

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, September 12, 2018** 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.

September 5, 2018

A handwritten signature in blue ink, appearing to read "J. Marchetta", with a long horizontal flourish extending to the right.

Joanne S. Marchetta
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
Stateline, NV

September 12, 2018
9:30 a.m.

AGENDA

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

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

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

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

- IV. DISPOSITION OF MINUTES

V. PUBLIC HEARINGS

A. Development Rights Strategic Initiative:

- | | |
|---|---|
| 1) Ordinance Amending Regional Plan Goals and Policies LU-2.1 and DP-3.7 and Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90 to implement the Development Rights Working Group recommended changes to the development rights system and residential bonus unit system | Recommendation <u>Page 1</u> |
| 2) Revised Memorandum of Understanding with the California Tahoe Conservancy to acquire, sell, and bank development rights and land coverage to help accelerate the goals and policies of the Regional Plan, amending resolution 16-03-05 and the MOU adopted on March 17, 2016 | Recommendation <u>Page 331</u> |
| 3) Resolution to reaffirm the California Tahoe Conservancy's and Nevada Division of State Land's land bank authority | Recommendation <u>Page 331</u> |

VI. PLANNING MATTERS

- | | |
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| A. Shoreline Plan Briefing | Informational Only |
| B. Tahoe Region Housing Activities Update | Informational Only <u>Page 379</u> |
| C. Tahoe Keys Integrated Management Plan Update | Informational Only <u>Page 381</u> |
| D. Tahoe Truckee Plug-In Electrical Vehicle Readiness Plan Implementation Update | Informational Only <u>Page 383</u> |
| E. Chile-Tahoe Clear Lakes Partnership Briefing | Informational Only <u>Page 385</u> |

VII. REPORTS

- | | |
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| A. Executive Director | Informational Only |
| 1) Quarterly Report, April – June 2018 | Informational Only <u>Page 387</u> |
| B. General Counsel | Informational Only |
| C. APC Members | Informational Only |

VIII. PUBLIC COMMENT

IX. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
Stateline, NV

June 13, 2018

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Teshara called the meeting to order at 9:45 a.m.

Members present: Mr. Alling, Mr. Buelna, Ms. Carr, Mr. Esswein, Mr. Ferry, Ms. Ferris, Ms. Hill, Mr. Hymanson, Mr. Young, Mr. Larsen, Mr. Plemel, Mr. Teshara

Members absent: Mr. Donohue, Mr. Drew, Mr. Guevin, Mr. Hitchcock, Ms. McClung, Washoe Tribe, Mr. Weavil

II. APPROVAL OF AGENDA

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

III. PUBLIC INTEREST COMMENTS

None.

IV. DISPOSITION OF MINUTES

Mr. Alling moved approval of the May 9, 2018 minutes.
Mr. Ferry seconded the motion.
Ms. Hill abstained.
Motion carried.

V. PUBLIC HEARINGS

A. Hearing and Public Comment on the Shoreline Plan Draft Environmental Impact Statement

Ms. Marchetta said we're 2.5 years into a collaborative process and have produced a draft environmental impact statement that reviews a proposed plan against several other alternatives. This proposed plan was developed through collaborative negotiations among a multi-stakeholder steering committee that was then advanced to the Regional Plan Implementation Committee. The Governing Board made the shoreline plan, one of seven priority initiatives in 2015. This shoreline element is the only portion of the Basin's Regional Plan that has not been updated since the 1980s.

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Since 2011, there has been a very limited shoreline partial permitting program that has prohibited new boating structures due to a court injunction from the last time a proposed plan was brought forward. This plan is driven by a prohibition on new structures in prime fish habitat spawning and feed and cover habitat. That prohibition is premised on outdated science. In 1987, the first comprehensive Regional Plan under the Compact was adopted. At that time, there was an unresolved question on the effect of fish with placing new structures in fish habitat. The central purpose of that 1987 Regional Plan was to adopt limits on development caps, standards and potential for all forms of land use in the Basin. The one area left unanswered was the development envelope and the design standards for new structures along the shoreline and was left pending for the outcome of scientific studies. Those studies were completed in 1989 and concluded that the structures were not harmful to fish. It was not initiated 2.5 years ago as a comprehensive recreation plan, it was a plan to complete what was started in 1987 to address an unsupported prohibition on structures in fish habitat and to set standards for development of those new structures along the shoreline; where, how many, what kind, and how fast can new development be put in for water dependent recreation along the shoreline. The structures include buoys, piers, marinas, boat slips, and ramps. Along with the development standards, we need to look at effective resource management measures to ensure that we are moving towards attaining and maintaining threshold standards.

There have been six prior attempts with environmental impact statements done in 1996, 1999, 2001, 2004, and an EIS addendum in 2006, and then again in 2008. In 2008, there was adoption by a narrow majority of the Governing Board and shortly after that adoption both environmental and property rights interest sued on that planning proposal. This round, critical stakeholders were brought to the table as planning partners and collaboratively selected a third-party mediator. The mediator helped convene a steering committee represented by the two states through their State Lands Agencies, TRPA, environmental interest, property rights and marina owner interest. This consensus based approach was done to answer core questions of how people get onto the Lake to recreate and what is the nature and extent of development to support water dependent recreation access to Lake Tahoe. Developing this package has taken an extraordinary amount of time and dedication from many people. Over the next few months, the Regional Plan Implementation Committee will review the draft code that will implement the shoreline plan.

TRPA team member Ms. Cremeen and Mr. Lewandowski, Ascent Environmental provided the overview.

Ms. Cremeen said the focus of the Shoreline Plan is water dependent structures; all types of moorings, buoys, boat slips, and boat lifts and where they can be located along with design standards. In addition, the plan includes a proposal for piers; who is eligible, where they can be located, and how many will be permitted on the Lake. The proposal also includes boat ramps and marinas, and adaptation to low lake levels. The California Tahoe Conservancy is working on a public access inventory which will help inform where the gaps are along the shoreline to improve the facilities and focus efforts on public access. In 2016, partner agencies, the Lake Tahoe Marina Association, the Tahoe Lakefront Owners Association, and the League to Save Lake Tahoe were brought together for this collaborative approach. The work over the past two years have included public hearings, workshops, public outreach, and coordination with the Joint Fact Finding Committee to ensure the policies were being informed by science. Last fall, the scoping period for the environmental impact statement was completed and endorsed by the Regional Plan Implementation Committee.

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The Shoreline Plan principals: Reasonable system of Lake access, low lake adaptation, environmental protection including scenic considerations and improvement, reasonable opportunity for new structures, and make the system more predictable and simple.

The focus is on piers that serve more than one parcel. The program would create an allocation system with a “go slow” approach for permitting piers. The plan proposes up to 12 piers every two years for a maximum of 128 new private piers and up to ten new public piers. The plan provides incentives for multiple-use piers and retirement of development potential. Piers would be distributed geographically around the Lake.

Moorings are buoys, boat slips, and boat lifts. The plan creates an allocation system and a pool for the different types of ownership and different types buoys. The program would authorize up to 2,116 moorings and allows for adaptation measures for low lake levels. It allows marinas to convert moorings from boat slips to buoys and vice a versa. This program would replace the requirement for a marina master plan.

The plan will provide flexibility at the marinas to adapt to low lake levels with floating structures, and interchangeable moorings. The plan allows up to two new public boat ramps and no new private ramps.

All rental concessions will require permits and would be required to implement BMPs and have screening for the storage racks. Fueling of motorized watercraft would be required to be at the marinas.

The no wake zone has also been expanded to include all of Emerald Bay and keeps the existing no wake zone around the Lake. Work will be done with project partners for an enforcement education program moving forward. Longer piers will be identified to ensure that there is safe passage around them for the non-motorized watercraft.

Environmental Impact Statement:

Mr. Lewandowski said the public review period is from May 8 to July 9, 2018. All comments will be considered and the final EIS will be prepared for recommendation and approval in October. The EIS was informed by a joint fact finding process with a Joint Fact Finding Committee that included technical specialists from public agencies including the University of California, Davis, the University of Nevada, Reno, Lahontan Regional Water Quality Control Board, California State Lands Commission, the Nevada Division of State Lands, the California Tahoe Conservancy, and stakeholder groups such as the Lake Tahoe Marina Association, the Tahoe Lakefront Owners Association, the League to Save Lake Tahoe, and the Sierra Club. The role of the group was to identify the best available information to inform both the development of the shoreline plan and the environmental analysis. The Joint Fact Finding Committee developed key assumptions that underlie some of the EIS analysis including assumptions related to boat use. The Joint Fact Finding Committee provided input on the analytical approach used in the EIS focusing on key topics such water quality, air quality, scenic resources, recreation, and fisheries. The goal of this committee was to ensure that everyone had the same understanding of the facts and access to the best available information prior to starting the environmental analysis.

The EIS evaluated four alternatives that were endorsed by the Regional Plan Implementation Committee. Alternative one is the proposed Shoreline Plan, Alternative two, no project

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alternative that would maintain the existing shorezone ordinances and would lift that partial permitting program. There would be no changes to the ordinance but there would be additional shoreline structures that would be in conformance with the existing ordinances and would include maintenance of the prohibition on new structures in prime fish habitat. Alternative three would limit the amount of new development and fewer new structures than Alternative one and focuses those structures at marinas and public facilities. Alternative four would allow 15 new public piers but no other new shoreline structures. With all these alternatives there are two main sources of potential environmental impacts; the structures themselves with the construction and long term presence of piers, buoys, slips, and ramps on the Lake. The other is boats with new access structures that can lead to increases in boating that can have environmental effects. The EIS evaluates the effects of both the structures and the boating in build out conditions around the year 2040. Alternative one would allow a maximum of 2,116 new moorings; slips, buoys, and boat ramps. That represents a 24 percent increase in the number of moorings on the Lake today. The proposed plan would also allow a maximum of 138 (private and public) new piers or an 18 percent increase above existing conditions. Alternative two, the existing shorezone ordinances would allow for more and could result in an increase of up to 79 percent in moorings and an increase of 62 percent in the number of piers. Alternatives three and four would allow fewer new structures. New structures could allow for additional access and for more boat use over time. The Joint Fact Finding Committee developed detailed estimates of boat use based on a lot of monitoring data and surveys conducted on Lake Tahoe. The EIS identified some significant impacts related to the level of boat use that could occur under Alternative two and have mitigation measures that would apply and restrict the number of structures and reduce that boat use to a level closer to Alternative one. The Shoreline Plan also includes a number of measures that are intended to restore and protect the environment and accelerate threshold attainment.

There were a few key issues related to water quality such as boat emissions, particularly emissions of particulate matter and nitrous oxide from boat exhausts that could be deposited into the water. Based on the boat assumptions developed by the Joint Fact Finding Committee, they expected boat use to increase, but the boats would get cleaner overtime. The EIS found that the level of boating increase anticipated under the Shoreline Plan the emissions would decrease at build out as a result of that fleet turnover. The second water quality issue is related to sediment resuspension; boats operating in shallow areas that can stir up lakebed sediment. There is some uncertainty about whether the shoreline plan would have an effect, but the plan would expand the enforcement of the no wake zone and would reduce the risk of boats going fast in those shallow areas near the shore. The plan also expands nearshore water quality monitoring and adaptive management as part of the nearshore program. This would allow agencies to better identify and respond to any future changes in nearshore turbidity. The third issue is related to littoral drift; disturbance of the natural movement of sediment within the Lake. Depending on the location and design of specific piers, some piers could impede that natural littoral drift. The EIS identifies this as a significant impact and includes a mitigation measure that would require site specific littoral drift analysis for those piers. The Steering Committee developed scenic resource protections to be included in the plan because this has been a concern in all the previous iterations of shoreline planning.

The Shoreline Plan includes several requirements for piers. It has design standards that limit the size of the piers; height, width, and length as well as standards that limit the visible mass. The plan also includes requirements for visible mass offsets; for every additional square foot of mass for a new pier, the applicant would have to either remove or visually screen more than one

square foot of existing visible mass. That would result in a net reduction in the amount of visible mass along the shoreline and the requirement would also apply to other structures such as ramps, marinas, and boat slips. The plan also requires visual magnitude improvements in the shoreland, this refers to the upland area where there are residences and businesses. The EIS determined that these proposed scenic requirements in the shoreline plan for those structures would offset the scenic effects of those new structures and would result in less than significant impact. Buoys are different because they're out on the Lake and the boat moored to that buoy cannot be screened. The EIS identified the impact of those new buoys of having a significant impact on scenic quality and includes a mitigation measure that establishes a visible mass offset program similar to what applies to other structures. An applicant could screen or remove existing development or pay an in-lieu fee that would go to fund scenic improvement projects along the shoreline.

With the removal of the prohibition on new structures in prime fish habitat, there could be new structures constructed in prime fish habitat. The plan includes mitigation requirements for any new structure in prime fish habitat would offset that at a greater than 1:1 ratio. There would be no net loss in the amount of prime fish habitat. The EIS includes a detailed assessment of the effects of structures and boating on fish habitat and spawning. The habitat disturbance that could happen with full build out under the shoreline plan, it could affect .004 of one percent of the available prime fish habitat. The EIS determined that it was a less than significant impact. Another key topic related to aquatic resources has to do with the introduction or spread of aquatic invasive species. The EIS determined that the boat inspection/decontamination program would reduce the risk of any new introductions under the shoreline plan. With more boats on the Lake that could increase the risk of spreading aquatic invasive species from one location to another. The shoreline plan would establish a new funding source that would increase AIS control efforts and reduce the risk of spread. The EIS includes additional mitigation measures that require an AIS management plan at all marinas and promote boating technology that would reduce the risk of AIS spread.

For recreation the EIS looked at the estimated change in boat use, the patterns of use, and the availability of the space on the Lake to determine if crowding would reduce the quality of recreation. It determined that the level of new use anticipated under the shoreline plan would not reduce the quality of recreation experience. The plan would expand the no wake zone enforcement and would focus that enforcement in areas of heavy non-motorized use. This would reduce the risk of a conflict between motorized and non-motorized use. The EIS identified a significant impact to non-motorized use which has to do with those ten new public piers that could extend beyond the no wake zone that would require non-motorized user to navigate outside of the no wake zone. The EIS mitigation measure would require that those public piers maintain non-motorized access within the 600 foot no wake zone. The EIS also looked at the distribution of access and facilities available to the public and those that are on private property and found that the makeup of facilities proposed under the shoreline plan would not alter the distribution of access opportunities between the public and private property.

The EIS looks at noise in two different ways, one is the ambient noise or the average noise levels and the other is single event noise. More boating could increase the ambient noise levels but the EIS found that the level of boating proposed under the shoreline plan would not result in a perceptible increase in that ambient noise level. Single event noise is affected by the type of boat and engine and boater behavior. They're seeing a trend in fewer people buying these types of loud boats. The EIS concluded that there would be a less than significant impact on noise.

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The major concern for air quality was the emissions from motorized boating. Overtime, the older boat population would decrease and would be replaced with cleaner boats that comply with current emission standards. With the anticipated level of increased boating anticipated under the shoreline plan, they would expect to see a decrease in the amount of air pollutant emissions. Greenhouse gas emissions are different because current boating regulations do not regulate greenhouse gas emissions. New boating could increase greenhouse gas emissions. Construction of shoreline facilities and transportation associated with new facilities could result in an increase of greenhouse gas emissions. The EIS took a conservative approach and determined that this would be a significant impact because the shoreline plan could result in a net increase in those emissions. It includes a mitigation measure that requires TRPA to develop and implement a greenhouse gas reduction program within one year of plan adoption to reduce emissions from boating, the construction of shoreline facilities, and from transportation associated with the shoreline. Even with that mitigation measure, the EIS identified greenhouse gas emissions as the only significant and unavoidable impact of the shoreline plan.

Ms. Cremeen said the public comment period closes on July 9th. Information on the shoreline plan can found at [www.http://shorelineplan.org](http://shorelineplan.org)

Presentation can be viewed at:

<http://www.trpa.org/wp-content/uploads/Agenda-Item-No.-V.A-Shoreline-EIS.pdf>

Commission Comments & Questions

Ms. Hill asked what is replacing the marina master plan program.

Ms. Cremeen said there is a section in the Code of Ordinance for marinas. In that section, they are dividing the types of projects that the marina can apply to into major or minor categories. Within those categories, one would be required to do certain environmental improvements. The Code would require that all marinas have aquatic invasive species management plan and depending on whether capacity is being added at the marina or a reconfiguration or small structure, there would be different types of environmental improvements required.

Ms. Hill asked if all the marinas currently have sewer pump out stations and will there be requirements to increase them in the future.

Ms. Cremeen said she is not aware of what each marina has for pump out facilities. If there were an application for a new marina facility, that would be an example of an environmental improvement.

Ms. Hill asked about concessions such as Action Water Sports, that are in located outside of marinas and don't have a fueling station.

Mr. Marshall said the current proposal states that all new motorized concessions need to go into marinas that have existing fueling facilities. There are a number of concessionaires that are not operating under permits and will be required to obtain a permit from TRPA. If they are an existing facility, they will have to satisfy standard conditions for fueling but can remain in operation.

Ms. Hill asked what the mitigation fee structure will be under the new shoreline plan.

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Mr. Marshall said they will be appropriately designed to achieve the mitigation and any work that is necessary for the application. This element of the program is still being worked on. There are two types of fees; program fees that have been designed for the program of increasing enforcement capabilities both for no wake zone and buoys. Then there are mitigation fees, such as the in lieu fee for scenic for buoys for example, which will be designed to offset and implement those programs. In 2008, there was a fee for the blue boating program, mitigation program, and monitoring program that was just under \$1 million dollars per year. They are looking at a similar program for mooring fees, sticker fees similar to the blue boating program, and a rental concessionaire boating fee. The Steering Committee is still working out the distribution of those fees, but it based on an assessment of what it will cost to implement the programs

Ms. Hill referred to Ellie Waller's comments about existing unauthorized buoys on the Lake and before we authorize anymore, there needs to be enforcement on the removal of illegal buoys. She asked if removing illegal buoys is planning to be done.

Ms. Cremeen said the shoreline plan will require that all moorings are registered and will be part of the enforcement program that will track these buoys. The program is still being defined and there is a plan is to test buoy tags this summer for their durability prior to the rollout of the plan.

Mr. Hymanson asked if it was correct that a reason for having a master plan is to help with dredging and other ongoing maintenance at the marinas. He asked how dredging will be affected.

Ms. Cremeen said marinas can still do a master plan, however, it is not a requirement to have a master plan in order to do other environmental improvements.

Mr. Hymanson asked if the plan would then give marinas more flexibility.

Ms. Cremeen said yes, that is correct.

Mr. Marshall said there was a marina master plan requirement for any significant expansion of a marina and the cost associated with doing a master plan and an environmental impact statement was not in the marinas fiscal interest to do a master plan. The Lake would benefit from whatever increased environmental redevelopment there was. They have created a program where the marina master plan overarching goals are still there, for example, if the marina wanted to expand, the marinas would see an economic benefit, so we need to see concomitant environmental benefits associated with that, like what would be seen in a master plan without having to do the master plan itself. If the marina wants to expand the number of buoys, for example, there is a sliding scale in the Code of Ordinances of how many improvements you have to do depending on the size of the expansion. The essential tradeoff is to capture economic drivers gain without having to do the master plan.

Mr. Hymanson asked how the expanded enforcement will be funded and if it was part of the mitigation funding.

Mr. Marshall said it is part of the program funding and will be a significant part of the fee structure which is still being negotiated. There will be another boat, crew, and additional coordination efforts with local law enforcement and state agencies.

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Mr. Hymanson asked for further detail on the table of impacts, 6-5 regarding littoral drift.

Mr. Lewandowski, Ascent Environmental said it is disruption to the natural movement of sediment within the Lake; the dispersion of beach sand, natural processes for maintaining beaches and for maintaining habitat. It can be affected by floating piers more than standard fixed piers, because they are on the surface. Based on recent studies, the EIS determined that any floating pier that is less than 25 feet will not have an effect, however, if it is greater than 25 feet or it is rigidly moored to the bed, so it doesn't rise and fall with the Lake level then it could disrupt the natural sediment movement. The EIS includes mitigations that prohibit floating piers that are rigidly moored to the bed and if the floating section is greater than 25 feet, there would be a site specific littoral drift analysis completed and implemented. Not every floating section of pier greater than 25 feet will affect littoral drift, but rather site specific depending on the Lake currents and the sediment movement patterns.

Mr. Marshall said in addition, it is the depth of where the floating pier is, to the extent where it interferes with sediment movement. The primary point is that it is site specific.

Mr. Hymanson said mitigation measure 6-5b seems to only consider wave height. He feels it is missing a component of littoral drift which is the near shore current movements of water which is not necessarily indicated by wave height. He recommended revisiting what is being required and the components of littoral drift.

Ms. Carr asked if the technology that will reduce emissions for cleaner boats already exists or are we relying on future development from the boating industry.

Mr. Lewandowski, Ascent Environmental said it is existing technology and not so much of a new technology, but more efficient engines. As older boats are replaced, the newer ones will comply with the California Air Resources Board emission standards.

Public Comments & Questions

Mike Marini, Lake Tahoe resident said Lake Tahoe is a unique location in the world. As a part of the visioning process, has anyone thought ahead on how Lake Tahoe will look in 100 to 200 years? He suggested that there be a timeline that exceeds twenty years.

Laurel Ames, Tahoe Area Sierra Club agreed with Mr. Marini's comment regarding the need for a vision that exceeds 20 years. She's attended these meetings for 40 years and there is still no vision, this plan at the most is five years out for some of these implementation measures. In many cases, the required mitigation is to be developed after the approval of the proposed plan. In addition, there is nothing in the plan on waterborne transit.

Nick Exline, Midkiff and Associates said Alternative two, the no project alternative, shows a drastic increase of boating on the Lake and other accompanying shoreline elements. It appeared as a result of the mitigation measures that would be built into that system, the increase would be substantially less than what is shown on the graphs today. If this information is correct, will that be represented, because they do not want this to go forward with anything that can be construed as gaming the numbers to create an outcome. The pier headline, 6,219 elevation "prohibition" have a few areas where that nexus does not work such as Rubicon, the east side of Incline Village, and Crystal Bay. As a result of where the pier headline is now, and 6,219, coupled with the difficult shoreline, the actual development of a pier with those limitations

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would be near impossible or very problematic. Thinking about these things in the front end and building some certainty into the system might be a benefit. Limiting new concessions to marinas on the east shore can be problematic because to some degree there are not marinas on the east shore and suggested looking at a mechanism to address that. For the same reason, limiting boat ramps to two new ones is a problem. During high winds, it is not safe to take boats out of the Lake in Incline Village, Kings Beach, and other east and north shore areas unless break waters are allowed. It is possible to allow fueling outside marinas, there is one in Incline Village that has been operating for several years that's certified by the Fire Marshall.

Commission Comments & Questions

Mr. Teshara asked if it was correct that the boats considered as part of our maritime past that wouldn't be converted to newer technology, only represent a small portion of the boats on the Lake.

Mr. Lewandowski, Ascent Environmental said there are a very small percentage of boats that are considered classic boats in which the environmental impact statement does not assume that they will be replaced because the small percentage will not substantially affect the emissions.

- B. Hearing and public comment on the Kings Beach Pier Rebuild Project Draft Environmental Impact Statement/Impact Report, TRPA File# EIPC2018-0003 in Kings Beach, CA (Placer County APNs 090-080-016 et al.)

TRPA team member Ms. Good, Ms. Hansel, Ascent Environmental, and Mr. Musillami, California State Parks provided the presentation.

Ms. Good said TRPA's focus is on the pier rebuild project and will not be adopting the general plan revision. The draft document is available through June 29, 2018 for public comment. The document has three components; the general plan revision, the environmental analysis for both that general plan revision and the pier rebuild project. The applicant, California State Parks submitted an Environmental Improvement Program application for the project in August 2017, however, the pier project and the general plan revision have been in the works for several years. The pier rebuild is on the five-year EIP project lists for improvements to recreation. It would improve lake access to and from the Lake by building a more functional pier that is accessible at different lake levels than currently exist and increase recreation space within the park itself.

In April 2018, the Governing Board approved the shoreline permitting transition process which set a deadline of May 25, 2018 for applicants submitting shorezone applications to TRPA that they be consistent with the partial permitting program. The California State Parks submitted a complete application well in advance of this deadline. TRPA recognizes that this draft document and process in on a similar parallel track with the Shoreline Plan. As this went through the design process, State Parks ensured that the pier design was consistent with the partial permitting program, existing Code of Ordinances, and the proposed shoreline code. There would need to be additional mitigation measures under the proposed shoreline code with the proposed pier project. The pier project that will be brought forward for approval will be consistent with regulations that are in place at that time. The general plan revision and pier rebuild project will be considered by the California State Parks Commission in October 2018 and the final environmental impact report/statement and project for recommendation and approval in the Fall/Winter of 2018.

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Mr. Musillami said this project is between California State Parks and the California Tahoe Conservancy. Some of the property within the park's boundary is held in fee title by the Conservancy. There has also been additional land brought into this unit as a part of the Department of Boating and Waterways becoming a division of California State Parks. The existing plan developed in 1980 did not include the California Tahoe Conservancy and the Department of Boating and Waterways parcels. This revision will consider the entire plan and will provide goals and guidelines for improvements and operational activities within the park. The pier rebuild project will be the first major project to be implemented when the general plan is approved.

This project was last heard by the Advisory Planning Commission during the scoping period in 2016. State Parks and the Conservancy hosted public workshops and outreach during the development of the alternatives. In 2016, an analysis was done for two different locations of the pier rebuild and a third was added during the general plan process. Four alternatives were analyzed: Alternative one was the no project, Alternative two is the eastern pier alternative which is the proposed project. It is a pier rebuild of a combination of fixed and floating portions at a length of 488 feet. The alternative will include a lake access point because the motorized boat ramp will be removed as mitigation for this project. A swim area would be added, they will reduce and reconfigure the parking to 157 spaces, an 11 percent reduction. This alternative will include a beach front promenade with overlooks. Alternative three is the central pier alternative. The pier would be rebuilt in approximately the same place as the existing, proposed length of 601 feet with a target depth of 6,217 for the pier. It also includes the Lake access point, expanded parking for 183 spaces, a three percent increase and would include the beach front promenade. Alternative four is the western pier alternative would have a pier of 704 feet long, the motorized boat ramp would be slightly extended, reduce the parking to 119 spaces and including the beach front promenade and overlook. The pier head of the eastern pier varies between 200 and 400 feet from the no wake zone and was the least impactful for scenic.

There will be a seasonal non-motorized boat storage, the nature play area and basketball court will be relocated, comfort stations will be expanded, the public open lawn area will remain in the plan, and pavilion picnic areas will be added. The promenade will be designed to help reduce the amount of sand that currently blows into the parking lot. Bike racks, art and interpretive facilities will be added in addition to staff facilities.

The proposed alternative will remove the motorized boat ramp as part of the mitigation for the pier rebuild and replaced with a ramp for the non-motorized watercraft. In addition, there will be a few other ramp locations for these non-motorized uses. The motorized ramp has been open three seasons out of ten and accounts for approximately one percent of the North Shore annual boat launches.

Ms. Hansel said Chapter 2 is the Existing Conditions, Chapter 3 identifies planning assumptions and key issues addressed by the general plan, Chapter 4 is the plan with a purpose and vision statement for the park, and goals and guidelines. Chapter 4 also includes the State Parks Standards and Special Project Requirements such as resource protection measures, BMP's, etc. TRPA will adopt these project requirements as permit conditions. Chapter 5 is the environmental document that includes a description of the general plan revision and pier rebuild alternatives. Cumulative impacts are addressed in the individual resource sections and each resource analysis considers the general plan revision and the pier project.

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Fish habitat verification was completed in support of the project. The proposed pier would effect about 5,000 square feet of feed and cover habitat related to pier pilings and shading associated with the floating pier. It would not affect any spawning habitat. Pier construction would occur during winter months and avoid the disturbance of fish spawning activities. The impact on prime fish habitat would be fully mitigated by restoring in kind feed and cover habitat at a 1.5:1 ratio. That newly established fish habitat would be contiguous with the existing prime fish habitat, it would be onsite within the project boundaries. The proposed project would replace the existing motorized boat ramp with a lake access point and the pier would create an access opportunity for motorized watercraft for loading and unloading only. The Kings Beach pier is one of four boat launches on the North Shore with the nearest off site boat ramp at the Tahoe Vista recreation area. The analysis found that the proposed pier would expand accessibility for motorized watercraft relative to existing conditions. The second recreation issue is the navigation for swimmers and non-motorized watercraft. These users would need to navigate around the lakeward end of the pier except during median lake levels where they may be able to navigate under the fixed section of the pier or gangway. The analysis found that because the pier would be within a minimum of 200 feet of the no wake zone and because non-motorized craft and swimmers are accustomed to navigating into deeper waters to get around the point, that the impact on navigation would be less than significant. The pier was designed to minimize scenic impacts by including a floating section with no railings and single pilings. The scenic analysis includes multiple simulations of the proposed pier, visible mass calculations, and an assessment of the consistency of the pier design with applicable design standards. The scenic section evaluates views from the shore including effects on TRPA designated scenic resources as well as views from State Route 28 roadway travel unit. The analysis found that because of the location on the eastern edge of the park rather than in the center and low profile pier design that the proposed pier would not degrade views of the Lake from the shore. The scenic section also evaluates the effect on views from the Lake looking towards the shore. The proposed pier would add visible mass associated with the pier but also remove visible mass associated with the boat ramp and the surrounding retaining walls. The pier would result in a net increase of about 158 square feet of visible mass which would be a significant impact. The environmental document includes a mitigation measure that requires screening of that additional visible mass. Because the pier is within a shoreline travel unit currently in attainment, the partial permitting program currently requires mitigation on a 1:1 basis for the additional visible mass. If the pier were approved under the proposed shoreline plan, that visible mass would need to be mitigated at a 3:1 ratio. The environmental document found that the pier would result in less than significant impacts on land use, public services and utilities, greenhouse gas emissions, and climate change. With implementation of California State Parks standard and special project requirements that impacts related to air quality, geology, soil, and hazardous material, etc. would be avoided.

Cultural resources identified a significant impact and identified mitigation by conducting an underwater survey to confirm the lack of cultural resources within the Lake as well as implementation of the standard project requirements that address how to deal with previously undiscovered resources.

Presentation can be viewed at:

<http://www.trpa.org/wp-content/uploads/Agenda-Item-No.-V.A-Shoreline-EIS.pdf>

[Commission Comments & Questions](#)

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Mr. Young asked why it is assumed that an increase of 1.5:1 or 1:2 ratio is automatically better and we are not creating a negative impact by requiring more than 1:1 impact on a habitat. The argument could be made that if a habitat could be bigger naturally, it would have been bigger to begin with. It makes sense when doing it for recreation or scenic purposes, but is unsure why it is assumed to be better for ecosystems.

Mr. Alling referred 5.3.2-1 Fish Habitat Replacement and Monitoring Plan. The mitigation measure outlines all the requirements the plan has to meet. He asked if there has been any efforts to start on a plan and identify the areas that could potentially be used for mitigation.

Ms. Hansel, Ascent Environmental said they have been in consultation with California Department of Fish and Wildlife on the verification and any concerns they have related to the impacts. There are opportunities within the project site boundaries to enhance the substrates that are there to facilitate habitat facilitation.

Mr. Musillami, California State Parks said the intent would be to do the mitigation close to where the existing feed and cover is occurring now. Doing any physical work in advance of starting the project may not be beneficial in terms of physically doing the work because when they would complete the installation the pilings, then do the expansion, because then they could expand around the pilings. There are operational issues to be taken into consideration when planning this.

Ms. Hill asked if the existing parking is also for the events center.

Mr. Musillami, California State Parks said yes. They are developing pay by phone options in other parks in California that allow the public to pay for the time that they are there as opposed to paying one flat fee when a person may only be there one hour. State Parks is working with the North Tahoe Public Utility District to revise their parking agreement because there are now other automated ways to pay to park.

Ms. Hill asked if boats can pull up to the beach in that area.

Mr. Musillami, California State Parks said there is no area along the shoreline within the project area. Boats could use the pier to load or unload and then would have to go out to deeper water to anchor.

Ms. Hill asked if there are time limits for how long the boats can stay at the pier.

Mr. Musillami, California State Parks said there will be signage stating how long a boat can be at the pier to load and unload. Those details will be developed as part of the operating plan.

Mr. Hymanson said since the existing boat ramp at Kings Beach would be removed with the preferred alternative, is Tahoe Vista the closest boat launching site?

Ms. Hansel, Ascent Environmental said yes, the Tahoe Vista Recreation area is approximately 1.3 miles away.

Mr. Hymanson asked if the Tahoe Vista site will be improved as part of the mitigation.

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Ms. Hansel, Ascent Environmental said it was recently improved.

Mr. Hymanson asked if fishing will be allowed on the pier.

Mr. Musillami, California State Parks said yes.

Mr. Hymanson said that could be an impact during spawning and is not characterized in the environmental document. He asked if there is any monitoring to establish a baseline to understand the what the refuge and feeding area is versus the spawning area.

Ms. Hansel, Ascent Environmental said TRPA's prime fish habitat is based on the lake bed substrates and currently there is no monitoring.

Mr. Hymanson said the environmental impact statement may underestimate what boat disturbances will have on the quality of that habitat. Boats accessing the new pier may cause a disturbance that could change the quality of those habitats. He suggested monitoring before doing the project to better quantify what that habitat use is rather than just the substrate alone. It may be better to do the mitigation in another location where there won't be that level of disturbance.

Ms. Carr asked what the public reaction has been to the possibility of cars parking in the Kings Beach neighborhood and are there plans to control the potential impacts.

Ms. Hansel, Ascent Environmental said it has been a concern with some of the of the community. They've looked at what public parking is available in the area to help offset that. This park is in the middle of a walkable district, has public transportation on State Route 28, and they are proposing a shared use path to implement those measures to help change peoples behavior and get them out of their cars.

Mr. Teshara said the Tahoe Transportation is looking at paid parking that will be part of the Highway 28 corridor. He asked if there will be signage similar to what's used for Sand Harbor, that states parking is full to avoid people driving there and looking for parking that doesn't exist.

Mr. Musillami, California State Parks said there will be parking signage that can be moved around from the park entrance to the roundabouts. Through pilot projects and implementation of automated parking management systems, they've seen more turnover within the parking lots during a 24 hour period rather than when a flat fee for parking was charged. In this plan, there is also an information kiosk, which will help people with the new style of parking, parking locations, and availability. They are also considering having a person stationed at the park.

Mr. Teshara referred to Chapter 4 of the plan, page 420. There is a statement that the Lake is now highly valued as a major tourism destination attracting hundreds of thousands of tourists annually. He believes there is other data that suggests that the "hundreds of thousands" is a low estimate and suggested modifying that language to be more reflective of the actual. He felt that it would be a good investment to have staff within the park for enforcement.

Mr. Musillami, California State Parks said that is one of the reasons why they wanted to have a staff facility within the park so there is more of a presence. There are hopeful that there will be more funding for additional staff to help create a safe environment and provide information.

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Mr. Teshara said with proper training, enforcement staff could also serve the dual purpose of providing information. He liked the promenade and mobility features listed under section 5.3 of the environmental analysis. He hopes there are ways to encourage people to get there by transit or walking. It's good to see the placeholder for waterborne transit, bike sharing programs that could be considered in the future by state parks decision makers.

Public Comments & Questions

Laurel Ames, Tahoe Area Sierra Club said she did not hear any discussion about the vaults that are part of the drainage system for the beach and asked where they are located on the beach.

Mr. Musillami, California State Parks said the vaults are still located in the parking lots. The outfalls are not going to be disturbed and there will be access for maintenance.

Commission Comments & Questions

Mr. Hymanson asked what Placer County thought about the loss of the twenty parking spaces.

Mr. Buelna said the Department of Public Works and Facilities and planning staff will be providing comments. At this time, there is no formalized comprehensive response.

Mr. Teshara asked if the County's Department of Public Works is looking at any other parcels for public parking in the Kings Beach area.

Mr. Buelna said he is not aware of anything in the design phase, however, the facilities staff continually look for ways to enhance the parking opportunities in Kings Beach and Tahoe City.

VI. PLANNING MATTERS

A. Development Rights Strategic Initiative Update

TRPA team member Ms. Self provided the presentation.

Ms. Self said the Lake Tahoe region has a unique set of development rights. These are land use units that need to be acquired by the property owner before the property can be developed. The scope of work for this initiative was on commercial floor area, tourist accommodation units, and residential units. These are assets for property owners that can be bought and sold to eligible receiving sites. This system of development rights was established in the 1960s, 1970s, and 1980s to help ensure that the urbanization of the basin was keeping pace with the environmental capacities. The system has incentives to encourage property owners and developers to take development from sensitive lands and transfer that into higher capability land. When the system is working well, transformations are seen that are beneficial to the environment and communities. With the conversion pilot program adopted by the Governing Board a few years ago, the tourist accommodation units for the old Sun and Sand Lodge were converted into residential units. There were a number of different improvements with this project such as best management practices and streetscape improvements.

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The goal of the initiative was to identify barriers and improve the effectiveness and predictability. This process started in 2015 with stakeholders helping to identify the issues, look at strategic approaches, and develop recommendations. The focus is to ensure that there is alignment with the Regional Plan and the systems works effectively within the boundaries. The working group solicited national experts to look at best practices from around the country. The working group evaluated over 24 alternatives and then selected five recommendations that focus on simplification to ensure there is an adequate inventory of development rights and streamlining the process.

Eliminating the local approval for interjurisdictional transfers: Currently, there is an overlapping process with TRPA and the local jurisdiction. The working group proposes to eliminate this. It will reduce cost, complexity, and provide more predictability. The safe guard option for this recommendation is that it can go before the Governing Board to reinstate the local approval and transfers would be reported on an annual basis.

Mr. Marshall said this is for interjurisdictional transfers. For transfers within a jurisdiction, they do not need jurisdictional approvals.

(presentation continued)

Partner with the land banks to increase development right inventories: The local land banks have been an integral and crucial part to ensure that environmental goals are met. Their role is to acquire properties that are in sensitive areas, ensure that those development rights are transferred to town centers, restoring those properties, and encourage development elsewhere. This recommendation would provide them more flexibility to acquire development rights and sensitive properties. This capacity would be expanded through a revised memorandum of understanding and policy resolution.

Process improvements: The working group recommended to remove the requirement to have an approved project before there can be a transfer. Currently, there needs to be an approved project before a transfer can be done to move development rights around. The working group proposed to expand that timeline for developers and property owners to acquire development rights at any time and be able to transfer those. A person would need to have those in place before construction is started or the final stage of the permit.

Establishing conversion exchange rates for commercial floor area, tourist accommodation units, and residential units of use: Under the existing system, there is very limited and restrictive opportunities to convert between the different development rights. This proposal expands that to commercial, tourist, and residential. It puts in place an exchange rate system similar to a currency exchange to exchange one type of development right with another. The rates are based on environmentally neutral metrics to ensure that one tourist accommodation unit has the same environmental impact as 300 square feet of commercial floor area, or one single family dwelling.

Expand eligibility criteria for residential bonus units to encourage achievable housing: The working group proposes to expand the income bracket. Currently, there is a bonus unit program for affordable and moderate income. The eligibility criteria for affordable is that occupants have to meet 80 percent of the area median income and moderate is 120 percent of the area median income. The working group proposes to expand the eligibility of the bonus unit program to three tiers; the affordable and moderate as it is today and then expanding it to achievable which

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would be greater than 120 percent of the area median income. That includes people that earn too little to afford the median home price. The specific income tier for achievable would be specific per county. The working group proposes to eliminate the need to have residential allocations. If someone was building an affordable, moderate, or achievable housing development, a person would be awarded all the development rights needed. Half of the pool would still be reserved for those affordable and moderate units and the other half could be used for the new tier of achievable. Program reporting would be continued to be done every two years. Criteria for the achievable income tier is having an inclusionary provision for every achievable bonus unit awarded, a developer would have to develop an affordable or moderate income unit. In order to be eligible for the program, the housing development also needs to be within one half mile of transit and cannot be used for a short term rental. The recommendation also includes an enforcement strategy that includes deed restrictions and disclosure forms. Compliance reporting would be the responsibility of the property owner and an educational program would be implemented by TRPA.

The environmental review will be completed as an initial environmental checklist. There is an eight member team of the working group to serve as the technical code team to assist staff with code amendments. This proposal will go back to the Advisory Planning Commission in September and the Governing Board in October.

Presentation can be viewed at:

<http://www.trpa.org/wp-content/uploads/Agenda-Item-No.-VI.A-Development-Rights-Strategic-Initiative.pdf>

Commission Comments & Questions

Mr. Alling asked when the Initial Environmental Checklist is expected to be completed.

Ms. Self said the Initial Environmental Checklist is currently being completed by their consultants and will be presented to the working group on August 23rd.

Mr. Hester said the Advisory Planning Commission has two appointees on the working group.

Mr. Teshara said the achievable category is a significant improvement.

Mr. Young said he is concerned about the inclusionary housing 1:1 requirement, it could blow the proforma out of the water. He asked if anyone has looked at the financial ramifications for requiring a 1:1 inclusionary housing requirement.

Mr. Hester said a proforma was done by PlaceWorks. If someone wanted two bonus units, one of them has to be for moderate or affordable.

Mr. Young asked if the proforma showed that people would go for the bonus units knowing that they would also have to develop housing at an affordable or moderate price.

Mr. Hester said a market rate project can be done without any inclusionary. Now, if someone wanted bonus units, they can only do affordable and moderate. This allows people to do them up to achievable which is the median and then someone could get more bonus units than they could get before at a higher income level. It is an improvement to the proforma for a developer. It is not required for market rate projects.

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Mr. Young asked if it was correct that in order to get a bonus unit for an achievable, one must also do an affordable.

Mr. Hester said that is correct.

Mr. Young said he supported the achievable and extra tier but does not believe that people will do this.

Mr. Hester said there is limited utilization now when people cannot get a unit for achievable, this would make it more attractive for that. The bonus units at the affordable and moderate have not been used much, so the working group proposed to move it up to achievable but not let all the bonus units go. There is also a requirement to report back in two years to see if it is working.

Public Comments & Questions

None.

VII. REPORTS

A. Executive Director

Mr. Hester said the clarity report results are available from the University of California, Davis and Lake Tahoe is on the five year target for the Total Maximum Daily Load. Last year there was some declines due to drought and the significant precipitation and higher temperatures that followed. TRPA and the Tahoe Transportation District have developed a new website called Linking Tahoe, <http://www.linkingtahoe.com/> that assists people with different types of modes to get around the Basin.

1) Strategic Initiatives Monthly Status Report

No further report.

B. General Counsel

Mr. Marshall said recently the state of New Jersey tried to extract itself from the Bi-State commission for New York and New Jersey waterfront by passing a law stating they could remove themselves. The Federal Court ordered New Jersey back in, there attempt to remove themselves from the compact unilaterally was not effective because Congress must consent to that type of modification. The difference between that and Lake Tahoe's Bi-State Compact is that there are express provisions for withdrawal. That decision is good because it fundamentally states that one state cannot unilaterally amend the compact without the other state agreeing to it and if it changes the compact, and Congress has approved it, it must also go for Congressional approval.

Dr. Garmong was granted leave to amend and added six more causes of action including elder abuse. He's added claims regarding lack of an environmental impact statement, fraudulent misrepresentation by TRPA and the staff report, and conspiracy to deprive him of his constitutional rights. They will be seeking to dismiss this version on the complaint soon.

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There was a supreme court case about arbitration clauses. It had to do with whether or not the employers could require arbitration clauses and whether or not that was inconsistent with other fair labor standards. That is not particularly applicable to TRPA, but what is applicable is the court's analysis regarding two potentially conflicting Federal statutes. For example, the Lake Tahoe Airport where there is a Federal structure for aviation and TRPA's Compact, and at times there may be a perception of a conflict between those two federal laws. The majority went through of process of areas with potential conflict and how to resolve them. The key difference between the majority and minority is the extent to which you incorporate your perceived purposes of the underlying statutes. The minority felt that the purpose of the fair labor statutes overrode the implied purposes of the arbitration act that authorizes these types of arbitration clauses and the majority thought it was the opposite and they looked for express ways to resolve the conflict. There is no conflict, generally between the compact and local law because that is a preemption scenario rather than trying to resolve co-equal laws.

Mr. Teshara asked for the name of the case relative to arbitration.

Mr. Marshall said he can provide that to Mr. Teshara.

C. APC Members

Ms. Carr said the clarity data has been published in the Tahoe Tribune and the Carson Now. The Carson Now includes a link to the charge letter that John Laird and Brad Crowell issued to the Tahoe Science Advisory Council. There are ten charge questions included with the press release to be worked on before the Science Council meeting on August 6th.

Mr. Plemel said there was a fire in Carson City last night started by careless campers. June 15-17 is the Carson City off road mountain bike races with 900 participants. They will be taking the Flume Trail up and over Marlette Peak. The area is open to the public but may be some delays to escort traffic. On Friday, the professional bikers will do a loop around downtown Carson City with the start/finish line in front of the Capitol.

Mr. Hymanson said the Lake Tahoe Summit at Sand Harbor has been moved to August 7th. The Science Council Executive Committee will meet on August 6th. The chairs of committee are expected to make their first formal response on the "ten questions."

VIII. PUBLIC COMMENT

None.

IX. ADJOURNMENT

Chair Mr. Teshara adjourned the meeting at 12:41 p.m.

Respectfully Submitted,



Marja Ambler
Clerk to the Board

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



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STAFF REPORT

Date: September 5, 2018

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Agenda Item Number V.A.1 - Development Rights Strategic Initiative Amendments to the TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90

Summary and Staff Recommendation:

TRPA staff and the Development Rights Strategic Initiative's (DRSI) Working Group ask that the Advisory Planning Commission (APC) recommend approval and adoption of amendments to the TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90 to the TRPA Governing Board to implement proposed changes to the development rights system and residential bonus unit program. The DRSI Working Group unanimously recommended approval of the proposed amendments on August 23, 2018.

Required Motions:

In order to recommend approval of the requested action, the APC must make the following motion(s), based on the staff summary:

- 1) A motion to recommend approval of the required findings (Attachment A), including a finding of no significant effect, for the adoption of amendments to the TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90 to implement changes to the development rights system and residential bonus unit program as provided within this staff report.
- 2) A motion to recommend approval and adoption of Ordinance ___-__ (Attachment C), amending Ordinance 87-9, as amended, for the adoption of amendments to the TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7; and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90.

In order for motion(s) to pass, an affirmative majority vote by APC members, without regard to the state of representation, is required.

Project Description:

The Tahoe Regional Planning Agency's (TRPA) Development Rights Strategic Initiative (DRSI) considered changes to the development rights system in order to accelerate the Lake Tahoe Regional Plan Goals and Policies, support environmentally beneficial and economically feasible redevelopment, improve the

effectiveness and predictability of the development rights system, and continue to manage growth in the region. The development rights system is a central part of the Regional Plan's growth management system and an important strategy used to attain multiple environmental thresholds. The DRSI proposes five changes to the system:

- (1) allow conversions between different types of development rights – commercial floor area (CFA), tourist accommodation units (TAU), and residential units of use (RUU) – using environmentally neutral exchange rates;
- (2) expand the eligibility of the residential bonus unit incentive program;
- (3) enhance the development right banking system through partnerships with the local land banks;
- (4) eliminate overlapping, multi-jurisdictional approvals of development rights transfers; and
- (5) eliminate the requirement to have an approved project on a receiving site prior to a transfer of development rights.

Implementation of these recommendations would require amending the Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90. The DRSI also includes adopting a revised Memorandum of Understanding (MOU) with the California Tahoe Conservancy (CTC) and a resolution with the CTC and Nevada Division of State Lands to reaffirm their land bank authority. (Agenda Item Number V.A.2 and V.A.3)

The purpose of this staff report is to provide a background of the DRSI, the intent and criteria for each of the five recommendations, findings from the environmental analysis, and an overview of policy and code amendments necessary to implement the proposed changes. Supplemental materials attached to this report include the environmental findings and findings of no significant effect, Initial Environmental Checklist, threshold evaluation, compliance measures evaluation, and policy and code amendments.

Background:

The development rights system is a central part of the Lake Tahoe Regional Plan and maintaining environmental thresholds within the basin. This system is designed to manage growth by limiting the total amount of development potential, encouraging environmentally beneficial redevelopment, incentivizing sensitive land restoration, and concentrating a mix of land uses within town centers.

Development rights (also referred to as commodities) were initially integrated into TRPA's land use and growth management policies as part of the 1987 Regional Plan. This plan focused on managing growth by allocating a limited supply of commercial, tourist, and residential development rights required for new development in the Lake Tahoe Region. Individual Plan Area Statements, Community Plans, and Area Plans establish localized zoning, density, and development standards to guide the location of development and establish other planning standards.

TRPA designed the development rights system and permitting processes for growth management needs of the 1960s, 70s, and 80s. While the Regional Plan maintains the overall development caps, the amendments made in 2012 acknowledge a key mechanism to realize environmental improvements on the ground and accelerate threshold attainment is through voluntary and incentive-based redevelopment, movement of development, and infill development.

The amendments to the Lake Tahoe Regional Plan in 2012 included significant policy changes designed to alter the land development “footprint” in the Lake Tahoe Region. These amendments were intended to accelerate redevelopment of town centers by incentivizing the transfer of development from sensitive lands and remote areas into town centers. Transferring development from sensitive lands would reduce damage caused by increased impervious surface and stormwater runoff, intrusion into sensitive vegetation and wildlife habitats, and scenic degradation. Removal of remote development and development rights was intended to reduce vehicle miles travelled per capita in the Region, along with the resulting emissions and air pollution. The incentives took the form of increased bonus units available with the transfers and were intended to encourage private investment in environmentally beneficial redevelopment.¹

The impetus behind the Development Rights Strategic Initiative stems from an adaptive management approach – to evaluate plan effectiveness of the development rights system and consider changes where appropriate to accelerate the Regional Plan Goals and Policies. In 2014 and 2015, two assessment reports found that elements of the existing system were inhibiting the environmentally beneficial redevelopment called for in the Regional Plan and contributing to the lack of attainable and diverse housing needed for full-time residents and the workforce.²

Additionally, TRPA also began seeing the positive implications and environmental benefits that could be accrued by allowing a flexible development rights system, but still maintaining the overall development caps for the Lake Tahoe Region. Adopted by the Governing Board in 2012 and 2016, two pilot programs allowed for the conversion of Tourist Accommodation Units (TAUs), Residential Units of Use (RUUs), and Commercial Floor Area (CFA), but were limited in application such as requiring a transfer from sensitive lands, removal of a non-conforming use, construction of affordable housing, or other provisions allowed by TRPA Code Sections 50.10.2 and 50.10.8.

Since 2012, there have been four projects permitted under the pilot programs: Peak 10, Woodvista, Tahoe Cedars, and the Tahoe City Lodge. These projects, while relatively small in number compared to the total number of projects during that time period, demonstrate how development rights conversion

¹ Tahoe Regional Planning Agency, [Lake Tahoe Sustainable Communities Program Documents Series #7: Development Commodities Transfer Policies Analysis](#), Dec. 2013.

² BAE Urban Economics, *Tahoe Regional Housing Needs Program Report: Needs Assessment Background Report and Priority Policy and Program Evaluation*, May 28, 2014.

Tahoe Regional Planning Agency & Advisory Planning Commission, *Commodities Strategic Initiative and Permitting Assistance Initiative: Stakeholder Assessment Results*, April 2016.

projects help to accelerate environmental thresholds attainment and align with the Regional Plan Goals and Policies. All four projects included the redevelopment of legacy motels and commercial buildings in Placer County that had seen little to no improvements since the 1950s to 1970s. These projects, which included conversions of development rights, met all current development code requirements and environmental standards.

These requirements and the resulting development are more environmentally beneficial (or less harmful) than older projects built under previous, less restrictive environmental requirements. Environmental improvements that will be fully realized when the pilot projects are completed include reductions in land coverage and daily vehicle trips; installation of stormwater systems; streetscape, scenic, and transportation improvements; and installation of energy efficient building systems.

Following the assessment reports and pilot programs mentioned above, the TRPA Governing Board launched the multi-year Development Rights Strategic Initiative in 2015. The DRSI used a stakeholder and working group process to establish the mission, goals, and criteria for the initiative; clarify issues; guide best practices; formulate strategic approaches; and develop recommendations that align with the Lake Tahoe Regional Plan. The mission of the initiative was three-fold:

- Identify barriers to environmentally beneficial redevelopment;
- Consider changes to the existing development rights system to better manage growth, implement the Regional Plan, support environmentally beneficial and economically feasible redevelopment, and accelerate sensitive land restoration; and
- Improve the effectiveness and predictability of the existing development rights system.

During this process, the Development Rights Working Group (or “Working Group”) identified and analyzed 24 potential options for alignment with the established goals and criteria as well as potential economic, legal, and planning impacts to the system.³ The Working Group and TRPA staff provided opportunities for public participation and comment through the 2015 stakeholder assessment (as mentioned above), a meeting with a development customers user group, eight public meetings with the Working Group, five community outreach presentations, and five public hearings.

Working Group Recommendation:

Based on the process discussed within the “Background” section above, the **Working Group recommended approval and adopted of the following five changes to the development rights system and residential bonus unit program on August 23, 2018:**

³ TRPA, *Factsheet#8: Goals and Criteria for Evaluating Alternatives*, Nov. 2016. http://www.trpa.org/wp-content/uploads/Factsheet-8-GoalsCriteriaforAlternativeEvaluation_11.9.16.pdf

- (1) allow conversions between different types of development rights – commercial floor area (CFA), tourist accommodation units (TAU), and residential units of use (RUU) – using environmentally neutral exchange rates;
- (2) expand the eligibility of the residential bonus unit incentive program;
- (3) enhance the development right banking system through partnerships with the local land banks;
- (4) eliminate overlapping, multi-jurisdictional approvals of development rights transfers; and
- (5) eliminate the requirement to have an approved project on a receiving site prior to a transfer of development rights.

The subsections below provide the criteria and intent, or rationale, for each of the five recommendations above.

1. *Conversion Exchange Rates*

Conversion exchange rates would allow a project proponent to convert one land use type, or development right, to another through a TRPA application process. Such conversions would be applicable to commercial floor area (CFA), tourist accommodation units (TAUs), and residential units of use (RUUs). The Working Group recommended the following conversion exchanges rates:

Table 1: Recommended Conversion Exchange Rates

Existing Development Right	Equivalent Development Rights			
	CFA	TAU	SF	MF
300 sq. ft. Commercial Floor Area (CFA)	300 sq. ft.	1	1	1.5
1 Tourist Accommodation Unit (TAU)	300 sq. ft.	1	1	1.5
1 Single Family Detached Dwelling Unit (SF)	300 sq. ft.	1	1	1.5
1 Multi-Family Attached Dwelling Unit (MF)	200 sq. ft.	0.75	0.75	1

Allowing the conversion, or exchanging, of one type of development to another is intended to provide greater flexibility, significantly simplify the system, and expand the available supply for needed development rights while still maintaining the overall development cap set forth in the Lake Tahoe Regional Plan. As mentioned within the “Project Description” and “Background” sections above, the development rights system is a central part of the Regional Plan’s growth management system and an important strategy used to attain multiple environmental thresholds. Therefore, the key objective in establishing conversion exchange rates above was to determine a valid, common exchange ratio between land use types that could be consistently implemented across the region and that is environmentally neutral. (e.g., Using the table above, 300 square feet of CFA would have the same environmental impact as 1 TAU, 1 single-family residence, or 1.5 multi-family residences.)

In addition to the exchange rates above, this change includes the following criteria and eligibility requirements to convert development rights:

- Existing development rights must be verified as legally existing and development rights held in allocation pools would be eligible for conversion.
- Bonus units awarded to a project are eligible for conversion provided all requirements for awarding of the bonus unit (i.e. retirement of sending site development rights, use within a town center, or affordable housing criteria) have been and continue to be met.
- Conversions will be limited to existing development located on high capability lands unless the associated project includes the following environmental benefit: reduction in land coverage and no increase in vehicle trips, parking, cubic volume of structures, or adverse impacts as part of the project.
- All conversions will be reviewed and approved by TRPA, unless otherwise authorized by delegation to the local government through a Memorandum of Understanding.
- All development right conversion transactions and activities will be monitored in accordance to the TRPA Code of Ordinance Chapter 6: *Tracking, Accounting, and Banking*.

2. *Residential Bonus Unit Incentive Program*

The Working Group recommended expanding the existing residential bonus unit incentive program for housing targeted for local residents in the Lake Tahoe Basin consistent with the Regional Plan Goals and Policies. The TRPA Code of Ordinances currently allows bonus units to be awarded for affordable and moderate-income housing. The Code defines affordable housing as accommodating households earning below 80 percent of the respective county's area median income (AMI), and moderate-income as accommodating households earning between 80% and 120% of AMI.

Similar to market-rate housing, affordable and moderate-income units are required to obtain the necessary development rights (e.g., a new residential unit of use consisting of a unit and an allocation) prior to construction, however there are currently incentives in place to encourage these types of housing developments. TRPA Code section 52.3.1 designates up to 1,400 residential bonus units that may be awarded to affordable or moderate-income multi-family residential projects. (As of July 2018, there were 1,124 remaining residential bonus units available within the TRPA pool.) Bonus units are awarded at no cost to the applicant and replace otherwise required development rights either wholly or in part, as seen in Table 2 below. In order to receive a residential bonus unit, the property owner or tenant is required to earn at or below the specified AMI for the appropriate category. To further incentivize affordable housing (below 80% AMI), TRPA does not require residential allocations for these types of housing developments.

