<http://www.trpa.org/wp-content/uploads/Agenda-Item-V.B-Threshold-Evaluation.pdf>

#### Commission Comments & Questions

Mr. Hymanson said Appendix D has comments from the peer review group along with staff's response. Overall, response to comments by staff were good. Comments primarily related to the standards themselves and flaws that the peer review committee identified. He suggested that the Agency consider reaching out to graduate students to do more detailed analysis on some of the subject areas. Some of the peer review comments about the

standards were on the more controversial standards such as the Bailey system, stream environmental zone, and recreation. The Science Advisory Council and staff needs to consider how they address these controversial standards in their assessment.

Mr. Larsen said we need to be cautious moving forward but there is a clear need to review the standards. With the peer review team sending a consistent message a second time about the need to review the threshold standards is progress and looks forward to the next steps.

#### Public Comments & Questions

Jennifer Quashnick, Friends of the West Shore said the thresholds represent the backbone of everything TRPA does. The Threshold Report lays the basis for the information that will be considered in the update. They are concerned that there are items that could have action taken on them now but maybe put off until after the threshold update process begins which could last at least five years.

Shannon Eckmeyer, League to Save Lake Tahoe said they will be submitting written comments next week as well as recommendations from their traffic expert that is reviewing the vehicle miles traveled threshold. They are optimistic that the Science Advisory Council will be able to evaluate various standards, however they are concerned about what will happen in the meantime before the next report.

#### Commission Comments & Questions

Mr. Larsen mad a motion to recommend that the Governing Board adopt Resolution 2016-\_\_ issuing the Final 2015 Threshold Evaluation Report.

Ms. Brekke-Read seconded the motion.

Ayes: Ms. Brekke-Read, Mr. Esswein, Ms. Hill, Mr. Hitchcock, Mr. Hymanson, Ms. Krause, Mr. Larsen, Mr. Lefevre, Mr. Plemel, Mr. Riley, Mr. Trout, Mr. Weavil

Absent: Mr. Donohue, Mr. Drew, Mr. Guevin, Ms. Carr, Mr. Patterson, Washoe Tribe Representative, Mr. Teshara

**Motion carried.**

## VI. REPORTS

### A. Executive Director

Mr. Hester invited anyone who is interested to attend the American Institute of Certified

Planners (AICP) webinar on Ethics of the Digital World at 1:00 pm today at TRPA.

1) Strategic Initiatives Monthly Status Report  
No further report.

B. General Counsel

Mr. Marshall said he recently watched a California Supreme Court argument on the breach of the California Public Records Act regarding use of a personal computer accounts and cell phones for public business. It appears that the court trying to determine where the outlines with that might lie, but will probably find that the Public Records Act does apply to personal devices used for performance of public duty. If you choose to use your personal device to do work related to your public job those communications will be public records. A similar case is being briefed in the Nevada Supreme Court. He assumes there will be direction from both states on this within one year.

Mr. Hymanson asked Mr. Marshall if it is being suggested that he get an additional phone.

Mr. Marshall said no. If a private phone is used to conduct public business, one must assume that you may be subject to a public records request that would ask you to produce all records for your public official duties. That is not to say that those individual records will be produced as a subsequent question, but it is a safe assumption that if private accounts used for public business, you will be subject to the public records act.

C. APC Members

Mr. Teshara said the fate of the Lake Tahoe Restoration Act is hanging in the balance as Congress debates the Water Resources Development Act. The latest intel indicates that the bill will pass the House of Representatives and move onto the Senate. They succeeded in their goal to get the Restoration Act to appear in the final House version of Water Resources Development Act (WRDA). If it passes the Senate, it will go to the President for signature. It is a seven year, 415-million-dollar bill.

Mr. Hymanson suggested that staff consider coordinating a workshop to delve into the issues of vehicle miles traveled and level of service.

Mr. Larsen agreed. It raises the question if vehicle miles traveled is still a valid standard with respect to what they are concerned about and how best to track that. VMT appears to be an outdated assessment to some problem that is not perhaps related to what they are trying to get at.