Table 2. Existing Bonus Unit Incentives for Affordable and Moderate-Income Housing Developments

Residential Bonus Unit + Allocation = Residential Unit of Use		
	Affordable < 80% AMI	Moderate-Income 80% - 120% AMI
Bonus Unit Development Right	●	●
Allocations	<i>Exempt</i>	

● = Awarded at the time of project

The Working Group recommended the following amendments to the existing residential bonus unit incentive program:

- Adopt the term “achievable” to refer to those earning more than 120% of the area median income yet too little to afford a median home price, also referred to as the “missing middle”.
- Expand eligibility of the residential bonus unit program to include three income tiers for both single and multi-family housing: affordable (up to 80% AMI), moderate (80-120% AMI), and achievable (120-435% depending on the type of residential unit, single family or multi-family, and jurisdiction of the housing development).⁴
- Half of the remaining TRPA bonus unit pool be reserved for affordable. The other half be reserved for moderate and achievable residential development.
- All residential units awarded a residential bonus unit (affordable, moderate, or local achievable) are exempt from having to obtain a residential allocation. (See Table 2 below.)
- Residential development awarded a bonus unit must be located within ½ mile of a transit stop.
- Residential development awarded a bonus unit cannot be used as a short-term rental.
- Multi-family and single-family residential development are eligible for residential bonus units.
- Every two years, TRPA will prepare a report on bonus units allocated and update the eligibility criteria (i.e. AMI and median home price) as needed.

⁴ Achievable AMI percentage is specific to each county within the Tahoe Basin. This percentage is calculated using median income, median home price, and buying power (a defined multiplier for how much a household can afford) for the respective jurisdiction. For the full calculation of achievable AMI percentage by county, see the definition of achievable housing in Attachment C, Exhibit 1.

Table 3. Recommended Bonus Unit Incentives for Affordable, Moderate, and Achievable Housing Developments

Residential Bonus Unit + Allocation = Residential Unit of Use			
	Affordable < 80% AMI	Moderate-Income 80% - 120% AMI	Achievable*
Bonus Unit Development Right	●	●	●
Allocation	<i>Exempt</i>	<i>Exempt</i>	<i>Exempt</i>

* AMI eligibility criteria for achievable is determined by the type of unit (single family or multi-family), the respective county's AMI and median home price, and the ratio between AMI and rent or home price.

● = Awarded at the time of project

The Working Group's recommendation to expand the eligibility of the residential bonus unit incentive program also includes an enforcement strategy to ensure bonus units awarded will be used as intended and meet all criteria listed above. This strategy includes deed restrictions, disclosure forms, guidelines and education, and annual compliance reporting.

The Working Group also recommended that TRPA staff report to the Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report will include, but is not limited to, the number of housing developments and units that received and were constructed using bonus units, number of bonus units received and constructed in each income category, number of bonus units received and constructed in single and multi-family housing developments, location of housing developments, and compliance with the program.

3. *Development Right Banking*

Throughout the DRSI process, Working Group members and stakeholders vocalized broad-based support to reaffirm the partnership between TRPA and the local land banks in California and Nevada to facilitate land acquisition. These acquisitions help accelerate the pace of sensitive lands restoration and provide a reliable and steady inventory of development rights for project proponents. Since the adoption of the 1987 Lake Tahoe Regional Plan, local land banks in California and Nevada have played a crucial role in mitigating the environmental impacts associated with urbanization in the Lake Tahoe Basin. The local land banks help to accelerate threshold attainment by carrying out the following functions: (1) acquiring land and development rights from sensitive or underused properties; (2) transferring development rights to less sensitive areas; (3) creating a repository of available development rights for project proponents; (4) permanently retiring land coverage; and (5) restoring sensitive land.

As part of their Memoranda of Understanding (MOU) with TRPA, the land banks can create a revolving or cyclical banking function. Using resources made available from sources like state or federal funds the land banks acquire development rights. They can then provide the necessary rights to develop a property in return for some sort of payment from project applicants. As the payment is received, additional development rights are acquired. The newly acquired development rights are then provided in return for payment, continuing the cycle. The cycle is repeated over and over. However, unlike a for-profit bank, the development rights bank may or may not receive a full return on the rights it provides because its mission is restoration, redevelopment, provision of affordable housing, etc. The land banks have the ability to seek additional funding to augment this development rights banking role, whether to subsidize development rights for desired types of development or to provide additional development funds to support desired ends, such as workforce housing.

The Working Group recommended reaffirming these partnerships with the local land banks to further enhance the development right banking system and ensure each MOU provides the flexibility to achieve the land bank goals. This reaffirmation would include a policy resolution with the California Tahoe Conservancy (CTC) and the Nevada Division of State Lands land banks and a revised MOU with CTC. The resolution would provide support for CTC to pursue legislative flexibility for disbursing acquired development rights and subsidizing development rights (i.e. donations, selling below fair market value, trade, etc.) for desired projects such as town center redevelopment and affordable housing. The revised MOU serves to better align CTC's local land bank role with the authority granted to the agency by the State of California. TRPA will still have the responsibility to track and monitor transactions and ensure that the development rights system continues to support the Lake Tahoe Regional Plan Goals and Policies.

Additionally, the Working Group recommended allowing other entities, specifically local governments and philanthropic non-profit organizations, to form land banks under an MOU with TRPA in order to acquire, disburse, and transfer all development rights (CFA, TAUs, and RUUs) and land coverage. At this time, the only active land banks within the region are CTC and the Nevada Division of State Lands; however, the recommendation allows other entities to come forward at a later time.

4. Transfer Requirements

The Working group recommended the following process improvements to the existing Transfer of Development Rights (TDR) program:

- Remove the requirement to have an approved project prior to the transfer of development rights.
- Maintain that a developer and/or property owner does not have to acquire development rights until the final permit stage (or acknowledgement).

- Allow public development right banks to sever development rights from properties and hold or sell those rights.

The emphasis behind the TDR program is to accelerate environmental threshold attainment by redirecting (or transferring) development from sensitive lands to walkable, bikeable, and transit-oriented town centers. While the overall outcomes of the TDR program have been positive and are effective in meeting Regional Plan goals, the *pace* has not been what is desired. The improvements recommended by the Working Group are intended to increase the effectiveness of the TDR program, simplify the development rights system, and remove excessive requirements to encourage environmentally beneficial redevelopment called for in the Regional Plan.

The first and second process improvements, removing the project requirement and allowing flexibility as to when the development rights need to be obtained, would apply only to the transfer of commercial floor area (CFA), tourist accommodation units (TAUs), and residential units of use (RUUs). (This provision would not apply to land coverage or other land use units.) These improvements would allow individuals to sever development rights from a sending site and transfer those to a receiving site at any time during the development planning phase, before or after a project is approved. Project proponents would still be required to obtain the necessary development rights prior to the final permit stage (or “acknowledgement”). If a project proponent decided to wait to transfer development rights until the project is approved, he or she would have three years to acquire the necessary rights and break ground on development.

The third process improvement, allowing public land banks to sever development rights from properties to hold and sell those rights, is intended to support land banks and increase their efficiency in meeting the functions discussed in the subsection “Development Right Banking.” Public entities allowed to sever development rights from a property would be limited to land banks, local governments, and philanthropic non-profits.

5. *Transfer Approvals*

The Working Group recommended eliminating overlapping multi-jurisdictional approval processes for the transfer of development rights between jurisdictions. As mentioned in the “Background” section above, development rights were initially integrated into TRPA’s land use and growth management policies as part of the Regional Plan in 1987. Under the existing TRPA Code of Ordinances, interjurisdictional transfers of development rights require approval from both TRPA and the local jurisdictions.

Eliminating the local approval alleviates constraints and complexity of the development rights system and allows the system to better respond to market demands and community needs. As part of the Working Group’s recommendation, local jurisdictions will have the option to come before the TRPA Governing Board to request the establishment of a local approval process if there is a net loss of 5% in

the existing development rights over a two-year period in that jurisdiction (See Section 51.6 of Attachment C, Exhibit 1). Additionally, TRPA will track development right transfer transactions in accordance with TRPA Code Chapter 6: *Tracking, Accounting, and Banking* and prepare an annual report. This report will include the total net changes in development rights for each jurisdiction over the previous two years and be presented to the Governing Board starting two years after the effective date of the adoption of the recommendation.

Regional Plan Policy & Code of Ordinance Amendments:

TRPA's Executive Director appointed a six-member team to advise staff of necessary policy and code amendments for the implementation of the Working Group's recommended changes to the development rights system and residential bonus unit program. This team consisted of Working Group members Nicole Rinke (California Attorney General's Office), John Marshall (TRPA), Lew Feldman (community developer affiliate), and Marissa Fox (League to Save Lake Tahoe), and DRSI team members John Hester, Jennifer Self, Alyssa Bettinger (TRPA), and Charlie Knox (PlaceWorks).

The Technical Code Team met on April 10 and July 10, 2018 to discuss redline changes and specific language to be incorporated into TRPA's Regional Plan Goals and Policies and Code of Ordinances. The Technical Code Team presented their endorsed policy and code amendments at the May and August Working Group meetings. The Technical Code Team and the Working Group recommended approval and adoption all proposed policy and code amendments as provided within this packet.

Implementation of the DRSI recommendations would require amending the TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90. The attached documents show the amendments recommended for approval and adoption by the Technical Code Team and Working Group. Attachment B provides the rationale for each policy and code section proposed for amendment. Attachment C, Exhibit 1 provides the proposed amendments in context within the policy or code chapter.

The following outline provides a summary of the amendments recommended for approval and adoption:

- **DRSI Recommendations and Criteria⁵**
 - (1) allow conversions between different types of development rights – commercial floor area (CFA), tourist accommodation units (TAU), and residential units of use (RUU) – using environmentally neutral exchange rates;
 - (2) expand the eligibility of the residential bonus unit incentive program;

⁵ Criteria for the DRSI recommendations are summarized in "Working Group Recommendations" section above.

- (3) enhance the development right banking system through partnerships with the local land banks;
 - (4) eliminate overlapping, multi-jurisdictional approvals of development rights transfers; and
 - (5) eliminate the requirement to have an approved project on a receiving site prior to a transfer of development rights.
- **Code of Ordinances Chapter and Section Numbering and References**
 - **Title Change-- Chapter 51: *Banking, Conversion, and Transfer of Development Rights***
 Conversions of development rights are currently located in Chapter 50: *Allocation of Development*. The amendments recommended for approval and adoption include relocating conversions to Chapter 51: *(currently) Transfer of Development*. This chapter also contains a new code section regarding the banking of development rights. Co-locating activities or transactions associated with existing development rights is intended to improve the usability of the Code and increase predictability.
 - **Terminology Changes**
 - **“Commodities” → “Development Rights”**
“Commodities” currently refer to transferrable land use units, such as: land coverage, commercial floor area (CFA), residential units of use (RUUs), tourist accommodation units (TAUs), residential development rights, residential allocations, and restoration credits.

As part of the DRSI, the Working Group recommended adopting the new term “development rights” to refer exclusively to CFA, RUUs, and TAUs. This change is intended to align with industry standards for the authority to develop a parcel.
 - **“Residential Development Right” → “Potential Residential Unit of Use”**
A “residential development right” currently refers to the land use unit attached to certain parcels in the region and is half of what is needed to construct a residential unit.

As part of the DRSI, the Working Group recommended to use an alternative term to avoid confusion with “development rights”, as discussed above. The DRSI team recommends using the term “potential residential unit of use”. A potential residential unit of use paired with a residential allocation creates a residential unit of use.
 - **“Multi-Residential Bonus Unit” → “Residential Bonus Unit”**

As part of the DRSI, the residential bonus unit incentive program is no longer restricted to only multi-family housing development. As such, many of the edits shown in the attached document remove the “multi” from “residential bonus units”.

Environmental Review & Regional Plan Compliance:

TRPA staff and PlaceWorks, the planning consultant for DRSI, analyzed the potential environmental effect of the recommended changes to the development rights system and residential bonus unit

program, as summarized within the “Working Group Recommendation” section above as a plan-level environmental review. The environmental documentation for the recommended changes and the policy and code amendments consists of the Initial Environmental Checklist (IEC), environmental findings and finding of no significant effect, thresholds evaluation, and compliance measures evaluation. The IEC is a stand alone document that determines whether there are anticipated environmental impacts of the recommendations (or plan). Per Article V and VI of the TRPA Bi-State Compact and Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances, the environmental documentation serves to analyze whether the policy and code amendments will cause environmental threshold carrying capacities to be exceeded.

This analysis is tiered from the TRPA 2012 *Regional Plan Update* (RPU) Environmental Impact Statement (EIS) and the TRPA *Mobility 2035: Regional Transportation Plan/Sustainable Communities Strategy* (RTP) EIS/Environmental Impact Report (EIR) in accordance with Sections 6.12j of the TRPA Rules of Procedure.⁶ The RPU and RTP EISs are program EISs that were prepared pursuant to Article VI of TRPA Rules of Procedure and Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances.

The RPU and RTP are comprehensive land use and transportation plans that guide physical development within the Lake Tahoe Region through 2035. The RPU EIS and RTP EIR/EIS are program-level environmental documents that include a regional scale analysis and a framework of mitigation measures and provide a foundation for subsequent environmental review. These documents serve as first-tier documents for the TRPA review of the proposed recommendations. Meaning, the RPU EIS and RTP EIR/EIS analyzed total development potential of the two plans; the DRSI recommendations operate within that potential but allow for greater flexibility (e.g. conversion of types of development) while maintaining the overall constraints and caps as called for in the RPU and RTP.

Due to the extent that the recommendations are consistent with the RPU and the RTP, for which the program EISs were prepared, the recommendations were found to be within the scope of the program EISs, or in the context of tiering. Under the proposed recommendations, the background, overall development caps, and growth control programs as analyzed in the RPU and RTP remain in place with no changes. The DRSI and resulting recommendations are intended to better implement the programs within the RPU.

By tiering from the RPU EIS and RTP EIR/EIS, the attached Initial Environmental Checklist (IEC) relies on those analyses for the following:

- a discussion of general background and setting information for environmental topic areas;
- overall growth-related issues;
- assessment of the development rights system; and
- assessment of cumulative impacts of allowed growth.

⁶ The TRPA Governing Board certified the RPU EIS and RTP EIR/EIS on December 12, 2012.

In the IEC, TRPA examines the unanalyzed impacts that could arise from the movement, conversion, and flexibility of transfer of development rights within the previously assessed development rights system, if any.

Findings

Based on the analysis contained in the attached IEC, the robust monitoring and tracking standards discussed within the IEC, and the environmental findings document, TRPA and PlaceWorks determined that **the proposed recommendations would not have significant effects or adverse impacts on the environment**. Therefore, TRPA staff prepared a Finding of No Significant Effect for the Development Rights Strategic Initiative recommendations. (Attachment A)

Furthermore, based on the analysis within the thresholds and compliance measures evaluations, **the Regional Plan as amended through the proposed policy and code amendments will continue to achieve and maintain thresholds**. The intent of the recommended changes is to remove identified barriers of the development rights system, maintain overall development and growth caps for the Tahoe region, and help to accelerate achievement of the environmental thresholds. Project-level review of environmental and threshold impacts shall remain in place as part of the recommended changes.

Contact Information:

For questions regarding this agenda item, please contact Jennifer Self, at (775) 589-5261 or jself@trpa.org.

Attachments:

- A. Environmental Findings & Finding of No Significant Effect (FONSE)
 - Exhibit 1: Initial Environmental Checklist (IEC)
 - Exhibit 2: Thresholds Evaluation
 - Exhibit 3: Compliance Measures Evaluation
- B. Table of DRSI Amendments and Rationale
- C. Adopting Ordinance for Amendments to the TRPA Regional Plan and TRPA Code of Ordinances
 - Exhibit 1: DRSI Amendments in Context

**ATTACHMENT A:
Required Findings & Finding of No Significant Effect
for the Development Rights Strategic Initiative Amendments**

Required Findings & Finding of No Significant Effect for Development Rights Strategic Initiative Amendments

This document contains required findings per Chapter 3 and 4 of the TRPA Code of Ordinances for amendments to the TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90 as part of the Development Rights Strategic Initiative.

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

Finding: TRPA finds that the Regional Plan and code amendments will not have a significant effect on the environment.

Rationale: TRPA staff and PlaceWorks, a third-party consultant for the Development Rights Strategic Initiative (DRSI), prepared an Initial Environmental Checklist (IEC) pursuant to Article VI of TRPA Rules of Procedure and Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances to evaluate potential environmental effects of the proposed policy and code amendments for the development rights system and residential bonus unit program, as seen in Attachment A, Exhibit 1. The IEC tiered from the TRPA 2012 *Regional Plan Update* (RPU) Environmental Impact Statement (EIS) and the TRPA *Mobility 2035: Regional Transportation Plan/Sustainable Communities Strategy* (RTP) EIS/Environmental Impact Report (EIR) in accordance with Sections 6.12j of the TRPA Rules of Procedure.¹

Under the proposed amendments, the background, overall development caps, growth control programs, and project-level environmental review requirements as analyzed in the RPU and RTP remain in place with no changes. Based on the information contained within the IEC, the proposed amendments would not have a significant effect on the environment and TRPA staff prepared a finding of no significant effect in accordance to TRPA's Rules of Procedure Section 6.6 and Code of Ordinance Section 3.3.2.

TRPA Code of Ordinances Section 4.4: Threshold Related Findings

¹ The TRPA Governing Board certified the RPU EIS and RTP EIR/EIS on December 12, 2012.

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 amendments are consistent with and will not adversely affect the Regional Plan, including all applicable Goals and Policies (as discussed below), plan area statements and local planning areas, the Code and other TRPA plans and programs.

The proposed amendments add flexibility to support the usage of the TDR system and residential bonus unit program, remove barriers to environmentally beneficial redevelopment, and support land acquisition by local land banks. The proposed amendments are consistent with Regional Plan goals and policies limiting total development (LU-2.1), encouraging the rehabilitation and redevelopment of existing properties (LU-2.12), promoting redevelopment of Town Centers (LU-1.2, LU-3.3, LU-3.5), promoting housing opportunities (HS-1), and balance of economic/social health and the environment (LU-1.3). Additionally, the proposed amendments help to incentivize the transfer of development from sensitive lands to Centers (LU-2.7, LU-3.6) which is expected to improve water quality (WQ-1.4), and accelerate the restoration of disturbed SEZs (SEZ-1.1 and S-1.7).

The proposed amendments also facilitate attainment of Regional Plan Performance Measures (PMs) related to transfers of development from sensitive lands to TRPA designated Centers (PM 1, 2) and coverage removal from stream environment zones and other sensitive lands (PM8). The proposed amendments were evaluated against all adopted threshold compliance measures. The proposed amendments will not negatively impact any compliance measures such as the Water Quality/SEZ, Air Quality/ Transportation, Noise, and Scenic compliance measures. (See Exhibit 3 attached hereto.)

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

Rationale: The proposed amendments will not cause the environmental threshold carrying capacities to be exceeded. The Regional Plan EIS analyzed full development build out potential within the Tahoe region. The findings

for adoption of the Regional Plan demonstrated that implementation of the Regional Plan would not cause Environmental Threshold Carrying Capacities to be exceeded.

The proposed amendments include changes to the existing development rights system that allow greater flexibility for the movement of development rights from one location to another and remove procedural barriers that could hinder or impede environmentally beneficial redevelopment. The proposed conversion exchange rates between different land uses were designed to be environmentally neutral. The proposed amendments will not change overall development caps (i.e. development potential) for the Tahoe region, growth control programs, or project-level environmental review as called for in the Regional Plan.

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

Rationale: The proposed amendments will not affect any state, federal, or local standards. The amendments are intended to attain and maintain adopted standards, as described above.

TRPA Code of Ordinances Section 4.5: Findings Necessary to Amend the Regional Plan, Including Goals and Policies and Plan Area Statements and Maps

Finding: The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: In 2012, TRPA found that the Regional Plan as revised would achieve and maintain thresholds. Those findings are incorporated by reference here and hereby readopted. No changed circumstances have occurred to require amendment.

The proposed amendments do not conflict with any Regional Plan provision designed to achieve and maintain thresholds. As discussed in finding 4.4 above, the proposed amendments will improve the implementation of threshold attainment strategies by encouraging environmentally beneficial redevelopment. Specifically, the proposed amendments allow greater flexibility for the movement of development rights from one location to another and remove procedural barriers that

could hinder or impede the Transfer of Development Rights (TDR) system while retaining environmental protections, growth control programs, and development caps called for in the Regional Plan.

The TDR system incentivizes the transfer of existing development from sensitive or remote, outlying areas to Town Centers and areas more suitable for development. As a condition of approval, transfers from sending parcels recognized as sensitive require restoration of native habitats which facilitates the achievement of soil conservation, water quality, and wildlife thresholds and the Regional Plan Goals and Policies. Likewise, receiving parcels that benefit from the transfers are required to comply with current site and environmental standards upon redevelopment which accelerates the achievement of water quality and scenic thresholds. New or redevelopment are required to install or maintain stormwater best management practices and comply with design requirements that preserve or improve scenic resources. Furthermore, the proposed amendments, as analyzed within the IEC, ensure environmental neutrality in the conversion of land use types and would not negatively affect air quality threshold attainment.

As a result of the foregoing, the Regional Plan, as amended by the DRSI proposals, will continue to achieve and maintain the adopted thresholds.

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

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

Rationale: As discussed within Section 4.4 and 4.5 above, the Regional Plan and all of its elements, as amended, achieves and maintains thresholds. The proposed amendments will improve the implementation of threshold attainment strategies by encouraging environmentally beneficial redevelopment.



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STATEMENT OF NO SIGNIFICANT EFFECT

Project Description: Development Rights Strategic Initiative Proposed Amendments to the TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90.

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.6 of the TRPA Rules of Procedure, TRPA staff reviewed the information submitted with the subject project.

Determination: Based on the Initial Environmental Checklist, Agency staff found that the subject project will not have a significant effect on the environment.

A handwritten signature in black ink, appearing to read "Jennifer J. [unclear]".

TRPA Executive Director/Designee

August 9, 2018

Date

**ATTACHMENT A, EXHIBIT 1:
Initial Environmental Checklist (IEC)
for the Development Rights Strategic Initiative Amendments**

INITIAL DETERMINATION OF ENVIRONMENTAL IMPACT CHECKLIST

Project Name: Development Rights Strategic Initiative (DRSI)

Project Description:

The Tahoe Regional Planning Agency's (TRPA) Development Rights Strategic Initiative (DRSI) considers changes to the development rights system in order to accelerate the Lake Tahoe Regional Plan Goals and Policies, support environmentally beneficial and economically feasible redevelopment, improve the effectiveness and predictability of the development rights system, and continue to manage growth in the region. The development rights system is a central part of the Regional Plan's growth management system and an important strategy used to attain multiple environmental thresholds. The DRSI proposes five changes to the system:

- (1) allow conversions between different types of development rights – commercial floor area (CFA), tourist accommodation units (TAU), and residential units of use (RUU) – using environmentally neutral exchange rates;
- (2) expand the eligibility of the residential bonus unit incentive program;
- (3) enhance the development right banking system through partnerships with the local land banks;
- (4) eliminate overlapping, multi-jurisdictional approvals of development rights transfers; and
- (5) eliminate the requirement to have an approved project on a receiving site prior to a transfer of development rights.

Implementation of these recommendations would require amending the Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90. The DRSI also includes adopting a revised Memorandum of Understanding (MOU) with the California Tahoe Conservancy (CTC) and a resolution to reaffirm their land bank authority.

This Initial Environmental Checklist (IEC) is a plan-level environmental document. No specific development projects are proposed at this time or analyzed herein. All future projects will be subject to project-level environmental review and permitting by TRPA and/or a local jurisdiction pursuant to an adopted MOU, with the permitting agency determined based on the scope and location of the project. Project-level environmental analysis would require identification of, and mitigation for, any site-specific potentially significant environmental impacts.

The purpose of this document is to disclose to the public and decision makers the environmental consequences of implementing the proposed policy and code amendments. **Based on findings discussed within this IEC, it is anticipated that TRPA will be able to make the findings pursuant to Section 3.3.2.A of the TRPA Code that the proposal would not have a significant effect on the environment and that a finding of no significant effect (FONSE) will be prepared in accordance with Section 6.6 of the TRPA's Rules of Procedure.**

Background:

The development rights system is a central part of the Lake Tahoe Regional Plan and maintaining environmental thresholds within the basin. This system is designed to manage growth by limiting the total amount of development potential, encouraging environmentally beneficial redevelopment, incentivizing sensitive land restoration, and concentrating a mix of land uses within town centers.

Development rights (also referred to as commodities) were initially integrated into TRPA's land use and growth management policies as part of the 1987 Regional Plan. This plan focused on managing growth by allocating a limited supply of commercial, tourist, and residential development rights required for new development in the Lake Tahoe Region. Individual Plan Area Statements, Community Plans, and Area Plans establish localized zoning, density, and development standards to guide the location of development and establish other planning standards.

TRPA designed the development rights system and permitting processes for growth management needs of the 1960s, 70s, and 80s. While the Regional Plan maintains the overall development caps, the amendments made in 2012 acknowledge a key mechanism to realize environmental improvements on the ground and accelerate threshold attainment is through voluntary and incentive-based redevelopment, movement of development, and infill development.

The amendments to the Lake Tahoe Regional Plan in 2012 included significant policy changes designed to alter the land development "footprint" in the Lake Tahoe Region. These amendments were intended to accelerate redevelopment of town centers by incentivizing the transfer of development from sensitive lands and remote areas into town centers. Transferring development from sensitive lands would reduce damage caused by increased impervious surface and stormwater runoff, intrusion into sensitive vegetation and wildlife habitats, and scenic degradation. Removal of remote development and development rights was intended to reduce vehicle miles travelled per capita in the Region, along with the resulting emissions and air pollution. The incentives took the form of increased bonus units available with the transfers and were intended to encourage private investment in environmentally beneficial redevelopment.¹

The impetus behind the Development Rights Strategic Initiative stems from an adaptive management approach – to evaluate plan effectiveness of the development rights system and consider changes where appropriate to accelerate the Regional Plan Goals and Policies. In 2014 and 2015, two assessment reports found that elements of the existing system were inhibiting the environmentally beneficial redevelopment called for in the Regional Plan and contributing to the lack of attainable and diverse housing needed for full-time residents and the workforce.²

Additionally, TRPA also began seeing the positive implications and environmental benefits that could be accrued by allowing a flexible development rights system, but still maintaining the overall development caps for the Lake Tahoe Region. Adopted by the Governing Board in 2012 and 2016, two pilot programs allowed for the conversion of

¹ Tahoe Regional Planning Agency, *Lake Tahoe Sustainable Communities Program Documents Series #7: Development Commodities Transfer Policies Analysis*, Dec. 2013.

² BAE Urban Economics, *Tahoe Regional Housing Needs Program Report: Needs Assessment Background Report and Priority Policy and Program Evaluation*, May 28, 2014.

Tahoe Regional Planning Agency & Advisory Planning Commission, *Commodities Strategic Initiative and Permitting Assistance Initiative: Stakeholder Assessment Results*, April 2016.

Tourist Accommodation Units (TAUs), Residential Units of Use (RUUs), and Commercial Floor Area (CFA), but were limited in application such as requiring a transfer from sensitive lands, removal of a non-conforming use, construction of affordable housing, or other provisions allowed by TRPA Code Sections 50.10.2 and 50.10.8.

Since 2012, there have been four projects permitted under the pilot programs: Peak 10, Woodvista, Tahoe Cedars, and the Tahoe City Lodge. These projects, while relatively small in number compared to the total number of projects during that time period, demonstrate how development rights conversion projects help to accelerate environmental thresholds attainment and align with the Regional Plan Goals and Policies. All four projects included the redevelopment of legacy motels and commercial buildings in Placer County that had seen little to no improvements since the 1950s to 1970s. These projects, which included conversions of development rights, met all current development code requirements and environmental standards.

These requirements and the resulting development are more environmentally beneficial (or less harmful) than older projects built under previous, less restrictive environmental requirements. Environmental improvements that will be fully realized when the pilot projects are completed include reductions in land coverage and daily vehicle trips; installation of stormwater systems; streetscape, scenic, and transportation improvements; and installation of energy efficient building systems. For a complete report of the pilot program projects, see attachment B. Following the assessment reports and pilot programs mentioned above, the TRPA Governing Board launched the multi-year Development Rights Strategic Initiative in 2015. The DRSI used a stakeholder and working group process to establish the mission, goals, and criteria for the initiative; clarify issues; guide best practices; formulate strategic approaches; and develop recommendations that align with the Lake Tahoe Regional Plan. The mission of the initiative was three-fold:

- Identify barriers to environmentally beneficial redevelopment;
- Consider changes to the existing development rights system to better manage growth, implement the Regional Plan, support environmentally beneficial and economically feasible redevelopment, and accelerate sensitive land restoration; and
- Improve the effectiveness and predictability of the existing development rights system.

During this process, the Development Rights Working Group (or “Working Group”) identified and analyzed 24 potential options for alignment with the established goals and criteria as well as potential economic, legal, and planning impacts to the system.³ The Working Group and TRPA staff provided opportunities for public participation and comment through the 2015 stakeholder assessment (as mentioned above), a meeting with a development customers user group, eight public meetings with the Working Group, five community outreach presentations, and five public hearings.

³ TRPA, *Factsheet#8: Goals and Criteria for Evaluating Alternatives*, Nov. 2016. http://www.trpa.org/wp-content/uploads/Factsheet-8-GoalsCriteriaforAlternativeEvaluation_11.9.16.pdf

Recommendation:

Based on the process discussed within the “Background” section above, the Working Group proposed the following five changes to the system:

- (1) allow conversions between different types of development rights – commercial floor area (CFA), tourist accommodation units (TAU), and residential units of use (RUU) – using environmentally neutral exchange rates;
- (2) expand the eligibility of the residential bonus unit incentive program;
- (3) enhance the development right banking system through partnerships with the local land banks;
- (4) eliminate overlapping, multi-jurisdictional approvals of development rights transfers; and
- (5) eliminate the requirement to have an approved project on a receiving site prior to a transfer of development rights.

The subsections below provide criteria and intent, or rationale, for each of the five recommendations above. This section also summarizes the monitoring and tracking proposed as part of DRSI. The next section, “Review”, will present an analysis of the development and application of the recommendations.

1. Conversion Exchange Rates

Conversion exchange rates would allow a project proponent to convert one land use type, or development right, to another through a TRPA application process. Such conversions would be applicable to commercial floor area (CFA), tourist accommodation units (TAUs), and residential units of use (RUUs). The Working Group recommended the following conversion exchanges rates:

Table 1: Recommended Conversion Exchange Rates

Existing Development Right	Equivalent Development Rights			
	CFA	TAU	SF	MF
300 sq. ft. Commercial Floor Area (CFA)	300 sq. ft.	1	1	1.5
1 Tourist Accommodation Unit (TAU)	300 sq. ft.	1	1	1.5
1 Single Family Detached Dwelling Unit (SF)	300 sq. ft.	1	1	1.5
1 Multi-Family Attached Dwelling Unit (MF)	200 sq. ft.	0.75	0.75	1

Allowing the conversion, or exchanging, of one type of development to another is intended to provide greater flexibility, significantly simplify the system, and expand the available supply for needed development rights while still maintaining the overall development cap set forth in the Lake Tahoe Regional Plan. As mentioned within the “Project Description” and “Background” sections above, the development rights system is a central part of the Regional Plan’s growth management system and an important strategy used to attain multiple environmental thresholds. Therefore, the key objective in establishing conversion exchange rates above was to determine a valid, common exchange ratio between land use types that could be consistently implemented across the region and that is environmentally neutral. (e.g., Using the table above, 300 square feet of CFA would have the same environmental impact as 1 TAU, 1 single-family residence, or 1.5 multi-family residences.)

In addition to the exchange rates above, this change includes the following criteria and eligibility requirements to convert development rights:

- Existing development rights must be verified as legally existing and development rights held in allocation pools would be eligible for conversion.
- Bonus units awarded to a project are eligible for conversion provided all requirements for awarding of the bonus unit (i.e. retirement of sending site development rights, use within a town center, or affordable housing criteria) have been and continue to be met.
- Conversions will be limited to existing development located on high capability lands unless the associated project includes the following environmental benefit: reduction in land coverage and no increase in vehicle trips, parking, cubic volume of structures, or adverse impacts as part of the project.
- All conversions will be reviewed and approved by TRPA, unless otherwise authorized by delegation to the local government through a Memorandum of Understanding.
- All development right conversion transactions and activities will be monitored in accordance to the TRPA Code of Ordinance Chapter 6: *Tracking, Accounting, and Banking*.

2. Residential Bonus Unit Incentive Program

The Working Group recommended expanding the existing residential bonus unit incentive program for housing targeted for local residents in the Lake Tahoe Basin consistent with the Regional Plan Goals and Policies. The TRPA Code of Ordinances currently allows bonus units to be awarded for affordable and moderate-income housing. The Code defines affordable housing as accommodating households earning below 80 percent of the respective county’s area median income (AMI), and moderate-income as accommodating households earning between 80% and 120% of AMI.

Table 2. Existing Bonus Unit Incentives for Affordable and Moderate-Income Housing Developments

Residential Bonus Unit + Allocation = Residential Unit of Use		
	Affordable < 80% AMI	Moderate-Income 80% - 120% AMI
Bonus Unit Development Right	●	●
Allocations	<i>Exempt</i>	

● = Awarded at the time of project

Similar to market-rate housing, affordable and moderate-income units are required to obtain the necessary development rights (e.g., a new residential unit of use consisting of a unit and an allocation) prior to construction, however there are currently incentives in place to encourage these types of housing developments. TRPA Code section 52.3.1 designates up to 1,400 residential bonus units that may be awarded to affordable or moderate-income multi-family residential projects. (As of July 2018, there were 1,124 remaining residential bonus units available within the TRPA pool.) Bonus units are awarded at no cost to the applicant and replace otherwise required

development rights either wholly or in part, as seen in Table 2 below. In order to receive a residential bonus unit, the property owner or tenant is required to earn at or below the specified AMI for the appropriate category. To further incentivize affordable housing (below 80% AMI), TRPA does not require residential allocations for these types of housing developments.

The Working Group recommended the following amendments to the existing residential bonus unit incentive program:

- Adopt the term “achievable” to refer to those earning more than 120% of the area median income yet too little to afford a median home price, also referred to as the “missing middle”.
- Expand eligibility of the residential bonus unit program to include three income tiers for both single and multi-family housing: affordable (up to 80% AMI), moderate (80-120% AMI), and achievable (120-435% depending on the type of residential unit, single family or multi-family, and jurisdiction of the housing development).⁴
- Half of the remaining TRPA bonus unit pool be reserved for affordable. The other half be reserved for moderate and achievable residential development.
- All residential units awarded a residential bonus unit (affordable, moderate, or local achievable) are exempt from having to obtain a residential allocation. (See Table 2 below.)
- Residential development awarded a bonus unit must be located within ½ mile of a transit stop.
- Residential development awarded a bonus unit cannot be used as a short-term rental.
- Multi-family and single-family residential development are eligible for residential bonus units.
- Every two years, TRPA will prepare a report on bonus units allocated and update the eligibility criteria (i.e. AMI and median home price) as needed.

Table 3. Recommended Bonus Unit Incentives for Affordable, Moderate, and Achievable Housing Developments

Residential Bonus Unit + Allocation = Residential Unit of Use			
	Affordable < 80% AMI	Moderate-Income 80% - 120% AMI	Achievable*
Bonus Unit Development Right	●	●	●
Allocation	<i>Exempt</i>	<i>Exempt</i>	<i>Exempt</i>

* AMI eligibility criteria for achievable is determined by the type of unit (single family or multi-family), the respective county’s AMI and median home price, and the ratio between AMI and rent or home price.

● = Awarded at the time of project

⁴ Achievable AMI percentage is specific to each county within the Tahoe Basin. This percentage is calculated using median income, median home price, and buying power (a defined multiplier for how much a household can afford) for the respective jurisdiction. For the full calculation of achievable AMI percentage by county, see the definition of achievable housing in Agenda Item VI.C, Attachment A.

The Working Group's recommendation to expand the eligibility of the residential bonus unit incentive program also includes an enforcement strategy to ensure bonus units awarded will be used as intended and meet all criteria listed above. This strategy includes deed restrictions, disclosure forms, guidelines and education, and annual compliance reporting.

The Working Group also recommended that TRPA staff report to the Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report will include, but is not limited to, the number of housing developments and units that received and were constructed using bonus units, number of bonus units received and constructed in each income category, number of bonus units received and constructed in single and multi-family housing developments, location of housing developments, and compliance with the program.

3. *Development Right Banking*

Throughout the DRSI process, Working Group members and stakeholders vocalized broad-based support to reaffirm the partnership between TRPA and the local land banks in California and Nevada to facilitate land acquisition. These acquisitions help accelerate the pace of sensitive lands restoration and provide a reliable and steady inventory of development rights for project proponents. Since the adoption of the 1987 Lake Tahoe Regional Plan, local land banks in California and Nevada have played a crucial role in mitigating the environmental impacts associated with urbanization in the Lake Tahoe Basin. The local land banks help to accelerate threshold attainment by carrying out the following functions: (1) acquiring land and development rights from sensitive or underused properties; (2) transferring development rights to less sensitive areas; (3) creating a repository of available development rights for project proponents; (4) permanently retiring land coverage; and (5) restoring sensitive land.

As part of their Memoranda of Understanding (MOU) with TRPA, the land banks can create a revolving or cyclical banking function. Using resources made available from sources like state or federal funds the land banks acquire development rights. They can then provide the necessary rights to develop a property in return for some sort of payment from project applicants. As the payment is received, additional development rights are acquired. The newly acquired development rights are then provided in return for payment, continuing the cycle. The cycle is repeated over and over. However, unlike a for-profit bank, the development rights bank may or may not receive a full return on the rights it provides because its mission is restoration, redevelopment, provision of affordable housing, etc. The land banks have the ability to seek additional funding to augment this development rights banking role, whether to subsidize development rights for desired types of development or to provide additional development funds to support desired ends, such as workforce housing.

The Working Group recommended reaffirming these partnerships with the local land banks to further enhance the development right banking system and ensure each MOU provides the flexibility to achieve the land bank goals. This reaffirmation would include a policy resolution with the California Tahoe Conservancy (CTC) and the Nevada Division of State Lands land banks and a revised MOU with CTC. The resolution would provide support for CTC to pursue legislative flexibility for disbursing acquired development rights and subsidizing development rights (i.e. donations, selling below fair market value, trade, etc.) for desired projects such as town center redevelopment and affordable housing. The revised MOU serves to better align CTC's local land bank role with the authority granted to the agency by the State of California. TRPA will still have the responsibility to track and monitor transactions and ensure that the development rights system continues to support the Lake Tahoe Regional Plan Goals and Policies.

Additionally, the Working Group recommended allowing other entities, specifically local governments and philanthropic non-profit organizations, to form land banks under an MOU with TRPA in order to acquire, disburse, and transfer all development rights (CFA, TAUs, and RUUs) and land coverage. At this time, the only active land banks within the region are CTC and the Nevada Division of State Lands; however, the recommendation allows other entities to come forward at a later time.

4. Transfer Requirements

The Working group recommended the following process improvements to the existing Transfer of Development Rights (TDR) program:

- Remove the requirement to have an approved project prior to the transfer of development rights.
- Maintain that a developer and/or property owner does not have to acquire development rights until the final permit stage (or acknowledgement).
- Allow public development right banks to sever development rights from properties and hold or sell those rights.

The emphasis behind the TDR program is to accelerate environmental threshold attainment by redirecting (or transferring) development from sensitive lands to walkable, bikeable, and transit-oriented town centers. While the overall outcomes of the TDR program have been positive and are effective in meeting Regional Plan goals, the *pace* has not been what is desired. The improvements recommended by the Working Group are intended to increase the effectiveness of the TDR program, simplify the development rights system, and remove excessive requirements to encourage environmentally beneficial redevelopment called for in the Regional Plan.

The first and second process improvements, removing the project requirement and allowing flexibility as to when the development rights need to be obtained, would apply only to the transfer of commercial floor area (CFA), tourist accommodation units (TAUs), and residential units of use (RUUs). (This provision would not apply to land coverage or other land use units.) These improvements would allow individuals to sever development rights from a sending site and transfer those to a receiving site at any time during the development planning phase, before or after a project is approved. Project proponents would still be required to obtain the necessary development rights prior to the final permit stage (or “acknowledgement”). If a project proponent decided to wait to transfer development rights until the project is approved, he or she would have three years to acquire the necessary rights and break ground on development.

The third process improvement, allowing public land banks to sever development rights from properties to hold and sell those rights, is intended to support land banks and increase their efficiency in meeting the functions discussed in the subsection “Development Right Banking.” Public entities allowed to sever development rights from a property would be limited to land banks, local governments, and philanthropic non-profits.

5. Transfer Approvals

The Working Group recommended eliminating overlapping multi-jurisdictional approval processes for the transfer of development rights between jurisdictions. As mentioned in the “Background” section above, development rights were initially integrated into TRPA’s land use and growth management policies as part of the Regional Plan in 1987.

Under the existing TRPA Code of Ordinances, interjurisdictional transfers of development rights require approval from both TRPA and the local jurisdictions.

Eliminating the local approval alleviates constraints and complexity of the development rights system and allows the system to better respond to market demands and community needs. As part of the Working Group's recommendation, local jurisdictions will have the option to come before the TRPA Governing Board to request the establishment of a local approval process if there is a net loss of 5% in the existing development rights over a two-year period in that jurisdiction (See the "Monitoring and Tracking" section below for the calculation of net loss). Additionally, TRPA will track development right transfer transactions in accordance with TRPA Code Chapter 6: *Tracking, Accounting, and Banking* and prepare an annual report. This report will include the total net changes in development rights for each jurisdiction over the previous two years and be presented to the Governing Board starting two years after the effective date of the adoption of the recommendation.

Monitoring and Tracking

In addition to the five recommendations discussed above, the DRSI also includes monitoring and tracking standards for the development rights system to assess system effectiveness in implementing the Regional Plan and environmental threshold attainment, and to allow for continued adaptive management of the development rights system. The key measurement areas are as follows:

- Track available banked development rights and environmental improvements that resulted from the removal of development.
- Track conversion and transfer transactions.
- Track net transfers of development rights in each jurisdiction. The net change shall be calculated for each jurisdiction as follows: (TRPA shall maintain an inventory of existing development rights per jurisdiction.)
 1. Calculate the percent net change of CFA as $(\text{CFA transferred into the jurisdiction} - \text{CFA transferred out of jurisdiction}) / \text{CFA from the TRPA inventory} \times 100$
 2. Calculate the percent net change of TAUs as $(\text{TAUs transferred into jurisdiction} - \text{TAUs transferred out of jurisdiction}) / \text{TAU from the TRPA inventory} \times 100$
 3. Calculate percent net change of Single Family RUUs as $(\text{Single Family RUUs transferred into jurisdiction} - \text{Single Family RUUs transferred out of jurisdiction}) / \text{Single Family RUU from the TRPA inventory} \times 100$
 4. Calculate percent net change of Multi-Family RUUs as $(\text{Multi-Family RUUs transferred into jurisdiction} - \text{Multi-Family RUUs transferred out of jurisdiction}) / \text{Multi-Family RUU from the TRPA inventory} \times 100$
 5. (Average of the percentages from 1 - 4, above)
- Report biennially on the total net change in development rights for each jurisdiction over the previous two-year period. This report shall be presented to the TRPA Governing Board starting two years after the effective date of the DRSI recommendations adoption. The total net change detailed in the report will be measured by an average net change of each type of development right shown in the calculation above. The existing development rights total amount to be used in the net change calculations will include the amount

of existing development rights on the date the recommendations are adopted by the TRPA Governing Board.

- Track and report transactions completed by land banks under Memorandums of Understanding (MOUs), including transfers, conversions, and development rights severed from a parcel and held with the land bank(s).
- Report on the implementation of the residential bonus unit program every two years. Specifically, the reporting shall include tracking and cataloging of permitted residential developments that were awarded residential bonus units and compliance with the program. Eligibility criteria for single family housing developments, proximity to transit and town centers, and household size may be reevaluated by TRPA staff and Governing Board.
- Adopt an enforcement strategy to ensure compliance with the residential bonus unit program. This strategy shall include: deed restrictions, real estate disclosure forms, improved tracking and monitoring of deed restricted properties, compliance reporting, and online educational and guidance tools.

Review:

This section includes an analysis of the development and application of the DRSI recommendations. It is organized into three main subsections: (1) an overview of the analysis approach, or framework; (2) the environmental analysis and findings; and (3) the determination.

1. *Environmental Analysis Approach & Framework*

The Development Rights Strategic Initiative’s Initial Environmental Checklist (IEC) is a plan-level environmental document to analyze the potential environmental effect of the proposed recommendations. This IEC is tiered from the TRPA 2012 *Regional Plan Update* (RPU) Environmental Impact Statement (EIS) and the TRPA *Mobility 2035: Regional Transportation Plan/Sustainable Communities Strategy* (RTP) EIS/Environmental Impact Report (EIR) in accordance with Sections 6.12j of the TRPA Rules of Procedure.⁵ The RPU and RTP EISs are program EISs that were prepared pursuant to Article VI of TRPA Rules of Procedure and Chapter 3: *Environmental Documentation of the TRPA Code of Ordinances*.

The RPU and RTP are comprehensive land use and transportation plans that guide physical development within the Lake Tahoe Region through 2035. The RPU EIS and RTP EIR/EIS are program-level environmental documents that include a regional scale analysis and a framework of mitigation measures and provide a foundation for subsequent environmental review. These documents serve as first-tier documents for the TRPA review of the proposed recommendations. Meaning, the RPU EIS and RTP EIR/EIS analyzed total development potential of the two plans; the DRSI recommendations operate within that potential but allow for greater flexibility (e.g. conversion of types of development) while maintaining the overall constraints and caps as called for in the RPU and RTP.

To the extent that the Working Group’s recommendations are consistent with the RPU and the RTP, for which the program EISs were prepared, the recommendations were found to be within the scope of the program EISs, or in

⁵ The TRPA Governing Board certified the RPU EIS and RTP EIR/EIS on December 12, 2012.

the context of tiering. By tiering from the RPU EIS and RTP EIR/EIS, this Initial Environmental Checklist relies on those analyses for the following:

- a discussion of general background and setting information for environmental topic areas;
- overall growth-related issues;
- assessment of the development rights system; and
- assessment of cumulative impacts of allowed growth.

Under the proposed recommendations, the background, overall development caps, and growth control programs as analyzed in the RPU and RTP remain in place with no changes. The DRSI and resulting recommendations are intended to better implement the programs within the RPU. In this IEC, TRPA examines the unanalyzed impacts that could arise from the movement, conversion, and flexibility of transfer of development rights within the previously assessed development rights system, if any.

2. Environmental Analysis & Findings

This section presents a high-level analysis of the DRSI recommendations as a plan and then provides a more in-depth analysis for the following components of the recommendations: conversions, transfers, and the residential bonus unit program.

The DRSI recommendations include changes to the existing development rights system that *allow greater flexibility for the movement of development rights* from one location to another and *remove procedural barriers that could hinder or impede environmentally beneficial redevelopment*. **The proposed recommendations and code amendments will not change the total full build out potential nor will these change the criteria necessary to earn bonus units under the existing Transfer of Development Rights (TDR) program.** Table 4 presents the total development build out by development type within the Lake Tahoe Region. Existing development (i.e. development previously constructed on the ground) accounts for approximately 90% of the overall total potential build out. The RPU EIS analyzed full build out of all available (i.e. existing and banked) and potential (i.e. allocations and bonus units) development rights and, therefore, full build-out is not re-analyzed as part of this review.

Table 4: Total Development Build-out within the Lake Tahoe Basin

Type of Development Right	Existing	Banked	Allocations (held by local jurisdictions)	Allocations/Bonus Units (held by TRPA)	Total Development Build-out
Commercial (sq.ft.)	6,428,364	164,759	173,142	383,654	7,149,919
Tourist (units)	10,689	969	130	212	12,000
Residential (units) ¹	47,043	211	2,234	1,609	51,097
Single Family	37,634	169	1,787	1,287	40,878
Multi-family	9,409	42	447	322	10,219

¹ Single-family and multi-family residential units inventories assume 80% of residential units are single-family and 20% are multi-family.

In the 2000s, TRPA and local partners recognized “legacy development” constructed prior to 1987 was adversely impacting the Region, both in terms of economic redevelopment and environmental protection. Pollutant source analysis conducted by the California State Water Resources Control Board (Lahontan) and Nevada Division of Environmental Protection on the Lake Tahoe Total Maximum Daily Load (TMDL) showed that 72% of fine sediment particles were from urban stormwater runoff.

To better address water quality issues, one of the primary goals of the 2012 Regional Plan Update (RPU) was to accelerate private investment in redevelopment projects that include environmental improvements in compliance with current standards and moves development from sensitive areas into more desirable, higher density, mixed-use, and walkable areas. Primarily, the implementation strategies of the Regional Plan focus on development incentives for town centers (such as increased coverage and density allowances) and transfer incentives (in the form of bonus units) when development is moved from sensitive areas (a.k.a., Transfer of Development Rights or TDR program).

The DRSI recommendations are intended to increase the efficiency and effectiveness of the TDR program by providing greater flexibility and simplifying the system. No longer would the system have rigid “silos” of development types (i.e. commercial, tourist, and residential). A project proponent could acquire commercial, tourist, or residential development rights and convert those to the development type needed for a project. Additionally, the recommendations allow a project proponent to acquire development rights from any location within the Lake Tahoe Basin and at any time in the planning process and transfer those to the project site without overlapping or complex application processes. Paired with the existing incentives, these recommendations will encourage the acceleration of sensitive land restoration and the movement of development into town centers in keeping with the Regional Plan.

Development Rights Conversion

The first component of the recommendation this review provides more in-depth analysis on is conversions. The DRSI recommends allowing the conversion of different types of existing development rights – commercial floor area (CFA), tourist accommodation units (TAU), and residential units of use (RUU) – using an environmentally neutral exchange rate.

As discussed within the “Background” section above, TRPA began seeing the positive implications and environmental benefits of conversions with the implementation of two pilot programs in 2012 and 2016. The pilot programs allowed for the conversion of development rights but were limited in application such as requiring a transfer from sensitive lands, removal of a non-conforming use, construction of affordable housing, or other provisions allowed by TRPA Code Sections 50.10.2 and 50.10.8. Environmental improvements that will be fully realized when the pilot projects are completed include reductions in land coverage and daily vehicle trips; installation of stormwater systems; streetscape, scenic, and transportation improvements; and installation of energy efficient building systems.

The DRSI recommendation will expand the applicability and flexibility of conversions within the existing development right system and replace these pilot programs. The recommendation retains existing environmental protections by only permitting conversions on high capability land unless the associated project includes the following environmental benefits: reduction in land coverage and no increase to vehicle trips, parking, cubic volume or structures, or other adverse impacts the environmental thresholds as part of the project.

Under the recommendation to allow conversions between uses (i.e., CFA to TAU and vice versa, CFA to RUU and vice versa, and TAU to RUU and vice versa) the *environmental benefit* will accrue from a new development project that meets newer code requirements, as seen in the implementation of the conversion pilot programs. In addition, if more rights are obtained for denser development (i.e., a larger project), those rights will need to come from another development site where restoration has or will be required before those rights can be transferred. It is likely that the Basin will continue to see the use of development rights from both the allocation pools and existing

“on the ground” development. The only difference is that there will be more sites available due to the allowance for conversions between more uses. If more redevelopment occurs, then more restoration or environmental improvements will occur. With additional options, the pace and amount of redevelopment may increase as will the pace of site restoration (i.e., there may be greater environmental benefit).

The DRSI recommended conversion exchange rates (shown in Table 1) were largely developed using a methodology (i.e. localized trip generation) similar to that used to develop the existing pilot programs for the conversion of development rights. The Working Group first considered average daily trips (ADT), vehicle miles traveled (VMT), and localized trip generation as potential bases for the conversion system. The Working Group found the most accurate metric to measure any potential impact from conversions was localized trip generation. Additionally, this metric reflects other impacts related to the intensity of different land uses (i.e. a use that has a greater number of trips and therefore automobiles can be expected to have a need for more parking, impervious surface, and more stormwater runoff.)

Estimated trip generation figures, as shown in Table 5, used Average Daily Trip Generation Rates published by the Institute of Transportation Engineers (ITE) for each type of development – commercial, tourist, and residential. These standards are nationally and professionally-recognized rates that are compiled from data sources around the country and used for a variety of planning and engineering purposes such as land use planning and zoning applications, site impact analysis, sizing transportation systems, impact fee determination, and environmental assessment. The rates estimate *peak* hour and *daily* site traffic volumes for each land use. Each trip consists of a single or one-directional vehicle movement to or from a site.

Table 5: Estimated Trip Generation by Land Use Type

Land Use	ITE Est. Trip Generation	Unit of Measure
Single-Family Housing	9.52	per unit
Multi-Family Housing	6.65	per unit
Commercial Floor Area	31.68	per 1,000 sq.ft.
Tourist Accommodation Unit	9.67	per room/unit

Using these trip generation rates, TAUs generate effectively the same number of trips as single-family dwellings, but more than multi-family dwellings. That is the basis for distinguishing between single and multi-family residential units within the conversion exchange rates. These data were then weighted, or adjusted, to reflect the unique mix of commercial and tourist establishments and land uses existing in the Lake Tahoe Region. (i.e. eliminating “intermodal truck terminal”, “automobile racetrack”, etc.)

For tourist accommodation units, the Working Group evaluated trip generation data in three different ways to develop a conservative, regional scale estimate for trip generation from tourist lodging. The estimate takes into account the various types and unit sizes in the Lake Tahoe Region. First, the ITE trip generation rate categories were averaged to develop an overall estimate of trip generation using only the national averages from the ITE *Trip Generation Manual*. Next, the number of tourist lodging establishments in each ITE category in the Tahoe Region was used to calculate the trip generation rates weighted by the number of establishments. Finally, the actual number of tourist units in each ITE tourist lodging category was used to calculate the trip generation rates weighted by the actual units.

The calculated trip generation rates from the three different analyses described above for tourist lodging range from 9.89 to 9.44 trips per unit. The total effect of changing the trip generation rate is a difference of ± 2,700 trips overall (0.33% of all trips in the Tahoe Region) depending on the rate selected. Given the minimal impact of these changes and to be conservative, the Working Group used a trip generation rate of 9.665, or the average rate of the high and low estimates. The average rate accounts for the assumption that the mix of tourist lodging in the Tahoe Region will gradually shift more toward the national averages (represented by the ITE Manual) as redevelopment and conversions occur and will account for higher trip generation that could result from a greater mix of resort hotel units and timeshare units.

It is important to note that not every tourist unit, house, or commercial establishment will generate exactly the number of trips indicated in the ITE Manual. The trip generation might vary according to size or other factors. However, in most instances and certainly over time, these trip numbers are very accurate and therefore, can be used justifiably as a neutral measurement. Furthermore, recent traffic analysis demonstrated that trips are likely lower for establishments in the Basin due to local occupancy rates.

It is also important to note that even with the use of the conservative regional scale estimates derived as described above, proposed projects will continue to be reviewed on an individual basis using the ITE trip generation rate that most closely aligns with the proposed use. For larger projects, an analysis of traffic impacts is required to identify the potential trip generation of the proposed project. Regardless of size, every proposed project is required to fully mitigate all additional vehicle trips.

TRPA analyzed the potential and relative impact of recommended conversion exchange rates under extreme scenarios (i.e. if all development rights were converted to a single form of development right). The analysis first calculated the existing and potential trips from existing development and total development potential as allowed under the Lake Tahoe Regional Plan, as shown in Table 6 below.

Table 6: Total Existing and Potential Trips Per Development Type at Full Build-out

Type of Development Right	Existing Development	Total Existing Trips	Total Development Build-out	Estimated Total Potential Trips
Commercial (sq.ft.)	6,428,364	203,651	7,149,919	226,509
Tourist (units)	10,689	102,935	12,000	115,560
Residential (units)¹	47,043	420,846	51,097	457,114
<i>Single Family</i>	37,634	358,279	40,878	389,155
<i>Multi-family</i>	9,409	62,567	10,219	67,959
Total Existing Trips		727,432	Total Potential Trips	799,183

¹ Single-family and multi-family residential units inventories assume 80% of residential units are single-family and 20% are multi-family.

TRPA then analyzed potential trip change if all development rights were converted to a single development type under the recommended exchange rates using the total development build-out in Table 4 and estimated total potential trips in Table 6, as shown in Table 7 below.

Table 7: Scenario Modeling – Percentage Change in Trips

Scenarios		Percent Change from Total Est. Trips (799,183)
Converted to all CFA	25,057,079	1% decrease ↓
CFA trips	793,808	
Converted to all TAU	83,524	< 1% increase ↑
TAU trips	804,332	
Converted to all SF RUU	83,524	1% decrease ↓
SF RUU trips	795,145	
Converted to all MF RUU	116,472	3% decrease ↓
MF RUU trips	774,542	

The results of this analysis show that even under extreme scenarios the recommended conversion exchange rates could only have a negligible (i.e. less than 1% increase) effect on the total trips from development. These exchange rates are based on a very conservative approach that reflects the *maximum theoretical* number of trips to ensure the exchange rates are neutral in terms of environmental impact. Recent traffic analysis demonstrates the actual trips resulting from the built development in the Basin are roughly half of those estimated using this approach. The main reason for these differences is lower than average occupancy rates for lodging and residential (i.e., high rate of absentee ownership) properties in the Lake Tahoe Region. Moreover, the basic density and land use designations in the basin preclude the worst-case scenario from occurring.

This proposed recommendation will not change or replace the requirement for TRPA *project-level* environmental review (i.e. review when a development project is proposed) or California CEQA review for local jurisdictions. Project-level environmental documents would require identification of, and mitigation for, any site-specific potentially significant environmental and threshold impacts. TRPA therefore does not anticipate any adverse environmental impacts will result from the conversion proposal.

Lastly, some Working Group members expressed concerns that the recommended conversion exchange rates may inadvertently dilute existing performance incentives. As previously stated, under the DRSI recommendation, development rights would become fungible across land use categories using an environmentally neutral exchange rate. Under the current development rights system, a certain number of the different types of development rights are released each year in exchange for environmental performance of the jurisdictions. The concern is that the proposed recommendation will dilute the jurisdictions’ incentive to perform (e.g., if a jurisdiction can obtain residential units by converting unused commercial units, the jurisdiction would not prioritize performance as much regarding the biennial release of residential allocations).

The proposed recommendations and code amendments will not change existing performance review or standards of the local jurisdictions. Consistent with the Lake Tahoe Regional Plan, Chapter 50: *Allocation of Development* of the TRPA Code of Ordinances establishes the distribution of, and monitoring requirements for, additional commercial floor area (CFA), tourist accommodation units (TAUs), and residential allocations. Additional allocations of CFA and TAUs typically coincide with the amendment of the Regional Plan or adoption of a community or area plan; whereas, residential allocations are disbursed bi-annually based on performance review of the local jurisdictions by TRPA.

As described in more detail in TRPA Code Section 50.5.2.E, each jurisdiction is audited annually for Total Maximum Daily Load (TMDL) implementation and permit monitoring and compliance. Regarding TMDL implementation, each

jurisdiction is responsible for preparing pollutant load reduction plans for designated catchments in their jurisdiction. Consistent with these plans, the local jurisdictions undertake projects and programs that reduce pollutant loads entering Lake Tahoe from stormwater runoff originating from these designated catchments. The jurisdictions document their actions through a comprehensive pollutant tracking and accounting system known as the Lake Clarity Crediting Program (Crediting Program). The results are then reported to TRPA. Underlying the TRPA requirements and incentives to adhere to TMDL standards, is the requirement that the jurisdictions work with the Lahontan Regional Water Quality Control Board or Nevada Division of Environmental Protection, depending on location, to report progress and accomplishments, measure effectiveness and adaptively manage implementation efforts. The TMDL requirements of both States are based on the requirements of the TMDL section of the Federal Clean Water Act.

Regarding permit monitoring and compliance, an audit is performed on a representative sample of permits issued by each jurisdiction with a delegation Memorandum of Understanding (MOU). Results of these audits determine any deductions of residential allocations for each jurisdiction and continued non-compliance can result in revocation of the delegated permitting authority. Any residential allocations that are deducted from the jurisdictions are deposited into the TRPA allocation pool, which can only be used for sensitive lot retirement allocation assignments (thus added environmental benefit from the lot retirement). The DRSI recommendations do not include any changes to the existing allocation system.

TRPA staff does not anticipate that the DRSI recommendations (including conversions between existing development rights) will adversely affect local jurisdiction TMDL performance. First, conversions are not expected to significantly decrease the demand for residential allocations (the “motivator” behind the TMDL link in Code Section 50.5.2.E). According to the options evaluation report created by PlaceWorks, residential units of use are currently valued at \$17,500, whereas a residential allocation obtained from a local jurisdiction is considerably less - the price of the application fee (e.g. In the City of South Lake Tahoe, the allocation filing fee is \$609.00 plus a refundable \$1,000).⁶ Based on this price difference, it is clear conversions of existing units will not compete with residential allocations (note that residential allocations may also be acquired from the TRPA pool via the sensitive lot acquisition program).

Second, while the ability to obtain additional allocations is considered an incentive for local jurisdictions to meet TMDL implementation and TRPA permitting and compliance requirements, the possibility that the jurisdiction will be sanctioned (e.g., daily fines) for failure to comply with Federal and State TMDL requirements and/or that they will lose local permitting authority delegated from TRPA is a much stronger incentive for continuing to meet those requirements.

Finally, making conversions easier promotes TMDL implementation as those conversions facilitate environmental redevelopment and the implementation of water quality improvements such as BMP installation, coverage reductions, etc.

⁶ PlaceWorks, Draft Options Evaluation, Development Rights Strategic Initiative, prepared for the Tahoe Regional Planning Agency, Sept. 15, 2017.

Transfers

The second component of the recommendation this review provides more in-depth analysis on is transfers. The DRSI recommends eliminating (1) overlapping approvals of interjurisdictional development right transfers and (2) the requirement to have an approved project on a receiving site prior to the transfer of a development right.

While the overall outcomes of the Transfer of Development Rights (TDR) program and pilot programs have been positive and are effective in meeting Regional Plan Goals and Policies, the *pace* of that progress should be accelerated. Stakeholders and the development community claim that system complexity and excessive requirements have hindered the environmentally beneficial redevelopment called for in the Regional Plan.

Prior to interjurisdictional transfer of needed development rights, the existing TDR process requires a project to obtain approval of both the local jurisdictions and TRPA. The DRSI recommendations include removal of the upfront requirement for a project to obtain local jurisdictional approval prior to transfer of CFA, TAUs, or RUUs. The project proponent will still be required to obtain the necessary development rights prior to the final permit stage (or “acknowledgement”) and receive TRPA approval for transfers.

These recommendations do not change regulations governing project compliance with the TRPA Code of Ordinances, applicable local plans, or requirements for development rights needed to construct a project.

Development projects will be reviewed and approved in accordance with existing zoning, density, coverage, scenic, design, and other standards as called for in the TRPA Code and local plans. Projects exceeding the scope of staff level review as defined in Chapter 2: *Applicability of the Code of Ordinances* will also require review and approval by a Hearings Officer or the Governing Board with public notice.

The proposed recommendations and code amendments will also retain existing transfer incentives. The Regional Plan sets forth policies and incentives to encourage sensitive land restoration and development in certain areas suitable for higher density. To encourage sensitive land restoration on private parcels, the TRPA Code allows for the transfer of development rights at a rate greater than 1:1 if the receiving site is located within a Town Center. A residential development right (proposed under the DRSI recommendations to be called “potential residential units of use”) or existing development can be transferred on a sliding scale of 1:1 to 1:6 depending on the type of development, the sensitivity of the land, and location from which the development right is being transferred (TRPA Code Sections 51.3.3, 51.5.3, and 51.6). The table shown below identifies the land capability and distance ratios that can be utilized to calculate a final transfer amount for existing development.

Table 8: Bonus Unit Incentives for Transferring Existing Development to a Town Center

Step 1: Determine applicable transfer ratio based on sending parcel.	
Sending Parcel	Transfer Ratio
SEZ	1:3
Other Sensitive Lands	1:2
Non-Sensitive Lands	1:1
Step 2: For transfers of existing residential development, determine additional transfer ratio based on distance from centers and/or primary transit routes.	
Distance	Additional Transfer Ratio
Less than ¼ mile, or on the lake-ward side of primary transit routes	1:1
¼ mile to ½ mile	1:1:25
½ mile to 1 mile	1:1.5
1 mile to 1½ mile	1:1.75
Greater than 1½ mile	1:2
Step 3: Multiply the applicable ratios from Steps 1 and 2 to determine the applicable transfer ratio.	

[1] The provision of Step 2 in the existing table only applied to residential development rights, not commercial or tourist. As part of the DRSI, the Working Group recommended amending this table. See Section 51.5.3.C of Attachment B, Exhibit 1 for proposed language.

Bonus units resulting from a transfer ratio of greater than 1:1 are distributed from the TRPA pool free of charge to an applicant. This provides incentive to remove and restore development from sensitive parcels or parcels outside of town centers while maintaining the overall development cap.

Hypothetically, if an applicant wanted to develop an 18-unit hotel, he or she could use or convert a full 18 units banked on-site or on another property, or he or she could acquire four units within an SEZ located outside of a town center. In the scenario where the sending site was an SEZ and a mile from a town center, the transfer ratio would be 1:4.5. (See Table 8 above.) The four units in the SEZ would result in four transferred units and 14 bonus units free of charge from the TRPA pool. The relative financial feasibility and marketability of the scenarios presented will determine which scenario is realized. Nevertheless, either scenario will result in environmental benefits in a variety of different forms. For example, if development rights were previously banked on a sensitive lot, that lot would be permanently deed restricted from further use. As discussed in the pilot program section, redevelopment of a property most often results in significant environmental improvements when it replaces legacy development that does not meet current standards.

By pairing the existing transfer incentives with the DRSI recommendations, it is likely that environmentally beneficial redevelopment will accelerate. Projects will now be able to combine the ability to convert between types of development with the opportunity to obtain bonus unit incentives for removing development rights from sensitive and remote areas.

Table 9 shows the estimated percentage of existing development located within each of the sending areas eligible for bonus units and the significant opportunity that still exists for the removal, restoration and transfer of development from SEZs, other sensitive areas, and remote areas (more than ¼ mile from town centers).

Table 9: Percentage of Existing Development Located in Sensitive and Remote Areas

Estimated Existing Development Located In:	Mapped Stream Environment Zones	Other Sensitive Areas	Remote Areas
Commercial	29%	12%	25%
Tourist	21%	8%	18%
Residential	19%	18%	68%

As stated previously, project-level environmental review and impact analysis will remain in place with the transfer incentives and will require mitigation of adverse impacts.

Residential Bonus Unit Program

The third, and last, component of the recommendation this review provides more in-depth analysis on is the residential bonus unit program. The DRSI recommends expanding the eligibility criteria of this program.

The existing Residential Bonus Unit program has 1,124 remaining bonus units available within the TRPA pool to encourage residential development for lower-income levels. The DRSI recommendation includes expanding the eligibility criteria of the bonus unit program to address the “affordability gap” in the region (i.e. households earning above the current affordable or moderate-income levels yet still cannot afford a median priced home). Additionally, the Working Group recommended expanding the residential allocation exemption to all three income categories as discussed within the “Recommendation” section and establishing an enforcement strategy to ensure bonus units are used for intended populations. TRPA evaluated the cumulative impacts and potential environmental impacts of the residential bonus units as part of the Regional Plan EIS, and therefore the residential bonus unit program is not reevaluated under this IEC. The Regional Plan EIS analysis evaluated residential bonus units as a full residential unit of use (i.e. a residential development right and residential allocation), therefore expanding the exemption of the residential allocation does not warrant further environmental analysis.

3. Determination

TRPA and PlaceWorks evaluated the potential environmental effects associated with the implementation of the proposed DRSI recommendations in light of the program-level EISs. **Based on the analysis contained in this IEC and the robust monitoring and tracking standards discussed within the “Recommendations” section above, TRPA determined that the proposed recommendations would not have significant effects or adverse impacts on the environment, therefore, a Finding of No Significant Effect will be prepared.**

The code amendments are consistent with Regional Plan goals and policies limiting total development (LU-2.1), encouraging the rehabilitation and redevelopment of existing properties (LU-2.12), promoting redevelopment of Town Centers (LU-1.2, LU-3.3, LU-3.5), promoting housing opportunities (HS-1), and balance of economic/social health and the environment (LU-1.3). The recommendations also support and aim to accelerate the Transfer of Development Program used to attain multiple environmental targets related to soil conversation, sensitive lands restoration, and water quality. Specifically, the recommendations remove barriers to redevelopment and help to incentivize the relocation of development from environmentally sensitive lands to Centers to improve water quality (LU-3.3, LU-3.4, WQ-1.4), reserve development allocations for transfers from sensitive lands to Centers (LU-3.6) and continue the restoration of disturbed SEZs (SEZ-1.1).

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

I. ENVIRONMENTAL IMPACTS:

1. Land

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

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

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

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

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

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

b. Deterioration of ambient (existing) air quality?

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

c. The creation of objectionable odors?

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

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

- Yes
- No

No, With Mitigation Data Insufficient

e. Increased use of diesel fuel?

Yes No

No, With Mitigation Data Insufficient

3. Water Quality

Will the proposal result in:

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

- | | | |
|---|--|--|
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| f. Alteration of the direction or rate of flow of ground water? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| h. Substantial reduction in the amount of water otherwise available for public water supplies? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

4. Vegetation

Will the proposal result in:

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

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

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

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

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

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

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

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

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

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

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

- Yes
- No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

5. Wildlife

Will the proposal result in:

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

6. Noise

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

b. Exposure of people to severe noise levels?

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

As required by Chapter 3: Environmental Documentation of the TRPA Code, Noise impacts will be analyzed for specific transfer of development projects during project permitting. The transfers of tourist lodging will be restricted to Centers in the Transfer of Development Program; though the exact area of tourist lodging placement is unknown. The 2011 threshold evaluation shows that the Region is at target or somewhat better for Cumulative Noise Events in Hotel/Motel and commercial areas.

- Yes No

- | | | |
|--|--|--|
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| f. Exposure of existing structures to levels of ground vibration that could result in structural damage? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

7. Light and Glare

Will the proposal:

- | | | |
|---|--|--|
| a. Include new or modified sources of exterior lighting? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| c. Cause light from exterior sources to be cast off -site or onto public lands? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| d. Create new sources of glare through the siting of the improvements or through the use of reflective materials? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

No, With Mitigation Data Insufficient

8. Land Use

Will the proposal:

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

9. Natural Resources

Will the proposal result in:

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

10. Risk of Upset

Will the proposal:

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

Yes No

No, With Mitigation Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

Yes No

No, With Mitigation Data Insufficient

11. Population

Will the proposal:

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

The implementation of the transfer of development program was analyzed in the 2012 Regional Plan Update. The Code amendments would allow the transfer program to operate consistent with the assumptions and analysis in the 2012 Regional Plan Update EIS, which found that the program would have beneficial effects on the location, distribution, density, and growth rate of human population in the Region. (2-2 to 2-3, 2-6 to 2-7 Regional Plan Update Final EIS http://www.trpa.org/wp-content/uploads/Volume_1_RPU_FEIS.pdf).

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

12. Housing

Will the proposal:

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

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

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

Number of Existing Dwelling Units: _____

Number of Proposed Dwelling Units: _____

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

- Yes No
- No, With Mitigation Data Insufficient

13. Transportation/Circulation

Will the proposal result in:

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

As required by Chapter 3: Environmental Documentation of the TRPA Code, Transportation/Circulation impacts will be analyzed for specific transfer of development projects during project permitting. VMT impacts and the associated mitigation will be detected through regional modeling, regularly occurring every 4 years. In addition, potential regional VMT impacts are mitigated at the project level through localized trip generation calculations as an Air Quality Mitigation fee.

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

The proposed Code amendments will facilitate transfers of development to designated Centers, which will promote circulation patterns consistent with Regional Transportation Plan, Regional Plan, and supporting environmental analysis.

Yes No

No, With Mitigation Data Insufficient

e. Alterations to waterborne, rail or air traffic?

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

14. Public Services

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

As required by Chapter 3: Environmental Documentation of the TRPA Code, Public Service impacts will be analyzed for specific transfer of development projects during project permitting.

a. Fire protection?

- Yes No
- No, With Mitigation Data Insufficient

b. Police protection?

- Yes No
- No, With Mitigation Data Insufficient

c. Schools?

- Yes No
- No, With Mitigation Data Insufficient

d. Parks or other recreational facilities?

- Yes No
- No, With Mitigation Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes No
- No, With Mitigation Data Insufficient

f. Other governmental services?

- Yes No
- No, With Mitigation Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

16. Utilities

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

a. Power or natural gas?

Yes No

No, With Mitigation Data Insufficient

b. Communication systems?

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

e. Storm water drainage?

- Yes No
- No, With Mitigation Data Insufficient

f. Solid waste and disposal?

- Yes No
- No, With Mitigation Data Insufficient

17. Human Health

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

b. Exposure of people to potential health hazards?

- Yes No
- No, With Mitigation Data Insufficient

18. Scenic Resources/Community Design

Will the proposal:

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes No
- No, With Mitigation Data Insufficient

b. Create additional recreation capacity?

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

20. Archaeological/Historical

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

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

21. Findings of Significance.

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

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

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

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

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

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

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

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

Determination:

On the basis of this evaluation:

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

Yes No

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

Yes No

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

Yes No



Signature of Evaluator

Date August 9, 2018

TRPA Senior Planner, Long Range and Transportation Division
Title of Evaluator

**ATTACHMENT A, EXHIBIT 2:
Threshold Evaluation
for the Development Rights Strategic Initiative Amendments**

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source
1	Air Quality	AQ-1	Carbon Monoxide	Highest 1-hour Carbon Monoxide Concentration	N/A-Indicator already in attainment with standard	Considerably Better than Target	Moderate Improvement	Highest annual 1-hour concentration CO	ppm	Threshold indicator Used	2015 Threshold Evaluation
2	Air Quality	AQ-1	Carbon Monoxide	Highest 8-hour Carbon Monoxide Concentration	N/A-Indicator already in attainment with standard	Considerably Better than Target	Moderate Improvement	Highest annual 8-hour concentration CO	ppm	Threshold indicator Used	2015 Threshold Evaluation
3	Air Quality	AQ-2	Ozone	Highest 1-hour Ozone Concentration	N/A-Indicator already in attainment with standard	At or Better Than Target	Moderate Improvement	Ozone Concentration - highest 1-hour	ppm	Threshold indicator Used	2015 Threshold Evaluation
4	Air Quality	AQ-2	Ozone	Highest 8-hour Ozone Concentration	N/A-Indicator already in attainment with standard	Somewhat Worse Than Target	Moderate Improvement	Ozone Concentration - highest 8-hour	ppm	Threshold indicator Used	2015 Threshold Evaluation
5	Air Quality	AQ-3	Visibility	Annual Average PM ₁₀	Insufficient data to determine interim target	Considerably Better than Target	Moderate Improvement	Annual Average Concentration of PM ₁₀	micrograms/cubic meter (ug/m ³)	Threshold indicator Used	2015 Threshold Evaluation
6	Air Quality	AQ-3	Visibility	Highest 24 hour PM ₁₀ Concentrations	59 ug/m ³ by 2016	Somewhat Worse Than Target	Little or No Change	Highest 24 hour PM ₁₀ concentration	microgram/cubic meter (ug/m ³)	Threshold indicator Used	2015 Threshold Evaluation
7	Air Quality	AQ-4	Visibility	Regional Visibility 50th percentile	N/A-Indicator already in attainment with standard	At or Better Than Target	Little or No Change	extinction coefficient - visibility	Mm ⁻¹	Threshold indicator Used	2015 Threshold Evaluation
8	Air Quality	AQ-4	Visibility	Regional Visibility 90th Percentile	N/A-Indicator already in attainment with standard	At or Better Than Target	Little or No Change	extinction coefficient - visibility	Mm ⁻¹	Threshold indicator Used	2015 Threshold Evaluation
9	Air Quality	AQ-4	Visibility	Sub-Regional Visibility 50th percentile	Insufficient data to determine interim target	Unknown	Unknown	extinction coefficient - visibility	Mm ⁻¹	Threshold indicator Used	2015 Threshold Evaluation
10	Air Quality	AQ-4	Visibility	Sub-Regional Visibility 90th Percentile	Insufficient data to determine interim target	Unknown	Unknown	extinction coefficient - visibility	Mm ⁻¹	Threshold indicator Used	2015 Threshold Evaluation
11	Air Quality	AQ-5	Carbon Monoxide	Winter Traffic Volume	N/A-Indicator already in attainment with standard	Considerably Better than Target	Moderate Improvement	Volume of vehicle traffic measured on presidents weekend (Saturday) between 4pm and midnight	Number of Vehicles	Threshold indicator Used	2015 Threshold Evaluation
12	Air Quality	AQ-7	Visibility	VMT	N/A-Indicator already in attainment with standard	At or Better Than Target	Moderate Improvement	VMT Estimated from Peak Traffic Volumes in 2nd weekend in August	Vehicle Mile Traveled	Ratio of current year VMT estimate to Traffic Volume was used as a constant to backcast historic annual VMT values	2015 Threshold Evaluation

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source	
13	Air Quality	AQ-8	Nitrate Deposition	Reduce external and In-Basin NOx emissions	N/A-Indicator already in attainment with standard	Implemented	N/A	Modeled NOx Emissions in Tons	Tons	Threshold indicator Used	2015 Threshold Evaluation	
14	Air Quality	Not Addressed	Odor	Diesel Engine Emission Fumes	N/A-Indicator already in attainment with standard	Implemented	N/A	Evaluation Criteria and Evidence	Number of Evaluation Criteria Satisfied	Threshold indicator Used	2015 Threshold Evaluation	
15	Air Quality	Not Addressed	Ozone	3-year Average of 4th Highest Concentration	N/A-Indicator already in attainment with standard	At or Better Than Target	Moderate Improvement	3-year average of the 4th highest Ozone Concentration	ppm	Threshold indicator Used	2015 Threshold Evaluation	
16	Air Quality	Not Addressed	Ozone	Oxides of Nitrogen Emissions	N/A-Indicator already in attainment with standard	Considerably Better than Target	Moderate Improvement	Average tons of NOx per day	Average tons/day	Threshold indicator Used	2015 Threshold Evaluation	
17	Air Quality	Not Addressed	Visibility	3-year Average of the 98th percentile 24-hour PM _{2.5} Concentration	N/A-Indicator already in attainment with standard	At or Better Than Target	Little or No Change	3-year average of the 98th percentile 24-hour PM _{2.5} concentration	microgram/cubic meter (ug/m ³)	Threshold indicator Used	2015 Threshold Evaluation	
18	Air Quality	Not Addressed	Visibility	Highest 24-hour PM _{2.5} Concentration	Non established	Not yet evaluated	Not yet evaluated	24-hour PM _{2.5} Concentration	micrograms/cubic meter (ug/m ³)	Threshold, State or Federal indicator used	Not yet evaluated	
19	Air Quality	Not Addressed	Visibility	Annual Average PM _{2.5}	N/A-Indicator already in attainment with standard	Considerably Better Than Standard	Little or No Change	Annual Average Concentration of PM _{2.5}	microgram/cubic meter (ug/m ³)	Threshold indicator Used	2015 Threshold Evaluation	
Impact of Project on Air Quality Indicators/Targets/Other Factors (Y/N)				Comments	<p>The recommended changes as part of DRSI and associated Code amendments to the Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90 (the "recommendations") make no changes to air quality regulations. As such, the recommendations will have no change on Air Quality Threshold Standards and Indicators.</p> <p>The recommendations allow for the implementation of environmentally neutral conversion exchange rates between existing development rights, as well as process improvements to better implement the Regional Plan. These changes will not change the overall Regional Plan development caps or growth control programs. The recommended conversion exchange rates capture localized trip generation differences, account for floor area differences, and help mitigate regional vehicle miles traveled (VMT). Extreme scenario modeling as discussed within the Initial Environmental Checklist found the conversion exchange rates would have a negligible impact of less than 1% to regional VMT. Proposed development projects will continue to be reviewed on an individual basis using the ITE trip generation rate that most closely aligns with the proposed use. For larger projects, an analysis of traffic impacts is required to identify the potential trip generation of the proposed project. Regardless of size, every proposed project is required to fully mitigate any additional vehicle trips. Every additional trip is mitigated by paying an air quality mitigation fee. Projects with a significant increase in trips (>200) are required to complete a traffic analysis and be reviewed approved by the TRPA Governing Board.</p>							
20	Fisheries	F-1	Lake Habitat	Littoral Substrate	N/A-Indicator already in attainment with standard	At or Better Than Target	Unknown	Acres of "prime" habitat (rocky substrates in littoral zone)	Acres	Threshold indicator Used	2015 Threshold Evaluation	
21	Fisheries	F-2	Stream Habitat	Stream Habitat Quality	Insufficient data to determine interim target	Considerably Better than Target	Unknown	Miles of stream in "excellent" condition class	Miles	Benthic Macroinvertebrate O/E, Fish passage ratings	2015 Threshold Evaluation	

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source
22	Fisheries	F-2	Stream Habitat	Stream Habitat Quality	Insufficient data to determine interim target	Considerably Worse Than Target	Unknown	Miles of stream in "good" condition class	Miles	Benthic Macroinvertebrate O/E, Fish passage ratings	2015 Threshold Evaluation
23	Fisheries	F-2	Stream Habitat	Stream Habitat Quality	Insufficient data to determine interim target	Considerably Worse Than Target	Unknown	Miles of stream in "marginal" condition class	Miles	Benthic Macroinvertebrate O/E, Fish passage ratings	2015 Threshold Evaluation
24	Fisheries	F-3	Instream Flows	Stream Flow protection	N/A-Indicator already in attainment with standard	Implemented	N/A	Evaluation Criteria and Evidence	Number of criteria Satisfied	Evaluation Criteria and Evidence	2015 Threshold Evaluation
25	Fisheries	F-3	Instream Flows	Water Diversions	N/A-Indicator already in attainment with standard	Implemented	N/A	Evaluation Criteria and Evidence	Number of criteria Satisfied	Evaluation Criteria and Evidence	2015 Threshold Evaluation
26	Fisheries	F-4	Lahontan Cutthroat Trout	Reintroduction	N/A-Indicator already in attainment with standard	Implemented	N/A	Evaluation Criteria and Evidence	Number of criteria Satisfied	Evaluation Criteria and Evidence	2015 Threshold Evaluation
Impact of Project on Fisheries Indicators/Targets/Other Factors (Y/N)				Comments	The recommendations make no changes to regulations that directly affect fisheries. Although, the proposed Code additions to Chapters 3, 6, 31, 50, 51, and 90 will promote the restoration of disturbed SEZs and other sensitive lands, reduction of existing soft and hard coverage within sensitive lands, and implementation of BMPs associated with transfers to high capability lands in Town/Regional Centers. Consequently, the recommendations could result in indirect benefits to Fisheries Threshold Standards and Indicators.						
27	Noise	N-1	Single Event Noise	Aircraft 8am to 8pm	Trend expected to flatten then remain stable	Somewhat Worse Than Target	Insufficient Data	dba Level and Number of Exceedances of Standard	decibels - dbA	Threshold indicator Used	2015 Threshold Evaluation
28	Noise	N-1	Single Event Noise	Aircraft 8pm to 8am	Insufficient data to determine interim target	Unknown	Unknown	dba Level and Number of Exceedances of Standard	decibels - dbA	Threshold indicator Used	2015 Threshold Evaluation
29	Noise	N-2	Single Event Noise	Motor Vehicles Greater Than 6,000 GVW	Insufficient data to determine interim target	Unknown	Unknown	dba Level and Number of Exceedances of Standard	decibels - dbA	Threshold indicator Used	2015 Threshold Evaluation
30	Noise	N-2	Single Event Noise	Motor Vehicles Less Than 6,000 GVW	Insufficient data to determine interim target	Unknown	Unknown	dba Level and Number of Exceedances of Standard	decibels - dbA	Threshold indicator Used	2015 Threshold Evaluation
31	Noise	N-2	Single Event Noise	Motorcycles	Insufficient data to determine interim target	Unknown	Unknown	dba Level and Number of Exceedances of Standard	decibels - dbA	Threshold indicator Used	2015 Threshold Evaluation
32	Noise	N-2	Single Event Noise	Off-Road Vehicles	Insufficient data to determine interim target	Unknown	Unknown	dba Level and Number of Exceedances of Standard	decibels - dbA	Threshold indicator Used	2015 Threshold Evaluation

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source
33	Noise	N-2	Single Event Noise	Snowmobiles	Insufficient data to determine interim target	Unknown	Unknown	dBa Level and Number of Exceedances of Standard	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
34	Noise	N-2	Single Event Noise	Watercraft - Pass by	Insufficient data to determine interim target	Unknown	Unknown	dBa Level and Number of Exceedances of Standard	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
35	Noise	N-2	Single Event Noise	Watercraft - Shoreline	Insufficient data to determine interim target	Somewhat Worse Than Target	Little or No Change	dBa Level and Number of Exceedances of Standard	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
36	Noise	N-2	Single Event Noise	Watercraft - Stationary	Insufficient data to determine interim target	Unknown	Unknown	dBa Level and Number of Exceedances of Standard	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
37	Noise	N-3	Cumulative Noise Events	Commercial Areas	N/A-Indicator already in attainment with standard	At or Better Than Target	Little or No Change	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
38	Noise	N-3	Cumulative Noise Events	Critical Wildlife Habitat Areas	Insufficient data to determine interim target	Considerably Worse Than Target	Unknown	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
39	Noise	N-3	Cumulative Noise Events	High Density Residential Areas	Unable to be determined due to lack of trend	Somewhat Worse Than Target	Little or No Change	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
40	Noise	N-3	Cumulative Noise Events	Hotel/Motel Areas	N/A-Indicator already in attainment with standard	At or Better Than Target	Little or No Change	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
41	Noise	N-3	Cumulative Noise Events	Industrial Areas	N/A-Indicator already in attainment with standard	At or Better Than Target	Little or No Change	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
42	Noise	N-3	Cumulative Noise Events	Low Density Residential Areas	Unable to be determined due to lack of trend	At or Better Than Target	Little or No Change	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
43	Noise	N-3	Cumulative Noise Events	Rural Outdoor Recreation Areas	Unable to be determined due to lack of trend	At or Better Than Target	Little or No Change	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source
44	Noise	N-3	Cumulative Noise Events	Transportation Corridors - Highway 50	N/A-Indicator already in attainment with standard	At or Better Than Target	Insufficient Data	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
45	Noise	N-3	Cumulative Noise Events	Transportation Corridors - Highways 207	Unable to be determined due to lack of trend	Somewhat Worse Than Target	Insufficient Data	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
46	Noise	N-3	Cumulative Noise Events	Transportation Corridors - Highways 267	Unable to be determined due to lack of trend	Somewhat Worse Than Target	Insufficient Data	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
47	Noise	N-3	Cumulative Noise Events	Transportation Corridors - Highways 28	CNEL 62 dBA	Somewhat Worse Than Target	Insufficient Data	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
48	Noise	N-3	Cumulative Noise Events	Transportation Corridors - Highways 431	CNEL 56 dBA	At or Better Than Target	Insufficient Data	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
49	Noise	N-3	Cumulative Noise Events	Transportation Corridors - Highways 89	CNEL 59 dBA	Somewhat Worse Than Target	Insufficient Data	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
50	Noise	N-3	Cumulative Noise Events	Transportation Corridors - South Lake Tahoe Airport	Insufficient data to determine interim target	Somewhat Worse Than Target	Insufficient Data	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
51	Noise	N-3	Cumulative Noise Events	Urban Outdoor Recreation	Unable to be determined due to lack of trend	At or Better Than Target	Little or No Change	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
52	Noise	N-3	Cumulative Noise Events	Wilderness and Roadless Areas	N/A-Indicator already in attainment with standard	At or Better Than Target	Moderate Improvement	Community Noise Equivalent Level (dBA) in designated zone	decibels - dBA	Threshold indicator Used	2015 Threshold Evaluation
Impact of Project on Noise Indicators/Targets/Other Factors (Y/N)				Comments	The recommendations make no changes to regulations that affect noise. As such, the recommendations will have no change on Noise Threshold Standards and Indicators. Proposed development projects will continue to be reviewed on an individual basis using the noise standards as called for in the TRPA Code of Ordinance.						
53	Recreation	R-1	High Quality Recreation Experience	High Quality Recreation Experience	N/A-Indicator already in attainment with standard	Implemented	N/A	Evaluation Criteria and Evidence	Number of criteria Satisfied	Evaluation Criteria and Evidence	2015 Threshold Evaluation
54	Recreation	R-2	Fair Share	Fair Share	N/A-Indicator already in attainment with standard	Implemented	N/A	Evaluation Criteria and Evidence	Number of criteria Satisfied	Threshold indicator Used	2015 Threshold Evaluation

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source
Impact of Project on Recreation Indicators/Targets/Other Factors (Y/N)			N	Comments	The recommendations make no changes to regulations that affect recreation. As such, the recommendations will have no change on Recreation Threshold Standards and Indicators. Proposed development projects will continue to be reviewed on an individual basis using the standards as called for in the TRPA Code of Ordinance.						
55	Scenic Resources	SR-1	Roadway and Shoreline Units	Roadway Travel Units	Increase the number of units meeting the minimum score by at least two by 2016	At or Better Than Target	Moderate Improvement	Average of unit composite scores	Composite Score	Evaluation Criteria and Evidence	2015 Threshold Evaluation
56	Scenic Resources	SR-1	Roadway and Shoreline Units	Shoreline Travel Units	Increase the number of units meeting the minimum score by at least one by 2016	At or Better Than Target	Little or No Change	Average of unit composite scores	Composite Score	Evaluation Criteria and Evidence	2015 Threshold Evaluation
57	Scenic Resources	SR-2	Roadway and Shoreline Units	Roadway Scenic Resources	N/A-Indicator already in attainment with standard	At or Better Than Target	Little or No Change	Average of unit composite scores	Composite Score	Evaluation Criteria and Evidence	2015 Threshold Evaluation
58	Scenic Resources	SR-2	Roadway and Shoreline Units	Shoreline Scenic Resources	N/A-Indicator already in attainment with standard	At or Better Than Target	Little or No Change	Average of unit composite scores	Composite Score	Evaluation Criteria and Evidence	2015 Threshold Evaluation
59	Scenic Resources	SR-3	Other Areas	Other Areas (Recreation Sites and Bike Trails)	N/A-Indicator already in attainment with standard	At or Better Than Target	Little or No Change	Average of unit composite scores	Composite Score	Evaluation Criteria and Evidence	2015 Threshold Evaluation
60	Scenic Resources	SR-4	Built Environment	Built Environment	N/A-Indicator already in attainment with standard	Implemented	N/A	Evaluation Criteria and Evidence	Number of criteria Satisfied	Evaluation Criteria and Evidence	2015 Threshold Evaluation
Impact of Project on Scenic Resources Indicators/Targets/Other Factors (Y/N)			Y	Comments	The recommendations make no changes to regulations that affect scenic resources. As such, the recommendations will not have a negative impact on Scenic Threshold Standards and Indicators. The recommendations may have a positive impact on Scenic Threshold Standards and Indicators by encouraging environmentally beneficial redevelopment. Proposed development projects will continue to be reviewed on an individual basis using the scenic standards as called for in the TRPA Code of Ordinance. As older commercial, tourist, or residential properties are redeveloped, the project will be required to come into compliance with current building design, screening and other scenic standards and contribute to scenic attainment for roadway and shoreline units.						
61	Soil Conservation	SC-1	Impervious Cover	Bailey Land Coverage Coefficients – Class 1a (1%)	N/A-Indicator already in attainment with standard	Considerably Better Than Standard	Little or No Change	Percent impervious cover in land capability class	Percent (%)	Threshold indicator Used	2015 Threshold Evaluation
62	Soil Conservation	SC-1	Impervious Cover	Bailey Land Coverage Coefficients - Class 1b (1%)	Insufficient data to determine interim target	Considerably Worse Than Target	Moderate Improvement	Percent impervious cover in land capability class	Percent (%)	Threshold indicator Used	2015 Threshold Evaluation
63	Soil Conservation	SC-1	Impervious Cover	Bailey Land Coverage Coefficients - Class 1c (1%)	N/A-Indicator already in attainment with standard	At or Better Than Target	Little or No Change	Percent impervious cover in land capability class	Percent (%)	Threshold indicator Used	2015 Threshold Evaluation
64	Soil Conservation	SC-1	Impervious Cover	Bailey Land Coverage Coefficients - Class 2 (1%)	Insufficient data to determine interim target	Somewhat Worse Than Target	Little or No Change	Percent impervious cover in land capability class	Percent (%)	Threshold indicator Used	2015 Threshold Evaluation
65	Soil Conservation	SC-1	Impervious Cover	Bailey Land Coverage Coefficients - Class 3	N/A-Indicator already in attainment with standard	Considerably Better Than Standard	Little or No Change	Percent impervious cover in land capability class	Percent (%)	Threshold indicator Used	2015 Threshold Evaluation
66	Soil Conservation	SC-1	Impervious Cover	Bailey Land Coverage Coefficients - Class 4	N/A-Indicator already in attainment with standard	Considerably Better Than Standard	Little or No Change	Percent impervious cover in land capability class	Percent (%)	Threshold indicator Used	2015 Threshold Evaluation
67	Soil Conservation	SC-1	Impervious Cover	Bailey Land Coverage Coefficients - Class 5	N/A-Indicator already in attainment with standard	Considerably Better Than Standard	Little or No Change	Percent impervious cover in land capability class	Percent (%)	Threshold indicator Used	2015 Threshold Evaluation

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source
68	Soil Conservation	SC-1	Impervious Cover	Bailey Land Coverage Coefficients - Class 6	N/A-Indicator already in attainment with standard	Considerably Better Than Standard	Little or No Change	Percent impervious cover in land capability class	Percent (%)	Threshold indicator Used	2015 Threshold Evaluation
69	Soil Conservation	SC-1	Impervious Cover	Bailey Land Coverage Coefficients - Class 7	N/A-Indicator already in attainment with standard	At or Better Than Target	Little or No Change	Percent impervious cover in land capability class	Percent (%)	Threshold indicator Used	2015 Threshold Evaluation
70	Soil Conservation	SC-2	Stream Environment Zone	Stream Restoration, 1,100 acres restored	88 acres of SEZ restoration by 2016	Considerably Worse Than Target	Moderate Improvement	Acres (and percent) of SEZ Restored	Acres and percent (%)	Threshold indicator Used	2015 Threshold Evaluation
Impact of Project on Soil Conservation Indicators/Targets/Other Factors (Y/N)				Comments	The recommendations will likely result in Soil Conservation Threshold gains since transfer incentives are only allowed for the removal of existing development that is located in SEZs and other environmentally sensitive lands. Consequently the recommendations are anticipated to result in increased Soil Conservation threshold gain particularly in reducing impervious surface coverage in sensitive lands and increasing the amount of Stream Environment Zone (SEZ) restoration. The accelerated retirement of existing soft and hard land coverage on sensitive sending sites would improve the effectiveness of Regional Plan policies and increase Soil Conservation Threshold gains. TRPA will monitor conversion and transfer of development rights including SEZ restoration on sending sites and land coverage reduction by land capability class.						
71	Vegetation Preservation	V-1	Common Vegetation	Appropriate Management Practices	N/A-Indicator already in attainment with standard	Implemented	N/A	Evaluation Criteria and Evidence	N/A	Evaluation Criteria and Evidence	2015 Threshold Evaluation
72	Vegetation Preservation	V-1	Common Vegetation	Land Capability to Support Native Vegetation	N/A-Indicator already in attainment with standard	Implemented	N/A	Evaluation Criteria and Evidence	N/A	Evaluation Criteria and Evidence	2015 Threshold Evaluation
73	Vegetation Preservation	V-1	Common Vegetation	Protect and Expand Riparian Vegetation	N/A-Indicator already in attainment with standard	Implemented	N/A	Evaluation Criteria and Evidence	N/A	Evaluation Criteria and Evidence	2015 Threshold Evaluation
74	Vegetation Preservation	V-1	Common Vegetation	Vegetation Pattern - Juxtaposition	N/A-Indicator already in attainment with standard	Implemented	N/A	Evaluation Criteria and Evidence	N/A	Evaluation Criteria and Evidence	2015 Threshold Evaluation
75	Vegetation Preservation	V-1	Common Vegetation	Relative Abundance - Deciduous Riparian Hardwoods	Increase total acreage by 2016	Considerably Worse Than Target	Little or No Change	Acres (and percent cover) of Riparian Deciduous Hardwoods	Acres and percent (%)	Threshold indicator Used	2015 Threshold Evaluation
76	Vegetation Preservation	V-1	Common Vegetation	Relative Abundance - Meadows and Wetlands	Increase total acreage by 2016	Somewhat Worse Than Target	Little or No Change	Acres (and percent cover) of vegetation types meeting meadow and wetland classification type	Acres and percent (%)	Threshold indicator Used	2015 Threshold Evaluation
77	Vegetation Preservation	V-1	Common Vegetation	Relative Abundance - Shrub	N/A-Indicator already in attainment with standard	Considerably Better Than Standard	Little or No Change	Acres (and percent cover) of vegetation types meeting shrub classification	Acres and percent (%)	Threshold indicator Used	2015 Threshold Evaluation
78	Vegetation Preservation	V-1	Common Vegetation	Relative Abundance - Small Diameter Red Fir	Insufficient data to determine interim target	Considerably Worse Than Target	Little or No Change	Acres (and percent cover) of vegetation types meeting small diameter (<10.9" dbh) red fir classification	Acres and percent (%)	Threshold indicator Used	2015 Threshold Evaluation

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source
79	Vegetation Preservation	V-1	Common Vegetation	Relative Abundance - Small Diameter Yellow Pine	Insufficient data to determine interim target	Considerably Worse Than Target	Little or No Change	Acres (and percent cover) of vegetation types meeting small diameter (<10.9" dbh) Jeffrey pine classification	Acres and percent (%)	Threshold indicator Used	2015 Threshold Evaluation
80	Vegetation Preservation	V-1	Common Vegetation	Vegetation Community Richness	N/A-Indicator already in attainment with standard	At or Better Than Target	Little or No Change	Number of different vegetation associated as defined in resolution 82-11	Number (#)	Threshold indicator Used	2015 Threshold Evaluation
81	Vegetation Preservation	V-2	Uncommon Plant Communities	Deep-water plants of Lake Tahoe	Insufficient data to determine interim target	Considerably Worse Than Target	Unknown	Evaluation Criteria and Evidence as determined by Qualified Botanist/Ecologist	Presence/Absence	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
82	Vegetation Preservation	V-2	Uncommon Plant Communities	Free Peak Cushion Plant community	N/A-Indicator already in attainment with standard	Somewhat Worse Than Target	Rapid Decline	Evaluation Criteria and Evidence as determined by Qualified Botanist/Ecologist	Presence/absences	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
83	Vegetation Preservation	V-2	Uncommon Plant Communities	Grass Lake (sphagnum bog)	N/A-Indicator already in attainment with standard	Insufficient information	Unknown	Evaluation Criteria and Evidence as determined by Qualified Botanist/Ecologist	Presence/absences	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
84	Vegetation Preservation	V-2	Uncommon Plant Communities	Hell Hole	N/A-Indicator already in attainment with standard	Insufficient information	Unknown	Evaluation Criteria and Evidence as determined by Qualified Botanist/Ecologist	Presence/absences	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
85	Vegetation Preservation	V-2	Uncommon Plant Communities	Osgood swamp	Insufficient data to determine interim target	Insufficient information	Unknown	Evaluation Criteria and Evidence as determined by Qualified Botanist/Ecologist	Presence/absences	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
86	Vegetation Preservation	V-2	Uncommon Plant Communities	Pope Marsh	Unable to be determined due to lack of trend	Insufficient information	Unknown	Evaluation Criteria and Evidence as determined by Qualified Botanist/Ecologist	Presence/absences	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source
87	Vegetation Preservation	V-2	Uncommon Plant Communities	Taylor Creek Marsh	N/A-Indicator already in attainment with standard	Insufficient information	Unknown	Evaluation Criteria and Evidence as determined by Qualified Botanist/Ecologist	Presence/absences	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
88	Vegetation Preservation	V-2	Uncommon Plant Communities	Upper Truckee Marsh	Insufficient data to determine interim target	Somewhat Worse Than Target	Little or No Change	Evaluation Criteria and Evidence as determined by Qualified Botanist/Ecologist	Presence/absences	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
89	Vegetation Preservation	V-3	Sensitive Plants	Galena Rock Cress - <i>Arabis rigidissima</i> v. <i>demote</i>	Insufficient data to determine interim target	Considerably Worse Than Target	Unknown	Number of occupied sites	Number	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
90	Vegetation Preservation	V-3	Sensitive Plants	Cup Lake Drabe - <i>Draba asterophora</i> v. <i>macrocarpa</i>	N/A-Indicator already in attainment with standard	Considerably Better Than Standard	Little or No Change	Number of occupied sites	Number	Threshold indicator Used	2015 Threshold Evaluation
91	Vegetation Preservation	V-3	Sensitive Plants	Long-petaled Lewisia - <i>Lewisia pygmaea longipetala</i>	N/A-Indicator already in attainment with standard	Considerably Better Than Standard	Little or No Change	Number of occupied sites	Number	Threshold indicator Used	2015 Threshold Evaluation
92	Vegetation Preservation	V-3	Sensitive Plants	Tahoe Draba - <i>Draba asterophora</i> v. <i>asterophora</i>	N/A-Indicator already in attainment with standard	Considerably Better Than Standard	Little or No Change	Number of occupied sites	Number	Threshold indicator Used	2015 Threshold Evaluation
93	Vegetation Preservation	V-3	Sensitive Plants	Tahoe Yellow Cress - <i>Rorippa subumbellata</i>	N/A-Indicator already in attainment with standard	Considerably Better Than Standard	Moderate	Number of occupied sites	Number	Threshold indicator Used	2015 Threshold Evaluation
94	Vegetation Preservation	V-4	Late Seral/Old Growth	Late Seral/Old Growth - Montane	Increase in percent cover of large diameter dominated stands by 2016	Considerably Worse Than Target	Unknown	Acres (and percent cover) of stands dominated by conifer trees > 24" dbh (relative abundance)	Acres and percent (%)	Threshold indicator Used	2015 Threshold Evaluation
95	Vegetation Preservation	V-4	Late Seral/Old Growth	Late Seral/Old Growth - Sub Alpine	Increase in percent cover of large diameter dominated stands by 2016	Considerably Worse Than Target	Unknown	Acres (and percent cover) of stands dominated by conifer trees > 24" dbh (relative abundance)	Acres and percent (%)	Threshold indicator Used	2015 Threshold Evaluation
96	Vegetation Preservation	V-4	Late Seral/Old Growth	Late Seral/Old Growth - Upper Montane	Increase in percent cover of large diameter dominated stands by 2016	Considerably Worse Than Target	Unknown	Acres (and percent cover) of stands dominated by conifer trees > 24" dbh (relative abundance)	Acres and percent (%)	Threshold indicator Used	2015 Threshold Evaluation
Impact of Project on Vegetation Preservation Indicators/Targets/Other Factors (Y/N)				Comments	The recommendations make no changes to regulations that affect vegetation resources. As such, the recommendation will have no direct change on Vegetation Threshold Standards and Indicators. However, the recommendations may benefit the Vegetation Threshold Standards through the removal of development in sensitive lands and subsequent sensitive lands restoration. Proposed development projects will continue to be reviewed on an individual basis using the vegetation standards as called for in the TRPA Code of Ordinance.						

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source
97	Water Quality	WQ-1	Littoral Lake Tahoe	Turbidity At Non-Stream Mouths (<1 NTU)	Insufficient data to determine interim target	At or Better Than Target	Unknown	Average turbidity measures at nearshore areas other than stream mouths	NTU	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
98	Water Quality	WQ-1	Littoral Lake Tahoe	Turbidity At Stream Mouths (<3 NTU)	Insufficient data to determine interim target	At or Better Than Target	Unknown	Average turbidity measures at nearshore at than stream mouths	NTU	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
99	Water Quality	Not Addressed	Littoral Lake Tahoe	Attached Algae		Insufficient information	Little or No Change				2015 Threshold Evaluation
100	Water Quality	Not Addressed	Littoral Lake Tahoe	Aquatic Invasive Species		Insufficient information	Little or No Change				2015 Threshold Evaluation
101	Water Quality	WQ-2	Pelagic Lake Tahoe	Annual Average Secchi Disk	23.8m or 78ft by 2016	Somewhat Worse Than Target	Little or No Change	Annual Average Secchi Depth	meter and feet	Threshold indicator Used	2015 Threshold Evaluation
102	Water Quality	WQ-3	Pelagic Lake Tahoe	Primary Productivity	Predicted to be approximately 221 gC/m ² /yr in 2016	Considerably Worse Than Target	Rapid Decline	annual phytoplankton primary productivity	gC/m ² /year	Threshold indicator Used	2015 Threshold Evaluation
103	Water Quality	WQ-4	Tributaries	90% Percentile Suspended Sediment Concentrations (60mg/l)	N/A-Indicator already in attainment with standard	Considerably Better than Target	N/A	Suspended Sediment Concentration	mg/l and number of standard exceedances	Threshold indicator Used	2015 Threshold Evaluation
104	Water Quality	WQ-4	Tributaries	State Standard for DIN Concentration	Unable to be determined due to lack of trend	No Target Established	Little or No Change	Proportion of samples meeting State Total Nitrogen Concentration standard.	mg/l; and number and percent of standard exceedances	Threshold indicator Used	2015 Threshold Evaluation
105	Water Quality	WQ-4	Tributaries	State Standard for Dissolve Phosphorus	Unable to be determined due to lack of trend	No Target Established	Little or No Change	Annual Total Phosphorus Concentration	mg/l and number of standard exceedances	Threshold indicator Used	2015 Threshold Evaluation
106	Water Quality	WQ-5	Surface Runoff	Discharge to Surface Water - Grease & Oil	Insufficient data to determine interim target	Unknown	Unknown	concentration of grease and oil	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
107	Water Quality	WQ-5	Surface Runoff	Discharge to Surface Water - Total Iron	Insufficient data to determine interim target	Unknown	Unknown	concentration of total iron	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source
108	Water Quality	WQ-5	Surface Runoff	Discharge to Surface Water - Total Nitrogen as N	Insufficient data to determine interim target	Unknown	Unknown	concentration of total nitrogen	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
109	Water Quality	WQ-5	Surface Runoff	Discharge to Surface Water - Total Phosphate as P	Insufficient data to determine interim target	Unknown	Unknown	concentration of total phosphate	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
110	Water Quality	WQ-5	Surface Runoff	Discharge to Surface Water - Turbidity (not to exceed 20 NTU)	Insufficient data to determine interim target	Unknown	Unknown	Turbidity level	NTU	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
111	Water Quality	WQ-6	Groundwater	Discharge to Ground Water - Grease & Oil	Insufficient data to determine interim target	Unknown	Unknown	Concentration of grease and oil	Visual Residue	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
112	Water Quality	WQ-6	Groundwater	Discharge to Ground Water - Iron	Insufficient data to determine interim target	Unknown	Unknown	Concentration of total iron	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
113	Water Quality	WQ-6	Groundwater	Discharge to Ground Water - Total Nitrogen as N	Insufficient data to determine interim target	Unknown	Unknown	Concentration of total nitrogen	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
114	Water Quality	WQ-6	Groundwater	Discharge to Ground Water - Total Phosphate	Insufficient data to determine interim target	Unknown	Unknown	Concentration of total phosphate	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
115	Water Quality	WQ-6	Groundwater	Discharge to Ground Water - Turbidity	Insufficient data to determine interim target	Unknown	Unknown	Turbidity level	NTU	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
116	Water Quality	WQ-7	Other Lakes	Boron	Insufficient data to determine interim target	Unknown	Unknown	Concentration of Boron	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source
117	Water Quality	WQ-7	Other Lakes	Chloride	Insufficient data to determine interim target	Unknown	Unknown	Concentration of Chloride	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
118	Water Quality	WQ-7	Other Lakes	Chlorophyll-a	Insufficient data to determine interim target	Unknown	Unknown	Concentration of Chlorophyll-a	µgC/m ² /year	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
119	Water Quality	WQ-7	Other Lakes	Dissolved Inorganic Nitrogen	Insufficient data to determine interim target	Unknown	Unknown	Concentration of Inorganic Nitrogen	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
120	Water Quality	WQ-7	Other Lakes	Dissolved Oxygen	Insufficient data to determine interim target	Unknown	Unknown	Concentration of Dissolved Oxygen	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
121	Water Quality	WQ-7	Other Lakes	pH	Insufficient data to determine interim target	Unknown	Unknown	pH level	pH	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
122	Water Quality	WQ-7	Other Lakes	Phytoplankton cell counts	Insufficient data to determine interim target	Unknown	Unknown	Phytoplankton cell count	Number cells	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
123	Water Quality	WQ-7	Other Lakes	Secchi Disk	Insufficient data to determine interim target	Unknown	Unknown	Depth of Secchi Disk	meters or feet	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
124	Water Quality	WQ-7	Other Lakes	Soluble Reactive Iron	Insufficient data to determine interim target	Unknown	Unknown	Concentration of Soluble Reactive Iron	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
125	Water Quality	WQ-7	Other Lakes	Soluble Reactive Phosphorus	Insufficient data to determine interim target	Unknown	Unknown	Concentration of SRP	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source
126	Water Quality	WQ-7	Other Lakes	Sulfate	Insufficient data to determine interim target	Unknown	Unknown	Concentration of Sulfate	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
127	Water Quality	WQ-7	Other Lakes	Temperature	Insufficient data to determine interim target	Unknown	Unknown	Water temperature	Celsius	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
128	Water Quality	WQ-7	Other Lakes	Total Dissolved Solids	Insufficient data to determine interim target	Unknown	Unknown	Concentration of TDS	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
129	Water Quality	WQ-7	Other Lakes	Total Nitrogen	Insufficient data to determine interim target	Unknown	Unknown	Concentration of TN	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
130	Water Quality	WQ-7	Other Lakes	Total Phosphorus	Insufficient data to determine interim target	Unknown	Unknown	Concentration of TP	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
131	Water Quality	WQ-7	Other Lakes	Total Reactive Iron	Insufficient data to determine interim target	Unknown	Unknown	Concentration of TRI	mg/l	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
132	Water Quality	WQ-7	Other Lakes	Vertical Extinction Coefficient	Insufficient data to determine interim target	Unknown	Unknown	Vertical extinction	per meter vertical extinction coefficient	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
133	Water Quality	Not Addressed	Tributaries	Reduce Dissolved Inorganic Nitrogen Load	at least one stream will attain adopted concentrations by 2016	Considerably Worse Than Target		Annual load of nitrogen (and nitrogen species)	MT/year or kg/year	Flow-weighted loads of N	2015 Threshold Evaluation
134	Water Quality	Not Addressed	Tributaries	Reduce Dissolved Phosphorus Load	3 of 10 monitored streams in compliance by 2016	Considerably Worse Than Target	Moderate Improvement	Annual load of total phosphorus (and phosphorus species)	MT/year or kg/year	Flow-weighted loads of P	2015 Threshold Evaluation
135	Water Quality	Not Addressed	Tributaries	Reduce Suspended Sediment Load	Unable to be determined due to lack of trend	No Target Established	Moderate Improvement	Annual load of suspended sediment from all monitored tributaries	MT/year or kg/year	Flow-weighted loads of Suspended Sediment	2015 Threshold Evaluation

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source
136	Water Quality	Not Addressed	Tributaries	State Standard for Dissolved Iron Concentration	Insufficient data to determine interim target	Unknown	Unknown	Annual Dissolved Iron Concentration	mg/l and number of standard exceedances	Literature referenced or reviewed and professional judgment	2015 Threshold Evaluation
137	Water Quality	Not Addressed	Littoral and Pelagic Lake Tahoe	DIN Loading - Atmospheric Source (20% Reduction) 1973 to 1981 levels	Insufficient data to determine interim target	Unknown	Unknown	Metric tons of nutrients loaded via rain and snow deposition ("wet deposition") at Ward Creek site per year from atmospheric sources	g/hectare/year or MT/year	Threshold indicator Used	2015 Threshold Evaluation
138	Water Quality	Not Addressed	Littoral and Pelagic Lake Tahoe	DIN Loading - Groundwater Source (30% Reduction) 1973 to 1981 level	Insufficient data to determine interim target	Unknown	Unknown	Metric tons of DIN/year	MT/year	Threshold indicator Used	2015 Threshold Evaluation
139	Water Quality	Not Addressed	Littoral and Pelagic Lake Tahoe	DIN Loading - Surface Runoff Source (50% reduction) 1973 to 1981 level	Insufficient data to determine interim target	Unknown	Unknown	Metric tons of DIN/year	MT/year	Threshold indicator Used	2015 Threshold Evaluation
140	Water Quality	Not Addressed	Littoral and Pelagic Lake Tahoe	Reduce DIN Loading by 25% from all sources	Insufficient data to determine interim target	Unknown	Unknown	Annual DIN Load in metric tons/year or kg/year	kg/year	Threshold indicator Used	2015 Threshold Evaluation
141	Water Quality	Not Addressed	Littoral Lake Tahoe	Reduce DIN, DP, iron from all sources to meet the 1967-71 mean values	Insufficient data to determine interim target	Unknown	Unknown	Annual DIN, DP, Iron Load in metric tons/year or kg/year	kg/year	Threshold indicator Used	2015 Threshold Evaluation
Impact of Project on Water Quality Indicators/Targets/Other Factors (Y/N)				Comments	The recommendations will retain 2012 established limitations and direct development away from environmentally sensitive lands and outside of Centers. The recommendations are anticipated to result in Water Quality Threshold gains through the removal of existing development in sensitive lands and this would contribute to the effectiveness of Regional Plan policies associated with Water Quality. The proposed changes will support several TRPA Regional plan goals and policies such as the restriction of development to 2012 established limitations (LU-2.1), and directing of development away from environmentally sensitive lands and outside of Centers (LU-3.3 to 3.5). These changes would incentivize transfers of existing development from sensitive lands into high capability lands located in Centers and consequently, increase compliance with contemporary regulatory requirements for stormwater BMPs. Additionally, all proposed development projects will continue to be reviewed on an individual basis using the water quality standards as called for in the TRPA Code of Ordinance.						
142	Wildlife	W-1	Special Interest Species	Disturbance Zones Management Standard	N/A-Indicator already in attainment with standard	Implemented	N/A	Road Density and Recreation disturbance within protected areas	Miles road/acre	Evaluation Criteria and Evidence	2015 Threshold Evaluation
143	Wildlife	W-1	Special Interest Species	Bald Eagle (Nesting, 1 site)	N/A-Indicator already in attainment with standard	At or Better Than Target	Little or No Change	Number of active nest sites	Number of Nests	Threshold indicator Used	2015 Threshold Evaluation
144	Wildlife	W-1	Special Interest Species	Bald Eagle (Winter, maintain 2 sites)	Maintain wintering sites	No Target Established	Moderate Improvement	Winter Bald Eagle Count	Number of individuals observed	Threshold indicator Used	2015 Threshold Evaluation
145	Wildlife	W-1	Special Interest Species	Deer (No Target)	increase in deer counts	No Target Established	Moderate Improvement	Annual NDOW deer counts	Number of individuals observed	Threshold indicator Used	2015 Threshold Evaluation
146	Wildlife	W-1	Special Interest Species	Golden Eagle (4 sites)	at least two active nests by 2016	Insufficient Information	Insufficient Data	Number of active nest sites/year	Number of Nests	Threshold indicator Used	2015 Threshold Evaluation

ID	Threshold Category	TRPA 2006 Threshold Evaluation "Threshold Indicators"	Applicable Indicator Reporting Category	Name of Threshold Standard Addressed (see Resolution 82-11 for adopted standard)	Interim Target for 2016 (See 2015 Threshold Evaluation)	Status (2015)	Trend (2015)	Threshold Indicator	Unit of Measure	Addition Factors (i.e., alternative indicators used in 2015 Threshold Evaluation)	Source
147	Wildlife	W-1	Special Interest Species	Northern Goshawk (12 Sites)	4-8 reproductively active territories by 2016	Insufficient Information	Insufficient Data	Number of active nest sites/year	Number of Nests	Threshold indicator Used	2015 Threshold Evaluation
148	Wildlife	W-1	Special Interest Species	Osprey (4 Sites)	N/A-Indicator already in attainment with standard	Considerable Better Than Target	Rapid Improvement	Number of active nest sites/year	Number of Nests	Threshold indicator Used	2015 Threshold Evaluation
149	Wildlife	W-1	Special Interest Species	Peregrine (2 Sites)	N/A-Indicator already in attainment with standard	Considerably Better than Target	Rapid Improvement	Number of active nest sites/year	Number of Nests	Threshold indicator Used	2015 Threshold Evaluation
150	Wildlife	W-1	Special Interest Species	Waterfowl (maintain 18 Sites)	Increase in the percentage of waterfowl relative to detrimental species	Somewhat Worse Than Target	Little or No Change	Evidence of nesting waterfowl and disturbance within protected areas	Disturbance rating	Threshold indicator Used	2015 Threshold Evaluation
151	Wildlife	W-2	Habitats of Special Significance	Riparian Habitat Protection	N/A-Indicator already in attainment with standard	Implemented	N/A	Implemented control measures and restoration effort	level of effort	Evaluation Criteria and Evidence	2015 Threshold Evaluation
Impact of Project on Wildlife Indicators/Targets/Other Factors (Y/N)				Comments	The recommendations make no changes to regulations that affect wildlife resources. As such, the recommendations will have no direct change on Wildlife Threshold Standards and Indicators. However, the recommendations may benefit the Wildlife Threshold Standards through the removal of development in sensitive lands and associated sensitive lands restoration.						