Mr. Hester said there are two venues where this will be discussed; The Regional Transportation Plan that is currently being updated and in the Threshold update.

ADVISORY PLANNING COMMISSION  
December 7, 2016

Ms. Brekke-Read thanked Ms. Maloney and Ms. Good for their work on the Tahoe Basin Area Plan and Tahoe City Lodge project.

VII. PUBLIC COMMENT

Laurel Ames asked for more detail on the Advisory Planning Commissions motion to “issue” the report.

Mr. Larsen said the Advisory Planning Commission recommends that the Governing Board issue the report. The Threshold Report was originally released for comments and a peer review process. Responses to those comments and adjustments to that report have been made and the document is now considered final.

Mr. Marshall said the report is a status report that has information comparing it to the thresholds themselves. The Governing Board will be requested to issue that report and then the report becomes information that is relied upon in subsequent actions such as a Regional Plan Amendment or Area Plan.

VII. ADJOURNMENT

Chair Mr. Teshara adjourned the meeting at 12:20 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  
ADVISORY PLANNING COMMISSION  
RESOLUTION 2017- \_\_  
RECOGNIZING MIKE LEFEVRE FOR HIS SERVICE AT LAKE TAHOE

WHEREAS, at the Advisory Planning Commission meeting of December 7, 2016, Mike LeFevre announced his retirement following a remarkable 42-year career with the United States Forest Service including ten years with the Lake Tahoe Basin Management Unit, nine of which he served as the Forest Service Planning Staff Officer;

WHEREAS, Mike represented the U.S. Forest Service LTBMU on the TRPA Advisory Planning Commission for his entire ten years at Lake Tahoe, and at the time of his retirement, was one of the APC's long-serving members;

WHEREAS, in addition to his extensive planning experience, Mike brought to the APC his broad background in the fields of biology, wildlife management, fire prevention, recreation and wilderness management;

WHEREAS, Mike led the multi-year effort to develop and adopt a Forest Plan Revision for the Lake Tahoe Basin, and, in the process, helped foster a closer working relationship between the Forest Service and the Tahoe Regional Planning Agency; and

WHEREAS, Mike was ever mindful of the importance of policy, consistently provided a thoughtful, long-term perspective to APC deliberations and recommendations, and, based on his experiences, was a strong supporter of developing and adopting the APC Charter in the fall of 2014; and,

WHEREAS, all members of the APC appreciated Mike's humble, humorous, and insightful December 2016 reflections on his tenure with the Forest Service at Lake Tahoe and observations on a decade of service to the APC.

NOW, THEREFORE, BE IT RESOLVED, that his colleagues on the Advisory Planning Commission of the Tahoe Regional Planning Agency hereby salute Mike LeFevre on his distinguished career with the US Forest Service and his legacy contributions to the APC and Lake Tahoe.

PASSED and ADOPTED by the Advisory Planning Commission of the Tahoe Regional Planning Agency at its regular meeting held on February 8, 2017, by the following vote:

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Steve Teshara, Chair  
Tahoe Regional Planning Agency  
Advisory Planning Commission



TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION  
RESOLUTION 2017-\_\_  
RECOGNIZING MIKE RILEY FOR HIS SERVICE TO THE APC

WHEREAS, on August 7, 2003, the Douglas County Commission appointed Mike Riley as their Lay Member representative on the TRPA Advisory Planning Commission;

WHEREAS, Mike came to this position as part of a long history of community service, including as a board member and past president of the Tahoe Douglas Chamber of Commerce, board member of the Douglas County Library and Library Foundation, chair and board member of the Barton Hospital Foundation, with a term as board chair, and board member of the South Shore Transportation Management Association, just to name some of his many community contributions;

WHEREAS, his profession as a financial advisor and wealth manager provided the foundation for his focus on long-term strategic planning;

WHEREAS, Mike consistently provided a community and business perspective to deliberations of the Advisory Planning Commission, maintained a solid record of attendance and participation, and was an active supporter of developing and adopting the APC Charter in the fall of 2014; and

WHEREAS, Mike was actively engaged in making and supporting many APC motions as an outcome of Commission deliberations; and

WHEREAS, APC members will miss Mike's longevity of service and perspectives on the evolution of the Commission, and consistently positive attitude.