**ATTACHMENT A, EXHIBIT 3:
Compliance Measures Evaluation
for the Development Rights Strategic Initiative Amendments**

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
WATER QUALITY/SEZ - IN PLACE				
1	BMP requirements, new development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	Y	The recommended changes as part of DRSI and associated amendments to the Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90 (the "recommendations") will not change any existing BMP requirements in Chapter 60 of the TRPA Code of Ordinances. The recommendations allows for the movement, conversion and transfer of existing development rights to improve the effectiveness and predictability of the current development rights system. Paired with existing transfer incentives, the recommendations will incentivize environmentally beneficial redevelopment and the transfer of development from sensitive, remote areas into to town centers. In addition to sensitive lands restoration, the recommendations will help accelerate BMP implementation. If more redevelopment occurs, then more restoration or environmental improvements will occur. Older existing properties will be required to come into current BMP and water quality compliance with redevelopment.
2	BMP implementation program -- existing streets and highways: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Trans, Fish	Y	
3	BMP implementation program -- existing urban development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	Y	
4	BMP implementation program -- existing urban drainage systems: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Trans, Fish	Y	
5	Capital Improvements Program for Erosion and Runoff Control	WQ, Soils/SEZ, Trans, Fish	Y	The proposed amendments will not change existing BMP requirements in Chapter 60 of the TRPA Code of Ordinances.
6	Excess land coverage mitigation program: <i>Code of Ordinances</i> Chapter 30	WQ, Soils/SEZ	Y	The proposed amendments will not change the excess land coverage mitigation program.
7	Effluent (Discharge) limitations: California (SWRCB, Lahontan Board) and Nevada (NDEP): <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	The effluent (discharge) limitations in Chapter 60 of the TRPA Code of Ordinances are not being modified.
8	Limitations on new subdivisions: (See the Goals and Policies: Land Use Element)	WQ, Soils/SEZ, Rec, Scenic	N	All new subdivisions will continue to be limited by the provisions in Chapter 39, Subdivision, of the TRPA Code of Ordinances.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
9	Land use planning and controls: See the Goals and Policies: Land Use Element and Code of Ordinances Chapters 11, 12, 13, 14, and 21	WQ, Soils/SEZ, Trans, Scenic	N	The proposed amendments will not impact or change existing requirements in Chapters 11, 12, 13, 14, and 21 of the TRPA Code of Ordinances. The Initiative will support several TRPA Regional plan goals and policies such as the (re)development of Town Centers (LU-1.2, LU-3.3), balance of economic, social, and environmental health (LU-1.3), restriction of development to 2012 established limitations (LU-2.1), and directing of development away from environmentally sensitive lands and outside of Centers (LU-3.3 and LU-3.5). The recommendations make no change to the overall development caps analyzed under the Regional Plan. The recommended exchange rates capture localized trip generation differences, accounts for floor area differences, and helps mitigate regional VMT (this is in addition to required project level permitting which requires Air Quality Mitigation Fees). Lastly, VMT impacts and the associated mitigation would be detected through regional modeling, regularly occurring every 4 years.
10	Residential development priorities, The Individual Parcel Evaluation System (IPES): Goals and Policies: Implementation Element and Code of Ordinances Chapter 53	WQ, Soils/SEZ	N	The recommendations will not supplant existing Growth Management regulations, Chapters 50 through 53 (IPES), of the TRPA Code of Ordinances. Thus, TRPA's Growth Management provisions will remain in effect. The proposed Chapter 51 code amendments would allow for the implementation of an exchange rate among development rights. The anticipated benefits are that the program will facilitate continued implementation of the Transfer of Development program and incentivize the restoration of sensitive lands and environmentally beneficial redevelopment.
11	Limits on land coverage for new development: Goals and Policies: Land Use Element and Code of Ordinances Chapter 30	WQ, Soils/SEZ, Scenic	Y	The recommendations will not modify land coverage limitations in Chapter 30 of the TRPA Code of Ordinances and other applicable sections of the Code and Regional Plan. The recommended Code amendments will support Soil Conservation and Water Quality Threshold attainment.
12	Transfer of development: Goals and Policies: Land Use Element and Implementation Element	WQ, Soils/SEZ	Y	The recommendations will support LU-3.5 and LU-3.8 which discourages development in environmentally-sensitive land by incentivizing transfers of existing development from sensitive land into high capability land located in Centers.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
13	Restrictions on SEZ encroachment and vegetation alteration: <i>Code of Ordinances Chapters 30 and 61</i>	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	N	The recommendations will not alter existing restrictions on SEZ encroachment and vegetation alteration. The amendments support the restoration and coverage retirement within SEZ and other sensitive lands (Regional Plan Policy SEZ-1.8).
14	SEZ restoration program: Environmental Improvement Program.	WQ, Soils/SEZ, Veg, Wildlife, Fish, Scenic	Y	The amendments will benefit the SEZ restoration program in the EIP through policies and provisions that require the protection and restoration of SEZs on Sending Sites.
15	SEZ setbacks: <i>Code of Ordinances Chapter 53</i>	WQ, Soils/SEZ, Veg, Wildlife, Fish	N	SEZ setback requirements in the TRPA Code of Ordinances, Chapter 53, Individual Parcel Evaluation System, Section 53.9, will not be altered by the proposed amendments.
16	Fertilizer reporting requirements: <i>Code of Ordinances Chapter 60</i>	WQ, Soils/SEZ, Fish, Rec	N	The amendments will not modify the Resource Management and Protection regulations, Chapters 60 through 68, of the TRPA Code of Ordinances. Thus, fertilizer reporting and water quality mitigation requirements will remain in effect.
17	Water quality mitigation: <i>Code of Ordinances Chapter 60</i>	WQ, Soils/SEZ	N	
18	Restrictions on rate and/or amount of additional development	WQ, Soils/SEZ, Wildlife, Scenic	N	The amendments do not change the RPU's restrictions on the rate and amount of additional development.
19	Improved BMP implementation/enforcement program	WQ, Soils/SEZ	Y	See response to Compliance Measures 1 through 4.
20	Increased funding for EIP projects for erosion and runoff control	WQ, Soils/SEZ	Y	The proposed amendments do not affect EIP funding.
21	Artificial wetlands/runoff treatment program	WQ, Soils/SEZ	N	The proposed amendments include no changes to the artificial wetlands/runoff treatment program.
22	Transfer of development from SEZs	WQ, Soils/SEZ, Scenic	Y	The amendments improve the effectiveness and predictability of the current development rights system, which would facilitate the transfer of development rights from SEZs (and other sensitive lands) into high capability lands where development is better suited. The removal of development in sensitive lands will support Water Quality Threshold attainment.
23	Improved mass transportation	WQ, Trans, Noise	N	The recommendations will not modify the adopted Mobility 2035: Lake Tahoe Regional Transportation Plan.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments	
24	Redevelopment and redirection of land use: Goals and Policies: Land Use Element and Code of Ordinances Chapter 13	WQ, Soils/SEZ, Scenic	Y	The recommendations encourage environmentally beneficial redevelopment of the built environment located in TRPA designated Centers through the removal of development and subsequent restoration of sensitive lands. This helps to implement the Goals and Policies in the Land Use Element of the Regional Plan. Also see response to Compliance Measure 12.	
25	Combustion heater rules, stationary source controls, and related rules: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	No changes are being proposed that would impact these Compliance Measures. The existing TRPA Code of Ordinance provisions will remain in effect.	
26	Elimination of accidental sewage releases: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N		
27	Reduction of sewer line exfiltration: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N		
28	Effluent limitations	WQ, Soils/SEZ	N		
29	Regulation of wastewater disposal at sites not connected to sewers: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N		
30	Prohibition on solid waste disposal: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N		
31	Mandatory garbage pick-up: Goals and Policies: Public Service Element	WQ, Soils/SEZ, Wildlife	N		
32	Hazardous material/wastes programs: Goals and Policies: Land Use Element and Code of Ordinances Chapter 60	WQ, Soils/SEZ	N		
33	BMP implementation program, Snow and ice control practices: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, AQ	N		The amendments will not change BMP requirements. See response to Compliance Measures 1 through 4.
34	Reporting requirements, highway abrasives and deicers: Goals and Policies:, Land Use Element and Code of Ordinances Chapter 60	WQ, Soils/SEZ, Fish	N		
35	BMP implementation program--roads, trails, skidding, logging practices: <i>Code of Ordinances</i> Chapter 60, Chapter 61	WQ, Soils/SEZ, Fish	N		
36	BMP implementation program--outdoor recreation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	N		
37	BMP implementation program--livestock confinement and grazing: <i>Code of Ordinances</i> Chapter 21, Chapter 60, Chapter 64	WQ, Soils/SEZ, Veg, Wildlife, Fish	N		

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
38	BMP implementation program--pesticides	WQ, Soils/SEZ	N	
39	Land use planning and controls -- timber harvesting: <i>Code of Ordinances</i> Chapter 21	WQ, Soils/SEZ, AQ, Wildlife, Fish, Scenic	N	The proposed amendments will not change timber harvesting and outdoor recreation provisions.
40	Land use planning and controls - outdoor recreation: <i>Code of Ordinances</i> Chapter 21	WQ, Soils/SEZ, Wildlife, Noise, Rec, Scenic	N	
41	Land use planning and controls--ORV use: Goals and Policies: Recreation Element	WQ, Soils/SEZ, AQ, Wildlife, Fish, Noise, Rec, Scenic	N	Regional Plan Policy R-1.5 states that "Off-road vehicle (ORV) use is prohibited in the Lake Tahoe Region except on specified roads, trails, or designated areas where the impacts can be mitigated." The amendments do not include the expansion of ORV use.
42	Control of encroachment and coverage in sensitive areas	WQ, Soils/SEZ, Wildlife, Rec, Scenic	N	No changes are being proposed that would impact this compliance measure. The existing TRPA Code of Ordinance provisions will remain in effect.
43	Control on shorezone encroachment and vegetation alteration: <i>Code of Ordinances</i> Chapter 83	WQ, Soils/SEZ, Scenic	N	TRPA will continue to be responsible for enforcing and implementing Shorezone regulations, Chapters 80 through 85, of the TRPA Code of Ordinances, as well as other code provisions applicable to projects within the Shorezone. No changes are being proposed that would modify existing code provisions related to the Shorezone or impact these compliance measures.
44	BMP implementation program--shorezone areas: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
45	BMP implementation program--dredging and construction in Lake Tahoe: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
46	Restrictions and conditions on filling and dredging: <i>Code of Ordinances</i> Chapter 84	WQ, Soils/SEZ, Fish	N	
47	Protection of stream deltas	WQ, Soils/SEZ, Wildlife, Fish, Scenic	N	
48	Marina master plans: <i>Code of Ordinances</i> Chapter 14	WQ, AQ/Trans, Fish, Scenic	N	
49	Additional pump-out facilities: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
50	Controls on anti-fouling coatings: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	
51	Modifications to list of exempt activities	WQ, Soils/SEZ	N	The amendments will not alter the list of exempt activities.

WATER QUALITY/SEZ - SUPPLEMENTAL

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
52	More stringent SEZ encroachment rules	WQ, Soils/SEZ, Wildlife, Fish	N	The amendments do not include any provisions that would impact Compliance Measures 52 through 61.
53	More stringent coverage transfer requirements	WQ, Soils/SEZ	N	
54	Modifications to IPES	WQ, Soils/SEZ	N	
55	Increased idling restrictions	WQ, Soils/SEZ, AQ	N	
56	Control of upwind pollutants	WQ, Soils/SEZ, AQ	N	
57	Additional controls on combustion heaters	WQ, Soils/SEZ, AQ	N	
58	Improved exfiltration control program	WQ, Soils/SEZ	N	
59	Improved infiltration control program	WQ, Soils/SEZ	N	
60	Water conservation/flow reduction program	WQ, Soils/SEZ, Fish	N	
61	Additional land use controls	WQ, Soils/SEZ, Wildlife	N	

AIR QUALITY/TRANSPORTATION - IN PLACE

62	Fixed Route Transit - South Shore: STAGE	Trans, Rec	N	The amendments do not include any provisions that would impact the adopted Mobility 2035: Lake Tahoe Regional Transportation Plan, and Lake Tahoe Region Bicycle and Pedestrian Plan.
63	Fixed Route Transit - North Shore: TART	Trans, Rec	N	
64	Demand Responsive Transit - South Shore: Bus Plus, STAGE	Trans	N	
65	Seasonal Trolley Services - North and South Shores: South Shore TMA and Truckee-North Tahoe TMA	Trans, Rec	N	
66	Social Service Transportation	Trans	N	
67	Shuttle programs	Trans	N	
68	Ski shuttle services	Trans, Rec	N	
69	Intercity bus services	Trans	N	
70	Passenger Transit Facilities: South Y Transit Center	Trans	N	
71	Bikeways, Bike Trails	Trans, Noise, Rec, Scenic	Y	
72	Pedestrian facilities	Trans, Rec, Scenic	Y	
73	Wood heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	The amendments do not include any provisions that would impact Code Chapter 65 or Compliance Measures 73 to 75.
74	Gas heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
75	Stationary source controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
76	U.S. Postal Service Mail Delivery	Trans	N	The amendments do not include any provisions that would impact U.S. Postal Service Delivery.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
77	Indirect source review/air quality mitigation: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	The amendments do not include any provisions that would impact Code Chapter 65 or Compliance Measures 77 and 78.
78	Idling Restrictions: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
79	Vehicle Emission Limitations(State/Federal)	WQ, AQ	N	The amendments do not include any provisions related to vehicle emission limitations established by the State/Federal Government.
80	Open Burning Controls: <i>Code of Ordinances</i> Chapters 61 and Chapter 65	WQ, AQ, Scenic	N	The amendments do not include any provisions that would change open burning controls.
81	BMP and Revegetation Practices	WQ, AQ, Wildlife, Fish	Y	See response to Compliance Measures 1 through 4.
82	Employer-based Trip Reduction Programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	The amendments do not include any provisions that would impact Code Chapter 65 or Compliance Measures 82 and 83.
83	Vehicle rental programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	
84	Parking Standards	Trans	N	The amendments do not include any provisions that would impact parking, air quality, and transportation measures.
85	Parking Management Areas	Trans	N	
86	Parking Fees	Trans	N	
87	Parking Facilities	Trans	N	
88	Traffic Management Program - Tahoe City	Trans	N	
89	US 50 Traffic Signal Synchronization - South Shore	Trans	N	
90	General Aviation, The Lake Tahoe Airport	Trans, Noise	N	
91	Waterborne excursions	WQ, Trans, Rec	N	
92	Waterborne transit services	WQ, Trans, Scenic	N	
93	Air Quality Studies and Monitoring	WQ, AQ	N	
94	Alternate Fueled Vehicle - Public/Private Fleets and Infrastructure Improvements	Trans	N	
95	Demand Responsive Transit - North Shore	Trans	N	
96	Tahoe Area Regional Transit Maintenance Facility	Trans	N	
97	Heavenly Ski Resort Gondola	Trans	N	
AIR QUALITY/TRANSPORTATION - SUPPLEMENTAL				
98	Demand Responsive Transit - North Shore	Trans	N	The amendments do not include any provisions that would impact the adopted Mobility 2035: Lake Tahoe Regional Transportation Plan, and Lake Tahoe Region Bicycle and Pedestrian Plan.
99	Coordinated Transit System - South Shore	Trans	N	
100	Transit Passenger Facilities	Trans	N	
101	South Shore Transit Maintenance Facility - South Shore	Trans	N	
102	Transit Service - Fallen Leaf Lake	WQ, Trans	N	

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
103	Transit Institutional Improvements	Trans	N	
104	Transit Capital and Operations Funding Acquisition	Trans	N	
105	Transit/Fixed Guideway Easements - South Shore	Trans	N	
106	Visitor Capture Program	Trans	N	
107	Pedestrian and Bicycle Facilities-- South Shore	Trans, Rec	N	
108	Pedestrian and Bicycle Facilities-- North Shore	Trans, Rec	N	
109	Parking Inventories and Studies Standards	Trans	N	
110	Parking Management Areas	Trans	N	
111	Parking Fees	Trans	N	
112	Establishment of Parking Task Force	Trans	N	
113	Construct parking facilities	Trans	N	
114	Intersection improvements--South Shore	Trans, Scenic	N	
115	Intersection improvements--North Shore	Trans, Scenic	N	
116	Roadway Improvements - South Shore	Trans, Scenic	N	
117	Roadway Improvements - North Shore	Trans, Scenic	N	
118	Loop Road - South Shore	Trans, Scenic	N	
119	Montreal Road Extension	Trans	N	
120	Kingsbury Connector	Trans	N	
121	Commercial Air Service: Part 132 commercial air service	Trans	N	
122	Commercial Air Service: commercial air service that does not require Part 132 certifications	Trans	N	
123	Expansion of waterborne excursion service	WQ, Trans	N	
124	Re-instate the oxygenated fuel program	WQ, AQ	N	
125	Management Programs	Trans	N	
126	Around the Lake Transit	Trans	N	

VEGETATION - IN PLACE

127	Vegetation Protection During Construction: <i>Code of Ordinances</i> Chapter 33	WQ, AQ, Veg, Scenic	N	The amendments will not alter the provisions of Chapter 33 in the TRPA Code of Ordinances.
128	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	N	The amendments will not alter the provisions of Chapter 61 in the TRPA Code of Ordinances.
129	Prescribed Burning: <i>Code of Ordinances</i> Chapter 61	WQ, AQ, Veg, Wildlife, Scenic	N	
130	Remedial Vegetation Management: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife	N	
131	Sensitive and Uncommon Plant Protection and Fire Hazard Reduction: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	N	

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
132	Revegetation: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife, Scenic	N	
133	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	WQ, Veg	N	The amendments will not alter the Remedial Action Plans.
134	Handbook of Best Management Practices	WQ, Soils/SEZ, Veg, Fish	N	The Handbook of Best Management Practices will continue to be used to design and construct BMPs.
135	Shorezone protection	WQ, Soils/SEZ, Veg	N	No changes are proposed that would modify existing code provisions related to the Shorezone or impact these compliance measures.
136	Project Review	WQ, Veg	N	The amendments will not impact project review and compliance inspections.
137	Compliance inspections	Veg	N	
138	Development Standards in the Backshore	WQ, Soils/SEZ, Veg, Wildlife, Scenic	N	No changes are proposed that would modify existing backshore development standards.
139	Land Coverage Standards: <i>Code of Ordinances</i> Chapter 30	WQ, Veg, Wildlife, Fish, Scenic	Y	The proposed amendments will not modify land coverage standards in Chapter 30 of the TRPA Code of Ordinances. The proposed Code provisions for the pilot program will support Soil Conservation and Water Quality Threshold attainment.
140	Grass Lake, Research Natural Area	WQ, Veg, Wildlife, Fish, Scenic	N	N/A
141	Conservation Element, Vegetation Subelement: Goals and Policies	Veg, Wildlife, Fish	N	The amendments are consistent with the Conservation Element and Vegetation Subelement Goals and Policies in the Regional Plan.
142	Late Successional Old Growth (LSOG): <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Fish	N	The pilot program and associated Code additions do not impact late successional old growth policies. The proposed amendments will benefit SEZ restoration through the requirement of restoration of SEZs on Sending Sites.
143	Stream Environment Zone Vegetation: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife, Fish	N	
144	Tahoe Yellow Cress Conservation Strategy	Veg	N	The amendments will not impact efforts to conserve the Tahoe Yellow Cress.
145	Control and/or Eliminate Noxious Weeds	Veg, Wildlife	N	The amendments will not impact efforts to control noxious (invasive) weeds.
146	Freel Peak Cushion Plant Community Protection	Veg	N	N/A

VEGETATION - SUPPLEMENTAL

147	Deepwater Plant Protection	WQ, Veg	N	The amendments will not impact efforts to protect deepwater plants.
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WILDLIFE - IN PLACE

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
148	Wildlife Resources: <i>Code of Ordinances</i> Chapter 62	Wildlife, Noise	N	The amendments will not modify the Wildlife Resources Code Chapter 62.
149	Stream Restoration Program	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	N	The amendments do not include any changes to the Stream Restoration Program.
150	BMP and revegetation practices	WQ, Veg, Wildlife, Fish, Scenic	N	The amendments do not include any changes to existing BMP and revegetation requirements.
151	OHV limitations	WQ, Soils/SEZ, AQ, Wildlife, Noise, Rec	N	The amendments do not include any changes to OHV limitations.
152	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Wildlife	N	The amendments do not include any changes to requirements for Remedial Action Plans.
153	Project Review	Wildlife	N	The amendments will not impact project review and compliance inspections.

FISHERIES - IN PLACE

156	Fish Resources: <i>Code of Ordinances</i> Chapter 63	WQ, Fish	N	The amendments will not modify the Resource Management and Protection regulations, Chapters 60 through 68, of the TRPA Code of Ordinances.
157	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Wildlife, Fish	N	The amendments do not change tree removal provisions of Chapter 61.
158	Shorezone BMPs	WQ, Fish	N	See response to Compliance Measures 43 through 50.
159	Filling and Dredging: <i>Code of Ordinances</i> Chapter 84	WQ, Fish	N	
160	Location standards for structures in the shorezone: <i>Code of Ordinances</i> Chapter 84	WQ, Fish	N	
161	Restrictions on SEZ encroachment and vegetation alteration	WQ, Soils/SEZ, Fish	N	
162	SEZ Restoration Program	WQ, Soils/SEZ, Fish	N	See response to Compliance Measure 14.
163	Stream restoration program	WQ, Soils/SEZ, Fish	N	See response to Compliance Measures 1-4 and 156. The proposed pilot program will incentivize the removal of existing tourist lodging and commercial development from SEZs and subsequent restoration of these sensitive lands.
164	Riparian restoration	WQ, Soils/SEZ, Fish	N	
165	Livestock: <i>Code of Ordinances</i> Chapter 64	WQ, Soils/SEZ, Fish	N	
166	BMP and revegetation practices	WQ, Fish	Y	See response to Compliance Measures 1 through 4.
167	Fish habitat study	Fish	N	See response to Compliance Measures 16 and 17.
168	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Fish	N	The amendments will not alter the Remedial Action Plans.
169	Mitigation Fee Requirements: <i>Code of Ordinances</i> Chapter 86	Fish	N	The mitigation fee requirements in Chapter 86 of the TRPA Code of Ordinances are not being modified with the amendments.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
170	Compliance inspection	Fish	N	The amendments do not modify existing compliance or inspection programs or provisions.
171	Public Education Program	Wildlife, Fish	N	N/A
NOISE - IN PLACE				
172	Airport noise enforcement program	Wildlife, Fish	N	The amendments do not modify existing enforcement programs.
173	Boat noise enforcement program	Wildlife, Fish, Rec	N	
174	Motor vehicle/motorcycle noise enforcement program: <i>Code of Ordinances</i> Chapters 5 and 23	Wildlife, Fish	N	
175	ORV restrictions	AQ, Wildlife, Noise, Rec	N	The amendments do not modify existing ORV or snowmobile conditions.
176	Snowmobile Restrictions	WQ, Wildlife, Noise, Rec	N	
177	Land use planning and controls	Wildlife, Noise	N	See response to Compliance Measure 9.
178	Vehicle trip reduction programs	Trans, Noise	N	The amendments do not impact vehicle trip reduction programs.
179	Transportation corridor design criteria	Trans, Noise	N	N/A
180	Airport Master Plan South Lake Tahoe	Trans, Noise	N	N/A
181	Loudspeaker restrictions	Wildlife, Noise	N	The amendments do not modify loudspeaker restrictions.
182	Project Review	Noise	N	The amendments will not impact project review and compliance inspections.
183	Complaint system: <i>Code of Ordinances</i> Chapters 5 and 68	Noise	N	Existing compliant systems are not being modified.
184	Transportation corridor compliance program	Trans, Noise	N	None of these compliance measures will be modified, including programs to control noise levels in the EIP.
185	Exemptions to noise limitations	Noise	N	
186	TRPA's Environmental Improvement Program (EIP)	Noise	N	
187	Personal watercraft noise controls	Wildlife, Noise	N	
NOISE - SUPPLEMENTAL				
188	Create an interagency noise enforcement MOU for the Tahoe Region.	Noise	N	N/A
RECREATION - IN PLACE				
189	Allocation of Development: <i>Code of Ordinances</i> Chapter 50	Rec	N	See response to Compliance Measure 9 and 10.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
190	Master Plan Guidelines: <i>Code of Ordinances</i> Chapter 14	Rec, Scenic	N	N/A
191	Permissible recreation uses in the shorezone and lake zone: <i>Code of Ordinances</i> Chapter 81	WQ, Noise, Rec	N	See response to Compliance Measures 43 through 50.
192	Public Outdoor recreation facilities in sensitive lands	WQ, Rec, Scenic	N	The amendments do not alter provisions regarding public outdoor recreation in sensitive lands.
193	Hiking and riding facilities	Rec	N	The amendments do not alter hiking and riding facility provisions.
194	Scenic quality of recreation facilities	Rec, Scenic	N	N/A
195	Density standards	Rec	N	The amendments do not modify density standard limits.
196	Bonus incentive program	Rec	N	The amendments do not alter existing bonus incentive programs.
197	Required Findings: <i>Code of Ordinances</i> Chapter 4	Rec	N	All applicable TRPA Code Of Ordinance findings will continue to have to be met with the future approval of projects using amended provisions.
198	Lake Tahoe Recreation Sign Guidelines	Rec, Scenic	N	N/A
199	Annual user surveys	Rec	N	N/A
RECREATION - SUPPLEMENTAL				
200	Regional recreational plan	Rec	N	The amendments do not impact the regional recreation plan and associated Goals and Policies.
201	Establish fairshare resource capacity estimates	Rec	N	N/A
202	Reserve additional resource capacity	Rec	N	
203	Economic Modeling	Rec	N	
SCENIC - IN PLACE				
204	Project Review and Exempt Activities: <i>Code of Ordinances</i> Chapter 2	Scenic	N	The amendments will not impact project review and compliance inspections.
205	Land Coverage Limitations: <i>Code of Ordinances</i> Chapter 30	WQ, Scenic	N	The proposed amendments will not modify land coverage limitations in Code Chapter 30.
206	Height Standards: <i>Code of Ordinances</i> Chapter 37	Scenic	N	The amendments do not propose any changes to height standards.
207	Driveway and Parking Standards: <i>Code of Ordinances</i> Chapter 34	Trans, Scenic	N	The amendments do not propose any changes to driveway and parking standards.
208	Signs: <i>Code of Ordinances</i> Chapter 38	Scenic	N	The amendments do not propose any changes to sign standards.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
209	Historic Resources: <i>Code of Ordinances</i> Chapter 67	Scenic	N	The pilot program and associated Code additions do not propose any changes to historic resource standards.
210	Design Standards: <i>Code of Ordinances</i> Chapter 36	Scenic	N	The amendments do not propose any changes to design standards.
211	Shorezone Tolerance Districts and Development Standards: <i>Code of Ordinances</i> Chapter 83	Scenic	N	See response to Compliance Measures 43 through 50.
212	Development Standards Lakeward of Highwater: <i>Code of Ordinances</i> Chapter 84	WQ, Scenic	N	
213	Grading Standards: <i>Code of Ordinances</i> Chapter 33	WQ, Scenic	N	Grading and vegetation protection during construction shall continue to meet the provisions of the TRPA Code of Ordinances, Chapter 33, Grading and Construction.
214	Vegetation Protection During Construction: <i>Code of Ordinances</i> Chapter 33	AQ, Veg, Scenic	N	
215	Revegetation: <i>Code of Ordinances</i> Chapter 61	Scenic	N	The amendments will not modify the Resource Management and Protection regulations, Chapters 60 through 68, of the TRPA Code of Ordinances.
216	Design Review Guidelines	Scenic	N	N/A
217	Scenic Quality Improvement Program(SQIP)	Scenic	N	The amendments do not propose any changes to scenic quality improvement programs or standards.
218	Project Review Information Packet	Scenic	N	
219	Scenic Quality Ratings, Features Visible from Bike Paths and Outdoor Recreation Areas Open to the General Public	Trans, Scenic	N	
220	Nevada-side Utility Line Undergrounding Program	Scenic	N	N/A
SCENIC - SUPPLEMENTAL				
221	Real Time Monitoring Program	Scenic	N	No changes to the real time monitoring program are being proposed.
222	Integrate project identified in SQIP	Scenic	N	The amendments do not address SQIP project implementation.

ATTACHMENT B:
Development Rights Strategic Initiative Amendments Table and Rationale

DRSI AMENDMENTS TABLE AND RATIONAL

This document provides the rationale for each section proposed for amendment as part of the Development Rights Strategic Initiative (DRSI). Implementation of the DRSI recommendations would require amending the TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90.

New language is shown in "blue" and underlined and deleted language is shown in "red" and strikethrough.

REGIONAL PLAN GOALS & POLICIES
Land Use Element and Development and Implementation Priorities Element

Item #	Existing Section	Amendment	Rationale																				
1	LU-2.1	<p>Residential: Each undeveloped legal parcel existing on August 17, 1986, unless otherwise restricted, has a development right of one residential unit <u>potential residential unit of use</u>, except where additional development rights are acquired pursuant to the Implementation Element. The status of development rights <u>residential units of use</u> and potential residential units of use that existed on August 17, 1986 is outlined <u>are shown</u> in the table below:</p> <table border="1" data-bbox="751 583 1339 1696"> <thead> <tr> <th colspan="2" data-bbox="751 583 836 1696">Development Rights-Residential Units of Use Inventory (as of October 24, 2012)*</th> </tr> </thead> <tbody> <tr> <td data-bbox="836 583 894 1696">Residences Developed before 1987</td> <td data-bbox="836 583 894 1696">40,865</td> </tr> <tr> <td data-bbox="894 583 953 1696">Total Development Rights <u>Potential Residential Units of Use</u> in 1987</td> <td data-bbox="894 583 953 1696">18,690</td> </tr> <tr> <td data-bbox="953 583 1011 1696">Development Rights-Acquired <u>Potential Residential Units of Use Retired</u> 1987-2011</td> <td data-bbox="953 583 1011 1696">8,360</td> </tr> <tr> <td data-bbox="1011 583 1086 1696">Development Rights <u>Potential Residential Units of Use</u> Developed or Allocated to Jurisdictions 1987-2011</td> <td data-bbox="1011 583 1086 1696">6,087</td> </tr> <tr> <td colspan="2" data-bbox="1086 583 1128 1696">Total Development Rights <u>Potential Residential Units of Use Remaining</u></td> </tr> <tr> <td data-bbox="1128 583 1187 1696">Remaining on Buildable Parcels</td> <td data-bbox="1128 583 1187 1696">2,791</td> </tr> <tr> <td data-bbox="1187 583 1245 1696">Remaining on Marginal Parcels</td> <td data-bbox="1187 583 1245 1696">765</td> </tr> <tr> <td data-bbox="1245 583 1304 1696">Remaining on Unbuildable Parcels</td> <td data-bbox="1245 583 1304 1696">535</td> </tr> <tr> <td data-bbox="1304 583 1339 1696">Banked Development Rights <u>Potential Residential Units of Use</u></td> <td data-bbox="1304 583 1339 1696">152</td> </tr> </tbody> </table> <p>*Note: All statistics are estimates and are not regulatory.</p>	Development Rights-Residential Units of Use Inventory (as of October 24, 2012)*		Residences Developed before 1987	40,865	Total Development Rights <u>Potential Residential Units of Use</u> in 1987	18,690	Development Rights-Acquired <u>Potential Residential Units of Use Retired</u> 1987-2011	8,360	Development Rights <u>Potential Residential Units of Use</u> Developed or Allocated to Jurisdictions 1987-2011	6,087	Total Development Rights <u>Potential Residential Units of Use Remaining</u>		Remaining on Buildable Parcels	2,791	Remaining on Marginal Parcels	765	Remaining on Unbuildable Parcels	535	Banked Development Rights <u>Potential Residential Units of Use</u>	152	<p>Changes terminology from "residential development right" to "potential residential unit of use". See the outline of recommended amendments within the memo.</p>
Development Rights-Residential Units of Use Inventory (as of October 24, 2012)*																							
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Item #	Existing Section	Amendment	Rationale
Development and Implementation Priorities Element			
2	DP-3	ENCOURAGE CONSOLIDATION OF DEVELOPMENT AND RESTORATION OF SENSITIVE LANDS THROUGH TRANSFER AND CONVERSION OF DEVELOPMENT RIGHTS AND TRANSFER OF LAND COVERAGE PROGRAMS.	Adds conversions (recommendation #1) to Goal DP-3 as a similar activity to transfers.
3	DP-3.7	TRANSFERS AND CONVERSIONS OF DEVELOPMENT RIGHTS, OTHER THAN LAND COVERAGE, SHALL BE LIMITED TO EQUIVALENT USES WITH NO INCREASE IN THE PARAMETERS BY WHICH THE USES ARE MEASURED BY THIS PLAN (E.G., FLOOR AREA, UNITS, PAOT) PLUS BONUS UNITS AWARDED ENVIRONMENTALLY NEUTRAL IN ACCORDANCE WITH THE REGIONAL PLAN AND CODE OF ORDINANCES. EQUIVALENT USES SHALL BE DEFINED BY ORDINANCE. DEVELOPMENT IMPACTS DUE TO THE RESULTING PROJECTS SHALL BE ADDRESSED AS PART OF THE PROJECT REVIEW PROCESS.	Adds conversions (recommendation #1) to policy DP-3.7 as a similar activity to transfers.

CODE OF ORDINANCES
Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90

Item #	Existing Section	Amendment	Rationale
CHAPTER 1: INTRODUCTION TO CODE OF ORDINANCES			
4	1.3.5	B. Chapter 51: <u>Banking, Conversion, and Transfer of Development Rights</u> – Provisions for the <u>banking, conversion and transfer of commercial floor area, tourist accommodation units, and single and multi-family residential units of use; residential development rights, residential allocations, and existing development from one parcel to another;</u>	Updates the reference to Chapter 51, which now includes banking, conversions, in addition to transfers, as well as the new terminology referred to as 'development rights'.

Item #	Existing Section	Amendment	Rationale
CHAPTER 3: ENVIRONMENTAL DOCUMENTATION			
5	3.2.2.A	<p>Projects Exempt from Preparation of Environmental Impact Statement</p> <p>3. Transfers <u>or conversions</u> of development rights and residential allocations-(does not include construction of new units).</p>	Adds conversions (recommendation #1) to the list of activities exempt from requiring an EIS to be completed. Development projects will still require TRPA environmental review.
CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING			
6	6.4.7	<p>Non-Parcel Accounts</p> <p>TRPA may create a separate non-parcel account for each county, city, and state highway department for the purpose of receiving and crediting land coverage and units of use for future use or transfer. The sending parcel shall be restored and retired in accordance with Chapters 51: <u>Banking, Conversion, and Transfer of Development Rights</u>, and 30: <u>Land Coverage</u>, as applicable. The non-parcel account shall be in accordance with this chapter, except that the account file number shall not be an assessor's parcel number and certain other basic data and information may not be applicable.</p>	Updates reference to Chapter 51.
93			
7	6.7.1.F	<p>Number of Existing and Potential Residential Units of UseDevelopment Rights</p> <p>Number of <u>existing and potential residential units of use</u> development rights assigned to the parcel.</p>	Changes terminology from “residential development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.

Item #	Existing Section	Amendment	Rationale
8	new	<p><u>6.9 REGIONAL DEVELOPMENT RIGHT ACCOUNTING</u> Transfers of land coverage and land coverage mitigation programs, pursuant to Chapter 30, and transfer of development programs pursuant to Chapter 51, may use a TRPA-approved land bank.</p> <p>TRPA shall prepare regional development right reports every two years (consistent with <u>Section 51.6 Local Government Approval</u>) for each <u>local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan</u>. The report shall include:</p> <p>A. <u>Total number of existing development rights being used within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.</u></p> <p>B. <u>The net change of existing development rights being used within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.</u></p> <p>C. <u>Total number of banked development rights within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.</u></p> <p>D. <u>Total number of banked or potential development rights transferred out of each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan by development type and location.</u></p> <p>E. <u>Total number of banked or potential development rights transferred into each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan by development type and location.</u></p> <p>F. <u>Total number of development rights converted by development type and quantity within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.</u></p>	<p>New section that establishes a two-year reporting for proposed Section 51.6: <i>Local Government Approval</i> and specifies what should be included in that report. (recommendation #4)</p>
9	6.9	<u>6.10 LAND BANK</u>	Revises code numbering.
10	6.10	<u>6.11 CUMULATIVE ACCOUNT</u>	Revises code numbering.

Item #	Existing Section	Amendment	Rationale
11	CHAPTER 11: PLAN AREA STATEMENTS AND PLAN AREA MAPS 11.6.3.B	<p>Transfer of Development Rights (TDR) Receiving Areas The following designations determine which plan areas, or portions thereof, are receiving areas for transfer of the development specified in Chapter 51: Transfer of Development: For transfers of development rights other than those solely for banking purposes as permitted in accordance with Section 51.5.3.A.1, the following designations determine which areas, or portions thereof, are receiving areas for transfer of the development as specified in Chapter 51: <u>Banking, Conversion, and Transfer of Development Rights.</u></p> <ol style="list-style-type: none"> 1. Existing Development The existing development designation determines which areas are eligible for the transfer of existing uses that are permissible uses in the plan area. 2. Multi-Residential Unit The multi-residential unit designation determines which areas are eligible for the transfer of <u>potential</u> residential <u>units of use</u>development rights. 	<p>Adds new language added that specifies transfer requirements for receiving sites. (recommendation #5)</p> <p>Changes terminology from “residential development right” to “potential residential unit of use” . See the outline of recommended amendments within the memo.</p>
12	CHAPTER 21: PERMISSIBLE USE 21.3.2	<p>Secondary Residence</p> <p>A. Residential Secondary Unit Parcel Size A secondary residence may be permitted as accessory to a single-family house if:</p> <ol style="list-style-type: none"> 1. The parcel on which the residence is located is greater in size than one acre; or 2. The parcel on which the secondary residence would be located is within a jurisdiction certified by TRPA to possess an adequate local government housing program and the secondary unit is restricted to affordable, <u>moderate, or achievable</u> housing. 	<p>Adds language consistent with updates to the residential bonus unit income level eligibility described in Chapter 52: <i>Bonus Unit Incentive Program</i>. (recommendation #2)</p>

Item #		Existing Section		Amendment		Rationale	
CHAPTER 31: DENSITY							
13	31.3.1.A	Residential Uses On parcels where residential uses are permissible, each parcel shall be entitled to one residential unit. Higher densities, up to the limits in Table 31.3.2-1 or as established in the applicable area plan , plan area statement or adopted plan, whichever is most restrictive, may be developed by conversions of development rights , transfer of development rights , transfer of existing development , transfer of allocations or potential residential unit of use , or multi-residential incentives in accordance with Chapter 50: Allocation of Development , Chapter 51: Banking, Conversion, and Transfer of Development Rights , and Chapter 52: Bonus Unit Incentive Program .					Adds language related to the conversion of development rights (recommendation #1) as well as updating references to Chapter 51 and Chapter 52. "Area Plan" is also added for clarification.
14	31.3.1.B	Tourist Accommodation Uses On parcels where tourist accommodation uses are permissible, density up to the limits in the Table 31.3.2-1 or as established in the applicable area plan , plan area statement or adopted plan, whichever is most restrictive, may be developed by conversion of development rights or transfer of existing development in accordance with Chapter 51 or by obtaining tourist accommodation bonus units in accordance with Chapter 52.					Adds language related to the conversion of development rights (recommendation #1) as well as updating references to Chapter 51 and Chapter 52. "Area Plan" is also added for clarification.

Item #	Existing Section	Amendment	Rationale
15	31.3.1.C	<p>Recreation Uses</p> <p>On parcels where developed campgrounds, recreational vehicle parks, or group facilities are permissible, density up to the limits in Table 31.3.2-1 or as established in the applicable area plan, plan area statement, or adopted plan, whichever is most restrictive, may be developed through utilization of recreational development allocations in accordance with Chapter 50: <i>Allocation of Development</i>, or by transfer of existing development in accordance with Chapter 51. For other types of recreational uses, maximum densities or intensities shall be determined by the standards in the Site Development division (Chapters 30 through 39) and other applicable provisions of this Code.</p>	Adds "Area Plan" for clarification.
CHAPTER 39: SUBDIVISION			

Item #	Existing Section	Amendment	Rationale
16	39.1.3.A.1	<p>Acquisition Program Conveyances The standards for conveyances to the United States, the California Tahoe Conservancy, or the Nevada Division of State Lands, pursuant to a program established by statute for the purposes of acquiring lands for open space, water quality, or recreational uses, provided that:</p> <ol style="list-style-type: none"> If the original parcel had an <u>existing or potential residential unit of use</u> development right, the conveyance shall specify which parcel is assigned the <u>existing or potential residential unit of use</u> development right. Likewise, the approval shall specify the coverage assigned to all parcels and shall specify that the maximum coverage on the existing and the newly created parcels shall not exceed the amount which would have been permitted prior to the subdivision; and The TRPA subdivision approval shall only take effect upon the transfer of the subdivided parcel to the United States, the California Tahoe Conservancy, or the Nevada Division of State Lands. 	Changes terminology from “residential development right” to “potential residential unit of use”. See “Outline of Proposed Changes and Amendments” above.
17	39.1.3.A.2	<p>General Conveyances The standards for other conveyances shall be:</p> <ol style="list-style-type: none"> If the original parcel had an <u>existing or potential residential unit of use</u> development right, a deed restriction, or other covenant-running with the land shall be recorded establishing which parcel shall be assigned the <u>existing or potential residential unit of use</u> development right; The parcel conveyed to the government agency or public entity shall be permanently restricted by deed restriction or other covenant-running with the land to the public service, public recreation, public resource management use, or open space; and If the original parcel contains existing land coverage, deed restrictions, or other covenants-running with the land, a deed restriction or other covenant-running with the land shall be recorded against the original and newly created parcels ensuring that the allowable and maximum coverages on the parcels shall not exceed the amount that would have been permitted prior to the subdivision. In the case where existing land coverage exceeds the Bailey coefficients, the restriction shall ensure that future land coverage calculations shall be made as if the parcels had not been subdivided. 	Changes terminology from “residential development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.

Item #		Existing Section		Amendment		Rationale	
18	39.2.3.B.2	2.	Restriction of subdivided units to moderate-income housing shall include recordation of deed restrictions or other covenants running with the land that compliance with Section 52.3.4.E limit the rental rates and sale price to those that are affordable to households or tenants that earn not more than 120 percent of the applicable county median.				
18	39.2.5	Subdivision of Post-1987 Projects C. Multi-Residential Bonus Units and Allocations	Multi-residential projects that received development rights ("bonus units") under Section 52.3 after January 1, 1993, or residential allocations under subparagraph 50.5.1.D, or multi-residential allocations under subsection 50.5.3, shall be permitted to subdivide provided the resulting units are deed restricted in accordance with the Chapter 90: <i>Definitions</i> , for achievable , moderate-income, affordable housing.				Adds language consistent with updates to the residential bonus unit income level eligibility described in Chapter 52: <i>Bonus Unit Incentive Program</i> . (recommendation #2)
19	39.2.5	D. Moderate-Income Housing	Subdivision of moderate-income housing projects may be permitted provided TRPA finds that the resultant use qualifies as moderate income housing and appropriate deed restrictions or other covenants running with the land are recorded to document the restriction of units to moderate income housing.				
CHAPTER 50: ALLOCATION OF DEVELOPMENT							
20	50.2	APPLICABILITY	No person shall construct a project or commence a use or activity that requires an allocation unless:				Adds language related to residential units of use and allocation requirements and references the updated Chapter 51: <i>Banking, Conversion, and Transfer of Development Rights</i> . (recommendation #2)
		A.	An allocation is obtained in accordance with this chapter or a residential unit of use is obtained and transferred to the parcel in accordance with Chapter 51: <i>Banking, Conversion, and Transfer of Development Rights</i> ;				
		B.	The parcel is eligible to use an allocation; and				
		C.	The project is approved by TRPA.				

Item #	Existing Section	Amendment	Rationale
21	50.3	<p>POTENTIAL RESIDENTIAL DEVELOPMENT RIGHTS UNITS OF USE Development Rights-<u>Potential residential units of use</u>, as defined in Chapter 90: <i>Definitions</i>, shall be assigned and utilized in accordance with the following provisions:</p>	<p>Changes terminology from “residential development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.</p>
22	50.3.1	<p>Assignment of Potential Residential Units of UseDevelopment Rights Parcels legally existing on the effective date of the Regional Plan, July 1, 1987, shall be assigned a <u>potential residential unit of use</u>development right except as set forth below:</p> <ol style="list-style-type: none"> A. Parcels which are located in Land Capability Districts 4, 5, 6, or 7, are within a community plan area, or within Centers in a Conforming Area Plan, and are eligible for tourist accommodation or commercial uses, shall not have a <u>potential residential development right</u>unit of use. Parcels that are removed from community plan areas and included in Area Plans shall not receive a <u>potential residential unit of use</u>development right with the change. B. Parcels that contained one or more of the primary uses listed in the Section 21.4 under Residential, Tourist Accommodation, Commercial, or Public Service, on the effective date of the Regional Plan, shall not have a <u>potential residential unit of use</u>development right, except as otherwise provided in subsection 50.3.4. C. Parcels that contained one or more of the primary uses listed in Section 21.4 under Recreation, on the effective date of the Regional Plan, shall not have a <u>potential residential unit of use</u>development right, except that parcels with only dispersed outdoor recreation as a primary use shall have a <u>potential residential unit of use</u>development right. D. Parcels that contain one or more of the following uses in Section 21.4 under Resource Management, on the effective date of the Regional Plan, shall not have a <u>potential residential unit of use</u>development right. E. Littoral parcels that contain one or more of the primary uses listed in Section 81.3, on the effective date of the Regional Plan, shall not have a <u>potential residential unit of use</u>development right, except that parcel with the primary use of dispersed water-oriented outdoor recreation, salvage operations, or safety and navigation facilities shall have a <u>potential residential unit of use</u>development right. 	<p>Changes terminology from “residential development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.</p>

Item #		Existing Section	Amendment	Rationale
23	50.3.2	Transfer of Potential Residential Development Rights Units of Use Transfer of potential residential units of use development rights shall comply with the density limitations set forth in this chapter and the transfer provisions set forth in Chapter 51: Banking, Conversion, and Transfer of Development Rights .		Changes terminology from “residential development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.
24	50.3.3	Construction of Residential Unit A potential residential development right unit of use or multi-residential bonus unit shall be required for each additional residential unit approved in accordance with Chapter 50: <i>Allocation of Development</i> .		Changes terminology from “residential development right” to “potential residential unit of use” and “multi-residential bonus unit” to “residential bonus unit”. See the outline of recommended amendments within the memo.
25	50.4	ALLOCATION AND ACCOUNTING OF COMMODITIES AND DEVELOPMENT RIGHTS-ACCOUNTING		Changes terminology from “commodities” to “development rights”. See the outline of recommended amendments within the memo.
26	50.4.1	Total Allocations of Commodities and Accounting of Development Rights		Changes terminology from “commodities” to “development rights”. See the outline of recommended amendments within the memo.
27	50.4.2	2013 Additional Allocations TRPA shall release allocations and use commodities in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.		Changes terminology from “commodities” to “development rights”. See the outline of recommended amendments within the memo.
28	50.4.3	LOS and VMT Monitoring Two years after each release, TRPA shall monitor existing and near-term LOS to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor VMT and only release commodity allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period.		Changes terminology from “commodities” to “development rights”. See the outline of recommended amendments within the memo.

Item #		Existing Section	Amendment	Rationale
29	50.5.1	Requirement of Residential Allocation No person shall construct a residential project or commence a residential use that creates one or more additional residential units without first receiving an allocation approved by TRPA and awarded by the appropriate jurisdiction. This requirement does not apply to affordable, <u>moderate, or achievable</u> housing units approved after January 1, 1986 but shall apply to conversions of such affordable, <u>moderate, or achievable</u> housing to nonaffordable <u>market-priced</u> status. In order to construct the project or commence the use for which the allocation or the exemption has been approved, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.	Adds language relating to the expanded eligibility of residential bonus units. Under the proposed system, residential bonus units could be allocated at the affordable, moderate, and achievable income levels. (recommendation #2)	
30	50.5.1.B	Definition of "Additional Residential Unit" "Residential unit" is defined in Chapter 90: <i>Definitions</i> . For purposes of this chapter, a residential unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1986. The conversion of an existing nonresidential use to a residential use constituting a residential unit is an additional residential unit requiring an allocation under this chapter.	Removes the requirement of obtaining an allocation if the residential unit of use is being converting from non-residential use. (recommendation #2)	
31	50.5.1.C.2	Additional Bonus Multi-Residential Units In addition to the annual maximum allocations in Table 50.5.1-1, a total of 1,400-1,124 <u>(as of effective date of amendments – January 1, 2019)</u> additional multi-potential residential development rights units <u>of use from the TRPA pool</u> shall be available as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of the Regional Plan. MultiPotential residential units shall be subject to the foregoing allocation limitations.	Adds language regarding the existing number of residential bonus units in the TRPA allocation pool that can be distributed to projects within the affordable, moderate and achievable-income levels. (recommendation #2)	
32	50.5.1.E	Disposition of Unused Allocations <u>When the final conditions of a residential permit issued by TRPA are not met and that permit expires, the residential allocation associated with the permit is transferred to the TRPA pool or the local jurisdictional pool from where the allocation was distributed, and no residential unit of use is created.</u>	Specifies and adds clarification of what happens when a project awarded a residential allocation is not constructed.	
33	50.5.2.D	D. Administration An allocation shall entitle the owner of the receiving parcel to either apply for a TRPA permit to construct an additional residential unit or to transfer the allocation to another parcel pursuant to Chapter 51: <i>Banking, Conversion, and Transfer of Development Rights</i> . Distribution of, and other transactions concerning allocations, shall be tracked, accounted for, and otherwise treated in accordance with Chapter 6: <i>Tracking, Accounting, and Banking</i> .	Updates reference to Chapter 51.	
34	50.5.3	Multi-Residential Allocations A portion of the residential allocations set forth in subparagraph 50.5.1.C may be reserved for multi-residential use. These reserved allocations shall be used for the Multi-Residential Incentive Program established in Chapter 52: Bonus Unit Incentive Program, or in connection with transfer of development rights pursuant to Chapter 51: <i>Banking, Conversion, and Transfer of Development Rights</i> .	Updates the reference to Chapter 51 and removes allocation requirement for a residential bonus unit. (recommendation #2)	

Item #		Existing Section		Amendment		Rationale	
35	50.5.3.B	Allocations for Multi-Residential Projects Except for allocations obtained by transfer pursuant to Chapter 51, or obtained directly as provided in subsection 50.5.2, allocations for multi -residential projects shall be made upon project approval. Previously issued allocations or a letter from the appropriate county or city indicating allocations that are available from the reservation pool or have been reserved from a future year's allocation shall be required as part of the project application. TRPA may review multi -residential projects for which allocations are reserved from future years, except that project approval shall be limited to units for which allocations are available at the time of approval. Projects may receive bonus units prior to project approval pursuant to Chapter 52.	Allocations for Multi-Residential Projects Except for allocations obtained by transfer pursuant to Chapter 51, or obtained directly as provided in subsection 50.5.2, allocations for multi -residential projects shall be made upon project approval. Previously issued allocations or a letter from the appropriate county or city indicating allocations that are available from the reservation pool or have been reserved from a future year's allocation shall be required as part of the project application. TRPA may review multi -residential projects for which allocations are reserved from future years, except that project approval shall be limited to units for which allocations are available at the time of approval. Projects may receive bonus units prior to project approval pursuant to Chapter 52.	Removes language allowing multi-residential projects to receive a bonus units prior to approval of a project. (recommendation #2)			
36	50.6.1	Requirement of Allocation No person shall construct a project or commence a use that creates additional commercial floor area without first receiving an allocation approved by TRPA <u>or obtaining necessary development rights pursuant to Chapter 51: Banking, Conversion and Transfer of Development Rights</u> . In order to construct the project or commence the use to which the allocation pertains , the recipient of the allocation shall comply with all other applicable provisions of this Code.	Requirement of Allocation No person shall construct a project or commence a use that creates additional commercial floor area without first receiving an allocation approved by TRPA <u>or obtaining necessary development rights pursuant to Chapter 51: Banking, Conversion and Transfer of Development Rights</u> . In order to construct the project or commence the use to which the allocation pertains , the recipient of the allocation shall comply with all other applicable provisions of this Code.	Adds a reference to the updated Chapter 51, requiring an allocation or obtaining necessary development rights through a conversion.			
37	50.7.1	Requirement of Allocation No person shall construct a project or commence a use that creates additional tourist accommodation units without first receiving an allocation approved by TRPA <u>or obtaining necessary developments rights pursuant to Chapter 51: Banking, Conversion, and Transfer of Development Rights</u> . In order to construct the project or commence the use to which the allocation pertains , the recipient of the allocation shall comply with all other applicable provisions of this Code.	Requirement of Allocation No person shall construct a project or commence a use that creates additional tourist accommodation units without first receiving an allocation approved by TRPA <u>or obtaining necessary developments rights pursuant to Chapter 51: Banking, Conversion, and Transfer of Development Rights</u> . In order to construct the project or commence the use to which the allocation pertains , the recipient of the allocation shall comply with all other applicable provisions of this Code.	Adds a reference to the updated Chapter 51, requiring an allocation or obtaining necessary development rights through a conversion.			
38	50.8.4	Transfer or Relocation Onsite of Commercial Floor Area Related to a Public Service Use Transfer or relocation of commercial floor area from an existing commercial use may be permitted when a public service use is approved that displaces commercial floor area. The transfer shall be approved only in conjunction with a project approval at the receiving site. The transfer shall be subject to the standards of Chapter 51, and the following standards...	Transfer or Relocation Onsite of Commercial Floor Area Related to a Public Service Use Transfer or relocation of commercial floor area from an existing commercial use may be permitted when a public service use is approved that displaces commercial floor area. The transfer shall be approved only in conjunction with a project approval at the receiving site. The transfer shall be subject to the standards of Chapter 51, and the following standards...	Removes the requirement of an approved project on the receiving parcel in order to transfer development rights. (recommendation #5)			

Item #	Existing Section	Amendment	Rationale
39	50.10.1	<p>50.10 — ELECTION OF CONVERSION OF USE 50.10.1 — General Conversion Standards</p> <p>Existing residential units may be converted to tourist accommodation units or commercial floor area, and existing tourist accommodation units may be converted to residential units or commercial floor area if the conversion complies with subsections 50.10.3, 4, 5, 6 or 7 and with the following conversion standards:</p> <p>A. The proposed conversion shall be evaluated for adverse impacts using the Initial Environmental Checklist (IEC) and the addenda developed by TRPA for conversions and shall not be permitted if adverse impacts cannot be mitigated;</p> <p>B. Residential and tourist accommodation units shall be converted on a ratio of one unit for one unit;</p> <p>C. Residential and tourist accommodation units shall be converted to commercial floor area at a ratio of one square foot of existing floor area to one square foot of commercial floor area, using the subsection 50.6.2 criteria for measurement of floor area; and</p> <p>D. A maximum of 200 residential units and 200 tourist accommodation units may be converted within a calendar year for the region.</p> <p>Conversions to Multi-family Units</p> <p>A pilot program is created under this subsection that allows for the conversion of no more than 200 TAUs to ERUs for multi-unit projects, subject to the following conditions:</p> <p>A. Each TAU can be used for a maximum of 1,250 sq. ft. of residential floor area;</p> <p>B. The conversion must happen on the same parcel; and</p> <p>C. TRPA shall monitor the impacts to thresholds of pilot program.</p> <p>Transfer From Sensitive Lands</p> <p>Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted when a residential or tourist unit is transferred from a parcel classified as land capability districts 1, 2, 3, or 1b (Stream Environment Zone), and the parcel is restored.</p>	<p>Moves section to 51.4.3: <i>Conversion Standards</i>, with some changes within the standards.</p>
40	50.10.2		<p>Removes from the Code. New conversion standards are listed in Chapter 51. (recommendation #1)</p>
41	50.10.3		<p>Moves section to 51.4.4: <i>Remaining Square Feet and Fractions of Units Resulting from a Conversion of Use</i>, with some edits to the section. (recommendation #1)</p>

Item #		Existing Section		Amendment		Rationale	
42	50.10.4	Removal of a Nonconforming Use Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted in conjunction with a project approval if the conversion results in the elimination of the unit of nonconforming use. The structures containing the converted use shall meet TRPA standards for new construction			Removes from the Code. New conversion standards are listed in Chapter 51. (recommendation #1)		
43	50.10.5	Uses Modified to Meet Development Standards for New Projects Conversion of an existing residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use, or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences, not to include single family residential, may be permitted onsite or for transfer in conjunction with a project approval if all structures and uses within the project area are modified to meet the TRPA standards applicable for a project proposed on an undeveloped project area.			Removes from the Code. New conversion standards are listed in Chapter 51. (recommendation #1)		
44	50.10.6	Uses Linked to an EIP Project Conversion of residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences, not to include single family, may be permitted onsite or for transfer if the converted use is included as part of a project that has linked status pursuant to Chapter 15: Environmental Improvement Program.			Removes from the Code. New conversion standards are listed in Chapter 51. (recommendation #1)		
45	50.10.7	Uses to Provide Deed Restricted Affordable Housing Projects Conversion of existing tourist accommodation units of use to residential may be permitted onsite if the converted units will be used for deed restricted affordable housing, the converted units are certified by the local jurisdiction that they meet their public health and safety standards for residences, and the project area meets TRPA standards applicable for modifications on a developed project area.			Removes from the Code. New conversion standards are listed in Chapter 51. (recommendation #1)		

Commercial Floor Area/Tourist Bonus Unit Conversion Pilot Program
 Notwithstanding any other contrary provisions of Chapters 50 and 51, this pilot program allows for the reservation, conversion, allocation, and transfer of Commercial Floor Area (CFA) and tourist bonus units.

A.—Reservation of Bonus CFA or Tourist Bonus Units.

- 1.—Potential applicants may submit letters of intent to apply for bonus CFA or tourist bonus unit reservations upon TRPA Governing Board approval of this pilot program until March 27, 2016. All reservation letters received during this period shall be reviewed and ranked according to the criteria below by the Governing Board. The applicants with the highest ranked letters of intent will be allowed to reserve bonus units to the extent bonus units are available from TRPA. TRPA shall rank the letters of intent on the following criteria:
 - a.—Amount of nutrient and fine sediment pollutant reduction and stream environment zone and other sensitive land restoration;
 - b.—Additional Threshold of community benefits; and
 - c.—Status of land acquisition and likely maintenance of restoration benefit.

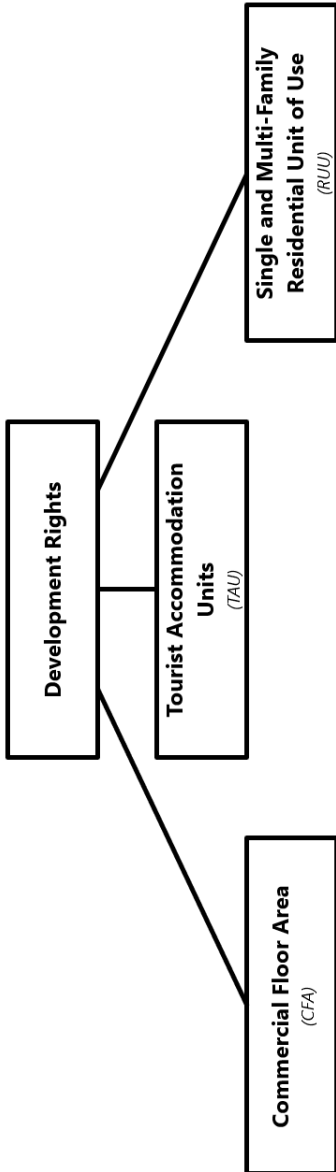
Successful potential applicants shall complete their reservation applications pursuant to Section 50.10.8.B below within 18 months of Governing Board action on their letter of intent.
- 2.—If the letter of intent process does not exhaust the available supply of bonus CFA or tourist bonus units, additional reservation applications may be submitted after March 27, 2016 and considered by the Governing Board under the criteria of Section 50.10.A.1 (a) (c).
- 3.—Sending site project areas for reservation requests shall be limited to contiguous parcels and requests shall describe the number of CFA and/or tourist bonus units that could be feasibly earned as a result of the sending site restoration according to Section 51.5: Transfer of Existing Development.

B.—All applicants for CFA and tourist bonus units either reserved per A.1 or submitted per A.2, above, shall provide the following within 18 months from the date of reservation approval per

Removes from the Code. New conversion standards are listed in Chapter 51. (recommendation #1)

		<p>A-1.</p> <ol style="list-style-type: none"> 1. Submit a complete application for a TRPA permit for any demolition and restoration of the sending site project area; and 2. Include proof of ownership or control of the sending site project area, which, at a minimum, shall be an option to purchase the site. <p>C. Applicants shall restore and permanently restrict all or part of the sending site, as appropriate, pursuant to the provisions of Section 51.6: Restriction of Parcels, no later than 12 months after the approval of an application submitted per 50.10.8.B, above, or three years from the effective date of this ordinance, whichever comes later.</p> <p>D. The Governing Board may grant one extension of up to 12 months to applicants diligently pursuing the approved restoration project.</p> <p>E. CFA and tourist bonus units may be converted into either commodity at a ratio of one TAU to 450 square feet of CFA and vice versa.</p> <p>F. No more than 80,000 square feet of CFA from the TRPA Special Project and CEP Pool and no more than 61 tourist bonus units remaining from the 1987 Regional Plan (provided for in Table 50.4.1-1: Allocation and Development Rights Accounting of this Code) may be used under this pilot program.</p> <p>G. TRPA shall allocate the CFA or tourist bonus units when the sending site has been deed restricted, and when the applicable conditions of approval for the demolition and restoration plan have been satisfied or a security has been posted in an amount equaling 125% of the amount needed to ensure the unsatisfied conditions of approval for the restoration will be satisfied.</p> <p>H. Bonus units can be earned and held by either a public or private party.</p> <p>I. This pilot program shall remain in effect from March 27, 2016 through March 27, 2019. If CFA or tourist bonus units are reserved during the time that the pilot program is in effect, TRPA may issue CFA or tourist bonus units following the termination of the pilot program if all of the criteria in this section have been met.</p>
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Item #		Existing Section	Amendment	Rationale
47	50.11		50-11 50.10 OTHER PERMITS	
CHAPTER 51: TRANSFER OF DEVELOPMENT				
48	51.0		CHAPTER 51 BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT RIGHTS	<p>Reorganizes Chapter 51 to all activities or transactions for existing development rights - banking, conversions and transfers.</p> <p>Banking, conversions, and transfers of development rights are broken out into distinct sections (51.3, 51.4, and 51.5 respectively). The structure of each section is mirrored – eligibility, requirements and/or standards, other specific criteria (if applicable), and restrictions (if applicable).</p> <p>Co-locating activities or transactions associated with development rights is intended to improve the usability of the Code and increase predictability.</p>
49	51.1		<p>PURPOSE</p> <p>This chapter sets forth the provisions for the banking, conversion, and transfer of development rights as defined in Chapter 90 and residential-development rights, residential allocations, and existing development from one parcel to another as provided in the Regional Plan Goals and Policies in the Implementation Element, Development and Implementation Priorities Sub-element, Implementation Element, Goal #3, Policies 1-6 and Development and Implementation Priorities, Policy 3.7. The banking and transfer of land coverage is addressed in Chapter 30: <i>Land Coverage</i>.</p>	<p>Adds language regarding the reorganization of Chapter 51 and references the Regional Plan Goals and Policies.</p>

Item #	Existing Section	Amendment	Rationale
50	51.2	<p>APPLICABILITY</p> <p>This chapter applies to the <u>banking, conversion, and transfer of development rights</u>. The term “<u>development rights</u>” for the purposes of Chapter 51 include commercial floor area (CFA), tourist accommodation units (TAUs), and single and multi-family residential units of use (RUUs).</p>  <pre> graph TD DR[Development Rights] --- CFA[Commercial Floor Area (CFA)] DR --- TAU[Tourist Accommodation Units (TAU)] DR --- RUU[Single and Multi-Family Residential Unit of Use (RUU)] </pre> <p><i>Figure 51.2: Development Rights</i></p> <p>All such <u>banking, conversions, and transfers</u> require TRPA approval. <u>Banking, conversion, or transfer of development rights</u> residential development right, or residential allocation, or existing development shall not constitute approval of <u>the underlying an</u> associated project. Transfers of existing development shall occur only in conjunction with a project approval.</p> <p>51.3 BANKING OF DEVELOPMENT RIGHTS</p> <p><u>Certain elements of existing or potential development may be banked, or held, on a parcel provided the activity complies with this section.</u></p>	<p>Adds new language regarding all development rights and references the Code sections relating to how they can be acquired. A graphic is added to help the reader understand what is included in the umbrella of development rights.</p> <p>In addition to transfers, this edit adds banking and conversions to the list of activities that require TRPA approval.</p>
51	new		<p>Adds banking of development rights.</p>

Item #	Existing Section	Amendment	Rationale
52	new	<p><u>51.3.1 Eligibility</u></p> <p>A. <u>The following elements of existing or potential development shall be eligible for banking:</u></p> <ol style="list-style-type: none"> 1. <u>Commercial floor area, tourist accommodation units, and residential units of use (including potential residential units of use and residential allocations).</u> 2. <u>Existing land coverage may be banked pursuant to Chapter 30: Land Coverage.</u> <p>B. <u>Existing or converted development rights may be banked on a parcel for the sole purpose of banking with no intended use or approved project pursuant to this section and Sections 51.4 or 51.5, as applicable.</u></p>	Adds banking eligibility of development rights.

Item #	Existing Section	Amendment	Rationale
53	new	<p><u>51.3.2 Requirements</u></p> <p><u>Banking of existing or potential development may be permitted subject to the following requirements:</u></p> <ul style="list-style-type: none"> <u>A. All banking activities shall be reviewed and approved by TRPA.</u> <u>B. Prior to banking, the development rights shall be verified as legally existing.</u> <u>C. The banking shall be limited to the development rights existing on the parcel from which the development is to be removed or modified.</u> <u>D. For parcels which development rights will be converted pursuant to Section 51.4, the structures or facilities accounting for that use shall be removed or modified as to eliminate the existing units and use.</u> <u>E. When the banking results in the removal of a primary use as defined by Chapter 21: <i>Permissible Uses</i>, all accessory uses and structures associated with the primary use shall also be removed.</u> <u>F. TRPA shall track and account for parcels from which units of use have been banked as set forth in Chapter 6: <i>Tracking, Accounting, and Banking</i>.</u> <u>G. At the time of and as a condition of approval for the banking of development rights, the parcel or project area from which the development rights previously existed shall be restored and revegetated in accordance to Section 61.4: <i>Revegetation</i> and restricted pursuant to Section 51.3.3: <i>Parcel Restriction for Banking</i>.</u> <u>H. The parcel from which the development rights are banked shall be free of nuisance and hazard.</u> <u>I. If there are bonds, assessments, back taxes, fees, and liens affecting the parcel, the applicant shall receive authorization to bank development rights from those interested parties to whom the bond, assessment, back taxes, fees, or liens are owed.</u> 	<p>Adds banking requirements of development rights.</p>

51.3.3 Parcel Restriction for Banking

At the time of and as a condition of banking, the parcel from which the development rights existed shall be restricted as follows:

A. Banking of All Existing Development on Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) which all development rights have been banked shall be restored pursuant to subsection 51.3.2.G and shall be permanently restricted to open space by a deed restriction running with land, recorded by the owner except where otherwise permitted in Section 30.5.

B. Banking of Some Existing Development on Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which less than all units of existing development have been banked shall be permanently restricted from redeveloping the project area from where the development rights were previously existing by deed restriction running with the land, recorded by the owner except where otherwise permitted in Section 30.5.

C. Banking of Existing Development on Non-Sensitive Lands

TRPA shall document and track all development rights that have been banked in accordance to Section 51.3.2.F. The use shall remain banked, until or unless, a project associated with the use is approved by TRPA pursuant to this Code.

D. Potential Residential Unit of Use or Residential Allocation Banking on Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all potential residential units of use, allocations, and existing development have been banked shall be permanently restricted from residential development.

1. For parcels in private ownership, or that have deed restrictions running with the land, the permanent removal of development rights from the parcel shall be recorded by the owner.

2. For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the development rights have been permanently removed.

E. Potential Residential Unit of Use or Residential Allocation Banking on Non-Sensitive Lands

TRPA shall document and track all potential residential units of use and residential allocations that have been banked in accordance to Section 51.3.2.F. The use shall remain banked, until or unless, a project associated with the use is approved by TRPA pursuant to this Code.

Adds banking parcel restrictions of development rights.

Item #		Existing Section	Amendment	Rationale
55	50.10	<p>51.4 ELECTION-OR-CONVERSION OF USE/DEVELOPMENT RIGHTS <u>Existing development rights consisting of commercial floor area (CFA), tourist accommodation units (TAUs), and single and multi-family residential units of use (RUUs) may be converted from one development right to another provided the conversion complies with this section.</u></p>	<pre> graph TD DR[Development Rights] --> CFA[Commercial Floor Area (CFA)] DR --> TAU[Tourist Accommodation Units (TAU)] DR --> RUU[Single and Multi-Family Residential Unit of Use (RUU)] TAU -.-> CFA TAU -.-> RUU </pre> <p>Figure 51.4: Convertible Development Rights The dashed line refers to the conversion between development rights. See Table 51.4.3-1 for conversion exchange rates.</p>	<p>Adds new language regarding all development rights and references the Code sections relating to how development rights can be acquired.</p> <p>Adds a graphic to help the reader understand what is included in the umbrella of development rights and what is eligible for conversion. (recommendation #1)</p>
56	<i>new</i>	<p>51.4.1 Eligibility</p> <p>A. <u>The following development rights shall be eligible for conversion: commercial floor area, tourist accommodation units, and single and multi-family residential units of use.</u></p> <p>B. <u>A single or multi-family residential unit of use that was verified and banked as of [insert the effective date of this provision- Jan. 1, 2019] shall be considered a single-family residential unit of use for conversion and transfer purposes.</u></p> <p>C. <u>Existing commercial floor area, tourist accommodation units, and single or multi-family residential units of use or held in allocation pools by local governments shall be eligible for conversions.</u></p> <p>D. <u>Bonus units awarded to a project are eligible for conversion provided all requirements for awarding of the bonus unit in Chapter 52 have been and continue to be met. Bonus units can be awarded concurrent with a qualifying development right transfer without the approval of an associated project.</u></p>	<p>Adds conversion eligibility. (recommendation #1)</p>	

Item #	Existing Section	Amendment	Rationale
57	new	<p>51.4.2 Requirements Conversion of existing development may be permitted subject to the following requirements:</p> <p>A. <u>All conversions shall be reviewed and approved by TRPA.</u></p> <p>B. <u>Prior to conversion, the development right shall be verified as legally existing.</u></p> <p>C. <u>The conversion shall be limited to the units of use existing on the parcel from which the development is to be removed or modified.</u></p> <p>D. <u>For parcels which units of existing development will be converted, the structures or facilities accounting for that use shall be removed or modified, consistent with the conversion, as to eliminate the existing units and use.</u></p> <p>E. <u>On-site conversions shall be limited to existing development located in Land Capability Districts 4, 5, 6, 7; or, if applicable, in the top rank under IPES unless the conversion is associated with a project that includes a 25 percent or greater reduction in existing land coverage and restoration of that removed coverage and there is no increase in vehicle trips, parking, cubic volume of the structures, or adverse impacts as part of the project.</u></p> <p>F. <u>The parcel from which units are converted shall be free of nuisance and hazard.</u></p> <p>G. <u>If there are bonds, assessments, back taxes, fees, and liens affecting the parcel, the applicant shall receive authorization to convert development rights from those interested parties to whom the bond, assessment, back taxes, fees, or liens are owed.</u></p> <p>H. <u>TRPA shall track and account for parcels from which existing development rights have been converted as set forth in Chapter 6: <i>Tracking, Accounting, and Banking.</i></u></p>	<p>Adds conversion requirements. (recommendation #1)</p>

51.4.3 Conversion Standards

Existing development rights may be converted if the conversion complies with the following conversion standards:

- A. Commercial floor area shall be converted to tourist accommodation units at a ratio of 300 square feet of commercial floor area to one tourist accommodation unit.
- B. Commercial floor area shall be converted to single-family residential at a ratio of 300 square feet of commercial floor area to one residential unit of use.
- C. Commercial floor area shall be converted to multi-family residential at a ratio of 300 square feet of commercial floor area to one and one-half (1.5) residential units of use.
- D. Tourist accommodation units shall be converted to commercial floor area at a ratio of one tourist accommodation unit to 300 square feet of commercial floor area;
- E. Tourist accommodation units shall be converted to single-family residential at a ratio of one tourist accommodation unit to one residential unit of use;
- F. Tourist accommodation units shall be converted to multi-family residential at a ratio of one tourist accommodation unit to one and one-half (1.5) residential units of use;
- G. Residential units of use used for single-family residential shall be converted to commercial floor area at a ratio of one residential unit of use to 300 square feet of commercial floor area;
- H. Residential units of use used for single-family residential shall be converted to tourist accommodation units at a ratio of one residential unit of use to one tourist accommodation unit;
- I. Residential units of use used for single-family residential shall be converted to multi-family residential units of use at a ratio of one single-family residential unit of use to one and one-half (1.5) multi-family residential units of use;
- J. Residential units of use used for multi-family residential shall be converted to commercial floor area at a ratio of one multi-family residential unit of use to 200 square feet of commercial floor area;
- K. Residential units of use used for multi-family residential shall be converted to tourist accommodation units at a ratio of one multi-family residential unit of use to three-fourths (0.75) tourist accommodation units;

Adds conversion standards. (recommendation #1)

L. Residential units of use used for multi-family residential shall be converted to single-family residential units of use at a ratio of one multi-family residential unit of use to seventy-five hundredths (0.75) of one single-family residential unit of use.

Table 51.4.3-1 Conversion Exchange Rates			
Existing Development Right	Equivalent Development Rights		
	CFA	TAU	SF ERUU
300 sq. ft. Commercial Floor Area (CFA)	300 sq. ft.	1	1
1 Tourist Accommodation Unit (TAU)	300 sq. ft.	1	1
1 Single Family Detached Residential Unit of Use (SF ERU)	300 sq. ft.	1	1
1 Multi-Family Attached Residential Unit of Use (MF ERU)	200 sq. ft.	0.75	0.75

51.4.4 Remaining Square Feet and Fractions of Units Resulting from a Conversion of Use
 If a conversion executed consistent with subsections 51.4.1 - 3 results in remaining square feet of commercial floor area, or whole or fractions of tourist accommodation units or residential units of use, those square feet or units may be banked on either the sending or receiving parcel provided all requirements of Chapter 6: *Tracking, Accounting, and Banking*, Section 51.3: *Banking of Development Rights*, or Section 51.5: *Transfers of Development Rights* as applicable are met.

51.5 TRANSFER OF DEVELOPMENT RIGHTS
 Development rights as defined by Chapter 90: *Definitions* may be transferred from one parcel to another provided the transfer complies with this section. The following development rights shall be eligible for transfer: commercial floor area, tourist accommodation units, residential units of use (including potential residential units of use and residential allocations), and bonus units.

Adds new language regarding the remaining development left over during a conversion. (recommendation #1)

Relocates the transfer of development rights section.

61	51.3	<p><u>51.5.1.1 Transfer of Potential Residential Units of Use Development Right</u> A residential development right, as defined in Chapters 90: Definitions, and 31: Density, may be transferred to another parcel pursuant to the following provisions: A potential residential unit of use development right, as defined in Chapters 90: Definitions, and 31: Density, may be transferred to another parcel pursuant to the following provisions:</p> <p><u>A. Vacant Parcel</u> The parcel from which the development right is transferred shall have a <u>potential residential development right unit of use</u>.</p> <p><u>B. Parcel Restriction</u> At the time of and as a condition of the transfer of <u>potential residential unit of use development right</u>, the parcel from which the development right <u>potential residential unit of use</u> is transferred shall be restricted pursuant to Section 51-651.5.4.</p> <p><u>C. Receiving Area</u> The parcel receiving the development right <u>potential residential unit of use</u> shall be in an area where residential uses are permissible and shall meet the following criteria:</p> <ol style="list-style-type: none"> <u>1. Parcels Eligible to Receive One or More Potential Residential Units of Use Development Rights</u> Parcels located in a plan area or adopted community plan designated as a receiving area for multi-residential units shall be eligible to receive one or more development rights <u>potential residential unit of use</u>; or <u>2. Parcels Eligible to Receive One Potential Residential Units of Use Development Right</u> The following parcels are eligible to receive one development right <u>potential residential unit of use</u>: <ol style="list-style-type: none"> <u>a. One development right</u> <u>potential residential unit of use</u> may be transferred to a parcel for the purpose of constructing a secondary residence, provided the building site for the secondary residence is in Land Capability Districts 4, 5, 6, or 7; or <u>b. One development right</u> <u>potential residential unit of use</u> may be transferred to a 	Changes terminology from “residential development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.
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parcel that was not assigned a ~~development right~~potential residential unit of use provided the parcel has a building site in Land Capability Districts 4, 5, 6, or 7, or, if applicable, is above the initial IPES line of 726.

**3. ~~Transfer of Development Rights~~Potential Residential Units of Use to Centers;
Bonus Unit Incentive**

- a. Receiving parcels in Centers are eligible to receive ~~development rights~~potential residential units of use based on the land capability district of the sending parcel and the distance of the sending parcel from Centers, and from primary transit routes.
- b. Transfers of development that result in transfer ratios greater than 1:1 pursuant to this section shall be eligible to receive bonus units in the amount provided below and be allowed only if the applicant provides TRPA with binding assurance that the ~~development rights~~potential residential unit of use of the sending parcels are permanently restricted as if they were sensitive lands pursuant to subsection ~~51-6-851.5.4.H~~.
- c. Notwithstanding limitations in Chapters 50 and 52, bonus units received pursuant to this section shall not require an allocation to construct a residential unit.
- d. TRPA may assign a residential allocation from TRPA's residential allocation incentive pool to match the transferred potential residential development right~~unit of use~~ when a transfer earns a bonus unit or portion thereof.
- e. Transfer ratios shall be determined by considering two factors and multiplying the two resulting ratios, pursuant to the table below.

TABLE 51.5.1-1: TRANSFER OF ~~DEVELOPMENT RIGHTS~~POTENTIAL RESIDENTIAL UNITS OF USE TO CENTERS

Step 1: Determine applicable transfer ratio based on sending parcel.

Sending Parcel	Transfer Ratio
SEZ	1:1.5
Other Sensitive Lands	1:1.25
Non-Sensitive Lands	1:1

Item #	Existing Section	Amendment	Rationale												
119		<p>Step 2: For transfers of <u>potential residential units of use development rights</u>, determine additional transfer ratio based on distance from centers and/or primary transit routes.</p> <table border="1" data-bbox="324 546 633 882"> <thead> <tr> <th>Distance</th> <th>Additional Transfer Ratio</th> </tr> </thead> <tbody> <tr> <td>Less than ¼ mile, or on the lake-ward side of primary transit routes</td> <td>1:1</td> </tr> <tr> <td>¼ mile to ½ mile</td> <td>1:1.25</td> </tr> <tr> <td>½ mile to 1 mile</td> <td>1:1.5</td> </tr> <tr> <td>1 mile to 1½ mile</td> <td>1:1.75</td> </tr> <tr> <td>Greater than 1½ mile</td> <td>1:2</td> </tr> </tbody> </table> <p>Step 3: Multiply the applicable ratios from Steps 1 and 2 to determine the applicable transfer ratio.</p>	Distance	Additional Transfer Ratio	Less than ¼ mile, or on the lake-ward side of primary transit routes	1:1	¼ mile to ½ mile	1:1.25	½ mile to 1 mile	1:1.5	1 mile to 1½ mile	1:1.75	Greater than 1½ mile	1:2	
Distance	Additional Transfer Ratio														
Less than ¼ mile, or on the lake-ward side of primary transit routes	1:1														
¼ mile to ½ mile	1:1.25														
½ mile to 1 mile	1:1.5														
1 mile to 1½ mile	1:1.75														
Greater than 1½ mile	1:2														
62	51.3.5	<p>D. Density The transfer shall comply with the density of use provisions for the receiving parcel.</p> <p>Local Approval For an inter-county transfer, the approval of affected local governments shall be obtained.</p>	Removes requirement of the local approval for a development right transfer. (recommendation #4)												

Item #	Existing Section	Amendment	Rationale
63	51.4	<p>51.5.2 Transfer of Residential Allocations If a parcel is assigned a residential allocation pursuant to Chapter 50: <i>Allocation of Development</i>, the allocation may be transferred to another parcel pursuant to the following provisions:</p> <p>A. Parcel Classification The allocation transfer shall be from a parcel determined to be in Land Capability Districts 1a, 1b, 1c, 2, 3, or 1b (stream environment zone); shoreline tolerance districts 1, 2, 3, or 4; below the initial IPES line of 726, if applicable; or unsuitable for development due to the inability of the property to meet TRPA or local government development standards.</p> <p>B. Building Site The receiving parcel shall have a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES, subject to the limitation in subsection 0 below.</p> <p>C. IPES Limitation A residential allocation shall not be transferred to a parcel that is below the initial IPES line of 726 unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than one-half the total inventory in that jurisdiction.</p> <p>D. Permissible Use The receiving parcel shall be in a plan area or adopted community plan where residential uses are a permissible use on the receiving parcel.</p> <p>E. One Transfer Subject to the limits in Chapter 50, an allocation may be transferred only one time and shall continue to count against the jurisdiction to which it was originally issued.</p> <p>F. Local Approval For an inter-county transfer, the approval of affected local governments shall be obtained.</p> <p>F. Parcel Restriction The sending parcel shall be restricted pursuant to Section 51-651.5.4 at the time the allocation is transferred.</p>	<p>Removes requirement of the local approval for a development right transfer. (recommendation #4)</p> <p>Renumbers and fixes references to outdated Code sections.</p>

Item #	Existing Section	Amendment	Rationale
64	51.5	<p>51.5.3 Transfer of Existing Development</p> <p>A Eligibility</p> <p>The following elements of existing development shall be eligible for transfer:</p> <p>1. Units of Use Units of use may be transferred within the same major use classifications (for example, residential, tourist accommodation, commercial, and recreation). The amount of use transferred shall be measured in appropriate units of use (for example, residential units, tourist accommodation units, commercial floor area, and PAOTs). <u>Transfers of existing development may be permitted for the sole purpose of banking the rights and do not require an approved project on the receiving parcel.</u></p> <p>2. Land Coverage Existing land coverage may be transferred pursuant to Chapter 30.</p> <p>3. Amount <u>The amount of development rights that can be transferred to a site is not limited provided the transfer is solely for the purpose of banking those rights. Transfers of existing development for uses other than banking are subject to the requirements listed below.</u></p>	Adds language allowing an applicant to transfer without an approved project. (recommendation #5)

65	51.5.2	<p><u>51.5.3.B Requirements</u> Transfers of existing development may be permitted subject to the requirements listed below.</p> <ol style="list-style-type: none"> <u>1.</u> The transfer shall be limited to the units of use existing on the parcel from which the development is to be removed. The use transferred shall be a permissible use on the receiving parcel as set forth in the plan area statement or adopted community plan. <u>2.</u> The receiving parcel shall comply with the site development provisions established by this Code and the plan area statement for the receiving parcel. The findings required for a special use in Chapter 21: Permissible Uses, shall have been made if the use transferred is a special use in the receiving area. The approval of affected local governments shall be obtained. <u>3.</u> The parcel from which the existing development is transferred shall be restricted pursuant to Section 51-651.5.4, no later than the time of commencement of construction of the related project. <u>4.</u> All facilities, including building and structures, shall be appropriate for removal considering conformance with TRPA plans and the Code, such as the provisions for historical structures and affordable housing. The proposed transfer shall be evaluated for adverse impacts using the IEC and the addenda developed by TRPA for transfer and shall not be permitted if adverse impacts cannot be mitigated. <u>5.</u> The receiving parcel shall have a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES unless: <ol style="list-style-type: none"> <u>a.</u> There is a 25 percent or greater reduction in existing land coverage and restoration on the receiving parcel and there is no increase in vehicle trips, parking, cubic volume of the structures, or adverse impacts; or <u>b.</u> The transfer of units from a commercial, tourist, or residential use to a site inside a designated community plan area is from sensitive lands to an equal or less sensitive land capability district, and a reduction of land coverage and restoration occurs at the receiving site or sending site equal to 300 square feet 	Removes requirement to have an approved project on the receiving site prior to a transfer. (recommendation #5)
			Removes requirement of the local approval for a development right transfer. (recommendation #4)

of land coverage per tourist unit transferred, 1,200 square feet of land coverage per residential unit transferred, or one square foot of land coverage per square foot of commercial floor area transferred; or

c. The transfer of commercial floor area from nonsensitive lands to a site inside a designated community plan area results in a reduction of land coverage and restoration on the receiving site or like sensitive lands in the watershed at a ratio of one square foot of transferred floor area to two square feet of land coverage reduced.

6. Existing residential development shall not be transferred to any parcel that is below the initial level defining the top rank under IPES (726) unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than one-half the total inventory in that jurisdiction.

~~G. Transfers of tourist accommodation units (TAUs) shall comply with the conditions below.~~

~~1. Transferred TAUs may be used to entitle, on a one-to-one basis, for the unit sizes described in subparagraph 2. below, provided the proposed project (receiving site) will be a professionally managed tourist accommodation facility containing three or more of the following on-site guest amenities or services:~~

~~a. Front desk/check-in/lobby~~

~~b. Business center~~

~~c. Spa services~~

~~d. Fitness facility~~

~~e. Restaurant~~

~~f. Bar~~

~~g. Conference space~~

~~h. Concierge's services~~

~~i. Pool or other resort recreation facilities~~

~~j. Valet/below-structure parking~~

~~k. Housekeeping~~

Item #	Existing Section	Amendment	Rationale
		<p>1. Bell desk</p> <p>2. Provided the conditions in subparagraph 1. above are met, 80 percent of the tourist accommodation units on the receiving site may be up to 1,200 square feet, with kitchens, and no more than 20 percent of the project's floor area may contain units not to exceed 1,800 square feet, with kitchens.</p> <p>3. When transferred TAUs are utilized for smaller tourist accommodation facilities that are not operated as destination resorts, the facility shall be professionally managed, units shall not be rented for a period longer than 29 days, and TAUs may not exceed 850 square feet in size.</p> <p>4. This transfer policy applies to hotels or timeshares and fractional units within a professionally managed tourist accommodation.</p>	

51.5.3.C. Transfer of Existing Development to Centers; Bonus Unit Incentive

Transfers of existing development to Centers shall ~~receive the approval of affected local governments and shall~~ comply with the following:

1. Receiving parcels in Centers are eligible to receive transfers of existing development based on the land capability district of the sending parcel and the distance of the sending parcel from the Center and from primary transit routes.
2. Transfers of existing development that result in transfer ratios greater than 1:1 pursuant to this section shall be eligible to receive bonus units in the amount provided below and be allowed only if the applicant provides TRPA with binding assurance that the sending parcel will be restored and permanently restricted to open space by deed restriction ~~of other government~~ running with the land, recorded by the owner. In cases where a portion of development has been transferred, only that portion of the parcel shall be restricted as open space.

3. Notwithstanding limitations in Chapters 50 and 52, bonus units received pursuant to this section shall not require an allocation to construct a residential unit.

4. Transfer ratios shall be determined by considering two factors and multiplying the two resulting ratios, pursuant to the table below.

TABLE 51.5.3.C-1: TRANSFER OF EXISTING DEVELOPMENT TO CENTERS[1]

Step 1: Determine applicable transfer ratio based on sending parcel.	
Sending Parcel	Transfer Ratio
SEZ	1:3
Other Sensitive Lands	1:2
Non-Sensitive Lands	1:1
Step 2: For transfers of existing residential development, determine additional transfer ratio based on distance from centers and/or primary transit routes.	
Distance	Additional Transfer Ratio
Less than ¼ mile, or on the lake-ward side of primary transit routes	1:1
¼ mile to ½ mile	1:1:25

Removes requirement of the local approval for a development right transfer. (recommendation #4)

Adds language allowing banked development rights to receive bonus units when transferred to a Town Center. (recommendation #5)

Adds language requiring an approved project prior to awarding transfer incentives bonus units. (recommendation #5)

Item #	Existing Section	Amendment	Rationale
		<p>½ mile to 1 mile</p> <p>1 mile to 1½ mile</p> <p>Greater than 1½ mile</p> <p>1:1.5</p> <p>1:1.75</p> <p>1:2</p>	
		<p>Step 3: Multiply the applicable ratios from Steps 1 and 2 to determine the applicable transfer ratio.</p> <p>[1] The provisions of Step 2 only apply to residential development, not commercial floor area or tourist accommodation units. The multiplier in Step 3 only applies to the number of units, not to building size or coverage.</p> <p>5. <u>Banked development rights are eligible to receive bonus units when transferred to a Center. Development rights banked after the 2012 Regional Plan Update (December 12, 2012) are eligible to receive the transfer incentives based on sensitivity of the sending parcel from which the units were originally banked provided that parcel was restored the distance of that sending parcel in accordance to Table 51.5.3.C-1 (Step 1 and 2). Development rights banked prior to the 2012 Regional Plan Update (December 12, 2012) are eligible to receive the transfer incentives based only on the distance of the sending parcel in accordance to Table 51.5.3.C-1 (Step 2).</u></p> <p>6. <u>Allocation of a bonus unit shall occur only in conjunction with a project approval.</u></p>	
67	51.5.4	<p><u>51.5.3.D Limitations</u></p> <p>The following limitations apply to transfers of existing development:</p> <ol style="list-style-type: none"> <u>1.</u> Units of use transferred shall have been legally established; and <u>2.</u> Transfers of units of use shall not be permitted for development that has become derelict. 	Continue subsection renumbering for Chapter 51.

Item #	Existing Section	Amendment	Rationale
68	new	<p><u>51.5.3.E. Transfer of Allocated Bonus Unit within Centers Limitation</u></p> <p><u>The following limitations apply to transfers of previously allocated Bonus Units:</u></p> <ol style="list-style-type: none"> <u>1. Bonus Units shall remain within the same use category at the time the units were awarded (i.e. residential, commercial, and tourist accommodation) and are not eligible for conversion per Section 51.4;</u> <u>2. Bonus Units awarded to a parcel within a TRPA-approved Town Center shall only be transferred within or between TRPA-approved Town Centers;</u> 	<p>Adds new language regarding restrictions to conversion of bonus units allocated within Town Centers. (recommendation #1)</p>
69	51.5.5	<p><u>51.5.3.F. Verification of Existing Residential Units of Use for Transfer or Banking</u></p> <p>Prior to transfer or banking, an existing residential unit of use shall be verified as legally established pursuant to the following criteria:</p> <ol style="list-style-type: none"> <u>1.</u> At a minimum, an existing residential unit of use shall contain cooking facilities, bathing and toilet facilities, and living and sleeping areas; and <u>2.</u> <u>Existing</u> residential units of use to be transferred or banked shall have been legally established as verified by County Assessor, local jurisdiction, and utility records: <ol style="list-style-type: none"> <u>a.</u> The existing residential unit shall have been assessed as such by the County Assessor's office as of October 15, 1986, except for residential units approved under Chapter 50: <i>Allocation of Development</i>. <u>b.</u> Permits and planning department records shall confirm that the unit is a permitted use and structure. <u>c.</u> To be verified as a legally established unit of use, all utility service connections (e.g., water, sewer, gas, and electrical service) shall have been legal as of October 15, 1986, except for residential units approved under Chapter 50. 	<p>Continues subsection renumbering for Chapter 51.</p>

70	51.6	<p><u>51.5.4 Parcel Restriction for Transfers</u><u>Restriction of Parcels</u></p> <p>Restriction of parcels for the purposes set forth in this Code shall comply with the following requirements:</p> <p><u>A.</u> Land Coverage Parcels from which land coverage has been transferred are subject to provisions of Chapter 30.</p> <p><u>B.</u> Residential Allocation Transfer Parcels from which residential allocations have been transferred shall be permanently restricted from residential development.</p> <p><u>1.</u> For parcels in private ownership, deed restrictions of other covenants-running with the land that permanently restrict the parcel from residential development shall be recorded by the owner.</p> <p><u>2.</u> For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the parcel has been permanently restricted from residential development.</p> <p><u>C.</u> Existing Development Transfer For parcels from which units of existing development have been transferred, the structures or facilities accounting for that use shall be removed or modified, consistent with the transfer, and the land restored and maintained in as natural a state as is possible, so as to eliminate the units transferred.</p> <p><u>D.</u> Payment of Bonds and Freedom From Nuisance The sending parcel shall be free of nuisance and hazard. All bonds, assessments, back taxes, fees, and liens affecting the parcel to be restricted pursuant to a transfer under this chapter shall be paid in full.</p> <p><u>E.</u> Transfer of All Existing Development From Sensitive Lands For pParcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all units of existing development have been transferred shall be restored pursuant to subsection 51.6-3<u>51.5.4.C</u> and shall be permanently restricted to open space by a deed restriction of other covenant-running with land, recorded by the owner.</p> <p><u>F.</u> Transfer of Some Existing Development From Sensitive Lands</p>	<p>Revises the section title for clarification.</p> <p>Changes terminology from “development right” to “potential residential unit of use”. See the outline of recommended amendments within the memo.</p> <p>Removes “or other covenants” to align with standard operating procedures of the agency. Parcel restriction is completed through a recorded deed restriction.</p>
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For pParcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which less than all units of existing development have been transferred shall be permanently restricted from transferring development back to the parcel by deed restriction ~~or other covenant~~ running with the land, recorded by the owner.

G. Transfer of Existing Development From Non-Sensitive Lands

Owners of parcels located in Land Capability Districts 4, 5, 6, or 7 from which units of existing development have been transferred shall document the transfer and the parcels shall be restricted by deed restriction ~~or other covenant~~ running with the land, recorded by the owner. The restriction shall limit the units of use to any remaining, until or unless:

1. A transfer back to the parcel is approved by TRPA pursuant to this chapter; or
2. An allocation is obtained pursuant to Chapter 50.

H. ~~Development Rights-Potential Residential Unit of Use~~ Transfers From Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all potential residential ~~development rights~~units of use have been transferred shall be permanently restricted from residential development.

1. For parcels in private ownership, or that have deed restrictions ~~or other covenants~~ running with the land, the permanent removal of development rights from the parcel shall be recorded by the owner.
2. For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the development rights have been permanently removed.

I. ~~Development Rights-Potential Residential Unit of Use~~ Transfers From Non-Sensitive Lands

Parcels located in Land Capability Districts 4, 5, 6, or 7, or parcels at or above the initial IPES line (726), from which all potential residential ~~development rights~~units of use have been transferred, shall be restricted from constructing new residential units by deed restriction ~~or other covenant~~ running with the land, recorded by the owner, but shall be eligible to receive future transfers of coverage or units of use if otherwise permitted in 1 or 2 of subsection ~~51-6-751.5.4.H~~ above.

J. Consolidation

Where appropriate, TRPA may approve a consolidation of parcels in lieu of a deed restriction for a transfer of a potential residential ~~development right~~unit of use or allocation, or in

Item #	Existing Section	Amendment	Rationale
		<p>addition to a deed restriction, to accomplish the restriction of the parcel consistent with this chapter and other applicable Code provisions.</p> <p><u>K.</u> Relation to Chapter 6 TRPA shall record the appropriate changes created by transfers in its records pursuant to Chapter 6: <i>Tracking, Accounting, and Banking</i>.</p> <p><u>L.</u> Sequential Transfers <u>Potential residential development rights units of use</u> and allocations may be transferred independently provided that, when both the <u>potential residential development right units of use</u> and an allocation have been transferred from a parcel, the parcel shall be permanently restricted to open space. Land coverage transfers may also occur independently subject to the provisions of Chapter 30</p>	

51.6 LOCAL GOVERNMENT APPROVAL

No local government approval is necessary to transfer development rights. Local governments can request the TRPA Governing Board to establish a local approval process if the net change of development rights resulting from transfers over the prior two-year period is equal to or greater than five percent of the total existing built development rights for each type of land use (e.g. commercial floor area, tourist accommodation units, and residential units of use) within that jurisdiction as accounted for by TRPA. TRPA shall maintain an inventory of the total existing built development rights for each type of land use per jurisdiction. The net change shall be calculated for each jurisdiction as follows:

- A. Calculate the percent net change of CFA as: (CFA transferred into the jurisdiction-CFA transferred out of the jurisdiction)/CFA from the TRPA inventory) x 100
- B. Calculate the percent net change of TAUs as: (TAUs transferred into the jurisdiction-TAUs transferred out of the jurisdiction)/TAU from the TRPA inventory) x 100
- C. Calculate percent net change of single family RUUs as: (single family RUUs transferred into the jurisdiction – single family RUUs transferred out of the jurisdiction/single family RUUs from the TRPA inventory) x 100
- D. Calculate percent net change of multi-family RUUs as: (multi-family RUUs transferred into the jurisdiction – multi-family RUUs transferred out of the jurisdiction/multi-family RUUs from the TRPA inventory) x 100
- E. -. (Average of the percentages from A, B, C, and D above)

Adds option for local jurisdictions to request a local approval of interjurisdictional development right transfers. (recommendation #4)

Item #		Existing Section		Amendment		Rationale	
CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM							
72	52.1			<p>PURPOSE This chapter sets forth provisions for assigning multi-residential bonus units in accordance with the Regional Plan Goals and Policies in the Land Use Element, Land Use Subelement, Goal 2, Policies 5A and 5B; and in the Implementation Element, Development and Implementation Subelement, Goal #2, Policies 2F and 3, and Goal 3, Policies 1 and 2.</p>			<p>Adds references to the Regional Plan Goals and Policies.</p>
73	52.2			<p>Applicability</p> <p>A. The assignment of multi-residential bonus units shall comply with the provisions set forth in this chapter. Such assignments shall occur only in conjunction with a project approved by TRPA.</p> <p>B. In addition to the bonus units authorized by this chapter, bonus units also may result from the following additional Code provisions:</p> <ol style="list-style-type: none"> Section 30.6.3: Onsite Removal and Retirement of Excess Coverage in Town Centers, Regional Centers, or the High-Density Tourist District; Section 51.5.1.C.3-3-C: Transfer of Development-Rights Potential Residential Units of Use to Centers; and Section 51.5.3.C-3-3: Transfer of Existing Development to Centers. 			<p>Updates reference to residential bonus units and sections within the Code document. (recommendation #2)</p>
74	52.3			<p>52.3 MULTI-RESIDENTIAL INCENTIVE PROGRAM</p>			<p>Updates eligibility criteria of the residential bonus unit incentive program. (recommendation #2)</p>
75	52.3.1			<p>Assignment of Bonus Units A Pursuant to Chapter 11: Plan Area Statements and Plan Area Maps, a maximum of 1,400 multi-residential bonus units may be approved by TRPA pursuant to this section. A maximum of 200 out of the 1,400 multi-Residential bonus units may be made available to affordable, moderate, and achievable, income single and multi-family housing projects subject to the criteria in subsection 52.3.4 below. Five hundred and sixty two (562) of the 1,124, or one half of the remaining (as of effective date of amendments – January 1, 2019), residential bonus units from the TRPA pool, whichever is less, shall be used for affordable housing units; the remaining 562, or one half of the remaining, residential bonus units from the TRPA pool, whichever is less, shall be used for moderate or achievable housing units. An additional 600 residential bonus units are available to be used in Centers only.</p>			<p>Updates standards of the residential bonus unit incentive program. (recommendation #2)</p>

Item #	Existing Section	Amendment	Rationale
76	52.3.2	<p>Criteria</p> <p>All projects receiving multi-residential bonus units shall comply with the following criteria:</p> <p>A. The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the <u>area plan</u>, plan area statement, applicable community or redevelopment plan, or this Code; <u>and</u></p> <p>B. <u>When bonus units will be used for a multi-family dwelling, m</u>Multi-residential uses shall be designated in the <u>area plan</u>, plan area, or community plan as an allowed use, or a special use for which the findings required in Section 21.2 have been made; and</p> <p>C. Except for affordable housing units as defined in Chapter 90: Definitions, an allocation shall be required pursuant to Chapter 50: Allocation of Development, in order to use multi-residential bonus units.</p>	Updates eligibility criteria of the residential bonus unit incentive program. (recommendation #2)

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Table
52.3.3-1

TABLE 52.3.3-1: SCORE FOR MITIGATION MEASURES FOR RESIDENTIAL BONUS UNITS

Updates reference to Chapter 51.

Mitigation Measure	Score
Participation in a transportation EIP project (see Chapter 15: <i>Environmental Improvement Program</i>)	(Project cost divided by \$8,000) x 10 points
Participation in a water quality EIP project (see Chapter 15: <i>Environmental Improvement Program</i>)	(Project cost divided by \$8,000) x 10 points
Provision of stream environment zone restoration pursuant to EIP Program (excluding restoration required as mitigation for new SEZ disturbance)	(Project cost divided by \$8,000) x 20 points
Retirement of an undeveloped parcel located in Land Capability Districts 1a, 1b (SEZ), 1c, 2, or 3 (see Chapter 51: Banking, Conversion, and Transfer of Development Rights)	Parcel in 1a, 1c, 2, or 3
	Parcel in 1b (SEZ)
Transfer of existing residential unit and retirement of the parcel in accordance with Chapter 51	Parcel in 1a, 1c, 2, or 3
	Parcel in 1b (SEZ)
New access to public recreation areas, lakes, streams, or vista points to which access was previously nonexistent	(Project cost divided by \$8,000) x 10 points (maximum 50 points)
Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 30: <i>Land Coverage</i>	One point for each such reduction of 600 square feet onsite
Participation in projects identified in the TRPA-approved Scenic Quality Improvement Program and/or the EIP	(Project cost divided by \$8,000) x 10 points

Affordable-~~and~~_Moderate_ and Achievable Income Housing

All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: Definitions shall comply with criteria in Section 52.3.4A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded and constructed to each income category, number of bonus units awarded and constructed to single and multi-family housing developments, location of housing developments, and compliance with the program.

- A. Residential bonus units may be awarded to single or multi-family housing developments.
- B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a short-term vacation rental.
- C. A bonus unit may be used for a secondary residence as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.
- D. The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits as set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to 1/10 of the current cost of a bonus unit annually for failure to submit the compliance report or comply with these requirements.
- E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.

Updates eligibility criteria of the residential bonus unit incentive program. (recommendation #2)

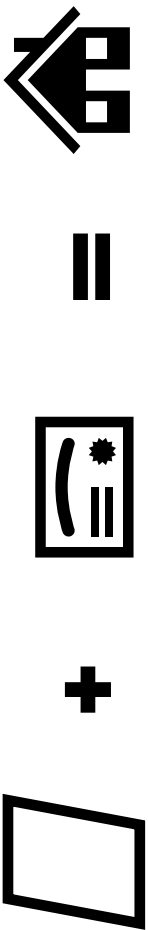
Item #	Existing Section	Amendment	Rationale
136		<p>F. The housing project awarded a residential bonus unit shall be within 1/2 mile of existing transit stops or a transit stop that will be existing concurrent with the completion of the project.</p> <p>A. Housing development projects proposing to use multi-residential bonus units shall not be subject to Table 52.3.3-1 if the following criteria are met:</p> <ol style="list-style-type: none"> 1. The housing provided meets the criteria for affordable or government-assisted housing set forth in Policies HS-1.1 and HS-2.1 of Goals 1 and 2 of the Housing Subelement. Residential bonus units for such projects shall be assigned on the basis of project need; and 2. The housing provided meets the definition of “moderate income housing” as defined in Chapter 90, and the local jurisdiction where the project is located maintains a IRPA-certified local government moderate income housing program as determined by subsection 52.3.6. <p>B. Bonus units for such projects are assigned on the basis of project need.</p>	
79	52.3.5	<p>Residential Bonus Unit Substitution</p> <p>Residential bonus units may be assigned for existing residential units of use in a project area or existing residential units of use that are the result of TAU conversion pursuant to subsection 51.450.10.7 on a unit-for-unit basis, provided that the following conditions are met:</p>	Updates eligibility criteria of the residential bonus unit incentive program. (recommendation #2)

Item #	Existing Section	Amendment	Rationale
80	52.3.6.B	<p>Permanent Limitations on Approved Use, Rental Rates, and Income Limits</p> <p>The moderate-income housing program shall, through deed restriction or other covenant running with the land, limit the project area to the approved use and restrict both rental rates and he occupants' household income to moderate-income housing limits. Moderate-income housing shall not include units with a rental rate that exceeds 30 percent of the tenant's monthly gross income. Subdivision projects shall be reviewed by TRPA-Certified Local Jurisdiction. Moderate-Income Housing Programs for purposes of determining appropriate income and sales price limitations for the sales rate of moderate-income housing. In the absence of a certified local program, project proponents shall use the 4:2 multiplier, to be multiplied by 120 percent of median family income to determine a maximum sales price for housing. Moderate income units are subject to deed restriction for long-term occupancy for at least ten months in each calendar year. The multiplier is subject to periodic amendment, to adjust for changes to median family income resulting in a numerical increase in the multiplier. Units found not to be in compliance with use, rental and/or sales rates, household income levels, or occupancy requirements as specifically described in the deed restriction or other covenant running with the land shall not be occupied until the non-complying element of the program is rectified.</p>	

Item #		Existing Section	Amendment	Rationale
81		new	<p>52.3.7 Transfer of Allocated Residential Bonus Unit Limitations</p> <p>The following limitations apply to transfers of previously allocated Bonus Units:</p> <p>A. Bonus Units transferred shall have been legally established;</p> <p>B. Bonus Units shall remain within the same use category at the time the units were awarded (i.e. residential) and are not eligible for conversion per Section 51.4;</p> <p>C. Bonus Units allocated for affordable, moderate-income, and achievable housing development shall meet the same criteria for which the units were awarded (i.e. affordable shall remain affordable, moderate-income shall remain moderate-income); and,</p> <p>D. Transfers of Bonus Units shall not be permitted for development that has become derelict.</p>	Updates restrictions of the residential bonus unit incentive program. (recommendation #2)
CHAPTER 90: DEFINITIONS				
82		N/A	<p>Accessory Dwelling Unit See "Secondary Residence".</p>	Adds common term "Accessory Dwelling Unit" (ADU). The definition is consistent with TRPA's current definition of "Secondary Residence".
83		N/A	<p>Achievable Housing Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents with an income not in excess of the respective county's achievable area median income (AMI) percentage, using the following methodology:</p> <ol style="list-style-type: none"> Determine the county's median income where the housing development will be located using income limits for a family of three published annually by the US Department of 	Adds a definition and eligibility for "Achievable Housing". TRPA will maintain a webpage that provides public guidance and periodically updates data on housing prices and income levels.

		<p>Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.</p> <ol style="list-style-type: none"> 2. Determine the county's median single or multi-family housing price, as applicable, where the housing development will be located using median housing prices published annually by TRPA. 3. Divide the median single or multi-family housing price, as applicable, (determined in Step 2) by 3.79 buying power to determine the annual income needed to afford an achievable housing unit. 4. Divide the annual income needed (calculated in Step 3) by the median income (determined in Step 1) to determine the achievable AMI percentage. <p>Example:</p> <ul style="list-style-type: none"> • Median Single Family or Multi-family Home Price (Step 1) / 3.79 = Annual Income Needed Annual Income Needed (Step 3) / HUD County AMI (Step 2) = Achievable AMI Percentage • El Dorado Median Multi-family home price of \$330,000 / 3.79 = \$87,071 Annual Income Needed \$87,071 Annual Income Needed / \$68,500 HUD El Dorado AMI = 127% maximum AMI per household to be eligible for an achievable residential bonus unit. <p>This calculation may be periodically adjusted to reflect changes in the affordability gap between median income and median home price within the Lake Tahoe Basin. Maximum AMI per county per household to be eligible for an achievable bonus unit will be available upon request from TRPA. Achievable housing units shall meet the criteria and restrictions in accordance to Chapter 52: Bonus Unit Incentive Program.</p>	
84	N/A	<p>Affordable Housing Residential housing, deed-restricted to be used exclusively for lower-income households (income not in excess of 80 percent of the respective county's median income) and for very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available for rental or sale at a cost that to individuals whose median income does not exceed the recommended state and federal standards. Each county's median income shall be determined according to the income limits published annually by the US Department of Housing and Urban</p>	Updates the existing definition of "Affordable Housing" to include a reference to the source of the AMI used for Placer County and El Dorado County.

Item #		Existing Section		Amendment		Rationale	
85	N/A	<p>Development and, if applicable, the California Department of Housing and Community Development. For multi-person dwellings, the affordable housing determination shall be made using each resident's income and not the collective income of the dwelling.</p> <p>Development Right The right to potential residential use that is attached to certain parcels in the region in accordance with Section 50.3. A development right is not a vested right. A legally existing unit of use that must be obtained prior to the construction of a project and commencement of use or activity on a property. A development right is not a vested right. Development rights include commercial floor area, tourist accommodation units, and residential units of use (comprised of a potential residential unit of use and a residential allocation). Prior to [effective date of the DRSI amendments], a potential residential unit of use was called a "residential development right" for the purposes of Section 50.3. See "Residential Unit of Use (Potential)".</p> <pre> graph TD DR[Development Rights] --- CFA[Commercial Floor Area (CFA)] DR --- TAU[Tourist Accommodation Units (TAU)] DR --- RUU[Single and Multi-Family Residential Unit of Use (RUU)] </pre>	<p>Changes terminology from a residential development right to new term of development right. See the outline of recommended amendments within the memo.</p>				
86	N/A	<p>Moderate Income Housing Residential housing, deed-restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county's median income. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.</p>	<p>Updates the existing definition of "Moderate-Income Housing" to include a reference to the source of the AMI used for Placer County and El Dorado County.</p>				
87	N/A	<p>Residential Development Right See "Development Right".</p>	<p>Changes terminology from "residential development right" to "potential residential unit of use". See the outline of recommended amendments within the memo.</p>				

Item #	Existing Section	Amendment	Rationale
88	N/A	<p><u>Residential Units of Use</u></p> <p>A. <u>Potential Residential Unit of Use (PRU)</u></p> <p><u>A potential residential unit of use is attached to certain parcels in the region in accordance with Section 50.3. A potential residential unit of use is not a vested right. To construct a new residential dwelling, the property must comply with Section 50.3 to be eligible for a potential residential unit of use and the property owner must obtain a residential allocation from the respective local jurisdiction or transfer a residential unit of use to the property from an eligible sending site. A potential residential unit of use together with a residential allocation becomes a residential unit of use upon construction. Potential residential units of use were previously referred to as a 'residential development right'.</u></p> <p>Potential Residential Unit of Use + Residential Allocation = Residential Unit of Use <i>(ability to develop a lot) (permission to build) (upon construction)</i></p> <div style="text-align: center;">  <p><i>Vacant Residential lot Residential Allocation</i></p> </div> <p>B. <u>Residential Unit of Use (RUU)</u></p> <p><u>A residential unit of use is an existing residential unit constructed (1) prior to the adoption of the Regional Plan, or (2) as a result of a TRPA permit to construct an additional residential unit from the combination of a potential residential unit of use and a residential allocation or conversion from a different type of development right. At a minimum, a residential unit of use shall contain cooking facilities, bathing and toilet facilities, and living and sleeping areas. A residential unit of use may be associated with a single-family house containing one residential unit or a multi-residential development containing more than one unit per parcel as defined by this Code.</u></p>	<p>Updates the definition of “Residential Unit of Use” to include:</p> <ol style="list-style-type: none"> 1. A “Potential Residential Unit of Use” (PRU). This was previously referred to as a “Residential Development Right” . 2. A “Residential Unit of Use”

**ATTACHMENT C:
Adopting Ordinance
for the Development Rights Strategic Initiative Amendments**

**TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2018- XX**

**AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO ADOPT
AMENDMENTS TO TRPA REGIONAL PLAN GOALS AND POLICIES LU-2.1 AND DP-3.7
AND TRPA CODE OF ORDINANCES CHAPTERS 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, AND 90
TO IMPLEMENT PROPOSED CHANGES TO THE DEVELOPMENT RIGHTS SYSTEM AND
RESIDENTIAL BONUS UNIT PROGRAM, AND OTHER MATTERS RELATED THERETO.**

The Tahoe Regional Planning Agency’s Governing Board 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.
1.30	It is necessary and desirable to amend TRPA Ordinance 87-9, as previously amended, as it relates to the Regional Plan of 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 a public hearing on the amendments and issued a recommendation regarding the adoption of these amendments. The Governing Board has also conducted a noticed public hearing on the amendments. At the 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 will achieve and maintain 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 Findings
2.00 – Amendment of TRPA Regional Plan and Code of Ordinances

2.10 The TRPA Regional Plan and TRPA Code of Ordinances is hereby amended to include the amendments to TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90 to implement proposed changes to the development rights system and residential bonus unit program as shown in Exhibit 1.