NOW, THEREFORE, BE IT RESOLVED, that the members of the Advisory Planning Commission of the Tahoe Regional Planning Agency hereby recognize and thank Mike Riley for his 13 and a half years of service and contributions to the APC and the planning profession at Lake Tahoe.

PASSED and ADOPTED by the Advisory Planning Commission of the Tahoe Regional Planning Agency at its regular meeting held on February 8, 2017, by the following vote:

\_\_\_\_\_  
Steve Teshara, Chair  
Tahoe Regional Planning Agency  
Advisory Planning Commission



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**MEMORANDUM**

Date: February 1, 2017  
To: TRPA Advisory Planning Commission  
From: TRPA Staff  
Subject: Recommendation to the Governing Board that Jennifer Merchant, Placer County, fill the vacant position on the Development Rights Working Group

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The TRPA Governing Board asked the Advisory Planning Commission (APC) to recommend two representatives to serve on the Development Rights Working Group (DRWG). Roger Trout, El Dorado County, and Shawna Brekke-Read, Placer County, were recommended to, and appointed by, the Governing Board. Shawna Brekke-Read recently left her position with Placer County leaving vacant one of the two APC DRWG representatives. Staff proposes that the APC recommend to the Governing Board that Jennifer Merchant, Placer County, fill the vacant position.

The DRWG has already selected the goals and criteria for evaluating changes to the development rights system. At the next meeting of the DRWG, best practices in development rights systems will be presented by the consultants and the group will be prioritizing the practices that should be considered and further analyzed. It is important that the perspectives from local government practitioners be well represented in that process. Ms. Merchant is currently involved in ongoing development rights transfers for projects in Placer County, has been designated by the County Executive Officer as the representative to work with the Development Rights Strategic Initiative fiscal impact analysis consultant, and she has previously served on the APC for approximately eight years.

The next meeting of the DRWG is on Friday, February 24, shortly after the next Governing Board meeting. Staff will present the APC recommendation to the Governing Board at their next meeting so the replacement APC DRWG representative may continue participation seamlessly.

Contact Information: If you have any questions, please contact John Hester, Chief Operating Officer, at (775) 589-5219.





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**Contact**

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www.trpa.org

MEMORANDUM

Date: February 1, 2017

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Recommendation on Ordinance to adopt technical amendments to Chapters 34, 36, and 38 of the TRPA Code of Ordinances related to adoption of the Placer County Tahoe Basin Area Plan.

Requested Action: The Advisory Planning Commission (APC) is asked to review the materials provided in this staff summary and recommend approval of the proposed technical amendments to TRPA Code of Ordinances Chapters 34, 36, and 38 to the Governing Board.

To recommend approval of the proposed technical Code amendments as contained within Attachment B, APC must make the following motions. An affirmative recommendation requires a majority vote of the quorum present:

- I. A motion to recommend Governing Board approval of the required findings, including a finding of no significant effect, for adoption of the technical amendments to TRPA Code of Ordinances Chapters 34, 36, and 38, as provided in Attachment A.
- II. A motion to recommend Governing Board adoption of Ordinance 2017-\_\_\_, amending Ordinance 87-9, as previously amended, to amend TRPA’s Code of Ordinances Chapters 34, 36, and 38, as provided in Attachment B.

Staff Recommendation: Staff recommends that APC make the motions above, to recommend approval of the proposed Code amendments based on this staff summary and the evidence in the record.

Regional Plan Implementation Committee (RPIC) Action: On December 14, 2016, RPIC held a public hearing and unanimously recommended approval of the proposed technical amendments to Chapters 34, 36, and 38 of the Code of Ordinances.