Section Findings
3.00 – Interpretation and Severability

3.10 The provisions of this ordinance adopted hereby shall be liberally constructed 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 Findings
4.00 – Effective Date

4.10 The provisions of this ordinance shall be effective on XXXX XX, 201X.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held XXXX XX, 201X, by the following vote:

- Ayes:
- Nays:
- Abstain:
- Absent:

James Lawrence, Governing Board Chair
Tahoe Regional Planning Agency

**ATTACHMENT C, EXHIBIT 1:
Development Rights Strategic Initiative Amendments**

DRSI AMENDMENTS IN CONTEXT

This document contains proposed amendments as part of the Development Rights Strategic Initiative (DRSI) in context within the TRPA Regional Plan Goals and Policies and the Code of Ordinance.

Implementation of the DRSI recommendations would require amending the Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90.

New language is in “blue” and underlined and deleted language is in “red” and ~~stricken~~ through.

REGIONAL PLAN GOALS & POLICIES

Land Use Element and Development and Implementation Priorities Element

GOAL LU-2

DIRECT THE AMOUNT AND LOCATION OF NEW LAND USES IN CONFORMANCE WITH THE ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES AND THE OTHER GOALS OF THE TAHOE REGIONAL PLANNING AGENCY BI-STATE COMPACT.

POLICIES:

LU-2.1 THE REGIONAL PLAN ADOPTED BY THE AGENCY SHALL SPECIFY THE TOTAL ADDITIONAL DEVELOPMENT WHICH MAY BE PERMITTED WITHIN THE REGION, NOT TO EXCEED THE LIMITATIONS SET FORTH BELOW.

The Environmental Impact Statement prepared for this plan analyzed impacts based on defined development parameters which are integrated into this plan. It is the intent of this policy to ensure that these limitations are incorporated, both individually and cumulatively, into the Land Use Element. These limitations shall be expressed in appropriate land use regulations, such as zoning, use limitations, floor area limitations, allocation limits and other such regulations. For the purposes of this plan, regulated development is categorized as residential, tourist accommodation, commercial, recreation, public service, and resource management.

Residential: Each undeveloped legal parcel existing on August 17, 1986, unless otherwise restricted, has a ~~development right of one residential unit~~potential residential unit of use, except where additional development rights are acquired pursuant to the Implementation Element.

The status of ~~development rights~~residential units of use and potential residential units of use that existed on August 17, 1986 is outlinedare shown in the table below:

~~Development Rights~~Residential Units of Use Inventory (as of October 24, 2012)*

Residences Developed before 1987	40,865
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Total Development Rights <u>Potential Residential Units of Use</u> in 1987	18,690
Development Rights Acquired <u>Potential Residential Units of Use Retired</u> 1987-2011	8,360
Development Rights <u>Potential Residential Units of Use</u> Developed or Allocated to Jurisdictions 1987-2011	6,087
Total Development Rights <u>Potential Residential Units of Use Remaining</u>	4,243
Remaining on Buildable Parcels	2,791
Remaining on Marginal Parcels	765
Remaining on Unbuildable Parcels	535
Banked Development Rights <u>Potential Residential Units of Use</u>	152

*Note: All statistics are estimates and are not regulatory.

Tourist Accommodation: There is a limited need for additional tourist accommodation units. Based on demonstrated need, projects may be permitted additional units as specified within a Community Plan or a Conforming Area Plan and as provided for in the Implementation Element.

Commercial: The amount of additional commercial development is based on the estimated needs of the Region. Commercial development may be permitted as specified in Plan Area Statements, Community Plans, other Specific Plans or Master Plans, or a Conforming Area Plan.

Recreation: Additional recreation uses may be permitted only as specified within Plan Area Statements, Community Plans, other Specific Plans or Master Plans, or a Conforming Area Plan. The total capacity of additional outdoor recreational facilities for the Region shall not exceed 6,114 persons at one time (PAOTs) for overnight facilities, 6,761 PAOTs for summer day use facilities, and 12,400 PAOTs for winter day use facilities. (See Recreation Element for more detail.)

Public Service: Additional public service development shall be limited to those projects needed to serve the other development permitted by this plan. (See Public Service Element for more detail.)

Resource Management: Resource Management activities pertaining to the utilization, management, or conservation of natural resources shall be limited to those activities that are consistent with policies of this plan and of other adopted plans.

GOAL DP-3

ENCOURAGE CONSOLIDATION OF DEVELOPMENT AND RESTORATION OF SENSITIVE LANDS THROUGH TRANSFER AND CONVERSION OF DEVELOPMENT RIGHTS AND TRANSFER OF LAND COVERAGE PROGRAMS.

POLICIES:

DP-3.7 TRANSFERS AND CONVERSIONS OF DEVELOPMENT RIGHTS, OTHER THAN LAND COVERAGE, SHALL BE ~~LIMITED TO EQUIVALENT USES WITH NO INCREASE IN THE PARAMETERS BY WHICH THE USES ARE MEASURED BY THIS PLAN (E.G., FLOOR AREA, UNITS, PAOT) PLUS BONUS UNITS AWARDED~~ ENVIRONMENTALLY NEUTRAL IN ACCORDANCE WITH THE REGIONAL PLAN AND CODE OF ORDINANCES. ~~EQUIVALENT USES SHALL BE DEFINED BY ORDINANCE.~~ DEVELOPMENT IMPACTS DUE TO THE RESULTING PROJECTS SHALL BE ADDRESSED AS PART OF THE PROJECT REVIEW PROCESS.

CODE OF ORDINANCES

Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90

CHAPTER 1: INTRODUCTION TO CODE OF ORDINANCES

1.1. PURPOSE

This chapter describes the Code of Ordinances ("Code") and the scope of the Code's application to the Tahoe region.

1.2. SHORT TITLE

The Code of Ordinances may be cited and referred to as the "Code."

1.3. OVERVIEW OF THE ORGANIZATION OF THE CODE OF ORDINANCES

This section summarizes the contents of the Code of Ordinances in a brief, user-friendly format. This overview section is intended solely as a guide for administrative officials and the public to use in understanding the organization of the Code.

This Code is divided into nine divisions, each of which contains one or more chapters. The divisions are organized as outlined below. Not all individual Code chapters are addressed in this summary overview.

1.3.1. General Provisions (Chapters 1 through 6)

This division contains materials that are generally applicable and useful for administering and understanding the entire Code of Ordinances. In addition to this introduction to the Code (which includes descriptions of the documents that support the Code of Ordinances), major features of this division include:

- A. Chapter 2: *Applicability of the Code of Ordinances* - Descriptions of projects and activities subject to review by the Tahoe Regional Planning Agency, projects and

activities that are exempt or qualified exempt from agency review, and projects and activities delegated to local governments for review;

- B. Chapter 3: *Environmental Documentation* - Provisions identifying when environmental impact statements or environmental assessments are required, and the required content of such reports;
- C. Chapter 4: *Required Findings* - An overview of the procedures required for making findings necessary for project review and approval; and
- D. Chapter 5: *Compliance* – Descriptions of enforcement mechanisms concerning project applications, project approvals, conditions of approval, and other elements of the Regional Plan and supporting documents.

1.3.2. Planning (Chapters 10 through 16)

This division contains materials that address the development, adoption, amendment, and regulatory effect of different types of plans and maps that support the Regional Code of Ordinances. Major features of this division include:

- A. Chapter 10: *TRPA Regional Plan Maps* – A description of the coordinated system of official maps that support the Regional Plan;
- B. Chapter 11: *Plan Area Statements and Plan Area Maps* – The relationship of Plan Area Statements (PAS) to Goals and Policies and community plans, the required content of PAS statements and maps, and the PAS amendment process;
- C. Chapter 12: *Community Plans* – Areas eligible for community plans, the relationship of community plans to PAS and the Goals and Policies, and the processes for developing and amending community plans;
- D. Chapter 13: *Area Plans* – The procedures and standards by which Area Plans may be approved by TRPA as in conformity with the TRPA’s Goals and Policies, Codes, Environmental Thresholds, and the Compact, and the long-term monitoring and review requirements for maintaining conformity;
- E. Chapter 15: *Environmental Improvement Program* – A description of the development and administration of the EIP, which is designed to attain, maintain, or surpass multiple environmental thresholds through an integrated approach; and
- F. Chapter 16: *Regional Plan and Environmental Threshold Review* – Identification of the means and time schedules by which environmental threshold carrying capacities and applicable air and water quality standards shall be attained or maintained, including compliance measures and effects of projects on attainment and maintenance of thresholds and standards.

1.3.3. Land Use (Chapters 20 through 23)

This division contains materials that describe and regulate permissible land uses within the Tahoe region (not including areas covered in the Shorezone division, chapters 80 through 84). Major features of this division include:

- A. Chapter 20: [reserved];
- B. Chapter 21: *Permissible Uses* – Lists, definitions, and standards of the permissible primary and accessory land uses, including standards for uses that existed prior to adoption of this Code; and
- C. Chapter 22: *Temporary Uses, Structures, and Activities* - Standards for uses, structures, and activities of limited duration.

1.3.4. Site Development (Chapters 30 through 39)

This division contains a variety of materials that affect the location, quantity, and quality of development that may occur on a particular site or parcel. Major features of this division include:

- A. Chapter 30: *Land Coverage* – A description of TRPA’s land capability system and land capability overlay districts; standards for base allowable land coverage, transferred land coverage, and land coverage in redevelopment project areas; prohibitions on additional land coverage in certain sensitive areas; and the excess land coverage mitigation program;
- B. Chapter 31: *Density* – A general overview of maximum density rules, special situations and circumstances that allow increases to maximum density, rules for calculating maximum density, and standards for addressing density existing prior to the adoption of this Code;
- C. Chapter 33: *Grading and Construction* – Standards for grading, including requirements for special information reports and plans to inform the grading and construction process in certain situations, plus standards for tree and vegetation protection during construction;
- D. Chapter 35: *Natural Hazard Standards* – Standards to protect life and property from natural hazard risks, including avalanche and mass instability, flooding, and wildfires;
- E. Chapter 36: *Design Standards* – Standards affecting the quality of the built environment, including site design, building design, landscaping, exterior lighting, water conservation, and miscellaneous related site and building features;
- F. Chapter 37: *Height* – The general rules for determining the maximum height of buildings and other structures, plus exceptions that allow additional height in certain locations and for structures when additional findings are met; and
- G. Chapter 38: *Signs* – The standards governing the erection and maintenance of signs in the Tahoe basin, including general standards applicable to all signs and specific standards for individual sign types.

1.3.5. Growth Management (Chapters 50 through 53)

This division contains materials that control the timing, amount, and location of growth and development that may occur within the Tahoe region. Major features of this division include:

- A. Chapter 50: *Allocation of Development* – The rules governing the rate and timing of growth within the region, including standards for awarding and distributing residential allocation ~~units~~;
- B. Chapter 51: *Banking, Conversion, and Transfer of Development Rights* – Provisions for the banking, conversion, and transfer of commercial floor area, tourist accommodation units, and single and multi-family existing residential units of use; ~~residential development rights, residential allocations, and existing development from one parcel to another~~;
- C. Chapter 52: *Bonus Unit Incentive Program* – Standard for assigning multi-residential and tourist accommodation bonus units in accordance with the Goals and Policies; and
- D. Chapter 53: *Individual Parcel Evaluation System* – Establishment of the IPES and related procedures, which provides a mechanism for the evaluation of vacant residential parcels, the assignment to each parcel of a numerical score, and the ranking of such parcels in terms of suitability for development.

1.3.6. Resource Management and Protection (Chapters 60 through 68)

This division contains materials that are intended to protect the natural environment in the Tahoe basin. Major features of this division include:

- A. Chapter 60: *Water Quality* – Standards intended to protect water quality through discharge limits, snow disposal limits, fertilizer management, and similar techniques; requirements that new residential, commercial, and public projects completely offset their water quality impacts; requirements for source water protection; and requirements for the installation of Best Management Practices to protect and restore water quality;
- B. Chapter 61: *Vegetation and Forest Health* – Standards that regulate the management of forest resources to achieve and maintain the thresholds for species and structural diversity, provide wildlife habitat, and reduce potential wildfire threats;
- C. Chapter 62: *Wildlife Resources* – Standards to protect and enhance wildlife habitats, especially habitats of special significance such as deciduous trees, wetlands, meadows, and riparian areas;
- D. Chapter 63: *Fish Resources* – Standards to protect fish habitat and enhance degraded habitat, including standards intended to prevent the introduction and spread of aquatic invasive species;
- E. Chapter 64: *Livestock Grazing* – Standards to implement livestock grazing management practices in a manner that supports other resource management goals;
- F. Chapter 65: *Air Quality/Transportation* – Standards to protect air quality and thus attain and maintain applicable standards and thresholds, including limits on direct sources of air pollution, and new and modified stationary source review; and

establishment of programs to maintain and improve air quality, including a traffic and air quality mitigation program, a rental car mitigation program, and an employer-based trip reduction program;

- G. Chapter 66: *Scenic Quality* - Standards to protect scenic quality within the Tahoe region, including the establishment of scenic highway corridors and related design standards, and scenic quality review in shoreland areas,
- H. Chapter 67: *Historic Resource Protection* – Standards to identify and protect significant cultural, historical, and archaeological resources; and
- I. Chapter 68: *Noise Limitations* – Limitations on single noise events and maintenance of community noise levels.

1.3.7. Shorezone (Chapters 80 through 86)

This division contains materials that identify and protect areas within the lakezone, shorezone, and lagoon areas of lakes within the region. Major features of this division include:

- A. Chapter 80: *Review of Projects in the Shorezone and Lakezone* – Introduction of shorezone concepts, designations, and procedures,;
- B. Chapter 81: *Permissible Uses and Structures in the Shorezone and Lakezone* – Identification of and standards for the primary and accessory land uses allowed within the lakezone, shorezone, and lagoons of lakes;
- C. Chapter 82: *Existing Structures* – Regulations affecting the maintenance, repair, and expansion of existing structures within the shorezone of Lake Tahoe;
- D. Chapter 83: *Shorezone Tolerance Districts and Development Standards* – Shorezone tolerance district challenges and development standards applicable to shorezone projects, including project location and design standards.
- E. Chapter 84: *Development Standards Lakeward of High Water* – Regulations affecting development lakeward of the high water line, including fish habitat and spawning, standards for man-made structures, filling and dredging, and motorized watercraft;
- F. Chapter 85: *Development Standards in the Backshore* – Regulations affecting development in the backshore, including applicability and backshore delineation, allowable land coverage, vegetation, and project review and development standards; and
- G. Chapter 86: *Mitigation Fee Requirements* – Requirements for mitigation fees assessed to provide funds for restoration of fish habitat and to mitigate possible degradation.

1.3.8. Definitions (Chapter 90)

This division consists of one chapter that contains general rules of interpretation and construction, plus descriptions of all key terms used in this Code of Ordinances (except for definitions of land uses, which are in Chapter 21).

1.4. LAND USE DOCUMENTS SUPPORTING THE CODE OF ORDINANCES

The Code represents the coordination of a series of documents relating to land use regulation and environmental protection in the Tahoe region. The documents are:

- A. The Tahoe Regional Planning Compact, as amended ("Compact");
- B. The environmental threshold carrying capacities adopted in Resolution 82-11;
- C. The Goals and Policies Plan;
- D. The Plan Area Statements and Maps; and
- E. Other TRPA plans and programs.

1.4.2. Tahoe Regional Planning Compact as Amended

- A. The Compact represents an endeavor by the States of California and Nevada, approved by Congress, to address numerous pressing environmental and other problems facing the Tahoe region. Originally enacted in 1969 (P.L. 91-148, 83 Stat. 360), the Compact was amended in 1980 (P.L. 96-551, 94 Stat. 3233). The factual background against which the amended Compact was adopted is set forth in Article I(a) where it is declared, among other things, that:
 - 1. "The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.
 - 2. The public and private interests and investments in the region are substantial.
 - 3. The region exhibits unique environmental and ecological values which are irreplaceable.
 - 4. By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution, and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.
 - 5. Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.
 - 6. Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific natural and public health values provided by the Lake Tahoe Basin.
 - 7. There is a public interest in protecting, preserving, and enhancing these values for the residents of the region and for visitors to the region.
 - 8. Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public, who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.

9. In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to ensure an equilibrium between the region's natural endowment and its manmade environment."

B. Article I(b) of the Compact Provides:

"In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this Compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities."

1.4.3. Environmental Threshold Carrying Capacities

Article V(b) of the Compact requires TRPA to adopt environmental threshold carrying capacities for the Tahoe region. Article II (i) of the Compact defines "environmental threshold carrying capacity" as "an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region." Thresholds are required to address matters such as air quality, water quality, soil conservation, vegetation preservation, and noise. After preparation and review of a study report for establishment of environmental thresholds, as well as an environmental impact statement, the TRPA Governing Board enacted Resolution No. 82-11 on August 26, 1982, adopting environmental threshold carrying capacities for the Tahoe Region.

1.4.4. Goals and Policies Plan

The Goals and Policies are the core of the Regional Plan. The Goals and Policies provide statements of goals and policies to guide decision-making affecting the region's resources and remaining resource capacities. The Goals and Policies are intended to provide for the attainment and maintenance of the environmental thresholds while providing opportunities for orderly growth and development consistent with the thresholds.

1.4.5. Code of Ordinances

The Code is designed, among other things, to implement the Goals and Policies in a manner attaining and maintaining the environmental thresholds. The Code compiles all the ordinances of TRPA into one document except for certain procedural ordinances such as the ordinances adopting plan amendments. The Code addresses many subjects, including, but not limited to, required permits for development, findings required for approval of projects, environmental impact statements, plan area statements, land use, density and coverage, development standards, allocations of development, the Individual Parcel Evaluation System, shorezone, grading and construction practices, resource management, water quality, air quality and transportation.

1.5. 208 PLAN

The portions of the Code inconsistent with the existing Lake Tahoe Water Quality Management Plan ("208 Plan" or "WQMP") shall not be implemented until the necessary

amendments to the 208 Plan are certified by the States of California and Nevada and the Environmental Protection Agency (EPA).

1.6. INTERPRETATION AND SEVERABILITY

The provisions of the Code and the Goals and Policies effectuated and implemented by the Code shall be liberally construed to effect their purposes. If any section, clause, provision, or portion of the Code or of the Goals and Policies is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Code or the Goals and Policies, as the case may be, shall not be affected. For this purpose, the provisions of the Goals and Policies are declared respectively severable and the provisions of the Code also are declared severable.

1.7. ADMINISTRATIVE FEES

All fees authorized and collected pursuant to this Code and held by TRPA in trust for mitigation purposes shall be subject to an administrative fee for mitigation fund management. Such administrative fee shall be levied each month by collecting a fixed percentage of the monthly interest generated by each mitigation account. The percentage shall be established by Governing Board resolution and shall be based on the administrative costs to TRPA for managing the mitigation funds. The provisions in this section shall apply to all such mitigation funds and shall supersede any limitation in this Code on the use of such interest.

1.8. CODE AMENDMENTS

1.8.1. Ordinance No. 2013-02, adopted 6/26/13

Chapter 2: Subparagraph 2.3.2.E, Subparagraph 2.3.7.A.4, Subparagraph 2.3.7.B.4

Chapter 5: Subparagraph 5.3.1.C

Chapter 13: Section 13.5.2, Subparagraph 13.5.3.C.3, Subparagraph 13.5.3.D

Chapter 21: Table 21.4.A

Chapter 30: Subparagraph 30.4.3.B.2, Subsection 30.4.6

Chapter 31: Subsection 31.5.3

Chapter 37: Subsection 37.4.2, Subparagraph 37.5.4.C.1, Subsection 37.5.6

Chapter 50: Subparagraph 50.7.1.C.1.a, Subsection 50.10.1

Chapter 53: Section 53.10

Chapter 63: Subparagraph 63.4.2.C

Chapter 65: Subparagraph 65.1.8.C

Chapter 90: Section 90.2

- 1.8.2. Ordinance No. 2013-03, adopted 6/26/13**
Chapter 50: Subsections 50.4.1, 50.5.1, 50.5.2
Chapter 51: Subsections 51.3.3, 51.5.3
- 1.8.3 Ordinance No. 2013-05, adopted 9/25/13**
Chapter 36: Subsection 36.2.2
- 1.8.4 Ordinance No. 2013-06, adopted 9/25/13**
Chapter 2: Table 2.5-1
- 1.8.5 Ordinance No. 2013-07, adopted 9/25/13**
Chapter 2: Table 2.6-1
- 1.8.6 Ordinance No. 2013-08, adopted 11/20/13**
Chapter 13: Table 13.5.3-1
Chapter 36: Subsection 36.2.2
Chapter 38: Subparagraph 38.2.3.D
- 1.8.7 Ordinance No. 2013-09, adopted 11/20/13**
Chapter 13: Subparagraph 13.5.3.E
Chapter 36: Subsection 36.6.1
Chapter 37: Subsection 37.6.2
Chapter 65: Subsection 65.1.8
Chapter 68: Subsection 68.4, Subsection 68.8.3
- 1.8.8 Ordinance No. 2014-01, adopted 2/26/2014**
Chapter 50: Subsection 50.5.2
- 1.8.9 Ordinance No. 2014-04, adopted 7/23/2014**
Chapter 50: Subsection 50.5.1, Subsection 50.5.2
Chapter 51: Subparagraph 51.3.3.C
- 1.8.10. Ordinance No. 2014-05, adopted 10/22/2014**
Chapter 50: Subsection 50.7.1
Chapter 52: Section 52.4, Section 52.5

- 1.8.11. Ordinance No 2014-06, adopted 12/17/2014**
Chapters 1, 2, 5, 11, 13, 21, 30, 33, 35-27, 39, 51-53, 60, 61, 84, 90
- 1.8.12. Ordinance No. 2014-07, adopted 12/17/2014**
Chapter 50: Subparagraph 50.5.1.C, Subparagraph 50.5.2.E
- 1.8.13. Ordinance No. 2015-01, adopted 1/28/2015**
Chapter 2: Section 2.5
- 1.8.14. Ordinance No. 2015-06, adopted 7/22/2015**
Chapter 34: Section 34.2.3
Chapter 36: Subparagraph 36.2.2.C
Chapter 38: Subparagraph 38.2.3.D.3
- 1.8.15. Ordinance No. 2015-07, adopted 12/16/2015**
Chapter 30: Subsections 30.4.3 and 30.6.1.C.2
- 1.8.16. Ordinance No. 2016-01, adopted 1/27/2015**
Chapter 50: Subsection 50.10.8
- 1.8.17. Ordinance No. 2016-02, adopted 2/24/2016**
Chapters 1,5,13,16,30,31,50,53,60,82 and 90
- 1.8.18. Ordinance No. 2016-03, adopted 11/16/2016**
Chapter 84
- 1.8.19. Ordinance No. 2016-04, adopted 12/14/2016**
Chapters 10, 11, 12, 14, 30, 60, 61, 62, 66, 67, 68, and 90.
- 1.8.20. Ordinance No. 2017-02, adopted 2/22/2017**
Chapters 34, 36, and 38
- 1.8.21. Ordinance No. 2017-04, adopted 5/24/2017**
Chapter 63, Subsection 63.4.2
- 1.8.22. Ordinance No. 2017-05, adopted 12/24/2017**
Chapters 2, 21, 30, 31, 35, 36, 50, 52, 61, and 90

CHAPTER 3: ENVIRONMENTAL DOCUMENTATION

3.1. PURPOSE

This chapter sets forth the provisions regarding environmental documentation.

3.2. APPLICABILITY

3.2.1. Environmental Impact Statement Required

Article VII(a)(2) of the Compact requires TRPA, when acting upon matters that may have a significant effect on the environment, to prepare and consider a detailed environmental impact statement (EIS) before deciding to approve or carry out any project.

3.2.2. Activities and Projects Exempt from Preparation of Environmental Impact Statement

Article VII(f) of the Compact, requires TRPA to adopt by ordinance a list of classes of projects which TRPA has determined will not have a significant effect on the environment and therefore shall be exempt from the requirement for the preparation of an environmental impact statement.

A. Projects Exempt From Preparation of Environmental Impact Statement

The projects listed below shall be exempt from preparation of an EIS and other environmental documents.

1. Construction of single-family houses and additions and accessory structures thereto, in compliance with the provisions of the Code;
2. Changes in use consisting of minor increases in vehicle trips (See Chapter 65: *Air Quality/Transportation*); and
3. Transfers or conversions of development rights ~~and residential allocations~~ (does not include construction of new units).

B. Significant Effect

The categorical exemptions listed above shall not be used for a project where there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.

3.3. DETERMINATION OF NEED TO PREPARE ENVIRONMENTAL IMPACT STATEMENT

Except for planning matters, ordinary administrative and operational functions of TRPA, or exempt classes of projects, TRPA shall use either an initial environmental checklist or environmental assessment to determine whether an environmental impact statement shall be prepared for a project or other matter.

3.3.1. Initial Environmental Checklist

Applicants for projects shall complete a TRPA initial environmental checklist (IEC) and shall submit the checklist as part of the project application.

- A. The applicant shall describe and evaluate the significance of all impacts receiving "yes" answers.
- B. The applicant shall describe and evaluate the significance of all impacts receiving "no with mitigation" answers and shall describe, in detail, the mitigation measures proposed to mitigate these impacts to a less than a significant level.

3.3.2. Findings for Initial Environmental Checklist

Based on the information submitted in the IEC, and other information known to TRPA, TRPA shall make one of the following findings and take the identified action:

- A. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with Rules of Procedure Section 6.6;
- B. The proposed project could have a significant effect on the environment but, due to the listed mitigation measures that have been added to the project, the project could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with Rules of Procedure Section 6.7; or
- C. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and the Rules of Procedure, Article 6.

3.4. ENVIRONMENTAL ASSESSMENTS

If TRPA determines the IEC will not provide sufficient information to make the findings in subsection 3.3.2, TRPA shall require the preparation of an environmental assessment in lieu of an initial environmental checklist.

3.4.1. Environmental Assessment Contents

Environmental assessments shall contain the following elements:

- A. A brief discussion of the need for the project;
- B. Alternatives to the proposed project;
- C. A discussion of the environmental impacts of the proposed project and the alternatives; and
- D. A list of agencies and persons consulted.

3.4.2. Findings for Environmental Assessment

Based on the information contained in the environmental assessment and other information known to TRPA, TRPA shall make one of the findings listed under subsection 3.3.2 and take the action prescribed in the applicable finding.

3.4.3. Availability of Environmental Assessments

TRPA shall make environmental assessments available for public review not less than five working days before TRPA intends to take action on the project.

3.5. FINDING OF NO SIGNIFICANT EFFECT

If TRPA finds that a project or matter will not have a significant effect, no further environmental documentation shall be required.

3.6. MITIGATED FINDING OF NO SIGNIFICANT EFFECT

If TRPA finds a project or matter will not have a significant effect if certain mitigation measures are incorporated into and made a part of the project, the project description shall be correspondingly modified and no further environmental documentation shall be required.

3.7. ENVIRONMENTAL IMPACT STATEMENT

If TRPA finds a project or matter may have a significant effect on the environment, TRPA shall cause to be prepared an EIS in accordance with its Rules of Procedure, this chapter, and the Compact.

3.7.1. Preparation of EIS

When preparing an EIS, TRPA shall:

- A. Utilize a systematic interdisciplinary approach that integrates natural and social sciences and the environmental design arts in planning and decision making that may have an impact on man's environment;
- B. Study, develop, and describe appropriate alternatives to recommended courses of action for any project that involves unresolved conflicts concerning alternative uses of available resources;
- C. Consult with and obtain the comments of any federal, state, or local agency that has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state, and local agencies that are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes; and
- D. Consult the public during the environmental impact statement process and solicit views during a public comment period of not less than 60 days.

3.7.2. Contents of EIS

An EIS shall include, at a minimum, the following:

- A. Description of the project;
- B. The significant environmental impacts of the proposed project;

- C. Any significant adverse environmental effects that cannot be avoided should the project be implemented;
- D. Alternatives to the proposed project;
- E. Mitigation measures that must be implemented to assure meeting standards of the region;
- F. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;
- G. Any significant irreversible and irretrievable commitments of resources that would be involved in the proposed project should it be implemented; and
- H. The growth-inducing impact of the proposed project.

3.7.3. Inclusion of Other Data and Information

An environmental impact statement need not repeat in its entirety any information or data that is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

3.7.4. Findings for Environmental Impact Statement

Prior to approving a project for which an EIS was prepared, TRPA shall make either of the following findings for each significant adverse effect identified in the EIS:

- A. Changes or alterations have been required in or incorporated into such project that avoid or reduce the significant adverse environmental effects to a less than significant level; or

Specific considerations, such as economic, social, or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.

CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING

6.1. PURPOSE

The purpose of this chapter is to monitor development and to relate activities and projects on parcels to the development allocation and transfer provisions of the Code. This chapter sets forth the standards and procedures for a tracking and accounting system of basic data regarding each parcel of land, allocations, and land banks.

6.2. APPLICABILITY

TRPA shall maintain for all parcels, allocations, and land banks, as public information, the data required by this chapter. All TRPA actions shall be consistent with this data.

6.3. GENERAL PROVISIONS

6.3.1. Responsibility for Tracking and Accounting System

TRPA shall be responsible for establishing and maintaining a tracking and accounting system. TRPA shall coordinate record-keeping efforts with local governments and land banks established pursuant to this chapter. TRPA shall integrate the tracking and accounting system with environmental threshold maintenance efforts to minimize duplication of data gathering and processing. (See Chapter 16: *Regional Plan and Environmental Threshold Review*.)

6.3.2. Coordination and Cooperation with Land Banking Programs

TRPA shall develop and implement a program for coordinating files and data tracking systems with land banks. Land bank files shall be audited not less than once a year by TRPA to assure data base accuracy and consistency with TRPA files.

6.3.3. Accounting and Crediting Limitations

Land coverage and units of use subject to allocation or transfer limitations may be removed from a parcel and credited for future use pursuant to the Code. Land coverage and units of use may be credited to the parcel account if such coverage or units are verified by TRPA as legally existing on or after October 15, 1986.

6.4. TRACKING AND ACCOUNTING PROCEDURES

Tracking and accounting procedures are as follows:

6.4.1. Accounts and Tracking Described

An account file shall be maintained by TRPA on each parcel and shall contain the information set forth below. Tracking refers to the ongoing collection and recordation of data for each parcel. The account file shall allow a determination of the current status of a parcel and its future development potential.

6.4.2. Establishment of Account Files

TRPA shall establish a program for establishing account files for each parcel. If an application is made for credit on a parcel for which no account file has been established, TRPA shall promptly establish a file.

6.4.3. Responsibility and Timing for Filing Tracking Reports

Upon completion of any action taken by TRPA that affects a parcel in regards to allocation of development or transfer of development or land coverage, a tracking form shall be completed and filed with TRPA. The filing of the report shall be the responsibility of the party initiating the action affecting the status of the parcel.

6.4.4. Verification and Recording of Tracking Reports

Tracking reports shall be stamped by TRPA on the date received and recorded in the account file within 30 days of their receipt. TRPA shall verify the information contained in the tracking report prior to recordation.

6.4.5. Cross-Referencing Tracking Reports

Where a tracking report refers to a transfer of credit from one parcel to another, all affected parcel account files shall be properly adjusted and cross-referenced.

6.4.6. Mergers

When parcels are merged, data for each parcel shall be combined and a tracking and accounting file established for the newly created parcel.

6.4.7. Non-Parcel Accounts

TRPA may create a separate non-parcel account for each county, city, and state highway department for the purpose of receiving and crediting land coverage and units of use for future use or transfer. The sending parcel shall be restored and retired in accordance with Chapters 51: [*Banking, Conversion, and Transfer of Development Rights*](#), and 30: *Land Coverage*, as applicable. The non-parcel account shall be in accordance with this chapter, except that the account file number shall not be an assessor's parcel number and certain other basic data and information may not be applicable.

6.5. BASIC DATA FOR ACCOUNT FILES

The following basic information shall be maintained for each parcel for which an account file has been created:

6.5.1. Account File Number

The account file number shall be the assessor parcel number (APN).

6.5.2. Parcel Information

Parcel information shall include: assessor's parcel number; jurisdiction; owner of record; street address; and other relevant assessor information.

6.5.3. Geographic Information

Geographic information shall include: predominate land capability district and other districts; type of determination (e.g., mapped, field verified, land capability challenge); watershed; hydrologic-related area; shorezone tolerance district, and other geographic information.

6.5.4. IPES Score

If applicable, IPES score and allowable land coverage.

6.5.5. Parcel Size

Size of parcel in square feet or acres, and building site size if rated under IPES.

6.5.6. Plan Area Statement Status

Name, number, primary designation, and special designations of the applicable plan area statement.

6.5.7. Community Plan Status

If applicable, identification of the community plan in which the parcel is located.

6.5.8. Area Plan

If applicable, identification of the Area Plan in which the parcel is located.

6.5.9. Master Plan or Specific Plans

If applicable, name of master or specific plan in which the parcel is located.

6.5.10. Redevelopment Area

If applicable, name of redevelopment plan in which the parcel is located.

6.5.11. Existing Use

Land uses existing on the parcel and date of construction, if known.

6.5.12. TRPA Permits

TRPA permits granted on the parcel, date of issuance, permit number, and other relevant information.

6.5.13. BMP Status

Status and, if applicable, retrofit schedule of BMPs on parcel.

6.5.14. Deed Restrictions

CTRPA or TRPA-required deed restrictions, including date, number, and location of recorded restrictions.

6.5.15. Other Information

Information TRPA determines to be necessary.

6.6. LAND COVERAGE INFORMATION FOR ACCOUNT FILES

The following land coverage information shall be tracked, verified, and recorded for each parcel and updated upon receipt of new tracking reports:

6.6.1. Total Existing Coverage

Total existing coverage in square feet, distinguished as hard, soft, or potential coverage, and estimated date of coverage placement, including coverage credited but not yet transferred.

6.6.2. Allowable Base Coverage

Allowable base coverage in square feet pursuant to the Bailey coefficients, or, if applicable, IPES.

6.6.3. Record of Coverage Transfers

Coverage transfers shall be recorded as follows:

A. Receiving Site

Where a parcel is a receiving site for a land coverage transfer, the following information shall be recorded:

1. Project permit number and sending parcel account file number;
2. Date of transfer (date transaction is final);
3. The cost of transfer in dollars per square foot for each coverage type;
4. The mechanism for transfer (e.g., private transaction; land bank and land bank account number); and
5. The type of coverage transferred in square feet of each type transferred.

B. Sending Site

Where a parcel is a sending site for a land coverage transfer, the following information shall be recorded:

1. Receiving parcel account number and project permit number;
2. Date of transfer (date transaction is final);
3. The cost of transfer in dollars per square foot for each coverage type;
4. The mechanism for transfer (e.g., private transaction, land bank and land bank account number);
5. The type of coverage transferred in square feet of each type transferred;
6. The mechanism for assuring retirement; and
7. Coverage reduced in exchange for additional height pursuant to Chapter 37: *Height*.

6.6.4. Excess Land Coverage Mitigation Program

The following information shall be recorded for the excess land coverage mitigation program:

A. Fees Paid for Coverage Mitigation

When fees are paid for excess coverage mitigation, the following information shall be recorded:

1. The date and amount, in square feet, of coverage credited;
2. The type of coverage credited;
3. The cost per square foot of coverage credited; and
4. The mechanism for coverage mitigation (e.g., land bank, offsite restoration, or retirement of coverage).

B. Coverage Retired Onsite

When coverage is retired onsite, the following information shall be recorded:

1. The date and amount of coverage retired in square feet;
2. The type of coverage retired; and
3. The mechanism for assuring retirement.

6.6.5. Existing Authorized Coverage

Existing authorized coverage in square feet with date of entry.

6.6.6. Existing Excess Coverage

Excess land coverage in square feet with date of entry.

6.6.7. SEZ Restoration

The following information shall be recorded for projects that include SEZ restoration:

A. If the restoration mitigates new disturbance in an SEZ:

1. The amount (in square feet) of restoration required;
2. The amount restored; and
3. The amount, if any, to be credited for future projects.

B. If the restoration is not mitigation for new SEZ disturbance, the amount (in square feet) of the area restored.

6.7. UNITS OF USE AND OTHER INFORMATION FOR ACCOUNT FILES

The following information shall be tracked, verified, and recorded for each parcel and updated upon receipt of new tracking reports:

6.7.1. Residential Use

Account files for parcels containing existing residential density or for parcels that are related to a residential project approved by TRPA shall have the following information:

A. **Number of Existing Units**

Date of approval and number of units approved, including units credited but not yet transferred.

B. **Number of Transfer Units**

1. **Receiving Site**

Where the parcel is the receiving site, the following shall be recorded:

- a. Sending site account number or land bank and project permit number;
- b. Date of transfer (date transaction is final);
- c. Cost of transfer per unit, if applicable;
- d. The mechanism for transfer (e.g., land bank, private transaction or other);
and
- e. Number of units added through transfer, including type and date of retirement or credit.

2. **Sending Site**

Where the parcel is the sending site, the following information shall be recorded:

- a. The receiving parcel and project permit number;
- b. Date of transfer (date transaction is final);
- c. Cost of transfer per unit, if applicable;
- d. The mechanism for transfer (e.g., land bank, private transaction or other);
and
- e. Number of units retired.

C. **Number of Bonus Incentive Units**

Date, number, and reason for units awarded.

D. **Number of Affordable Units**

Date of construction and number of units exempted from the allocation.

E. **Number of Residential Unit Allocations Assigned**

Number of allocations assigned to the parcel.

- F. **Number of Existing and Potential Residential Units of Use Development Rights**
Number of existing and potential residential units of use ~~development rights~~ assigned to the parcel.

6.7.2. Commercial Use

Account files for parcels containing existing commercial gross floor area (CFA) or for parcels that are related to a commercial project approved by TRPA shall have the following information:

- A. Amount of existing CFA in square feet and date of entry. Where transferred CFA is being held as credit on a parcel and not yet transferred, the amount of the CFA credit shall be included;
- B. Where CFA has been transferred, the following additional information shall be recorded:
 - 1. Sending parcel account number, land bank account, receiving parcel account number, and project permit number;
 - 2. Cost of transfer in CFA per square foot, if applicable; and
 - 3. Retired CFA, date of retirement, and verification;
- C. Amount of CFA allocated, plus project permit number and date permit issued;
- D. For improvements of 500 square feet or less or five percent of total floor area the amount of CFA, project permit number, and date permit issued; and
- E. Identification of the parcel as part of a community plan, as shall be part of a community plan, or as outside of a community plan.

6.7.3. Tourist Accommodation Use

Account files for parcels containing existing tourist accommodation uses or for parcels that are related to a tourist accommodation project approved by TRPA shall have the following information:

- A. Number of existing units and date of entry. Where the transfer unit is being held as credit on a parcel and not yet transferred, the number of units credited shall be included;
- B. When units have been transferred, the following additional information shall be recorded:
 - 1. Sending parcel account number, land bank account number, receiving parcel account number, and the project permit number;
 - 2. Cost of the transfer units per unit, if applicable; and
 - 3. Number of retired transferred units, date of retirement, and verification;

- C. Amount of tourist accommodation units allocated, and the project permit number and date permit issued; and
- D. Identification of the parcel as part of a community plan, as shall be part of a community plan, or as outside of a community plan.

6.7.4. Public Service Use

Account files for parcels containing existing public service uses or for parcels that are related to a public service project approved by TRPA shall have the following information.

- A. The primary existing public service use and, if applicable, the capacity;
- B. Use and dates proposed on the public service plan five-year list; and
- C. For approved uses, the project permit number and date permit issued.

6.7.5. Recreation Lands

Account files for parcels containing existing recreation uses or for parcels that are related to a recreation project approved by TRPA shall have the following information:

- A. Primary existing use and, if applicable, capacity in Persons At One Time (PAOT);
- B. PAOT allocation proposal on the Recreation Plan Five-year list, including dates, and use;
- C. Where a recreational unit is transferred the following additional information shall be recorded:
 - 1. Sending parcel account number, receiving parcel account number, and project permit number;
 - 2. Cost per unit transferred, if applicable;
 - 3. Retired units and date retired; and
 - 4. Where transferred PAOT is being held as a credit on a parcel and is not yet transferred, the amount of credit shall be included.
- D. For approved uses, the project permit number and date permit issued and PAOTs allocated.

6.8. REGIONAL ALLOCATION ACCOUNTING

TRPA shall maintain current allocation accounts and issue annual allocation account reports for each local jurisdiction, plan area statement, community plan, Area Plan, and specific or master plan. The report shall include:

6.8.1. Residential Allocation Report Contents

For residential allocation reports:

- A. For new allocations:

1. Total number of allocations allowed;
 2. Total number of allocations allocated; and
 3. Total number of units (from allocation) constructed;
- B. For bonus residential allocations:
1. Total number of allocations allowed;
 2. Total number of allocations allocated; and
 3. Total number of units (from allocation) constructed; and
- C. The total number of affordable units constructed.

6.8.2. Commercial Allocation Report Contents

For commercial allocation reports:

- A. Total number of allocations allowed in CFA;
- B. Total number of allocations issued in CFA; and
- C. Total number of CFA constructed.

6.8.3. Tourist Accommodations Allocation Report Contents

For tourist accommodation reports:

- A. Total number of allocations allowed;
- B. Total number of allocations issued; and
- C. Total number of allocations constructed.

6.8.4. Recreation Allocation Report Contents

For recreation allocation reports:

- A. Total number of units allowed in PAOTs;
- B. Total number of allocations issued; and
- C. Total number of allocations used.

6.9 REGIONAL DEVELOPMENT RIGHT ACCOUNTING

TRPA shall prepare regional development right reports every two years (consistent with Section 51.6 Local Government Approval) for each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan. The report shall include:

- A. Total number of existing development rights being used within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.

- B. The net change of existing development rights being used within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.
- C. Total number of banked development rights within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.
- D. Total number of banked or potential development rights transferred out of each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan by development type and location.
- E. Total number of banked or potential development rights transferred into each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan by development type and location.
- F. Total number of development rights converted by development type and quantity within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.

6.9 6.10 LAND BANK

6.9.1 6.10.1 Designation of Land Bank

TRPA may designate one or more entities, whose functions include land acquisition and land restoration, as a land bank.

6.9.2 6.10.2 Fee

An applicant for transfer of land coverage, land coverage mitigation, or development transfer within the jurisdiction of a land bank may pay a fee to the land bank in lieu of actual land coverage or development retirement.

6.9.3 6.10.3 Calculation of Fee

The fee shall be based on the amount of land coverage or development to be retired and the cost of such retirement to the land bank. TRPA and the land banks shall establish reasonable and standardized fee schedules that may be modified periodically. In establishing or modifying fee schedules, TRPA may use an appropriate study group to provide advice on the environmental and economic efficiency of the proposed fees. Fees may be reduced below cost because of donations, subsidies by government programs, or other similar measures.

6.9.4 6.10.4 Tracking Report

Prior to approval, a project with land coverage transfer, land coverage mitigation, or development transfer pursuant to a land bank shall submit a tracking report to TRPA indicating that the correct amount of land coverage or development has been retired.

~~6.10~~ **6.11 CUMULATIVE ACCOUNT**

TRPA shall maintain a current cumulative account for all projects approved in accordance with subsection 16.8.2.

CHAPTER 11: PLAN AREA STATEMENTS AND PLAN AREA MAPS

11.1. PURPOSE

As set forth in the Goals and Policies, plan area statements provide detailed plans for specific areas. A plan area statement, which consists of a written text and applicable plan area map, provides specific land use policies and regulations for a given geographic area. A plan area is the area depicted on the plan area map to which the text relates.

11.2. APPLICABILITY

All projects and activities shall be consistent with the provisions of the applicable plan area statement. In the event a redevelopment, specific, or master plan governs the plan area, projects and activities also shall be consistent with such plans.

11.3. ESTABLISHMENT OF PLAN AREAS AND PLAN AREA STATEMENTS

The plan areas where related plan area statements apply are established as depicted on the Plan Area Map included in the TRPA Regional Plan Maps, and in the document entitled “Regional Plan for the Lake Tahoe Basin, Plan Area Statements.”

11.4. RELATIONSHIP TO GOALS AND POLICIES AND THE CODE

The Goals and Policies and the Code shall apply to the plan area statements. Plan area statements shall be consistent with the Code.

11.5. RELATIONSHIP TO COMMUNITY PLANS

A plan area statement may be replaced or modified by the adoption of a community plan pursuant to Chapter 12: *Community Plans*.

11.6. CONTENT OF PLAN AREA STATEMENTS

Each plan area statement shall include the following:

11.6.1. Name and Number

Each plan area statement shall have a name and number for identification purposes.

11.6.2. Plan Area Designation

Each plan area statement shall be assigned a plan designation. A plan designation shall consist of one of the following five land use classifications and one of the following three management strategies.

A. **Land Use Classifications**

The land use classifications are:

1. **Wilderness**

Wilderness areas are designated and defined by the U.S. Congress as part of the National Wilderness Preservation System. These lands offer outstanding opportunities for solitude and primitive, unconfined recreation experiences, and they contain ecological, geological, and other features of scientific, educational, scenic, and historic value. The wilderness designation is intended to protect and preserve such areas for present and future generations. These lands are managed to prevent the degradation of wilderness character. Natural ecological processes and functions are preserved, and restored where necessary. Permanent improvements and mechanized uses are prohibited. Wilderness District lands within the Tahoe Region include portions of the Desolation, Granite Chief, and Mount Rose Wilderness Areas.

2. **Backcountry**

Backcountry areas are designated and defined by the U.S. Forest Service as part of their Resource Management Plans. These lands are roadless areas, including Dardanelles/Meiss, Freel Peak and Lincoln Creek. On these lands, natural ecological processes are primarily free from human influences. Backcountry areas offer a recreation experience similar to Wilderness, with places for people seeking natural scenery and solitude. Primitive and semi-primitive recreation opportunities include hiking, camping, wildlife viewing, and cross-country skiing, in addition to more developed or mechanized activities not allowed in Wilderness areas (e.g., mountain biking, snowmobiling). Management activities that support administrative and dispersed recreation activities are minimal, but may have a limited influence. Limited roads may be present in some backcountry areas; road reconstruction may be permitted on Backcountry lands where additional restrictions do not apply. Backcountry areas contribute to ecosystem and species diversity and sustainability, serve as habitat for fauna and flora, and offer wildlife corridors. These areas provide a diversity of terrestrial and aquatic habitats, and support species dependent on large, undisturbed areas of land. Backcountry areas are managed to preserve and restore healthy watersheds with clean water and air, and healthy soils. Watershed processes operate in harmony with their setting, providing high quality aquatic habitats.

3. **Conservation**

Conservation areas are non-urban areas with value as primitive or natural areas, with strong environmental limitations on use, and with a potential for dispersed recreation or low-intensity resource management. Conservation areas shall include:

- a. Public lands already set aside for this purpose;
- b. High-hazard lands, stream environment zones, and other fragile areas without substantial existing improvements;

- c. Isolated areas that do not contain the necessary infrastructure for development;
 - d. Areas capable of sustaining only passive recreation or non-intensive agriculture; and
 - e. Areas suitable for low to moderate resource management.
4. **Recreation**
Recreation areas are non-urban areas with good potential for developed outdoor recreation, park use, or concentrated recreation. Lands identified as recreation areas shall include:
- a. Areas of existing private and public recreation use;
 - b. Designated local, state, and federal recreation areas;
 - c. Areas without overriding environmental constraints on resource management or recreational purposes; and
 - d. Areas with unique recreational resources that may service public needs, such as beaches and ski areas.
5. **Resort Recreation**
Resort Recreation areas are the specific Edgewood and Heavenly parcels depicted on Map 1 of the Regional Plan.
6. **Residential**
Residential areas are urban areas having potential to provide housing for the residents of the region. In addition, the purpose of this classification is to identify density patterns related to both the physical and manmade characteristics of the land and to allow accessory and nonresidential uses that complement the residential neighborhood. These lands shall include:
- a. Areas already developed for residential purposes;
 - b. Areas of moderate to good land capability;
 - c. Areas within urban boundaries and serviced by utilities; and
 - d. Areas of centralized location in close proximity to commercial services and public facilities.
7. **Mixed-Use (Formerly Commercial and Public Service Areas)**
Mixed-use areas are urban areas that have been designated to provide a mix of commercial, public services, light industrial, office, and residential uses to the region or have the potential to provide future commercial, public services, light industrial, office, and residential uses. The purpose of this classification is to concentrate higher intensity land uses for public convenience and enhanced sustainability. Any amendment to a plan area statement that is adopted after the adoption of this Code may retain the name of the Commercial and Public Services Area land use classification, however, Area Plans shall utilize the Mixed-use classification.

8. **Tourist**

Tourist areas are urban areas that have the potential to provide intensive tourist accommodations and services or intensive recreation. This land use classification also includes areas recognized by the Compact as suitable for gaming. These lands shall include:

- a. Areas already developed with high concentrations of visitor services, visitor accommodations, and related uses;
- b. Lands of good to moderate land capability (land capability districts 4 – 7);
- c. Lands with existing excess coverage; and
- d. Areas located near commercial services, employment centers, public services, transit facilities, pedestrian paths, and bicycle connections.

B. **Management Strategies**

The management strategies are:

1. **Maximum Regulation**

The maximum regulation designation applies primarily to conservation areas. Areas with this designation shall be strictly regulated to ensure preservation and enhancement of the existing environment, with little or no additional development of residential, commercial, tourist, recreational, or public service uses.

2. **Development With Mitigation**

The development with mitigation designation is the predominant management strategy. Most areas of existing residential or recreational use carry this designation. Areas with this designation may accommodate additional development if the impacts are fully mitigated and the land is capable of withstanding the use. Both onsite and offsite mitigation of environmental impacts from development shall be required.

3. **Redirection of Development**

The redirection of development designation is designed primarily to improve environmental quality and community character by changing the direction of development or density through relocation of facilities and rehabilitation or restoration of existing structures and uses. The purpose of this designation is to reduce impervious coverage, restore natural environments, improve the efficiency of transportation systems, improve scenic quality, and provide high quality facilities for residents and visitors alike. Local government participation in redevelopment of appropriate areas shall be encouraged.

11.6.3. Special Designations

Eligibility for a specific planning program shall be limited to those plan area statements with the applicable special designations. Each plan area statement may include special designations for specific planning programs as follows:

A. **Preliminary Community Plan Areas**

Preliminary boundaries for community plans are set forth on the plan area maps. The areas within preliminary boundaries are eligible for community plans adopted pursuant to Chapter 12, and incentives pursuant to Chapter 50: *Allocation of Development*. The final boundaries of community plans shall be as prescribed by the adoptions.

B. **Transfer of Development Rights (TDR) Receiving Areas**

For transfers of development rights other than those solely for banking purposes as permitted in accordance with 51.5.3.A.1, the following designations determine which areas, or portions thereof, are receiving areas for transfer of the development as specified in Chapter 51: *Banking, Conversion, and Transfer of Development Rights*:
~~The following designations determine which plan areas, or portions thereof, are receiving areas for transfer of the development specified in Chapter 51: *Transfer of Development*:~~

1. **Existing Development**

The existing development designation determines which areas are eligible for the transfer of existing uses that are permissible uses in the plan area.

2. **Multi-Residential Units**

The multi-residential unit designation determines which areas are eligible for the transfer of potential residential units of use~~development rights~~.

C. **Scenic Restoration Areas**

The scenic restoration area designation indicates one or more highway units or shoreline units in the plan area that are not in compliance with the Scenic Threshold rating and are therefore subject to the scenic quality provisions of Chapter 66: *Scenic Quality*.

D. **Preferred Affordable Housing Areas**

Plan areas with the preferred affordable housing area designation are preferred locations for affordable housing and are eligible for subdivision of post-1987 residential projects pursuant to subparagraph 39.2.5.F.

E. **Preferred Industrial Areas**

Plan areas with the preferred industrial area designation are eligible for the commercial allocation and transfer incentives pursuant to Chapters 50 and 51.

F. **Town Center**

Town Centers contain most of the region's non-residential services and have been identified as a significant source of sediments and other contaminants that continue to enter Lake Tahoe. Town Centers are targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, and provides economic opportunities in the region.

G. **Regional Center**

The Regional Center includes a variety of land uses in the core of South Lake Tahoe, including the Gondola and base lodge facilities for Heavenly Ski Area. Development

patterns in the Regional Center have been and should continue to be more intensive than Town Centers and less intensive than the High Density Tourist District. Older development within the Regional Center is a significant source of sediment and other water contaminants. The Regional Center is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, and provides economic opportunities in the region.

H. **High Density Tourist District**

The High Density Tourist District contains a concentration of hotel/casino towers and is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, and provides economic opportunities for local residents. The High Density Tourist District is the appropriate location for the region's highest intensity development.

I. **Stream Restoration Plan Area**

Stream Restoration Plan Areas are Stream Environment Zones along major waterways that have been substantially degraded by prior development. Individual Restoration Plans should be developed for each Stream Restoration Plan Area in coordination with the applicable Local Government and property owners in the Plan area. Restoration Plans may be developed as a component of an Area Plan or as a separate document and should identify feasible opportunities for environmental restoration.

11.6.4. Description

Each plan area statement shall have a description of the location, existing uses, and existing environment of the plan area.

11.6.5. Planning Statement

Each plan area statement shall have a summary narrative that describes the general planning direction for the plan area.

11.6.6. Planning Considerations

Each plan area statement shall list, under "Planning Considerations," the major planning issues and concerns specific to that area. TRPA shall take these considerations into account in all decisions affecting the plan area.

11.6.7. Special Policies

Each plan area statement shall set forth any special policies addressing issues and concerns for the area that are not adequately addressed by the Goals and Policies.

11.6.8. Permissible Uses

Pursuant to Chapter 21: *Permissible Uses*, and Chapter 81: *Permissible Uses and Structures in the Shorezone and Lakezone*, each plan area statement shall list all allowable and special uses that may be permitted in the plan area. Uses may be designated for one or more special areas or shorezone tolerance districts as follows:

A. **General List**

The General List section provides a list of allowed and special uses that may be permitted throughout the land area of a plan area, except as modified by subparagraph B below.

B. **Special Areas**

The Special Area section provides a list of one or more special areas within a plan area that have lists of allowed and special uses that are different from the General List.

C. **Nearshore and Foreshore of the Shorezone**

The Nearshore and Foreshore of the Shorezone section provides a list of allowed and special uses that may be permitted within the nearshore and foreshore of the shorezone tolerance districts.

11.6.9. Maximum Densities

Pursuant to Chapter 31: *Density*, each plan area statement shall designate the maximum densities of use that may be permitted within the plan area.

11.6.10. Maximum Community Noise Equivalent Levels

Each plan area statement shall specify the maximum community noise equivalent levels (CNEL) that are permissible within the plan area.

11.6.11. Additional Developed Outdoor Recreation

A. Additional recreational capacity shall be measured in people at one time (PAOT). Each plan area statement shall specify the amount of additional recreational capacity subject to the PAOT allocations permissible within that plan area, pursuant to subsection 50.9.2.

B. Additional recreational capacity beyond that amount specified in the plan area statements may be drawn from pools reserved for summer day uses or overnight uses. Such reserved capacity shall be allocated upon permit approval by TRPA or may be allocated to a specific plan area pursuant to 11.8.1.

C. Allocations shall be consistent with the targets for outdoor recreation set forth in Subsection 50.9.

11.6.12. Improvement Programs

Each plan area statement shall make reference to major improvement or restoration programs that affect the plan area.

11.7. PLAN AREA MAPS

Plan area boundaries and other relevant information shall be depicted on the plan area maps. The plan area maps shall consist of base map information and the plan area and land capability overlays, as described in Chapter 10: *TRPA Regional Plan Maps*.

11.7.1. Plan Area Boundaries

When uncertainty exists with respect to the boundaries of any plan area or special area because of the scale of the maps, or for any other reasons that make exact boundary determination difficult or uncertain, the precise boundary line shall be established by using the following criteria:

- A. Where plan area boundaries appear to follow the center or right-of-way lines of streets or highways, such lines shall be treated as the plan area boundaries;
- B. Where plan area boundaries appear to be approximately parallel to center or right-of-way lines of streets or highways, such boundaries shall be treated as being parallel to such lines and at distances as indicated on the plan area maps;
- C. Where plan area boundaries appear to follow ownership boundaries, such boundaries shall be the plan area boundaries; and
- D. Where plan area boundaries appear to follow land capability or shorezone tolerance district boundaries, such boundaries, as field-verified, shall be the plan area boundaries.

11.8. PLAN AREA STATEMENT AND PLAN AREA MAP AMENDMENT

The amendment of a plan area statement or plan area map shall be in accordance with the following procedures:

11.8.1. Plan Amendments

Modification of plan area boundaries, special area boundaries, plan area name and number, Land Use Classification, Management Strategy, Special Designations, Planning Statement, Special Policies, and Additional Recreation Development shall be by plan amendment. TRPA shall modify the plan area maps and statements pursuant to this subsection 11.8.1, and subsections 11.8.2 and 11.8.3, to reflect current data.

11.8.2. Amendment by Ordinance

Modification of Permissible Uses, Maximum Densities, and assigned Maximum Community Noise Equivalent Levels shall be by ordinance.

11.8.3. Amendment by Resolution

Modification of Description, Planning Considerations, and Improvement Programs shall be by resolution.

11.8.4. Findings for Plan Area Amendments

Prior to adopting any plan area amendment, TRPA shall find:

- A. **General**
The amendment is substantially consistent with the plan area designation criteria in subsections 11.6.2 and 11.6.3; and

B. Expansion of Urban Plan Area Boundary or Addition of Residential, Tourist, Commercial, or Public Service Uses to Non-urban Plan Area

If the amendment is to expand an existing urban plan area boundary or to add residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area, TRPA shall find that the amendment will make the plan area statement consistent with an adopted policy or standard of the Regional Plan, and that the amendment will satisfy one or more of the following criteria:

1. The amendment corrects an error that occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or
2. The amendment enables TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 16: *Regional Plan and Environmental Threshold Review*, indicators; or
3. The amendment is needed to protect public health and safety and there is no reasonable alternative.

C. Addition of Multiple-Family as Permissible Use

1. If the amendment proposes to add multiple-family as a permissible use to a plan area or for one or more parcels, except as provided for in subparagraph 3 below, the plan area or affected parcel shall be found suitable for transit-oriented development (TOD). When determining TOD suitability, TRPA shall find that the site contains the following features, or functional equivalents, that facilitate TOD in a manner that is equal or superior to the listed features:
 - a. Access to operational transit within one-half mile walk;
 - b. Neighborhood services within one-half mile walk(e.g., grocery/drug stores, medical services, retail stores, and laundry facilities);
 - c. Good pedestrian and bike connections;
 - d. Opportunities for residential infill (at densities greater than eight units per acre) or infill with mixed uses; and
 - e. Public facilities adequate to service increased demand from the addition of multi-family units (e.g., public schools, urban or developed recreation sites, government services, and post offices).
2. In order for TRPA to find a proposal is the functional equivalent of one of the factors listed in 11.8.4.C.1 or 11.8.4.C.3.a, the proposal must be found to facilitate TOD in a manner that is equal or superior to that feature.
3. If the amendment is to add multiple-family dwellings as a permissible use to a plan area or for one or more parcels and would result in deed-restricted affordable housing units, the plan area or affected parcel shall be found suitable for transit-oriented development (TOD). When determining TOD suitability, TRPA shall find that the following factors are satisfied when determining TOD suitability:

- a. Access to operational transit within one-half mile, or a functional equivalent as provided for in 2 above; and
- b. Neighborhood services; or
- c. Public facilities.

CHAPTER 21: PERMISSIBLE USES

21.1. PURPOSE

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

21.2. APPLICABILITY

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

21.2.1. Allowed Uses

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

21.2.2. Special Uses

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

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

reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners; and

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

21.2.3. Nonconforming Uses

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

21.2.4. Prohibited Uses

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

21.2.5. Gaming Uses

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

21.3. ACCESSORY USES

Accessory uses shall be regulated pursuant to the regulations applicable for the primary use upon which the accessory use is dependent. No project or activity pursuant to an accessory use may be permitted without a related existing or approved primary use on the same parcel.

21.3.1. Examples of Accessory Use

Accessory uses are defined in Section 90.2. Examples of accessory uses and related major categories of primary uses are as follows:

A. Residential

Accessory uses such as garages, green houses, homeowner association offices, art studios, workshops, swimming pools, storage structures, exempt home occupations, tennis courts, dog runs, emergency facilities, home occupations, secondary residence, and other uses listed in the definition of a "primary use" as accessory.



Figure 21.3.1-A: Example Residential Accessory Use

B. Tourist Accommodation

Accessory uses such as garages, parking lots, swimming pools, tennis courts, bars and restaurants, equipment rental, maintenance facilities, laundries, gymnasiums, coin operated amusements, meeting rooms, managers quarters, child care facilities, emergency facilities, employee facilities other than housing, secondary residence, restricted gaming (Nevada only), and other uses listed in the definition of a “primary use” as accessory.



Figure 21.3.1-B: Example Tourist Accommodation Accessory Use

C. Commercial

Accessory uses such as garages, parking lots, emergency facilities, maintenance facilities, employee facilities other than housing, secondary residence, restricted gaming (Nevada only), storage buildings, and other uses listed in the definition of a “primary use” as accessory.

D. Public Service

Accessory uses such as garages, secondary residence, and emergency facilities.

E. Recreation

Accessory uses such as garages, emergency facilities, child care, related commercial sales and services such as ski shops, pro shops, marine sales and repairs, parking lots, maintenance facilities, swimming pools, tennis courts, employee facilities other than housing, secondary residence, outdoor recreation concessions, bars and restaurants, and other uses listed in the definition of a “primary use” as accessory.



Figure 21.3.1-C: Example Recreation Accessory Use

21.3.2. Secondary Residence

One secondary residence shall be considered an accessory use to the primary use it serves and may be permitted where the primary use is a permissible use. Secondary units may include a guest house; an affordable or market-rate rental unit; a caretaker residence for a residential use, commercial use, public service or recreational use; and a manager's quarters for a tourist accommodation or multi-residential use. A secondary residence shall be considered a residential unit subject to the residential allocation limitations and transfer provisions. If the primary use is residential, a secondary unit may be permitted only if either subparagraph 21.3.2.A.1 or 21.3.2.A.2 below is met.

A. Residential Secondary Unit Parcel Size

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

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

B. TRPA-Certified Local Government Housing Program

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

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

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

21.3.3. Local Utility Lines

Service drops and connections and local distribution lines are accessory to the structure that they serve and may be permitted even though they are not on the same parcel.

21.3.4. Outside Display and Storage

Unless the definition of a primary use states that outside storage or display of material or merchandise is included as part of the use, such storage or display shall be considered accessory uses and subject to TRPA approval. TRPA may permit accessory outside display or storage of material or merchandise, as defined in subparagraphs A and B below, on an

overnight basis only if the plan area lists secondary storage as a permissible use. Accessory outside display of merchandise for commercial purposes on a daily basis may be permitted by TRPA under the special use provisions of Section 21.2, provided the merchandise does not remain outside when the primary use is not in operation. Temporary outdoor sales are regulated under Chapter 22: *Temporary Uses, Structures, and Activities*.

A. **Accessory Outside Storage**

Storage of materials and equipment that constitutes secondary storage and that is located outside of a walled building or under the roof of a non-walled building.

B. **Accessory Outside Display**

Exhibition of merchandise for public view that constitutes secondary storage and that is located outside of a walled building or under the roof of a non-walled building.

21.3.5. Determination of Accessory Use

Accessory uses not listed as accessory by example above may be considered accessory upon a finding by TRPA that the use is accessory based on the criteria in subsection 21.3.1.

21.3.6. Living Area Associated with Residential Accessory Structures

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

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

21.3.7. Threshold-Related Research Facilities

Facilities may be designated “Threshold-Related Research Facilities” if they meet the following criteria:

- A. The facilities shall be primarily used to implement social, political, and scientific research relating to the Lake Tahoe Environmental Thresholds or the Lake Tahoe ecosystem;
- B. Structures and related improvements designated as “Threshold-Related Research Facilities” shall provide adequate security, such as a bond, lease requirement, deed restriction, or other appropriate mechanism, to assure their removal or conversion consistent with TRPA ordinances upon discontinuance of threshold research;

- C. “Threshold-Related Research Facilities” shall be located in community plan areas unless TRPA finds that there is a demonstrated need to locate them outside a community plan area, the use is designated a special use by the applicable plan area statement, and the project area for which the threshold related research facility is proposed contains existing development; and
- D. Subject to the provisions for development rights and allocation of residential development, overnight multi-person facilities for up to 25 persons and caretaker facilities may be deemed accessory to this use.

21.3.8. Accessory Biofuel Facilities

Biofuel facilities that are considered an accessory use may be permitted under the special use provisions of Section 21.2.

21.4. LIST OF PRIMARY USES

This section lists all primary uses that may be permitted within the land area of the region. Each use is defined in this section. Any use not listed in this section, presently or as amended, is prohibited. Plan area statements, community plans, redevelopment plans, Area Plans, and specific or master plans shall determine if a use is an allowable use, a special use, a prohibited use, or a nonconforming use for a specific parcel. The uses listed in this section, including the definitions of the uses in this section, shall apply to and govern all other chapters of this Code, plan area statements, community plans, redevelopment plans, Area Plans, and specific or master plans. Uses listed in this section may be considered accessory uses if they are listed in Section 21.3.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
RESIDENTIAL	
Employee housing	Residential units owned and maintained by public or private entities for purposes of housing employees of said public or private entity.
Mobile home dwelling	A home built entirely in the factory on a non-removable steel chassis that is transported to the building site on its own wheels and was installed prior to June 15, 1976, when the Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect.
Multiple-family dwelling	More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. One detached secondary residence is included; see “Secondary Residence.”
Multi-person dwelling	A building designed primarily for permanent occupancy by individuals unrelated by blood, marriage, or adoption in other than single-family dwelling units or transient dwelling units. A multi-person dwelling includes, but is not limited to, facilities such as dormitories and boarding houses, but not such facilities as hotels, motels, and apartment houses.
Nursing and personal care	Residential establishments with in-patient beds providing nursing and health-related care as a principal use, such as skilled nursing care facilities, extended care facilities, convalescent and rest homes, and board and care homes.
Raising domestic animals	The keeping, feeding, or grazing of animals as an avocation, hobby, or school project, secondary to the principal residential use of a property greater than two acres. The use applies to species commonly considered as farm animals, but does not include exotic animals. Household pets, such as dogs and cats, are included when such animals are being bred for commercial reasons. Outside storage or display is included as part of the use.
Residential care	Establishments primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on ability for self care, but where medical care is not a major element. The use includes, but is not limited to, children's homes, halfway houses, orphanages, rehabilitation centers, and self-help group homes.
Single-family dwelling	One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. A caretaker residence is included (see “Secondary Residence”).
Summer home	A cabin-type single-family house intended primarily for intermittent vacation use and located in USFS summer home tracts or other remote recreation sites. Such structures are generally located in areas of restricted winter access.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
TOURIST ACCOMMODATION	
Bed and breakfast facilities	Residential-type structures that have been converted to or constructed as tourist accommodation facilities where bedrooms without individual cooking facilities are rented for overnight lodging, and where at least one meal daily is provided. The use does not include "Hotels and Motels," which are defined separately; nor rooming and boarding houses (see "Multi-Person Dwellings").
Hotel, motel, and other transient dwelling units	Commercial transient lodging establishments, including hotels, motor-hotels, motels, tourist courts, or cabins, primarily engaged in providing overnight lodging for the general public whose permanent residence is elsewhere. This use does not include "Bed and Breakfast Facilities" or "Vacation Rentals."
Time sharing (hotel/motel design)	A right to exclusively use, occupy, or possess a tourist accommodation unit of a hotel/motel design without kitchen units, according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three years.
Time sharing (residential design)	A right to exclusively use, occupy, or possess a tourist accommodation unit of a residential design with kitchen units, according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three years.
COMMERCIAL	
Retail	
Auto, mobile home and vehicle dealers	Retail trade establishments selling new and used automobiles, boats, vans, campers, trucks, mobile homes, recreational and utility trailers, motorcycles, golf carts, snowmobile and jet skis (except bicycles and mopeds; see "General Merchandise"). Such businesses are considered a primary use when the establishment sells more than six vehicles per calendar year. The use also includes establishments selling new automobile parts, tires, and accessories (including tire recapping establishments), as well as establishments dealing in used automobiles exclusively. Includes automobile repair shops only when maintained by an establishment selling new vehicles on the same site. Does not include establishments dealing exclusively in used parts (see "Recycling and Scrap") or outside sales (see "Secondary Storage" or "Sales Lots").
Building materials and hardware	Retail trade establishments within buildings primarily engaged in selling lumber and other building materials, including paint, wallpaper, glass, hardware, nursery stock, and lawn and garden supplies. The use includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales. Outside storage or display is included as part of the use. Establishments primarily wholesaling plumbing, heating and air conditioning equipment, and electrical supplies are classified in "Wholesale and Distribution."

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Eating and drinking places	Restaurants, bars, and other establishments selling prepared foods and drinks for on-premise consumption, as well as facilities for dancing and other entertainment that are accessory to the principal use of the establishment as an eating and drinking place. The use also includes drive-in restaurants, lunch counters, and refreshment stands selling prepared goods and drinks for immediate consumption.
Food and beverage retail sales	Retail trade establishments primarily engaged in selling food for home preparation and consumption, as well as the retail sale of packaged alcoholic beverages for consumption off the premises. The use includes establishments such as grocery stores, convenience stores, and liquor stores. Such establishments may include no more than two gas pumps as an accessory use.
Furniture, home furnishings and equipment	Retail trade establishments primarily engaged in selling home furnishings such as furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances, including televisions and home sound systems. Also includes the retail sale of office furniture.
General merchandise stores	Retail trade establishments such as department stores, variety stores, drug and discount stores, and general stores engaged in retail sales of one or more lines of new and used merchandise, including: dry goods, apparel and accessories; small wares; sporting goods and equipment; bicycles and mopeds, parts and accessories. The use also includes sales of miscellaneous shopping goods such as: books; stationery; jewelry; hobby materials, toys and games; cameras and photographic supplies; gifts, novelties and souvenirs; luggage and leather goods; fabrics and sewing supplies; florist and house plant stores; cigar and newsstands; artists supplies; orthopedic supplies; religious goods; handcrafted items (stores for which may include space for crafting operations when such area is accessory to retail sales); and other miscellaneous retail shopping goods.
Mail order and vending	Establishments primarily engaged in retail sale of products by catalog and mail order. The use includes vending machine distributorships and suppliers. The use does not include product manufacturing, which is included under the appropriate manufacturing use.
Nursery	Commercial retail and wholesale establishment where plants are grown or stored for transplanting at other sites. Outside storage or display is included as part of the use.
Outdoor retail sales	Retail trade establishments operating outside of buildings on a daily or weekly basis, such as: roadside stands; flea markets; swap meets; seasonal sales involving Christmas trees, fireworks, pumpkins, or other seasonal items; regular sales of art or handcrafted items in conjunction with community festivals or art shows; and retail sales of various products from individual motor vehicles locations outside the public right-of-way, not including bakery, ice cream, and similar vending vehicles that conduct all sales within the right-of-way and do not stop in any location except on customer demand. Outside storage or display is included as part of the use.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Service stations	Retail trade establishments primarily engaged in the sale of gasoline, which may also provide lubrication, oil change and tune-up services, and the sale of automotive products incidental to gasoline sales. The use may also include as accessory uses towing, mechanical repair services, car washing and waxing, and trailer rental. The use does not include storage of wrecked or abandoned vehicles, paint spraying body and fender work, and retail sale of gasoline as an accessory use to food and beverage retail sales when limited to not more than two pumps.
Entertainment	
Amusements and recreation services	Establishments providing amusement or entertainment for a fee or admission charge, such as: arcades and coin-operated amusements; billiard and pool halls; bowling alleys; card rooms; clubs and ballrooms that are principal uses rather than being subordinate to an eating or drinking place; dance halls; gymnasiums; health and athletic clubs; ice skating and roller skating facilities; indoor sauna, spa, or hot tub facilities; motion picture theaters; reducing salons; and tennis, handball, racquetball, indoor archery and shooting ranges, and other indoor sports activities.
Gaming-non restricted (Nevada only)	Establishments, regulated pursuant to Article VI(d) through (i) of the Compact, that deal, operate, carry on, conduct, maintain, or expose for play any banking or percentage game played with cards, dice, or any mechanical device or machine for money, property, checks, credit, or any representative of value. The use does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes, or games operated by charitable or educational organizations to the extent excluded by state law. Restricted gaming is permissible only as an accessory use.
Outdoor amusements	Commercial establishments for outdoor amusement and entertainment such as: amusement parks; theme and kiddie parks; go cart and miniature auto race tracks; moped, bicycle, and skate rentals; and miniature golf courses. Outside storage or display is included as part of the use.
Privately owned assembly and entertainment	Commercially operated facilities for public assembly and group entertainment with a capacity of greater than 300 people, such as: auditoriums; exhibition and convention halls; theaters, meeting halls and facilities for "live" theatrical presentations or concerts by bands and orchestras; amphitheaters; meeting halls for rent; and similar public assembly uses.
Services	
Animal husbandry services	Establishments primarily engaged in performing services for animals, such as veterinary services, animal hospitals, and animal kennels. The use does not include publicly operated animal control and wildlife care (see "Local Public Health and Safety Facilities").
Auto repair and service	Service establishments engaged in repair, alteration, painting, washing, or waxing of automobiles as a principal use. The use also includes storage and maintenance yards for rental of cars, trucks, or trailers. Outside storage or display is included as part of the use. The use does not include: automobile parking (see "Transportation"); repair shops subordinate to and maintained by

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
	a vehicle dealership; service stations (which are separately defined); or automobile wrecking yards (see "Recycling and Scrap").
Broadcasting studios	Communication establishments such as telegraph, telephone, radio and television broadcasting and receiving stations, and studios, contained entirely within buildings. Transmission and receiving apparatus, such as towers, lines, reflectors, and antennas are included under the definition for "Transmission and Receiving Facilities."
Business support services	Service establishments within buildings that provide other businesses with services including maintenance, repair and service, testing, and rental. This includes establishments such as: outdoor advertising services, mail advertising services (reproduction and shipping); blueprinting, photocopying, and photofinishing; computer-related services (rental, repair, and maintenance); commercial art and design (production); film processing laboratories; and services to structures such as window cleaning, exterminators, janitorial services, and business equipment repair services.
Contract construction services	Service establishments primarily engaged in construction, such as new development, additions, alterations, and repairs. Construction activities are generally administered or managed from a relatively fixed place of business, but actual construction work is performed at one or more different sites that may be dispersed geographically. Three broad types of construction activity are covered: (a) building construction by general contractors or by operative builders; (b) other construction by general contractors; and (c) construction by special trade contractors such as electrical, air conditioning and plumbing contractors, or others such as well drilling services. Establishments engaged in the installation of prefabricated buildings and equipment also are included. Outside storage or display is included as part of the use. An office not associated with a construction site or without secondary storage is considered under "Professional Offices."
Financial services	Service establishments primarily engaged in the field of finance, such as banks and trust companies, lending and thrift institutions, credit agencies, brokers and dealers in securities and commodity contracts, security and commodity exchanges, holding (but not predominantly operating) companies, vehicle finance (equity) leasing agencies, and other investment companies.
Health care services	Service establishments primarily engaged in furnishing medical, mental health, surgical, and other personal health services such as: medical, dental, and psychiatric offices; medical and dental laboratories; outpatient care facilities; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included. Nursing homes and similar long-term personal care facilities are classified in "Nursing and Personal Care," and mental health-related services, including various types of counseling practiced by licensed individuals other than medical doctors or psychiatrists or unlicensed individuals, are included under "Professional Offices."

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Laundries and dry cleaning plant	Service establishments primarily engaged in high-volume laundry and garment services, such as power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; and carpet and upholstery cleaners. The use does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment (see "Personal Services").
Personal services	Establishments primarily engaged in providing non-medical services generally involving the care of persons, such as: beauty and barber shops; shoe repair shops; saunas and hot tubs; laundromats (self-service laundries); dry cleaning pick-up stores and small-scale dry cleaners without pick-up and delivery services; clothing rental; dating and escort services; funeral parlors, cemetery real estate sales and related facilities; offsite rental of sporting equipment; and wedding chapels. The use may also include the accessory retail sales of products related to the services provided.
Professional offices	A place where the following kinds of business are transacted or services rendered: engineering, architectural and surveying; real estate agencies; educational, scientific and research organizations; accounting, auditing, and bookkeeping services; writers and artists; advertising agencies; photography and commercial art studios; publishing with offsite printing facilities; employment, stenographic, secretarial, and word processing services; off premise concessions (OPC); reporting services; data processing and computer services; management, public relations, and consulting services; organizational offices; detective agencies; professional services; attorneys; and counseling services (other than licensed psychiatrists; see "Health Care Services"). Incidental offices are considered accessory uses to a primary use.
Repair services	Service establishments where repair of consumer products is the principal business activity, such as: electrical repair shops; television, radio, and other appliance repair; watch, clock, and jewelry repair; boat repair; small engine repair; and reupholstery and furniture repair. An outdoor storage yard associated with these uses is considered under "Secondary Storage." The use does not include businesses serving the repair needs of heavy equipment (see "Industrial Services").
Sales lots	Outdoor sales area for permanent display of motor vehicles, recreational vehicles, mobile homes, construction equipment, farm machinery, or other heavy equipment; outdoor equipment rental yards (not including recreational equipment rental); and large-scale, permanent outdoor sales activities such as livestock auctions and sales. Outside storage or display is included as part of the use.
Schools - business and vocational	Business and secretarial schools and vocational schools offering specialized trade and commercial courses. The use includes specialized non-degree granting schools including, but not limited to: music schools; dramatic schools; language schools; driver education schools; ballet and other dance studios; seminaries and other establishments exclusively engaged in training for religious ministries; and establishments furnishing educational courses by mail.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Secondary storage	The outdoor storage of various materials or the public display of merchandise on the same site as a principal building or use that supports the activities or conduct of the principle use and does not increase the intensity of the use. This does not apply to primary uses that include outside storage and display as part of the use.
Light Industrial	
Batch plant	Manufacturing establishment for the production of paving materials or concrete. Outside storage or display is included as part of the use. The use does not include quarrying operations supplying material for the production of such materials.
Food and kindred products	Manufacturing establishments producing or processing foods and beverages for human consumption and certain related products for distribution within the region, such as meat and poultry processing, dairy products processing, beverages and liquors processing, and miscellaneous food preparation from raw products. Outside storage or display is included as part of the use.
Fuel and ice dealers	Retail trade establishments primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane, and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use. Outside storage or display is included as part of the use.
Industrial services	Service establishments providing other businesses with services, including maintenance, repair, service, testing, and rental. This includes establishments such as: welding repair, armature rewinding, and heavy equipment repair (except vehicle repair; see "Auto Repair and Service"); research and development laboratories, including testing facilities; soils and materials testing laboratories; equipment rental businesses that are entirely within buildings (for equipment rental yards, see "Sales Lots"), including leasing tools, machinery and other business items except vehicles; and other business services of a "heavy service" nature. Outside storage or display is included as part of the use.
Printing and publishing	Establishments engaged in printing onsite by letterpress, lithography, gravure, screen, offset or other common process including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade such as book binding, typesetting, engraving, photo engraving, and electro-typing. The use also includes establishments manufacturing business forms and binding devices.
Recycling and scrap	Establishments engaged in assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap. Outside storage or display is included as part of the use. The use does not include terminal waste disposal sites, which are prohibited, and temporary storage of toxic or radioactive waste materials.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Small scale manufacturing	Establishments considered to be light manufacturing or cottage industry that produce jewelry, silverware and plated ware; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; caskets; and other miscellaneous manufacturing industries. The use also includes artisan and craftsman-type operations that are not home occupations and that are not secondary to on-site retail sales. The use also includes small-scale blacksmith and welding services and the manufacture of trusses. Outside storage or display is included as part of the use.
Wholesale/Storage	
Storage yards	Service establishments primarily engaged in the outdoor storage of motor vehicles, construction equipment, materials or supplies, fire wood lots, farm machinery, or industrial supplies on a parcel. Outside storage or display is included as part of the use.
Vehicle and freight terminals	Transportation establishments furnishing services incidental to transportation, such as: freight forwarding services; transportation arrangement services; packing, crating, inspection and weighing services; freight terminal facilities; joint terminal and service facilities; trucking facilities, including transfer and storage; and postal service bulk mailing distribution centers. Outside storage or display is included as part of the use.
Vehicle storage & parking	Service establishments primarily engaged in the business of storing operative cars, buses, or other motor vehicles. The use includes both day use and long-term public and commercial garages, parking lots, and structures. Outside storage or display is included as part of the use. The use does not include wrecking yards (see "Recycling and Scrap").
Warehousing	Establishments primarily engaged in the storage of furniture, household goods, or other commercial goods, such as warehouses and storage or mini-storage facilities offered for rent or lease to the general public. The use does not include warehouse facilities where the primary purpose of storage is for goods for wholesaling distribution. Outside storage or display is included as part of the use. The use does not include terminal facilities for handling freight (see "Vehicle and Freight Terminals").
Wholesale and distribution	Establishments engaged in the storage of merchandise for sale to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The use includes such establishments as: merchant wholesalers; agents, merchandise or commodity brokers, and commission merchants; and assemblers. Outside storage or display is included as part of the use.
PUBLIC SERVICE	
General	
Airfields, landing strips and heliports (new non-emergency sites prohibited)	Transportation facilities that are used for the landing or take-off of aircraft, including helicopters, such as airports, heliports, helipads, and seaplane bases. The use also includes any appurtenant areas used for airport buildings and

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
	accessory facilities, including terminals, aircraft sales and rentals, and fueling facilities. Outside storage or display is included as part of the use.
Cemetery	Internment establishment engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. This includes establishments such as: animal cemeteries; cemetery associations; and cemetery, mausoleum, and columbarium operations. The use does not include funeral parlors, cemetery real estate operations, and related facilities listed under "Personal Services."
Religious assembly	Religious organization assembly or institutional facility operated for worship or promotion of religious activities, including churches and incidental religious education. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals, and other potentially related operations (such as a recreational camp) are not considered a religious assembly and are classified according to their respective activities.
Collection stations	Establishments engaged in the temporary accumulation and storage of recyclable or discarded materials, including toxic and hazardous wastes, which are subsequently transported to recycling centers or solid waste disposal sites for further processing on a regular and consistent schedule. Outside storage or display is included as part of the use. The use does not include automobile wrecking yards or any recycling processing facilities, which are listed under "Recycling and Scrap" or regional solid waste transfer stations, which are listed under "Recycling and Scrap" or "Regional Public Health and Safety Facilities."
Cultural facilities	Permanent public or quasi-public facilities generally of a noncommercial nature, such as art exhibitions, planetariums, botanical gardens, libraries, museums, archives, and arboretums.
Day care centers/pre-schools	Establishments used for the care of seven or more children residing elsewhere.
Government offices	Buildings containing offices for public agencies, including administrative offices, meeting rooms, and regional post offices. The use does not include offices that are incidental and accessory to another government use such as transit terminals, vehicle storage, campground, or storage yards.
Hospitals	Establishments primarily engaged in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. Such establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care.
Local assembly and entertainment	Facilities for public assembly and entertainment for the local community, not to exceed a capacity of 300 people, such as community centers, meeting halls, and multi-purpose centers.
Local post office	Establishments providing local neighborhoods with mail service and delivery, such as postal substations and neighborhood delivery centers.
Local public health and safety facilities	Facilities operated by public or quasi-public entities for the local protection of the public, such as: fire stations and other fire prevention facilities; police and sheriff substations; satellite highway maintenance and snow removal facilities; water tanks, pumps, wells and related facilities; monitoring facilities; sewage pumps and related facilities; and emergency services. Outside storage or display is included as part of the use.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Membership organizations	Permanent meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, such as: business associations; professional membership organizations; labor unions and similar organizations; civic, social and fraternal organizations; political organizations; and other membership organizations. The use does not include country clubs in conjunction with golf courses (see "Golf Courses"); religious organizations ("see Churches"); and lodging (see "Multi-person Dwelling").
Power generating	Establishments engaged in the generation of electrical energy for sale to consumers, including biofuel facilities, hydro facilities, gas facilities, and diesel facilities. Outside storage or display is included as part of the use. The use does not include biofuel facilities accessory to a primary use. Transmission lines located off the site of the power plant are included under "Pipelines and Power Transmission." Electrical substations are included under "Public Utility Centers."
Public owned assembly and entertainment	Facilities owned and operated by a public or nonprofit entity for public assembly and group entertainment with a capacity of greater than 300 people, such as: public auditoriums; exhibition and convention halls; civic theaters, meeting halls and facilities for live theatrical presentations or concerts by bands, choirs, and orchestras; meeting halls for rent; community centers; and similar public assembly uses.
Public utility centers	Public and quasi-public facilities serving as junction points for transferring utility services from one transmission to another or to local distribution and service, such as: electrical substations and switching stations; major telephone switching centers; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; and community wastewater treatment plants and settling ponds. Outside storage or display is included as part of the use. The use does not include office or service centers (see "Professional Offices or Government Offices").
Regional public health and safety facilities	Regional facilities operated by public or quasi-public entities for protection of the public, such as: fire stations and other fire prevention facilities; water and sewage facilities; transportation maintenance/storage facilities; police and sheriff substations and headquarters, including secondary county short-term incarceration facilities; and solid waste transfer stations that TRPA finds to be regionally serving. "Secondary county short-term incarceration facility" means a county jail (not a state or federal prison facility) that is not the primary jail for the county.
Schools – college	Junior colleges, colleges, universities, and professional schools granting associate arts degrees, certificates, undergraduate and graduate degrees, and requiring for admission at least a high school diploma or equivalent general academic training.
Schools - kindergarten through secondary	Kindergarten, elementary, and secondary schools serving grades up to 12, including denominational and sectarian.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Social service organizations	Public and quasi-public establishments providing social services and rehabilitation services, counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies, serving persons with social or personal problems requiring special services and the handicapped and the disadvantaged. The use includes organizations soliciting funds to be used directly for these and related services. The use also includes establishments engaged in community improvement and neighborhood development.
Threshold related research facilities	Public or non-profit research establishments primarily engaged in implementing social, political, and scientific research relating to the Lake Tahoe Environmental Thresholds or the Lake Tahoe ecosystem. The use includes laboratories, monitoring stations, scientific interpretive centers, research and training classrooms, and related support facilities. Overnight multi-person facilities, outside storage, and caretaker facilities may be considered as accessory to this use. The use does not include facilities unrelated to threshold-related research, such as: general college administrative offices and classrooms (see "Schools-College"); and government administrative offices (see "Government Offices"); or non-threshold-related research (which may be conducted under the "Professional Office" use).
Linear Public Facilities	
Pipelines and power transmission	Transportation facilities primarily engaged in the pipeline transportation of refined products of petroleum, such as: gasoline and fuel oils; natural gas; mixed, manufactured, or liquefied petroleum gas; or the pipeline transmission of other commodities. The use includes facilities for the transmission of electrical energy for sale, including transmission and distribution facilities. Outside storage or display is included as part of the use. The use does not include offices or service centers (see "Professional Offices"); equipment and material storage yards (see "Storage Yards"); distribution substations (see "Public Utility Centers"); and power plants (see "Power Generating Plants").
Transit stations and terminals	Passenger stations for vehicular and mass transit systems; also, terminal facilities providing maintenance and service for the vehicles operated in the transit system. The use includes, but is not limited to, buses, taxis, railway, and ferries. Outside storage or display is included as part of the use.
Transmission and receiving facilities	Communication facilities for public or quasi-public, commercial, and private electronic, optic, radio, microwave, electromagnetic, and photo-electrical transmission and distribution, such as: repeater and receiving facilities, feeder lines, and earth stations for satellite communications for radio, television, telegraph, telephone, data network, and other microwave applications. The use includes local distribution facilities such as lines, poles, cabinets, and conduits. Outside storage or display is included as part of the use. The use does not include uses described under "Broadcasting Studios."
Transportation routes	Public right-of-ways that are improved to permit vehicular, pedestrian, and bicycle travel.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
RECREATION	
Beach recreation	Recreational use of a beach, supported by developed facilities such as sanitation facilities, parking, and picnic sites, and nearshore facilities such as multiple-use piers and buoys. Nearshore and foreshore facilities are included in Chapter 81: <i>Permissible Uses and Structures in the Shorezone and Lakezone</i> .
Boat launching facilities	Recreational establishments that provide boat launching, parking, and short-term trailer storage for the general public. The storage, mooring, and maintenance of boats are included under "Marinas." Raft launching is included under "Day Use Areas." Outside storage or display is included as part of the use.
Cross country ski courses	Land or premises used as a commercial operation for nordic skiing. Outside storage or display is included as part of the use.
Day use areas	Land or premises, other than "Participant Sports Facilities," designated by the owner to be used by individuals or the general public, for a fee or otherwise, for outdoor recreation purposes on a daily basis such as regional and local parks, picnic sites, vista points, snow play areas, rafting facilities, and playgrounds.
Developed campgrounds	Land or premises designed to be used, let, or rented for temporary occupancy by campers traveling by motorized vehicle, and that contain such facilities as campsites with parking area, barbecue grills, tables, restrooms, and at least some utilities.
Downhill ski facilities	Uses and facilities pertaining to ski areas, including but not limited to: runs, trails, lift-lines cables, chairs, cars, warming huts, care taking quarters, parking, vehicles, day lodges, shops for sale and rental of ski equipment, ski pro shop, first aid stations, ski school facilities and assembly areas, day nurseries, maintenance facilities, lounges, eating and drinking establishments, and other ski oriented shops. Outside storage or display is included as part of the use. Uses and facilities serving non-skiing activities or operating year-round such as tennis courts, swimming pools, hot tubs, restaurants, bars, and retail sales constructed on lands which serve or are utilized in the operation of a ski area shall be considered under the appropriate use classification in this Code.
Golf courses	An area of land laid out for the game of golf, including driving ranges and putting greens. A golf course may include accessory uses such as an eating and drinking place, clubhouse, and general merchandise store. Outside storage or display is included as part of the use.
Group facilities	Establishments that provide overnight accommodations and outdoor recreation to organized groups such as recreational camps, group or organized camps, and religious camps.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Marinas	Establishments primarily providing water-oriented services, such as: yachting and rowing clubs; boat rentals; storage and launching facilities; sport fishing activities, excursion boat and sightseeing facilities; and other marina-related activities, including but not limited to fuel sales and boat and engine repair. Marinas contain water-oriented facilities and structures, which are regulated and defined in Chapter 81. Outside storage or display is included as part of the use. The use does not include condominiums, hotels, restaurants, and other such uses with accessory water-oriented, multiple-use facilities.
Off-road vehicle courses	Areas authorized by the Agency for the use of off-road vehicles including, but not limited to, dirt bike, enduro, hill climbing, or other off-road motorcycle courses. The use also includes areas authorized by the Agency for competitive events utilizing four-wheel-drive vehicles. The use does not include the use of vehicles associated with timber harvest activities on approved skid trails or maintenance vehicles.
Outdoor recreation concessions	Facilities that are dependent on the use of outdoor recreation areas, such as onsite food and beverage sales, onsite recreational equipment rentals, parasailing, rafting, and onsite recreation instruction. The use also includes outfitter or guide service establishments whose base facilities are located on or near a recreation area, such as horse packing outfitters or snowmobiling outfitters. Outside storage or display is included as part of the use.
Participant sports facilities	Facilities for various outdoor sports and recreation including, but not limited to, tennis courts, swim and tennis clubs, ice skating rinks, and athletic fields (non-professional). Outside storage or display is included as part of the use.
Recreation centers	Indoor recreation establishments operated by a public or quasi-public agency providing indoor sports and community services, such as swimming pools, ice skating rinks, multi-purpose courts, weight rooms, and meeting and crafts rooms.
Recreational vehicle parks	Transient lodging establishments engaged in renting, leasing, or otherwise providing overnight sites for trailers, campers, and recreation vehicles with individual utility hookups. The use also includes accessory facilities such as public restrooms, swimming pools, and manager's quarters.
Riding and hiking trails	Planned paths for pedestrian and equestrian traffic, including trail heads.
Rural sports	Establishments that provide for special outdoor recreation group activities, such as: outdoor archery, pistol, rifle, and skeet clubs and facilities; hunting and fishing clubs; and equestrian facilities, stables, and exhibition facilities. The use does not include indoor shooting facilities (see "Amusements and Recreational Services").
Snowmobile courses	Mapped areas, pathways, and trails utilized in, and approved for, commercial snowmobile operations.
Sport assembly	Commercial facilities for spectator-oriented, specialized, sports assembly that do not exceed a 5,000-person seating capacity, such as stadiums, arenas, and field houses.
Undeveloped campgrounds	Land permanently established to be used for temporary occupancy by campers traveling by foot or horse, which may contain tent sites, fire rings, and sanitary facilities, but which does not contain utilities.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Visitor information centers	Nonprofit establishments providing visitor information and orientation.
RESOURCE MANAGEMENT	
Management	
Reforestation	Reestablishment of trees on forest land to perpetuate tree cover, such as ground preparation prior to natural seed fall, artificial seeding or planting, fertilizing, and protecting young plants until established. Both mechanical and chemical techniques may be used. In heavily used recreation areas, special tending techniques may be necessary.
Regeneration harvest	Removal of all trees in one or more cuts from an area for the purpose of creating a new, even-aged stand, especially one dominated by species intolerant of shade. Openings created by regeneration harvests will be reforested by natural seeding, artificial seeding, or through planting.
Sanitation salvage cut	Removal of dead, dying, deteriorating, or highly susceptible trees where insects, disease, animals, fire, wind, or other natural disaster has caused damage. The purpose is to prevent further loss and by allowing salvage of wood before it deteriorates.
Selection cut	A method for maintaining or producing an uneven aged stand, preferably of mixed species. In the Lake Tahoe Basin, the method may be applied to convert even-aged stands to an uneven aged condition, to maintain scenic quality, to prepare an area for use as a developed recreation site, or to maintain tree cover within a developed recreation site. The use includes annual or periodic removal of individual or small groups of trees in order to realize the yield and establish a new crop.
Special cut	<p>The cutting of trees for purposes other than timber production, including reasons such as:</p> <ol style="list-style-type: none"> 1. Maintenance of a healthy forest so that losses due to insect, disease, or fire will not result in harmful effects to watershed or visual quality on land of Land Capability Districts 1a, 1c, 2, and 1b (stream environment zone), where conventional logging techniques may cause unacceptable water quality impacts or permanent soil damage; 2. Maintenance of a healthy forest, removal of hazardous trees, and enhancement of foreground views on land developed for recreational, administrative or private purposes, or land intensively used for dispersed recreation; and 3. Provision of ski trails, conversion of meadow encroachments, provision of vista openings, increase in water yield, or increase in range and wildlife forage. <p>Harvesting may require aerial techniques, and cutting without removal for consumption may be necessary. Cut trees may be utilized on site for fuel wood, wildlife habitat, traffic barriers, or for other purposes.</p>
Thinning	Reducing the number of trees in a stand to achieve the desired density for healthy, vigorous, fast-growing trees. See also "Selection Cut."
Timber stand improvement	Mechanical or chemical investment-type treatments intended to increase the future value of a timber stand by improving the composition, constitution, condition, and/or growth rate of a timber stand, including, but not limited to thinning, pruning, fertilization, and weeding.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Tree farms	An area where trees or other vegetation on the TRPA-approved species list are grown for commercial harvest. The use includes establishments where Christmas trees are cultivated or where other native trees and plants are grown for harvest at a later date.
Wildlife and Fishes	
Early successional vegetation management	Habitat management that results in an area being converted to and/or being maintained in an early successional stage, such as a meadow.
Nonstructural fish habitat management	Habitat management that maintains or improves fish habitat of any species through non-structural means for the primary purpose of perpetuating the cold water fisheries resource through management of their habitat. Includes stream barrier removal, human access control, protection and enhancement of riparian vegetation, and beaver control.
Nonstructural wildlife habitat management	Habitat management that maintains or improves wildlife habitat of any species through nonstructural means for the primary purpose of perpetuating viable populations of wildlife species native to the area through management of their habitat. Includes activities such as prescribed burning, snag protection, seeding and planting, maintenance of canopy closure, control of livestock, and access control.
Structural fish habitat management	Habitat management that includes improvements, such as channel stabilization, fish ladders, the construction and operation of dams, and removal of barriers to fish movement, to benefit specific fish species by replacing or repairing habitat features that have been diminished or altered.
Structural wildlife habitat management	Habitat management that includes improvements, such as installation of nest structures, creation of snags from green trees, water impoundments, guzzlers, shelters, and fencing, to benefit specific wildlife species by replacing or repairing habitat features that have been diminished or altered.
Range	
Farm/Ranch accessory structures	An uninhabited structure or building designed and built to provide cover for cattle, horses, and other related ranch animals, or for storage of farm or ranch implements, supplies, and products. Outside storage or display is included as part of the use. The use does not include any residential use and is not open to the public.
Grazing	Utilizing natural forage as subsistence for livestock.
Range improvement	Structural and nonstructural improvements and their maintenance designed to increase the forage, make forage areas accessible, provide water, and control livestock movement. The use includes prescribed burning, irrigation, fertilization, water developments, fencing, noxious plant control, type conversion, and seeding.
Range pasture management	Activities required to manage the use of pastures for grazing. The primary purpose is to utilize a fenced closure or other type of confined area, and the available forage therein, for livestock, such as pack and saddle horses, mules, and cattle.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Open Space	
Allowed in all areas of the region	Land with no land coverage and maintained in a natural condition or landscaped condition consistent with best management practices, such as deed-restricted properties and designated open space areas.
Vegetation Protection	
Fire detection and suppression	Facilities for the detection and suppression of wildfire to protect life, property, public safety, and resource values. The use includes the operation of lookout towers, aircraft, or other surveillance techniques.
Fuels treatment management	Activities required to treat fuels in order to reduce potential for damaging wildfires and secondarily to enhance visual quality and forest health, such as: tree cutting, treating slash by lopping and scattering, piling and burning, chipping, hauling slash to another area for utilization, burning or burial, and broadcast burning. The use also includes pruning limbs, removing ladder fuels such as brush and small diameter trees, thinning for adequate crown spacing, removing ground and surface fuels, etc. Any treatment that disrupts the vertical and horizontal continuity of fuels could be included. "Fuels Treatment" is equivalent to the following terms: "Fuels Treatment Management," "Fuels Management," "Fire Hazard Reduction," "Fuel Hazard Reduction," and "Hazardous Fuels Reduction."
Insect and disease suppression	Activities, including use of biological or chemical means, required to suppress wildland infestations of insects or disease, where silvicultural and other management practices have been insufficient to prevent loss of resources.
Prescribed fire/ burning management	Planned burning under controlled conditions to dispose of slash or fuels, control unwanted vegetation, stimulate the growth of vegetation, control insects and pathogens, and maintain natural ecological succession in order to achieve vegetation and wildlife habitat management goals.
Sensitive plant management	Activities or improvements intended to protect, enhance, perpetuate, or increase the habitat of plant species listed by the state, federal government, or the TRPA as threatened, endangered, rare, or sensitive, such as: protective fencing and cages, livestock control, public education, direct control of people access, rerouting of trails, and other protective measures deemed appropriate to secure the survival of the species.
Uncommon plant community management	Activities or improvements designed to protect, enhance, or perpetuate and ensure the normal ecological processes of a plant community that is of local, regional, state, or national interest.
Watershed Improvements	
Erosion control	Structural or nonstructural techniques applied to a particular site or region to prevent or minimize over land loss of soil or nutrients.
Runoff control	Structural or nonstructural practices designed to provide reasonable assurance that the runoff water quality standards to the surface or ground waters will be achieved.

TABLE 21.4-A: LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Stream environment zone restoration	The reestablishment of the natural functions of areas that, prior to modification, were directly influenced by the presence of surface water or near surface groundwater and that have been identified by TRPA as a stream environment zone. Reestablishment includes activities such as the removal of fill material or other encroachments, recontouring, revegetation, or restoration of physical, chemical, and biological attributes. The natural functions of an SEZ include the reestablishment of natural floodplains, the provision of wildlife habitat, protection of the soil resource, and filtration of nutrients and sediments from tributary or storm runoff.

21.5. EXISTING USES

The following standards apply to existing uses:

21.5.1. Right to Continue Existing Uses

Uses legally commenced prior to the effective date of the Regional Plan, July 1, 1987, are recognized as existing uses and may be continued, except as otherwise set forth in subparagraphs 21.5.1.A and 21.5.1.B. Continuation of an existing use includes a change in ownership, tenancy, or management, where the nature and character of the existing use remain substantially unchanged. Short-term or seasonal uses existing pursuant to legally issued TRPA permits may continue only for the duration of the permits authorizing them. Neither this section nor this chapter shall be construed as a limitation upon TRPA's authority to regulate all uses, present or future, by permit, prohibition, or otherwise.

A. Nonconforming Uses

If an existing nonconforming use is discontinued for a period of one year or more, any subsequent use shall comply with the use regulations set forth in the plan area statement. In the event a use is discontinued because a structure destroyed by fire or other calamity is being reconstructed, the period of time between the calamity and completion of reconstruction shall not be considered a discontinuance of use.

B. Uses Subject to a Specific Program Requiring Discontinuance or Modification of the Uses

Uses subject to a specific program requiring discontinuance or modification of the use shall be discontinued or modified in accordance with the requirements of such program.

21.5.2. Changes, Expansions, or Intensifications of Existing Uses

Expansions and intensifications of existing uses or changes in uses, to the extent permitted by this chapter, shall be subject to the requirements for a permit set forth in Chapter 2: *Applicability of the Code of Ordinances*. Modifications, expansions, and other changes to structures shall be governed by other provisions of this Code and also are subject to the requirements of Chapter 2.

- A. **Allowed Uses**
Uses identified as allowed uses may be changed, expanded, or intensified in conformance with this Code. Any change, expansion, or intensification resulting in a special use shall be subject to the special use requirements.
- B. **Special Uses**
Uses identified as special uses and for which the required findings pursuant to subsection 21.2.2 have been made by TRPA may be changed, expanded, or intensified subject to subsection 21.2.2. Special uses for which the required findings have not been made may not be changed, expanded, or intensified except in accordance with subparagraph 21.5.2.C.
- C. **Nonconforming Uses**
Uses identified as nonconforming shall not be expanded intensified beyond the use existing on the effective date of the Regional Plan. A nonconforming use may not be changed unless the new use conforms to the use regulations set forth in the Code. Expansions of structures containing a nonconforming use shall not be permitted. Modifications may be permitted only when TRPA finds that the modifications do not increase the extent of nonconformity. Such approval shall occur through direct TRPA review, through the conformance review process for Area Plans, or through Memoranda of Understanding with public agencies.

CHAPTER 31: DENSITY

31.1. PURPOSE

The purpose of this chapter is to establish maximum densities, set forth methods for calculating maximum densities, and distinguish development rights from density.

31.2. APPLICABILITY

The provisions of this chapter are applicable to all projects and activities, including residential, tourist accommodations, developed campgrounds, recreational vehicle parks, and group recreation facilities uses.

31.3. MAXIMUM DENSITY

31.3.1. Maximum Density by Use Type

Increases in density up to the maximum allowed shall be subject to the following provisions:

- A. **Residential Uses**
On parcels where residential uses are permissible, each parcel shall be entitled to one residential unit. Higher densities, up to the limits in Table 31.3.2-1 or as established in the applicable [area plan](#), plan area statement or adopted plan, whichever is most restrictive, may be developed by [conversion of development rights](#), transfer of development rights, ~~transfer of existing development~~, transfer of allocations [or a potential residential unit of use](#), or multi-residential incentives in accordance with

[Chapter 50: Allocation of Development](#), Chapters 51: [Banking, Conversion, and Transfer of Development Rights](#), and [Chapter 52: Bonus Unit Incentive Program](#).

B. Tourist Accommodation Uses

On parcels where tourist accommodation uses are permissible, density up to the limits in the Table 31.3.2-1 or as established in the applicable [area plan](#), plan area statement or adopted plan, whichever is most restrictive, may be developed by [conversion of development rights or](#) transfer of existing development in accordance with Chapter 51 or by obtaining tourist accommodation bonus units in accordance with Chapter 52.

C. Recreation Uses

On parcels where developed campgrounds, recreational vehicle parks, or group facilities are permissible, density up to the limits in Table 31.3.2-1 or as established in the applicable [area plan](#), plan area statement, or adopted plan, whichever is most restrictive, may be developed through utilization of recreational development allocations in accordance with Chapter 50: *Allocation of Development*, or by transfer of existing development in accordance with Chapter 51. For other types of recreational uses, maximum densities or intensities shall be determined by the standards in the Site Development division (Chapters 30 through 39) and other applicable provisions of this Code.

D. Density of Commercial, Public Service, and Resource Management Uses

On parcels where commercial, public service, or resource management uses are permissible, the density or intensity shall be determined by the site development standards in the Site Development division (Chapters 30 through 39) and other applicable provisions of this Code.

31.3.2. Table of Maximum Densities

Except where a TRPA plan area statement or adopted plan sets a more restrictive standard, no person shall create a density that exceeds the limits set forth in Table 31.3.2-1, except as provided in Section 31.4, *Increases to Maximum Density*.

TABLE 31.3.2-1: MAXIMUM DENSITIES	
Use	Maximum Density
Residential Uses	
Single-family dwelling (parcels less than one acre)	1 unit per parcel
Single-family dwelling (parcels greater than or equal to one acre)	2 units per parcel, provided one unit is an authorized secondary residence
Summer home	1 unit per parcel or lease site
Multiple-family dwelling	15 units per acre
Mobile-home dwelling	8 units per acre

TABLE 31.3.2-1: MAXIMUM DENSITIES	
Use	Maximum Density
Multi-person dwelling, nursing and personal care, and residential care	25 persons per acre
Tourist Accommodation Uses	
Bed and breakfast	10 units per acre
All other	40 units per acre
- If less than 10 percent of the units have kitchens	40 units per acre
- If greater than or equal to 10 percent of the units have kitchens	15 units per acre
Recreational Uses	
Developed campgrounds	8 sites per acre
Recreation vehicle parks	10 sites per acre
Group facilities	25 persons per acre

31.3.3. Conversion Factors

For residential uses set forth in Table 31.3.2-1, including multi-person dwellings, nursing and personal care, and residential care, 2.5 persons shall be equivalent to one residential unit. For recreational uses, four persons (PAOT) shall be equivalent to one recreation site.

31.4. INCREASES TO MAXIMUM DENSITY

31.4.1. Affordable Housing

A. Affordable Housing

Affordable housing projects meeting TRPA requirements may be permitted to increase the maximum density established in Section 31.3 by up to 25 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; and
2. The additional density is consistent with the surrounding area.

B. Affordable Housing within Kings Beach Commercial Community Plan

Affordable housing projects meeting TRPA requirements and located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the maximum density established in Section 31.3 by 100 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing;
2. The additional density is consistent with the surrounding area; and

3. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.

31.4.2. Timeshare Uses (Residential Design)

A timeshare use (residential design) in an adopted community plan area may increase the permitted density by a factor of two, or a timeshare use (residential design) in an adopted TRPA Redevelopment Plan Area may increase the permitted density by a factor of 2.5, provided TRPA makes the following findings:

- A. The special use findings in subsection 21.2.2 are satisfied;
- B. The project provides transit service for its patrons directly or by contract with a transit provider;
- C. The project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and
- D. If the project area contains excess land coverage, the land coverage will be reduced to no more than 75 percent of the project area.

31.4.3. Density in Special Height Districts

The maximum densities established in Section 31.3 may be exceeded for projects located in designated Special Height Districts as defined in subsection **Error! Reference source not found.** The amount of deviation from the density standards shall be established by a density analysis report approved by TRPA; however, the deviation shall not exceed the maximum densities established in Section 31.3 by a factor of three. To approve any project relying on the increase in density specified in the density analysis report, TRPA shall make the findings pursuant to subparagraphs 31.4.2.A through D.

31.5. CALCULATION OF MAXIMUM DENSITY

The maximum density that may be permitted within a project area shall be calculated as set forth in this section.

31.5.1. Single Uses

For a single use, the maximum density established in Section 31.3 shall be applied to the project area.

31.5.2. Mixed Uses

For two or more uses, the maximum densities shall be established through the following process: (1) determine the category or categories of mixed use on the parcel or project area, pursuant to subsection A below; and (2) determine the rules applicable to that category of mixed use pursuant to subsection B below.

A. Categories of Mixed Use

The category of the mixed use shall be determined from the following table. Select the first proposed use from the left-hand column and the second proposed use from the top-level row. Any other combination of uses not shown in the table, including three or more uses in any project area, is assigned to Category F.

TABLE: 31.5.2-1: CATEGORIES OF MIXED USE					
	Single-Family Dwelling Summer Home	Multi-family Dwelling Mobile Home Dwelling Multi-person Dwelling Nursing and Personal Care Residential Care Bed and Breakfast	Other Tourist Accommodation (less than 10% kitchens) Other Tourist Accommodation (greater than or equal to 10%)	Developed Campgrounds Recreation Vehicle Parks Group Facilities	Commercial use Public Service Use Other Recreational Use Resource Management
Single-Family Dwelling Summer Home		A	A	A	D
Multi-Family Dwelling Mobile Home Dwelling Multi-Person Dwelling Nursing and Personal Care Residential Care	A	B	B	B	E F E F

TABLE: 31.5.2-1: CATEGORIES OF MIXED USE							
	Single-Family Dwelling Summer Home	Multi-family Dwelling Mobile Home Dwelling Multi-person Dwelling Nursing and Personal Care Residential Care Bed and Breakfast			Other Tourist Accommodation (less than 10% kitchens) Other Tourist Accommodation (greater than or equal to 10% kitchens)	Developed Campgrounds Recreation Vehicle Parks Group Facilities	Commercial use Public Service Use Other Recreational Use Resource Management
Bed and Breakfast							
Other Tourist Accommodation (less than 10% kitchens) Other Tourist Accommodation (greater than or equal to 10% kitchens)	A	B			C	B	E
Developed Campgrounds Recreation Vehicle Parks Group Facilities	A	B			B	B	F
Commercial Use Public Service Use Other Recreational Use Resource Management	D	E	F	E	F	E	F

B. Maximum Density for Mixed-Use Categories

Depending upon the category of the mixed uses, as determined from Table 31.5.2-1, maximum density shall be calculated as follows:

1. **Category A**
 In Category A, a single-family dwelling or summer home shall be treated as equivalent to another residential unit, tourist unit, or campsite. Maximum densities for all other residential units, tourist accommodation units, or campsites shall be in accordance with Table 31.3.2-1. Conversion factors set forth in subsection 31.3.3 shall be applied as appropriate.

2. **Category B**
 In Category B, the maximum density shall be calculated as a proportional share of the maximum densities for the combined uses, rounded to the next lowest whole number.

CATEGORY B: EXAMPLE DENSITY CALCULATIONS

Example 1

A proposed project that contains an equal number of multi-family dwellings and other tourist accommodation units without kitchens.

$$\text{Maximum Density} = \frac{\text{Density of Multi-Family Dwelling (15)} + \text{Density of Other Tourist w/o Kitchens (40)}}{2} = \frac{55}{2} = 27.5 \text{ units/acre} (= 27 \text{ units/acre})$$

On a hypothetical two-acre project, a maximum 55 units would be allowed.

Example 2

A proposed project will contain 2/3 multi-family dwellings and 1/3 other tourist units without kitchens.

$$\text{Maximum Density} = \frac{(2) \times \text{Density of Multi-Family Dwelling (15)} + (1) \times \text{Density of Other Tourist w/o Kitchens (40)}}{3} = \frac{55}{3} = 23.5 \text{ units/acre} (= 23 \text{ units/acre})$$

3. **Category C**
 In Category C, if ten percent or more of the other tourist units have kitchens, the maximum density is 15 units per acre. If less than ten percent of the other tourist units have kitchens, then the maximum density is 40 units per acre.

4. **Category D**
 In Category D, the maximum residential density is one unit per project area, provided that residential units are allowed by the plan area statement or

community plan, except for mixed-use project proposing to subdivide multi-family units, which is subject to Category E below.

5. **Category E**

In Category E, the maximum density for a multi-family dwelling, multi-person dwelling, or other tourist accommodation use shall be the maximum density for the given residential or tourist accommodation use, as determined by Table 31.3.2-1, multiplied by the ratio of the floor area of that use to the total floor area in the project area (see Examples 1 and 2), subject to the exceptions below.

- a. If another use with which the residential or tourist accommodation use is to be combined does not lend itself to a calculation of floor area, such as a park or golf course, then the maximum residential or tourist accommodation density shall be calculated as for Category F, below.
- b. If multi-person dwellings are proposed in the primary campus area of an accredited college located in the Lake Tahoe Basin, then the maximum density for the project area shall be that prescribed by the applicable plan area statement or community plan.

CATEGORY E: EXAMPLE DENSITY CALCULATIONS

Example 1: Vertical Mixed-Use— Density Calculation for Multi-Family Dwelling

For a proposed building that contains a commercial establishment on the ground floor and multi-family dwellings on the second floor, and where each floor has a floor area of 10,000 square feet, the maximum residential density is 7.5 units per acre, calculated as follows:

$$\frac{\text{Floor Area of Multi-Family Dwelling (10,000)}}{\text{Total Project Floor Area (20,000)}} \times \text{Density of Multi-Family Dwelling (15)} = 7.5 \text{ persons/acre}$$

On a hypothetical two-acre parcel, a maximum of 15 dwelling units would be allowed.

Example 2: Vertical Mixed-Use in Two-Story Structure — Density Calculation for Multi-Person Dwelling

For a proposed project that contains a public service use of 3000 square feet on ground floor and a multi-person dwelling of 750 square feet on the second floor, the maximum residential density is 5 persons per acre, calculated as follows:

$$\frac{\text{Floor Area of Multi-Person Dwelling (750)}}{\text{Total Project Floor Area (3750)}} \times \text{Density of Multi-Person Dwelling (25)} = 5 \text{ persons/acre}$$

On a hypothetical two-acre project area, a maximum of 10 persons would be allowed.

Example 3: Horizontal Mixed-Use in Detached Single-Story Structures — Density Calculation for Multi-Family Dwelling

For a proposed project that contains multi-family dwellings and a commercial use in separate structures, the maximum residential density is determined by applying the maximum density in the table in Section 31.3 to the portion of the project area to be devoted to the multi-family use. Thus, if a landowner proposes to use 10,000 square feet of a 50,000-square foot lot for multi-family dwellings, and the remaining 40,000 square feet is proposed for commercial uses, the maximum multi-family dwelling density is 3 units per acre, calculated as follows:

$$\frac{\text{Land Area of Multi-Family Dwelling (10,000)}}{\text{Total Project Floor Area (50,000)}} \times \text{Density of Multi-Family Dwelling (15)} = 3 \text{ units/acre}$$

On the hypothetical 50,000-square foot lot, a maximum of 3 multi-family dwellings would be allowed.