Project Description

Tahoe Basin Area Plan

The Placer County Tahoe Basin Area Plan (Area Plan) is a County-initiated update of its land use regulations in the Tahoe Basin portion of Placer County that was adopted by the TRPA Governing Board on January 25, 2017.

Technical Code Amendments

The purpose of the proposed technical amendments to Chapters 34, 36, and 38 of the Code of Ordinances is to make the Code consistent with adoption of the Area Plan regarding substitute signage, design, and parking standards that are superseded by the Area Plan. These

amendments are scheduled to be considered by the Governing Board at the Board's February 2017 public hearing.

#### Findings

TRPA Code Chapter 3, 4, and 13 required findings have been prepared for the technical Code Amendments and are included in Attachment A.

#### Summary/Conclusion

The action requested as part of this agenda item is for a recommendation on the technical Code amendments that will make the TRPA Code consistent with the Area Plan's January 2017 adoption.

Contact Information: If you have any questions or wish to submit comments regarding this agenda item, please contact:

Lucia Maloney, Senior Planner: [lmaloney@trpa.org](mailto:lmaloney@trpa.org), (775) 589-5324; or Rebecca Cremeen, Associate Planner: [rcremeen@trpa.org](mailto:rcremeen@trpa.org), (775) 589-5214.

#### Attachments:

- A. Required Findings for Technical Amendments to Chapters 34, 36, and 38 of the Code of Ordinances
- B. Ordinance 2017-\_\_ with Proposed Code Amendments



Attachment A  
Required Findings for Technical Amendments to Chapters 34, 36, and 38 of the  
Code of Ordinances

REQUIRED FINDINGS FOR TECHNICAL AMENDMENTS TO CHAPTERS 34, 36, AND 38 OF THE CODE OF ORDINANCES

Required Findings: The following Chapter 3 and 4 findings must be made prior to adopting the Code amendments:

TRPA Code of Ordinances Section 3.3 – Determination of need to prepare Environmental Impact Statement

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

Rationale: The effects of the proposed Code amendments were analyzed in the Final EIR/EIS. The proposed amendments to the TRPA Code to reflect the adoption of the Placer County Tahoe Basin Area Plan (PCTBAP) Development and Design Standards will not have a significant effect on the environment.

TRPA Code of Ordinances Section 4.4 – Threshold Related Findings

1. Finding: The project (ordinance) 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 Code amendments will refer readers to the PCTBAP for Development and Design Standards that pertain to development within the PCTBAP boundary. The Code amendments are consistent with the 2012 Regional Plan and Code and the associated EIS, and are therefore consistent with the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, other TRPA plans and programs. Further, the proposed amendments will not negatively impact any adopted compliance measures because the amendments will not change substantive provisions affecting these compliance measures. Also, see the Chapter 4 Findings made for adoption of the PCTBAP.

2. Finding: The project will not cause the environmental thresholds to be exceeded.

Rationale: The proposed amendments are consistent with and do not alter the substantive provisions of the 2012 Regional Plan and will help to implement the PCTBAP. As demonstrated in the RPU EIS, the findings for adoption of the RPU, and the Final EIR/EIS for the PCTBAP and associated Code amendments, implementation of the Regional Plan will not cause the environmental threshold carrying capacities to be exceeded. Also, see the Chapter 4 findings made for adoption of the PCTBAP.

The proposed Code provisions are intended to clarify language within the Regional Plan, to more effectively facilitate Plan implementation.

3. Finding: Wherever federal, state, and local air and water quality standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V (d) of the Compact, the project meets or exceeds such standards.

Rationale: The proposed Code amendments do not affect or change the Federal, state, or local air and water quality standards applicable for the Region. Also, see the Chapter 4 findings made for adoption of the PCTBAP.

TRPA Code of Ordinances Section 4.6 – Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs

1. 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 the thresholds.

Rationale: Based on the rationale for the foregoing findings, including the findings for adoption of the PCTBAP, completion of the Final EIR/EIS, and the findings made on December 12, 2012 for the Regional Plan Update (all of which are incorporated herein by reference), TRPA finds 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 the thresholds. The Code amendments necessary to implement the PCTBAP do not conflict with any Regional Plan provision designed to achieve and maintain thresholds. Also, see the Chapter 4 findings made for adoption of the PCTBAP.

Attachment B  
Tahoe Regional Planning Agency  
Ordinance 2017-\_\_ with Proposed Code Amendments

TAHOE REGIONAL PLANNING AGENCY  
ORDINANCE 2017-

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO ADOPT AMENDMENTS TO CHAPTERS 34, 36, AND 38 OF THE TRPA CODE OF ORDINANCES, TO: UPDATE THE CODE SO THAT IT IS CONSISTENT WITH ADOPTION OF THE PLACER COUNTY TAHOE BASIN AREA PLAN REGARDING SUBSTITUTE SIGNAGE, DESIGN, AND PARKING STANDARDS.

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

Section	Findings
1.00	
1.05	The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities (“threshold standards”) for the Tahoe Region.
1.10	The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.
1.15	The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.
1.20	Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.
1.25	In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances (“Code”).
1.30	It is necessary and desirable to amend TRPA Ordinance 87-9, as previously amended, as it relates to the Regional Plan of the TRPA by amending the Regional Plan pursuant to Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact in order to accelerate attainment and ensure maintenance of the threshold standards.
1.35	TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.
1.45	The Advisory Planning Commission (APC) and Regional Plan Implementation Committee (RPIC) conducted public hearings on the amendments and recommended adoption of these amendments. The Governing Board has

also conducted a noticed public hearing on the amendments. At these hearings, oral testimony and documentary evidence were received and considered.

1.50 The Governing Board finds that the amendments adopted here 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.

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

Section TRPA Code of Ordinances Amendments  
2.00

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2.10 Chapters 34, 36, and 38 of the TRPA Code of Ordinances are hereby amended as shown in Exhibit A to this Ordinance.

Section Interpretation and Severability  
3.00

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3.10 The provisions of this ordinance adopted hereby shall be liberally construed to affect their purpose. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. For this purpose, the provisions of this ordinance are hereby declared respectively severable.

Section Effective Date  
5.00

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5.10 The provisions of this ordinance shall be effective 60 days after adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held February \_\_, 2017 by the following vote:

Ayes:

Nays:

Abstain:

Absent:

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James Lawrence, Chair  
Tahoe Regional Planning Agency  
Governing Board

Exhibit A  
Tahoe Regional Planning Agency Ordinance 2017-\_\_\_

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO ADOPT AMENDMENTS TO CHAPTERS 34, 36, AND 38 OF THE TRPA CODE OF ORDINANCES, TO: UPDATE THE CODE SO THAT IT IS CONSISTENT WITH ADOPTION OF THE PLACER COUNTY TAHOE BASIN AREA PLAN REGARDING SUBSTITUTE SIGNAGE, DESIGN, AND PARKING STANDARDS.

Deletions are shown in ~~striketrough~~ and additions are shown in underline.

Chapter 34 – Driveway and Parking Standards

34.2. APPLICABILITY

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

34.2.1. Douglas County Substitutions

The Douglas County Community Plans, Design Standards and Guidelines, August 1993, shall apply within the Round Hill, Kingsbury, and Stateline Community Plans.

34.2.2. Placer County Substitutions

~~The Placer County Standards and Guidelines for Signage, Parking, and Design, February 1993, shall apply to the Tahoe City, Carnelian Bay, Tahoe Vista, Kings Beach Commercial, and Kings Beach Industrial Community Plans.~~

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

34.2.3 City of South Lake Tahoe Substitutions

The City of South Lake Tahoe Standards and Guidelines for Design, Signage, Parking, Driveway, and Loading Spaces, June 1994, shall apply to the entire City of South Lake Tahoe, except for the Tourist Core Area Plan and Tahoe Valley Area Plan, where the Development and Design Standards (Appendix C) of the Area Plans shall apply.

34.2.4. Washoe County Substitutions

The Signage, Parking, and Design Standards and Guidelines for the Community Plans of Washoe County, April 1996, shall apply to the North Stateline, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch Community Plans.

## Chapter 36 – Design Standards

### 36.2. APPLICABILITY

#### 36.2.1. General

All projects shall comply with the standards set forth in this chapter, except as noted below. In addition, exempt activities, as identified in Chapter 2: Applicability of the Code of Ordinances, shall comply with Sections 36.6 (Building Design Standards), 36.9 (Water Conservation Standards), and 36.10 (Standards for Combustion Appliances).

#### 36.2.2. Substitute Standards

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

##### A. Douglas County Substitutions

The Douglas County Community Plans, Design Standards and Guidelines, August 1993, shall apply within the Round Hill Community Plan. The Douglas County South Shore Design Standards and Guidelines (August 2013) shall apply within the South Shore Area Plan.

##### B. Placer County Substitutions

~~The Placer County Standards and Guidelines for Signage, Parking, and Design, February 1993, shall apply to the Tahoe City, Carnelian Bay, Tahoe Vista, Kings Beach Commercial, and Kings Beach Industrial Community Plans.~~

[The Placer County Tahoe Basin Area Plan, Implementing Regulations, Area-Wide Standards and Guidelines \(January 2017\), and as amended, shall apply to the entire portion of Placer County within the Tahoe Region.](#)

##### C. City of South Lake Tahoe Substitutions

The City of South Lake Tahoe Standards and Guidelines for Design, Signage, Parking, Driveway, and Loading Spaces, June 1994, shall apply to the entire City of South Lake Tahoe, except for the Tourist Core Area Plan and Tahoe Valley Area Plan, where the Development and Design Standards (Appendix C) of the Area Plans shall apply.

##### D. Washoe County Substitutions

The Signage, Parking, and Design Standards and Guidelines for the Community Plans of Washoe County, November 1996, shall apply to the North Stateline, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch Community Plans.



## Chapter 38 – Signs

Rationale: Adoption of the Area Plan supersedes the *Placer County Standards and Guidelines for Signage, Parking, and Design* (February 1993, also referenced in TRPA Code as February 1997). The following amendment is necessary to make Chapter 38 of TRPA Code of Ordinances consistent with adoption of the Placer County Tahoe Basin Area Plan:

### 38.2.3.D. TRPA-Approved Substitutions

#### 1. Douglas County

The Douglas County Community Plans, Design Standards and Guidelines (August 1993) shall apply within the Round Hill Community Plan. The Tahoe Area Plan Regulations and South Shore Design Standards and Guidelines (September 2013) shall apply within the South Shore Area Plan, as well as Section L of Chapter 12: Signs of the Douglas County Community Plans, Design Standards and Guidelines (August 1993) until such time the South Shore Area Plan is amended to include equivalent standards.

#### 2. Placer County

~~The Placer County Standards and Guidelines for Signage, Parking and Design (November 1997) shall apply to the entire portion of Placer County within the Tahoe Region.~~  
The Placer County Tahoe Basin Area Plan, Implementing Regulations, Area-Wide Standards and Guidelines, Section 3.11, Signs (January 2017), and as amended, shall apply to the entire portion of Placer County within the Tahoe Region.

#### 3. City of South Lake Tahoe

The City of South Lake Tahoe Standards and Guidelines for Design, Signage, Parking, Driveway, and Loading Spaces (June 1994) shall apply to the entire City of South Lake Tahoe, except for the Tourist Core Area Plan and Tahoe Valley Area Plan, where the Development and Design Standards (Appendix C) of the Area Plans shall apply.

#### 4. Washoe County

The Signage, Parking, and Design Standards and Guidelines for the Community Plans of Washoe County (November 1996) shall apply to the North Stateline, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch Community Plans.

#### 5. Recreation Sign Guidelines

The Lake Tahoe Recreation Sign Guidelines shall apply to the entire Lake Tahoe Region (as amended January 2001).

#### 6. El Dorado County

The Meyers Community Plan substitute sign standards (November 1987) shall apply to the Meyers Community Plan in Eldorado County.