On a hypothetical 45,000-square foot lot, a maximum of 1 multi-family dwelling would be allowed.

NOTE: Final density is same for horizontal and vertical mixed-use projects of same size.

6. **Category F**

a. **Applicability**

Category F applies in the following cases:

- (i) When a mobile-home dwelling, bed and breakfast, developed campground, recreational vehicle park, and/or group facilities use is combined with a commercial use, public service use, other recreational use, or resource management use;
- (ii) When more than two uses are combined;
- (iii) When there is a combination of uses not listed in the Table 31.3.2-1; and/or
- (iv) When another use with which a residential or tourist accommodation use is to be combined, such as a park or golf course, does not lend itself to a calculation of floor area the maximum residential or tourist density shall be calculated per this subsection.

b. **Density Calculation**

(i) **Uses Subject to Density Calculation**

The project proponent shall designate, as part of the project application, the portion of the project area to be devoted to a residential, tourist accommodation, or developed recreational use. The maximum density established in Section 31.3 shall be applied to that portion of the project area.

(ii) **Uses Not Subject to Density Calculation**

The maximum densities for uses that are not subject to the density calculations of Category F, such as commercial, public service, other recreational, and resource management uses, shall be determined by other sections of the Code that address land coverage, building height, parking, and other development standards.

7. **Category G**

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

CATEGORY F: EXAMPLE DENSITY CALCULATIONS

Example 1: One Use Requires Density Calculation

For a proposed project on a two-acre lot in which one-half acre of the lot area is dedicated to a bed and breakfast use, one acre is dedicated to commercial uses, and one-half acre is dedicated to public service uses, the maximum number of bed and breakfast units is five, calculated as follows:

$$\text{Density of Bed \& Breakfast (10/acre)} \times \text{Land Area of Bed and Breakfast (0.5 acre)} = 5 \text{ units}$$

Example 2: More Than One Use Requires Density Calculation

For a proposed project on a five-acre lot in which one-half acre of the lot area is dedicated to a bed and breakfast use, one acre to other tourist accommodation (greater than 10% with kitchens) uses, 1.2 acres to multi-family dwellings, and 2.3 acres to commercial uses, the maximum number of bed and breakfast, tourist, and multi-family units is calculated as follows:

Maximum Density of Use ×	Area Dedicated to Use =	Maximum Number of Units
Bed and Breakfast (10 units/acre)	0.5 acre	5 units
Other Tourist (> 10% kitchen) (15 units/acre)	1 acre	15 units
Multi-family dwelling (15 units/acre)	1.2 acre	18 units
		TOTAL: 38 units

31.5.3. Redevelopment

Special provisions for density calculations for redevelopment areas were set forth in Chapter 13: Redevelopment Plans (prior to December 12, 2012 amendments). Prior to adoption of a Conforming Area Plan for the South Lake Tahoe Redevelopment Area, applicable provisions of Chapter 13 (Redevelopment Plans) that were in effect prior to December 12, 2012, shall remain in effect.

31.5.4. Subdivisions

Nothing in this chapter shall be construed to permit the subdivision of land.

31.6. EXISTING DENSITY

The requirements in this section apply to density that was legally commenced and in existence as of the effective date of the Regional Plan, July 1, 1987.

31.6.1. Conforming Density

Existing density that complies with the limits prescribed in this chapter shall be conforming, and may be increased, so long as the limits in this chapter are not exceeded.

31.6.2. Nonconforming Density

Existing density that does not comply with the limits prescribed in this chapter shall be nonconforming and shall not be increased.

CHAPTER 39: SUBDIVISION

39.1. PERMISSIBLE SUBDIVISIONS

39.1.1. Purpose

In accordance with Goal 2, Policy 7, of the Land Use Subelement, Land Use Element of the Goals and Policies, this chapter establishes limitations on new subdivisions.

39.1.2. Applicability

This chapter applies to new subdivisions and modifications to existing subdivisions or parcels.

39.1.3. Limitations on New Subdivisions

New subdivisions shall not create new development potential in the region. New subdivisions shall be reviewed in accordance with the applicable provisions of this Code. Only the following types of subdivisions may be approved, provided TRPA finds they do not increase new development potential:

A. Conveyance to Public Entity

Subdivisions of land for the purpose of conveying the newly created parcel to a government agency, or public entity as defined in this Code, provided the subdivision is in compliance with the following standards:

1. Acquisition Program Conveyances

The standards for conveyances to the United States, the California Tahoe Conservancy, or the Nevada Division of State Lands, pursuant to a program established by statute for the purposes of acquiring lands for open space, water quality, or recreational uses, provided that:

- a. If the original parcel had an existing or potential residential unit of use~~development right~~, the conveyance shall specify which parcel is assigned the existing or potential residential unit of use~~development right~~. Likewise, the approval shall specify the coverage assigned to all parcels and shall specify that the maximum coverage on the existing and the newly created parcels shall not exceed the amount which would have been permitted prior to the subdivision; and
- b. The TRPA subdivision approval shall only take effect upon the transfer of the subdivided parcel to the United States, the California Tahoe Conservancy, or the Nevada Division of State Lands.

2. General Conveyances

The standards for other conveyances shall be:

- a. If the original parcel had an existing or potential residential unit of use ~~development right~~, a deed restriction, ~~or other covenant~~ running with the land shall be recorded establishing which parcel shall be assigned the existing or potential residential unit of use ~~development right~~;
- b. The parcel conveyed to the government agency or public entity shall be permanently restricted by deed restriction ~~or other covenant~~ running with the land to the public service, public recreation, public resource management use, or open space; and
- c. If the original parcel contains existing land coverage, deed restrictions, ~~or other covenants~~ running with the land, a deed restriction ~~or other covenant~~ running with the land shall be recorded against the original and newly created parcels ensuring that the allowable and maximum coverages on the parcels shall not exceed the amount that would have been permitted prior to the subdivision. In the case where existing land coverage exceeds the Bailey coefficients, the restriction shall ensure that future land coverage calculations shall be made as if the parcels had not been subdivided.

B. Cemetery Lots

Division of land for the purpose of creating cemetery lots.

C. Litigation

Division of land ordered by a federal or state court of competent jurisdiction as a result of bona fide, adversarial legal proceedings to which TRPA is a party or is otherwise legally bound. Any such division of land or approval of any other project or action resulting from such legal proceedings shall be pursuant to an evaluation of the effect of such division or approval upon the Regional Plan, the environmental thresholds, and other requirements of the Compact. Based on the above evaluation, TRPA shall make appropriate adjustments to the Regional Plan.

D. Modifications to Existing Parcels and Subdivisions

Modifications to existing subdivisions or parcels, including parcel consolidations, that do not have adverse impacts upon the health, safety, general welfare, or environment of the region. Modifications shall be reviewed in accordance with the applicable provisions of Section 39.2 of this Code. Modifications to an existing subdivision or parcel shall not create a greater number of parcels than currently exists.

E. Conversions of Pre-1987 Structures

Conversion of an existing structure, as defined in Chapter 90: *Definitions* and that was approved prior to the effective date of the 1987 Regional Plan (July 1, 1987), to a stock cooperative, community apartment, condominium, or any other form of divided interest that does not have an adverse impact upon the health, safety, general welfare, or environment of the region. Conversions of eligible existing structures shall be reviewed in accordance with the applicable provisions of Section 39.2.

F. **Resubdivision**

Resubdivision, adjustment, or consolidation, or parcels within an existing urban area as part of a TRPA-approved redevelopment plan. Such projects shall be reviewed in accordance with the applicable provisions of Section 39.2.

G. **Subdivision of Post-1987 Projects**

Subdivision through condominiums, community apartments, or stock cooperatives, within an existing urban area and in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of the Regional Plan and Code. In order to subdivide a project under this subsection, the project shall be new development approved pursuant to the 1987 Regional Plan, as amended, prior to the approval of the subdivision. The subdivision shall not result in a greater amount, a different location, or a greater rate of development than otherwise permitted by the Regional Plan and Code. Subdivisions under this subsection shall be reviewed and approved in accordance with the applicable provisions of Section 39.2.

39.2. SUBDIVISION STANDARDS

39.2.1. Purpose

The purpose of this section shall be to regulate the creation of new subdivisions to ensure attainment and maintenance of the environmental thresholds and the goals of the Regional Plan.

39.2.2. Applicability

This section shall apply to the review of permissible new subdivisions.

39.2.3. Subdivision of Existing Structures

Subdivision of eligible existing structures, as set forth in subparagraph 39.1.3.E, may be permitted subject to the following requirements:

A. **Permissible Use**

Subdivisions of existing structures that result in a change of use shall comply with the requirements of Chapter 21: *Permissible Uses*. Subdivision of a structure shall be deemed an intensification of use and shall not be permitted if the new use is prohibited in the applicable plan area statement.

1. Election of conversion of use pursuant to Section 1.1 shall be made in conjunction with or prior to an application to subdivide an existing structure. If the election is made after a TRPA approval for subdivision, then the election shall void the prior approval if the election modifies the major use classification of the subdivision.

B. **Moderate-Income Housing**

Existing residential units that are moderate-income housing, as defined by Chapter 90: *Definitions*, shall not be subdivided unless mitigation is provided on a unit for unit basis for the loss of moderate income housing. Mitigation shall be in the form of construction of an equal number of moderate income units, conversion of other

structures to moderate-income housing, restriction of subdivided units to moderate income housing units, or a combination of the above.

1. To determine whether a unit is moderate-income housing, the applicant shall submit a rental/sale history for each unit for the previous five years. TRPA shall review the history and determine whether the unit has, on the whole, been available as moderate income housing. TRPA shall utilize the appropriate state and federal data on median income and rental rates and mortgages for moderate- to very low-income households in making the determination. If a rental or sale history is unavailable or incomplete, an appraisal of the structure prepared by a qualified appraiser shall be submitted by the applicant.
2. Restriction of subdivided units to moderate-income housing shall include recordation of deed restrictions ~~or other covenants~~ running with the land that [requires compliance with Section 52.3.4.E.](#) ~~limit the rental rates and sale price to those that are affordable to households or tenants that earn not more than 120 percent of the applicable county median.~~

C. **Land Coverage**

1. Prior to approving a subdivision of an existing structure, TRPA shall require submittal of a site plan showing all existing land coverage.
2. Conversions of existing structures shall be subject to the excess coverage mitigation requirements in Section **Error! Reference source not found.** to the extent the subdivision includes or is approved in conjunction with building modifications.

D. **Density**

Subdivision of existing structures that exceed the density standards in Chapter 31: *Density*, or the applicable plan area statement by more than ten percent shall not be permitted.

1. Conversions of existing structures that exceed the density standards in Chapter 31 by no more than ten percent may be permitted provided TRPA finds that the resultant excess density is not inconsistent with the surrounding uses and the goals of the applicable plan area statement.
2. For purposes of this section, the density standard for single-family residential units shall be the multi-family density standard in the applicable plan area statement.
3. If multi-family is not a permitted use, then the density standard for single-family residential units in a subdivision or planned unit development shall be the density shown on the subdivision map provided the map depicts a specific density. If there is no subdivision map or the subdivision map does not depict a specific density then the density standard for single family residential units shall be four units per acre.

- E. **Parking**
Subdivisions of existing structures shall comply with the parking standards set forth in Chapters 34: *Driveway and Parking Standards*, 36: *Design Standards*, and Ordinance 87-8, or the adopted community plan, as applicable.
- F. **BMPs**
Existing structures approved for subdivision shall be retrofitted with BMPs. Where the subdivision includes or is done in conjunction with reconstruction or relocation of the existing structure, the project area shall be retrofitted no later than the completion of the reconstruction or relocation. Where the subdivision does not include reconstruction or relocation, the project area shall be retrofitted no later than one year after the recordation of the map or other similar legal instrument documenting the subdivision. Performance of BMP retrofitting shall be secured in accordance with Chapter 5: *Compliance*.
- G. **Basic Services**
Subdivisions of existing structures shall comply with the standards in Chapter 32: *Basic Services*, except that TRPA shall not waive the paved road requirement in Section **Error! Reference source not found.**
- H. **Signage**
All signage associated with or located within the subdivision shall conform to the standards for new signs in Chapter 38: *Signs*.
- I. **Design Review Guidelines**
Existing structures approved for subdivision shall be retrofitted to comply with the standards set forth in Section **Error! Reference source not found.**: *Air Quality Control*, f or combustion appliances, including fireplaces. Subdivisions of existing structures shall conform to the following standards in Chapter 36: *Design Standards*:
1. Snow Storage (subsection **Error! Reference source not found.**);
 2. Landscaping (Section **Error! Reference source not found.**); and
 3. Lighting (Section **Error! Reference source not found.**).
- J. **Air Quality Mitigation Fees**
If the subdivision of an existing structure effects a change in use (e.g., multi-family to single-family) that results in an increase in daily vehicle trips, then an air quality mitigation fee shall be assessed pursuant to subparagraph **Error! Reference source not found.**
- K. **Common Areas**
If subdivision of an existing structure creates common area, then TRPA shall require covenants, conditions, and restrictions (CC&Rs), as needed, to ensure compliance with the Code and conditions of approval.

L. **Shorezone Structures**

Subdivision of an existing structure in the shorezone shall not be permitted except in accordance with an adopted marina master plan pursuant to Chapter 14: *Specific and Master Plans*.

M. **Substitution of Local Housing Plans**

If a local jurisdiction adopts and implements a program that addresses the need for moderate-income housing within its jurisdiction, then TRPA may by ordinance exempt projects within that jurisdiction from the provisions of subparagraph 39.2.3.B.

N. **General Standards**

Except as otherwise expressly set forth in this section, subdivisions of existing structures shall conform to the standards set forth in the TRPA Code. TRPA shall not approve the subdivision of an existing structure that was not constructed in accordance with the applicable local, regional, and state laws.

1. In conjunction with the subdivision of an existing structure, TRPA may also approve the reconstruction or relocation of the structure within the same project area as otherwise permitted in the Code.
2. This section shall not be construed to permit the transfer of an existing structure to create a lot and block subdivision, planned unit development, or similar division of land.
3. A final map or similar document for an approved subdivision shall contain a signature block for TRPA to document regional approval.
4. TRPA shall require compliance with applicable pre-existing permit conditions and subdivision approvals through the recordation of deed restrictions ~~or other covenants~~ running with the land, as deemed necessary.

39.2.4. Resubdivisions

[Reserved]

39.2.5. Subdivision of Post-1987 Projects

Subdivision of projects approved after July 1, 1987 pursuant to the 1987 Regional Plan, as it may be amended, may be permitted subject to the following requirements:

A. **Existing Urban Areas**

Subdivisions may only be permitted in urban areas existing on December 31, 1994, or as amended pursuant to subsection 11.8.4.

B. **Permissible Use**

Subdivisions that result in a change in use shall comply with the requirements of Chapter 21: *Permissible Uses*. Subdivision shall be deemed an intensification of use and when consistent with subsection 21.5.2 shall not be permitted if the new use is prohibited in the applicable plan area statement.

- C. **Multi-Residential Bonus Units and Allocations**
Multi-residential projects that received development rights ("bonus units") under Section 52.3 after January 1, 1993, or residential allocations under subparagraph 50.5.1.D, or multi-residential allocations under subsection 50.5.3, shall be permitted to subdivide provided the resulting units are deed restricted in accordance with the Chapter 90: *Definitions*, for [achievable](#), moderate-income or affordable housing.
- D. **Moderate-Income Housing**
Subdivision of moderate-income housing projects may be permitted provided TRPA finds that the resultant use qualifies as moderate income housing and appropriate deed restrictions ~~or other covenants~~ running with the land are recorded to document the restriction of units to moderate income housing.
- E. **Land Coverage**
Projects that include transferred land coverage approved pursuant to subparagraph **Error! Reference source not found.** shall not be permitted to subdivide if the resulting use is not eligible for transferred land coverage in the amount approved.
- F. **Affordable Housing**
Subdivisions of post-1987 residential projects in plan areas designated preferred affordable housing areas. Approval of subdivisions after December 31, 1995, of post-1987 residential projects that do not qualify as affordable housing shall be prohibited until TRPA finds the city or county, with zoning jurisdiction, has demonstrated its commitment to assume its "fair share" responsibility to provide lower and very low income housing within existing urban areas pursuant to Policy HS-1.2 of the TRPA Housing Subelement of the Regional Plan Goals and Policies.
- G. **Density**
Subdivisions shall comply with the applicable density standard for the resulting use. For purposes of this chapter, the density standard for single-family residential units shall be the multi-family density standard in the applicable plan area statement. If multi-family is not a permitted use, then the density standard for single-family residential units shall be four units per acre.
- H. **Basic Services**
Subdivisions shall comply with the standards in Chapter 32: *Basic Services*, except that TRPA shall not waive the paved road or fireflow requirements.
- I. **Parking**
Subdivisions of post-1987 projects shall comply with the parking standards for the resultant use, as set forth in Chapters 34 and 36 and Ordinance 87-8, or the adopted community plan, as applicable.
- J. **Signage**
Subdivisions of post-1987 projects shall comply with the signage standards for the resultant use as set forth in Chapter 38 or the adopted community plan, as applicable.

- K. **Air Quality Mitigation Fees**
Subdivisions that result in a change of use that increases daily vehicle trips shall be assessed an air quality mitigation fee pursuant to subparagraph **Error! Reference source not found.** Approval of a subdivision shall not be cause for a partial refund of mitigation fees assessed in connection with the underlying project approval.
- L. **Secondary Residences**
Secondary residences approved on or after July 1, 1987, shall not be subdivided.
- M. **Covenants, Conditions, and Restrictions**
TRPA may require covenants, conditions and restrictions (CC&Rs), or deed restrictions, as appropriate to ensure compliance with the Code and conditions of approval. The final subdivision map shall include a reference to any CC&Rs or deed restrictions, as appropriate.
- N. **Shorezone Structures**
Subdivision of shorezone structures shall not be permitted except in accordance with an adopted master plan pursuant to Chapter 14: *Specific and Master Plans*.
- O. **General Standards**
Except as otherwise expressly set forth in this section, subdivision of post-1987 projects shall conform to the standards set forth in the Code for the resulting use, including without limitation, signage, BMPs, design review, parking, and drive ways.
 1. This section shall not be construed to permit the transfer or modification of an approved multi-residential project to a lot and block subdivision or similar division of land.
 2. A final map, or similar document, for an approved subdivision shall contain a signature block for TRPA to document regional approval.
 3. TRPA shall only approve subdivisions of post-1987 projects after approval of the underlying project. The subdivision approval shall expire if the underlying project approval expires or the project is not completed. TRPA shall require compliance with the project conditions of approval and the subdivision approval through recordation of deed restrictions, CC&Rs, ~~or other covenants~~ running with the land, as deemed necessary.
- P. **Modifications to Subdivisions**
[Reserved]

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.1. PURPOSE

This chapter sets forth the requirements for regulating the rate and timing of growth within the region. In conjunction with other provisions of this Code and the Goals and Policies, this chapter is intended to award and distribute allocations for growth and development in an

orderly fashion in order to meet and maintain the environmental thresholds. An allocation issued pursuant to this chapter does not give the recipient a right to develop a project.

50.2. APPLICABILITY

No person shall construct a project or commence a use or activity that requires an allocation unless:

- A. An allocation is obtained in accordance with this chapter or an existing residential unit of use is obtained and transferred to the parcel in accordance with Chapter 51: Banking, Conversion, and Transfer of Development Rights;
- B. The parcel is eligible to use an allocation; and
- C. The project is approved by TRPA.

50.3. POTENTIAL RESIDENTIAL DEVELOPMENT RIGHTS UNITS OF USE

Potential residential units of use~~Development rights~~, as defined in Chapter 90: *Definitions*, shall be assigned and utilized in accordance with the following provisions:

50.3.1. Assignment of Potential Residential Units of Use~~Development Rights~~

Parcels legally existing on the effective date of the Regional Plan, July 1, 1987, shall be assigned a potential residential unit of use~~development right~~ except as set forth below:

- A. Parcels which are located in Land Capability Districts 4, 5, 6, or 7, are within a community plan area, or within Centers in a Conforming Area Plan, and are eligible for tourist accommodation or commercial uses, shall not have a potential residential unit of use~~development right~~. Parcels that are removed from community plan areas and included in Area Plans shall not receive a ~~development right~~potential residential unit of use with the change.
- B. Parcels that contained one or more of the primary uses listed in the Section 21.4 under Residential, Tourist Accommodation, Commercial, or Public Service, on the effective date of the Regional Plan, shall not have a potential residential unit of use~~development right~~, except as otherwise provided in subsection 50.3.4.
- C. Parcels that contained one or more of the primary uses listed in Section 21.4 under Recreation, on the effective date of the Regional Plan, shall not have a potential residential unit of use~~development right~~, except that parcels with only dispersed outdoor recreation as a primary use shall have a potential residential unit of use~~development right~~.
- D. Parcels that contain one or more of the following uses in Section 21.4 under Resource Management, on the effective date of the Regional Plan, shall not have a potential residential unit of use~~development right~~:
 - 1. Tree farms;
 - 2. Farm/ranch accessory structure;

3. Grazing;
 4. Range pasture, management;
 5. Range improvement; or
 6. Open space.
- E. Littoral parcels that contain one or more of the primary uses listed in Section 81.3, on the effective date of the Regional Plan, shall not have [a potential residential unit of use development right](#), except that parcel with the primary use of dispersed water-oriented outdoor recreation, salvage operations, or safety and navigation facilities shall have [a potential residential unit of use development right](#).
 - F. Parcels which are burdened by an easement or other restriction incompatible with a residential use;
 - G. Parcels which were created as a result of an eminent domain or similar government action or are otherwise remnants of a prior transaction, and which do not contain sufficient area to construct a single-family residence; and
 - H. Parcels which were created for the purpose of public service uses or easements, including, but not limited to, public utilities and public recreation.

50.3.2. Transfer of [Potential Residential Units of Use Development Rights](#)

Transfer of [potential residential units of use development rights](#) shall comply with the density limitations set forth in this chapter and the transfer provisions set forth in Chapter 51: [Banking, Conversion, and Transfer of Development Rights](#).

50.3.3. Construction of Residential Unit

A [potential residential unit of development right or use or multi-residential bonus unit](#) shall be required for each additional residential unit approved in accordance with Chapter 50: [Allocation of Development](#).

50.3.4. Parcels Containing a Residential Unit Destroyed by Calamity

A parcel containing a residential unit on the effective date of the Regional Plan, which unit is destroyed or damaged by fire or other similar calamity, shall have a development right.

50.4. ALLOCATION [AND ACCOUNTING](#) OF ~~COMMODITIES AND~~ DEVELOPMENT RIGHTS ACCOUNTING

50.4.1. Total Allocations ~~of Commodities~~ and Accounting of Development Rights

The maximum amount of residential allocations, commercial floor area, tourist bonus units, and residential bonus units that may be released before December 31, 2032, is outlined in the following table. The columns “Used 1987-2012” and “Remaining from 1987 Plan” are estimates and not regulatory.

TABLE 50.4.1-1: ALLOCATION AND DEVELOPMENT RIGHTS ACCOUNTING

ALLOCATIONS/ DEVELOPMENT RIGHTS	USED 1987-2012	REMAINING FROM 1987 PLAN ¹	2013 ADDITIONS
Residential Allocations	5,973	114	2600
Residential Bonus Units	526	874	600 ²
Tourist Bonus Units	58	342	0
Commercial Floor Area (Total) (square feet)	416,421	383,579	200,000³
<i>Placer County</i>	<i>128,623</i>	<i>72,609</i>	
<i>Washoe County</i>	<i>87,906</i>	<i>2,000</i>	
<i>Douglas County</i>	<i>45,300</i>	<i>36,250</i>	
<i>El Dorado County</i>	<i>15,250</i>	<i>36,150</i>	
<i>City of South Lake Tahoe</i>	<i>77,042</i>	<i>52,986</i>	
<i>TRPA Special Project and CEP Pool</i>	<i>62,300</i>	<i>183,584</i>	

Note 1: 158,816 sq. ft. of Commercial Floor Area, 245 Residential Bonus Units and 90 Tourist Bonus Units have been reserved or allocated to projects (e.g., Community Enhancement Projects) that have not been permitted or permitted but not built are accounted for in the “Remaining from 1987 Plan” column. The 114 remaining residential allocations were distributed to local governments in 2012, but have not been built.

Note 2: 600 Residential Bonus Units shall be used only in Centers.

Note 3: 200,000 sf of CFA shall only be made available after the 383,579 sf of remaining CFA is exhausted.

Note 4: Table 50.4.1-1 represents accounting of commodities as of December 12, 2012. For the most current accounting of these commodities please contact TRPA.

50.4.2. 2013 Additional Allocations

TRPA shall release **allocations** ~~land use commodities~~ in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.

50.4.3. LOS and VMT Monitoring

Two years after each release, TRPA shall monitor existing and near-term LOS to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor VMT and only release residential ~~commodity~~ allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period.

50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

TRPA shall allocate the development of additional residential units as follows:

50.5.1. Requirement of Residential Allocation

No person shall construct a residential project or commence a residential use that creates one or more additional residential units without first receiving an allocation approved by TRPA and awarded by the appropriate jurisdiction. This requirement does not apply to affordable, moderate, or achievable housing units approved after January 1, 1986, but shall apply to conversions of such affordable, moderate, or achievable housing to market-nonaffordable status priced status. In order to construct the project or commence the use for which the allocation or the exemption has been approved, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

A. Applicable Residential Uses

The following residential uses referred to in Chapter 21: *Permissible Uses*, contain residential units: secondary residences; employee housing; mobile home dwellings; multi-family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single-family dwellings; and summer homes.

B. Definition of "Additional Residential Unit"

"Residential unit" is defined in Chapter 90: *Definitions*. For purposes of this chapter, a residential unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1986. ~~The conversion of an existing nonresidential use to a residential use constituting a residential unit is an additional residential unit requiring an allocation under this chapter.~~

The following are not "additional" residential units:

1. The reconstruction or replacement, on the same parcel, of a residential unit legally existing on or approved before January 1, 1986;
2. The reconstruction or replacement, on the same parcel, of a residential unit that was allocated and approved pursuant to this Code;
3. Legally established additions and accessory uses to an existing residential structure that do not create additional residential dwelling units;
4. The relocation of an existing residential unit legally established on January 1, 1986, other than a mobile home dwelling, through a transfer approved by TRPA;
5. The relocation of a legally established mobile home dwelling with existing water, sewer, and electrical services to a mobile home development or to a multi-family dwelling of five units or more, pursuant to a transfer approved by TRPA;
6. An existing, legally established mobile home pad with water, sewer, electrical services, and vehicular parking, whether or not a mobile home is located on the pad; or

7. One or more new residential units permitted by TRPA prior to February 24, 2010, provided that;
 - a. Application is made to TRPA prior to the expiration of the permit, as determined in subsection **Error! Reference source not found.**, to reissue a permit for a project for which an allocation(s) was assigned;
 - b. All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit are updated to meet the requirements of the Code and all other applicable TRPA ordinances, rules, or regulations at the time of permit reissuance; and
 - c. This subparagraph 7 has not previously been used in relation to the same project.

C. Maximum Number of Residential Units and Distribution of Allocations Among Jurisdictions

1. Annual Release

Up to 120 residential allocations shall be released to local governments in the following proportions:

TABLE 50.5.1-1: MAXIMUM YEARLY ALLOCATIONS		
Jurisdiction	Current % of Allocations	Maximum Allocation
Douglas County	8	10
EL Dorado County	25	30
Placer County	31	37
City of South Lake Tahoe	28	33
Washoe County	8	10
Total	100%	120

2. Additional Bonus ~~Multi~~-Residential Units

In addition to the annual maximum allocations in Table 50.5.1-1, a total of 1,124 (as of [effective date of amendments – January 1, 2019])~~400~~ additional ~~multi-potential~~ residential ~~units of use from the TRPA development rights shall pool shall~~ be available as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of the Regional Plan. ~~Potential Multi~~-residential units shall be subject to the foregoing allocation limitations.

3. Reassignment of Allocations

Local jurisdictions may assign allocations to other local jurisdictions. All reassignments must be reported to TRPA before they become effective.

4. **Water and Sewage Capacity Limitations**
 - a. Allocations shall not be distributed to a local jurisdiction if TRPA determines, based on reliable facts, that the jurisdiction lacks sufficient water or sewer capacity to serve new residential development. If the jurisdiction demonstrates to TRPA's reasonable satisfaction that there is sufficient capacity, the TRPA shall distribute the affected allocations to the jurisdiction.
 - b. In the event a lack of water and sewage capacity results in an imbalance of allocations to a jurisdiction, a program to recognize the imbalance shall be developed if capacity becomes available.

D. **Residential Allocation Incentive Pool**

Beginning on January 1, 2015, 20 residential allocations shall be placed in the residential allocation incentive pool. Thereafter, for every four-year allocation release pursuant to subsection 50.4.2, 40 allocations shall be placed in the residential allocation incentive pool. At the beginning of each year, unused allocations from the previous year shall be assigned to the residential allocation incentive pool administered by TRPA. However, beginning January 1, 2009, local jurisdictions may elect to retain those allocations earned through the annual performance review process, and assigned pursuant to subparagraph **Error! Reference source not found.** below, and unused by December 31 of the year distributed.

1. TRPA may assign allocations from the residential allocation incentive pool to parcels throughout the region provided the recipient retires a sensitive parcel within the region.
2. TRPA may assign up to, but not exceeding, 200 allocations from the residential allocation incentive pool to parcels throughout the region provided the local jurisdiction maintains a Certified Local Government Moderate Income Housing Program as described in subsection 52.3.6.
3. TRPA may assign allocations from the residential allocation incentive pool for Residential Development Right Transfers to Centers as described in subparagraph 51.2.C.3 when a transfer earns a bonus unit or portion thereof.
4. In addition to allocations earned through the annual Performance Review System, TRPA may assign allocations to local jurisdictions as follows:
 - a. One allocation for every 10,000 square feet of existing Land Capability Class 1b (SEZ) coverage removed and permanently retired in accordance TRPA Code Section 30.5.3.; and/or
 - b. One allocation for every two new attached residential units constructed within Centers provided the allocation is used within a Center; and/or
 - c. One allocation for each project constructed from the 5-year EIP project list tied to a measurable EIP Performance Measure and not already credited under the TMDL provision in subsection 50.5.2.E.1 below, and/or

- d. One allocation for improving three of nine of the TLOS criteria from the previous year by five to ten percent as determined by the jurisdiction-specific TLOS Criteria Matrix in the TLOS Guidelines Handbook. To receive an allocation pursuant to this provision TLOS criteria must be submitted the prior year.

To maintain sufficient allocations for the programs described in subsection 50.5.2.B below, the number of allocations distributed to all local jurisdictions pursuant to this provision in a calendar year shall not exceed 50 percent of the residential allocation incentive pool. Unless otherwise agreed upon by all participating local jurisdictions, in no case shall an individual jurisdiction be assigned more than 25 percent of the pool. If insufficient allocations exist in the residential allocation incentive pool to meet the demand earned by local jurisdictions, the allocations available and earned in accordance with a.-d. above shall be distributed based on the percent distribution set forth in Table 50.5.1-1.

E. Disposition of Unused Allocations

When the final conditions of a residential permit issued by TRPA are not met and that permit expires, the residential allocation associated with the permit is transferred to the TRPA pool or the local jurisdictional pool from where the allocation was distributed, and no residential unit of use is created.

50.5.2. Distribution and Administration of Residential Allocations

Residential allocations shall be distributed and administered in accordance with the Goals and Policies, this Code, and the Rules of Procedure.

A. Reserved Allocations

Distribution of allocations shall be by a method or system that permits the participation of parcels with scores below the numerical level defining the top rank in the applicable jurisdiction.

1. TRPA shall reserve ten percent of each jurisdiction's annual allocations for distribution to parcels below the Individual Parcel Evaluation System (IPES) line. The reserved allocations shall be distributed by a method of random selection by TRPA. A county or city may elect to distribute the reserved allocations, or may be exempt from the set-aside requirement, provided TRPA finds the substitute system or the city/county distribution system, as applicable, provides an equal or superior opportunity for participation of parcels below the IPES line.
2. Allocations distributed by TRPA under this subsection may either be transferred or returned to TRPA for reissuance to the jurisdiction of origin. Unclaimed reserved allocations after June 1 of the year awarded shall be given to the appropriate jurisdiction for issuance.

3. Failure to submit a complete application for a transfer by June 1 of the year in which the allocation was distributed shall result in the forfeiture of the allocation to the jurisdiction of origin.

B. Distribution of the Residential Allocation Incentive Pool

TRPA shall distribute allocations from the allocation pool as follows:

1. Owners of eligible parcels may apply to TRPA on a first-come, first-served basis for available allocations in the allocation pool.
2. Owners of parcels located within jurisdictions that maintain a Certified Local Government Moderate Income Housing Program as described in subsection 52.3.6, may apply to TRPA on a first-come, first-served basis for any available allocations in the allocation pool. Allocations received under the Certified Local Government Moderate Income Housing Program are not limited to areas designated for the Multi-residential Incentive Program.
3. Annual allocations, sensitive lot retirements, and moderate-income housing allocations shall be made available on a first-come, first-served basis.

C. Distribution Requirements

Distribution of allocations, within the limits set in subsection 50.5.1 and consistent with subparagraph 50.5.2.A, shall be determined by the counties and city. If any county or city chooses not to distribute allocations within its jurisdiction, then TRPA shall distribute the allocations pursuant to an allocation system adopted by TRPA.

1. Each county and the city shall notify TRPA, in writing, of its election to not distribute allocations for a given year or years. Notification shall be received by TRPA no later than December 31 of the preceding year. The Governing Board may waive this deadline for good cause.
2. TRPA shall deliver allocations to the counties and city no later than January 15 of the year for which the allocations are reserved, or within 15 days of the effective date of an ordinance providing for award and distribution of residential allocations for that year, whichever is later.
3. Delivery of allocations shall be accomplished by providing each county and city with the number of allocation certificates that corresponds to the original allocations available to the jurisdiction in that year. The counties and city shall determine the receiving parcels pursuant to their respective allocation systems and shall indicate the county assessor's parcel number (APN) of the receiving parcel on the allocation certificate. The counties and city shall provide TRPA with a list of assessor parcel numbers that received an allocation. The original allocation forms shall be delivered to the owner of record of the receiving parcel and shall, in addition to the list, constitute evidence of receipt of an allocation.
4. TRPA shall number each allocation as shown in the following table:

TABLE 50.5.2-1: NUMBERING OF ALLOCATIONS

Indicator	Name	Examples
First set of letters	County or city of origin	WA, DG, PL, EL, SLT
First set of numbers	Year of issuance	87,88,89,90,91
Second set of letters	Type of allocation	O = original R = reissued LS = litigation settlement AP = allocation pool
Second set of numbers	Sequence of allocation	Douglas County: 1 through 23

Example: PL – 87 – R – 56

5. The counties and city shall notify each owner of a parcel receiving an allocation.
6. In the event an allocation is returned or forfeited for any reason, the county or city shall notify TRPA by returning the original allocation certificate and requesting a reissued allocation for assignment to another parcel. If the original allocation certificate cannot be returned to TRPA, the county or city shall notify TRPA of the reason, and the allocation shall be cancelled by depositing a notice of cancellation in the U. S. Mail, first class, postage prepaid, addressed to the last known address of the owner of the receiving parcel.

D. Administration

An allocation shall entitle the owner of the receiving parcel to either apply for a TRPA permit to construct an additional residential unit or to transfer the allocation to another parcel pursuant to Chapter 51: [*Banking, Conversion, and Transfer of Development Rights*](#). Distribution of, and other transactions concerning allocations, shall be tracked, accounted for, and otherwise treated in accordance with Chapter 6: *Tracking, Accounting, and Banking*.

1. Upon receipt of the allocation certificate from the county, TRPA, or city, the owner of the parcel may file an application with TRPA to either construct a residential unit or transfer the allocation. Residential allocation application submission deadlines are set by local jurisdictions.

E. Performance Review System

1. Allocation Performance Table

Each jurisdiction shall receive a base allocation according to Table 50.5.2-2. The base allocation may be reduced incrementally according to subparagraphs 2 and 3 following the table.

- a. Each jurisdiction’s final allocation for the year shall be determined by TRPA by October 1.
- b. Beginning in 2015, allocations shall be released in two year increments. The Performance Review Committee (PRC) shall review the performance of the local jurisdictions and TRPA every two years. The

review committee shall consist of representatives of the participating counties, city, and TRPA. The committee shall review the performance criteria, and rate of allocation distribution, contained in subparagraphs 2 and 3 below. TRPA may establish guidelines to establish consistent evaluations and/or audits for subparagraphs 2 and 3 to assist the Performance Review Committee’s review. No jurisdiction shall receive more allocations than the maximum or fewer allocations than the minimum allocations for that jurisdiction shown in Table 50.5.2-2. When the total number of allocations available for distribution is fewer than the number shown in the table, TRPA shall apply the performance system proportionality to the remaining allocations.

TABLE 50.5.2-2: ALLOCATION PERFORMANCE TABLE FOR 2015-2032			
Jurisdiction	Minimum Allocation with Deductions	Deduction Increments	Base Allocation
Douglas County	2	2	10
El Dorado County	8	5.5	30
Placer County	11	6.5	37
City of South Lake Tahoe	10	5.75	33
Washoe County	3	1.75	10
Total	34		120

Note: One deduction increment equals the number of allocations shown for individual jurisdictions. If the final allocation results in a decimal ending in 0.5 or higher the allocation will be rounded up to the nearest whole number, if the decimal is below 0.5 the allocation will be rounded down to the nearest whole number.

2. Total Maximum Daily Load (TMDL) Implementation

By October 1 of each year, TRPA shall request annual conformance reports for the prior year from the Lahontan Regional Water Quality Control Board and Nevada Department of Environmental Protection. The base allocation for each jurisdiction may be awarded or reduced by the PRC as follows:

- a. For 2015 a jurisdiction shall receive their base allocation for conformance with California National Point Discharge Elimination System (NPDES) permits and Nevada Interlocal Agreements; and
- b. Beginning in 2016, a jurisdiction shall receive their base allocation for achieving above 90 percent or greater conformance with State approved annual Lake Clarity Credit targets; or
- c. A jurisdiction shall be penalized one increment of deduction for less than 90 percent to 75 percent conformance with State approved annual Lake Clarity Credit targets; or
- d. A jurisdiction shall be penalized two increments of deduction for less than 75 percent conformance with State approved annual Lake Clarity Credit targets.

3. **Permit Monitoring and Compliance**

By October 1 of each year, TRPA shall conduct a representative sample audit of not less than ten percent of the single-family residential permits issued in the prior year and compliance inspections performed the prior year by the counties, city, and TRPA. The base allocation may be awarded or reduced by the PRC according to the score as follows:

- a. A jurisdiction shall receive its base allocation for an average score of 90 percent or greater for both the project review portion and the compliance portion of the audit; or
- b. A jurisdiction shall be penalized one increment of deduction for average audit scores for both the project review portion and the compliance portion of the audit between 75 and 90 percent; or
- c. A jurisdiction shall be penalized two increments of deduction for average audit scores for both the project review portion and the compliance portion of the audit below 75 percent.

4. Allocations not distributed under the Performance Review System shall be assigned to TRPA's residential allocation incentive pool.

F. **Monitoring Requirement**

TRPA hereby establishes a monitoring fee that shall be collected by the entity issuing the allocation from each allocation recipient. The fee shall be used to monitor water quality impacts and permit conformance in accordance with the Rules of Procedure. The allocation monitoring fee shall be established in the Rules of Procedure.

50.5.3. Multi-Residential Allocations

A portion of the residential allocations set forth in subparagraph 50.5.1.C may be reserved for multi-residential use. These reserved allocations shall be used ~~for the Multi-Residential Incentive Program established in Chapter 52: Bonus Unit Incentive Program, or~~ in connection with transfer of development rights pursuant to Chapter 51: [Banking, Conversion, and Transfer of Development Rights](#).

A. **Reservation Pool**

On an annual basis, a pool of allocations representing the desired level of multi-residential development for a given jurisdiction may be established by TRPA after consultation with the jurisdiction. Allocations assigned to the pool shall be within the limitations of Table 50.5.1-1. Unused allocations may be carried over to the next year's pool.

B. **Allocations for ~~Multi-Residential~~ Projects**

Except for allocations obtained by transfer pursuant to Chapter 51, or obtained directly as provided in subsection 50.5.2, allocations for ~~multi-residential~~ projects shall be made upon project approval. Previously issued allocations or a letter from the appropriate county or city indicating allocations that are available from the reservation pool or have been reserved from a future year's allocation shall be required as part of the project application. TRPA may review ~~multi-residential~~ projects for which allocations are reserved from future years, except that project

approval shall be limited to units for which allocations are available at the time of approval. ~~Projects may receive bonus units prior to project approval pursuant to Chapter 52.~~

50.6. ALLOCATION OF ADDITIONAL COMMERCIAL FLOOR AREA

TRPA shall allocate the development of additional commercial floor area as follows:

50.6.1. Requirement of Allocation

No person shall construct a project or commence a use that creates additional commercial floor area without first receiving an allocation approved by TRPA [or obtaining necessary development rights pursuant to Chapter 51: Banking, Conversion, and Transfer of Development Rights](#). In order to construct the project or commence the use ~~to which the allocation pertains~~, the recipient ~~of the allocation~~ shall comply with all other applicable provisions of this Code.

A. Applicable Commercial Uses

The commercial uses identified in Chapter 21: *Permissible Uses*, contain commercial floor area. The allocation of additional commercial floor area pursuant to this chapter also applies to commercial activities that are not primary commercial uses, except that accessory uses shall be deemed not to contain additional commercial floor area provided that TRPA makes the following findings:

1. The accessory use meets all criteria specified by Chapter 21 for an accessory use; and
2. The accessory use is designed to serve the noncommercial primary use, as determined by reference to the following criteria:
 - a. There is no separate entrance for the accessory use, except separate entrances may be established for the relocation of existing accessory commercial uses (uses legally established prior to January 1, 2013) to street level;
 - b. The accessory use is compatible with the size and patronage of the primary use;
 - c. The accessory use does not rely on separate parking;
 - d. The accessory use is not separately advertised, except one 20 square foot projecting or building sign may be constructed with the relocation of existing accessory commercial uses (uses legally established prior to January 1, 2013) to street level;
 - e. The use season of the accessory use corresponds to that of the primary use; and
 - f. In applicable instances, the accessory use is principally for service or repair rather than sales.

Examples

Examples of accessory uses of a commercial nature not subject to the allocation of additional commercial floor area include, but are not limited to: ski rental shops in ski areas; gift shops in airports; tackle shops used by patrons of marinas; newsstands in motels; pro shops at golf courses; and cafeterias in hospitals.

B. "Additional" Commercial Floor Area

Commercial floor area is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987.

1. Additional commercial floor area includes, but is not limited to, the following:
 - a. The construction of commercial floor area that did not exist before January 1, 1987;
 - b. Conversion of legally existing or approved floor area from noncommercial use to commercial use; and
 - c. The construction of, or conversion to, floor area that is primarily used for commercial enterprise regardless of whether it is classified as "public service" or is publicly owned, except when such floor area is for an accessory use excluded in subparagraphs 50.6.1.A.1 and 2 or such floor area is excluded by subparagraph 50.6.1.B.2.
2. Additional commercial floor area excludes the following:
 - a. Changes in commercial use that do not involve any increase in commercial floor area;
 - b. Additions to, or expansions of, legally existing commercial floor area of 500 square feet or five percent of the existing commercial floor area, whichever is less; provided:
 - (i) The existing structure and any subsequent additions or expansions physically exist and were completed at least one year prior to an application pursuant to this subparagraph;
 - (ii) The exempt addition or expansion is not applied for or built in conjunction with any other addition or expansion;
 - (iii) There is no change in use;
 - (iv) Any increase in traffic is insignificant as defined in Section **Error! Reference source not found.:** *Traffic and Air Quality Mitigation Program*;
 - (v) The exempt addition or expansion occurs within a single project area; and
 - (vi) The exempt addition or expansion does not occur within the same project area more frequently than once every ten years;

- c. The relocation, replacement, or reconstruction on the same parcel of commercial floor area that either existed as of January 1, 1987, or that contains floor area allocated and approved pursuant to this Code;
- d. The replacement, reconstruction, or relocation of commercial floor area legally existing as of January 1, 1987, pursuant to a TRPA-approved redevelopment plan;
- e. The TRPA-approved transfer of legally existing commercial floor area;
- f. The construction of floor area associated with a publicly owned assembly and entertainment facility with a fire-rated capacity of less than 1,100 people; and
- g. New commercial floor area permitted by TRPA prior to February 24, 2010, provided that:
 - (i) Application is made to TRPA prior to the expiration of the permit, as determined in subsection **Error! Reference source not found.**, to re-issue a permit for a project for which an allocation was assigned;
 - (ii) All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit are updated to meet the requirements of the Code and all other applicable TRPA ordinances, rules, or regulations at the time of permit re-issuance; and
 - (iii) This subparagraph g has not previously been used in relation to the same project.

C. Allocations to Sensitive Lands

Allocations of commercial floor area to projects located in land capability districts 1, 2, 3, or 1b (Stream Environment Zone) shall not be permitted unless:

- 1. The allocation is matched by a transfer from an equal or more sensitive land capability district at a ratio of one square foot of commercial floor area allocation to two square feet of transferred commercial floor area; or,
- 2. The parcel receiving the allocation is in an area covered by an adopted community plan where one or more SEZ restoration projects have been completed and the local jurisdiction has submitted an EIP project list pursuant to the residential allocation requirements in subparagraph 50.5.2.E.

50.6.2. Commercial Floor Area Allocated or Transferred to Project in Designated Preferred Industrial Area

Commercial square footage allocated or transferred to a project in a designated preferred industrial area may be doubled if the area has implemented area-wide BMPs, or the local government of jurisdiction has committed to implement area-wide BMPs on its five-year CIP list submitted to TRPA. Transfers of commercial floor area out of a preferred industrial area shall be reduced by 50 percent unless the floor area was acquired through a TRPA-approved transfer on a 1:1 ratio or through a community plan allocation system. Transfers and relocations of commercial floor within a preferred industrial area shall be at a 1:1 ratio.

50.6.3. Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1987 to 1996 and Beyond

A maximum of 400,000 square feet of additional commercial floor area may be permitted from January 1, 1987 to December 31, 1996, except as set forth in subparagraph (3)C below. The allocation and distribution of this floor area shall be as follows:

A. Within Community Plans

From January 1, 1987 to December 31, 1996, except as set forth in subparagraph (3)C below, the maximum amount of additional commercial floor area allocated to community plan areas is 376,340 square feet.

1. Administration

The 376,340 square feet of additional commercial floor area shall be allocated by TRPA, distributing 286,340 square feet initially to the local jurisdictions. The 286,340 square feet shall be assigned to community plans pursuant to subparagraph a, below. TRPA shall retain 54,000 square feet in reserve as bonus square footage to be assigned to community plans upon their adoption pursuant to subparagraph b, below. TRPA shall retain 36,000 square feet for approval of commercial projects prior to adoption of community plans. The foregoing allocations, including the division of the 286,340 square feet among local jurisdictions, are reflected in the following Table 50.6.3-1.

TABLE 50.6.3-1: COMMERCIAL FLOOR AREA ALLOCATIONS WITHIN COMMUNITY PLAN AREAS (“CP”)				
Jurisdiction	Initial Allocation to CPs (75%)	Bonus Adopted CPs (15%)	Before CP Adoption (10%)	Total
South Lake Tahoe/El Dorado County	79,100			
Placer County	112,500			
Washoe County	55,990			
Douglas County	38,750			
Total Square Feet	286,340	54,000	36,000	376,340

a. Initial Allocation

TRPA shall distribute the initial allocation of additional commercial floor area to a community plan by taking into consideration such factors as demonstrated need, the expected ability to achieve or maintain environmental thresholds, the reasonableness of projected time schedules, the degree of certainty for obtaining the needed funds for implementation, compatibility with other community plans, and other relevant factors. The amount initially allocated shall be from the 75 percent portion designated for local jurisdictions for planning purposes as shown in the above Table 50.6.3-1 in the first column. After TRPA has reviewed a sufficient number of proposed community plans to adequately assess the cumulative impacts of development and proposed

mitigation, TRPA shall distribute any remaining or additional commercial floor area retained pursuant to subparagraph 1. This distribution shall reward those community plans which that best demonstrate the ability to achieve and maintain environmental thresholds, and have a clearly demonstrated need for the additional allocation. TRPA shall retain a sufficient reserve to adequately address the needs of community plans not yet presented for review. It is TRPA's goal, acting in partnership with local interests, to achieve completion of community plans by December 31, 1989, in all areas where sufficient local interest and initiative exists to do such planning. Accordingly, TRPA expects to allocate the remaining unallocated floor area by that date, so long as the allocation is supported by local needs assessments.

2. **Before Adoption of a Proposed Community Plan**

- a. Projects having an aggregate commercial floor area not exceeding the 36,000 square feet set forth in (a) of subparagraph A and located within the boundaries of proposed community plans, may be approved by TRPA. The 36,000 square feet allocation shall be apportioned to the local jurisdictions as provided in Table 50.6.3-2:

TABLE 50.6.3-2: COMMERCIAL FLOOR ALLOCATIONS BEFORE ADOPTION OF COMMUNITY PLAN	
Jurisdiction	Floor Area
South Lake Tahoe/El Dorado County	10,008
Placer County	14,976
Washoe County	6,516
Douglas County	4,500

- b. A local jurisdiction may transfer its above allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limits set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction. No single commercial project shall be allocated more than 4,500 square feet of the 36,000 square feet in a ten year period for use within the project area.

3. **After Adoption of a Community Plan**

Upon the adoption of a community plan, the rate of utilization of square footage of additional commercial floor area shall be in accordance with the provisions of the community plan. When all community plans within a jurisdiction are adopted, any remaining unallocated initial floor area assigned to the jurisdiction shall be assigned by TRPA to the adopted community plan areas within the jurisdiction.

B. Outside Community Plans

From January 1, 1987 to December 31, 1996, except as set forth in subparagraph 3 below, the maximum amount of additional commercial floor area allocated to areas outside community plan boundaries is 40,000 square feet.

1. Administration

- a. A maximum of 40,000 square feet of additional commercial floor area shall be allocated and distributed by TRPA for commercial development outside community plan boundaries, proposed or adopted. The 23,660 square feet shall be apportioned to the local jurisdictions as provided in Table 50.6.3-3 follows:

TABLE 50.6.3-3: COMMERCIAL SQUARE FEET ALLOCATION OUTSIDE OF COMMUNITY PLAN AREAS	
Local Jurisdiction	Sq. Ft.
South Lake Tahoe/El Dorado County	7,020
Placer County	16,640
Washoe County	0
Douglas County	0

- b. A local jurisdiction may transfer its allocation of commercial floor area from Table 50.6.3-3 to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limitations set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction.

2. Limitations

No single commercial project shall be allocated more than 4,500 square feet of the 40,000 square feet in a ten year period for use within the project area.

C. Allocation Time Limit Extension

The allocation time limits specified in subparagraphs 1 and 2 above shall no longer be applicable.

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

A maximum of 400,000 square feet of additional commercial floor area may be permitted in the region as of January 1, 1997. The allocation and distribution of this floor area shall be as follows:

A. Within Adopted Community Plans

A maximum of 150,000 square feet of commercial floor area may be permitted in areas covered by adopted community plans provided that all irrevocable commitments, as defined in the applicable community plan as a requirement to

release allocations, have been satisfied. The applicable local jurisdiction shall distribute the allocation subject to the adopted allocation system for that community plan. The distribution of this floor area shall be as follows:

1. TRPA shall apportion 10,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. Allocations not assigned by December 31, 1998, shall be reassigned to the Special Projects as set forth in subparagraph D below.
2. By January 1, 1999, TRPA shall apportion 50,000 square feet of commercial floor area allocation to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's accomplishment of environmental improvements set forth in the adopted community plans within that jurisdiction. The performance review committee (referred to in subparagraph 50.5.2.E) shall recommend the ranking to TRPA by October 31, 1998. The apportionment shall be according to Table 50.6.4-1.
3. TRPA shall apportion 50,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's performance on the approved Five-Year Water Quality and Air Quality EIP Lists within the jurisdiction between January 1, 2002 and December 1, 2005. The apportionment shall be according to Table 50.6.4-1:

TABLE 50.6.4-1: COMMERCIAL FLOOR AREA ALLOCATIONS BY RANKING	
Ranking	Allocations
1.	20,000
2.	15,000
3.	8,000
4.	5,000
5.	2,000

B. Within Preliminary Community Plans

1. Projects having an aggregate commercial floor area not exceeding 36,000 square feet and located within the boundaries of preliminary community plans may be approved by TRPA. The 36,000 square feet allocation shall be apportioned to the local jurisdictions as follows:

TABLE 50.6.4-2: APPORTIONMENT OF 36,000 SQUARE FEET ALLOCATION	
Local Jurisdiction	Sq. Ft.
South Lake Tahoe/El Dorado County	10,008

TABLE 50.6.4-2: APPORTIONMENT OF 36,000 SQUARE FEET ALLOCATION

Local Jurisdiction	Sq. Ft.
Placer County	14,976
Washoe County	6,516
Douglas County	4,500

2. A local jurisdiction may transfer its above allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limits set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction. No single commercial project shall be allocated more than 4,500 square feet of the 36,000 square feet in a ten year period for use within the project area.

C. Outside Community Plans

Allocations permitted in subparagraph A above may be distributed in areas not covered by adopted community plans, subject to the limitations in this subparagraph 50.6.4.C and provided the local jurisdiction has adopted a commercial allocation system that assists in implementing Environmental Improvement Program projects outside community plan areas.

D. Special Projects

A maximum of 187,770 square feet of commercial floor area remains for distribution to special projects after January 1, 2007. This total includes the 100,000 square feet of commercial floor area that had been held in reserve through 2006 and that may be permitted in adopted community plans or adopted TRPA master plans, in which all irrevocable commitments have been made. TRPA shall administer the special project allocations. The distribution of this floor area shall be as provided below.

1. Goals

The program goals are to promote major projects that result in the construction of threshold-related environmental improvements, to promote transfer of development that results in substantial environmental benefits, and to rehabilitate substandard development.

2. Eligibility

All projects in adopted community plans, adopted TRPA master plan areas, or in designated plan areas that are preparing a community plan or a TRPA master plan are eligible for special project allocations. No permits shall be issued for special projects until and unless TRPA has approved a community plan or TRPA master plan for the subject area.

3. **Evaluation Criteria**

Approval of special projects shall be evaluated and conditioned upon the implementation of environmental improvement projects or transfers of development out of sensitive lands. These projects shall:

 - a. Assist in the attainment of the environmental thresholds by constructing projects listed in the TRPA Environmental Improvement Program, that address a threshold standard found not to be in attainment per the 2001 Threshold Evaluation; and
 - b. Provide substantial environmental benefits or mitigation in excess of TRPA's project mitigation requirements.
 4. **Public Assistance**

Public and private partnerships are encouraged. Public assistance through redevelopment agencies, conservancies, local governments, and other means may be considered in evaluating special projects.
 5. **Maximum Amount**

The maximum allocation that may be approved for a special project area within a calendar year is 50,000 square feet of floor area.
 6. **Time Limit**

Initial assignments of allocations shall expire in one year unless extended by TRPA upon a showing of adequate progress toward a project approval.
 7. **Applications**

TRPA shall consider applications for available special project allocations annually. Applications shall include a project prospectus that includes site plans, elevations, and preliminary environmental documentation.
 8. **Notifications**

TRPA shall give adequate public notice 90 days in advance of any action assigning special project allocations. Notifications shall include the general criteria by which the special project shall be evaluated.
 9. **Advisory Planning Commission (APC) Recommendation**

The Advisory Planning Commission (APC) shall review the applications for special project allocations and make a recommendation to the Governing Board on the awards of commercial and tourist allocations. The performance review committee, referred to in subparagraph 50.5.2.E, shall assist the APC and staff in developing review criteria.
- E. **Commercial Floor Area for 2013**

For 2013, CFA that is currently held by local governments shall remain with local governments and be distributed in accordance with current Code provisions. CFA that is currently held by TRPA shall be retained by TRPA for development transfer matches and other region-wide programs.

50.6.5. Administration of Allocations for Additional Commercial Floor Area

For purposes of subsection 50.6.4 and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional commercial floor area shall establish the year to which the allocation is attributed.

- A. Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation shall be the date the project is approved by TRPA. The allocation shall be set forth in the approval for the project.
- B. An allocation for additional commercial floor area shall not be transferred to or otherwise used for a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the square footage of commercial floor area represented by the allocation shall automatically return to the pool from which it originated.
- C. TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocation of commercial floor area.

50.7. ALLOCATION OF ADDITIONAL TOURIST ACCOMMODATION UNITS

TRPA shall allocate the development of additional tourist accommodation units as follows:

50.7.1. Requirement of Allocation

No person shall construct a project or commence a use that creates additional tourist accommodation units without first receiving an allocation approved by TRPA or obtaining necessary development rights pursuant to Chapter 51: Banking, Conversion, and Transfer of Development Rights. ~~In order to construct the project or commence the use to which the allocation pertains,~~ the recipient ~~of the allocation~~ shall comply with all other applicable provisions of this Code.

- A. **Applicable Tourist Accommodation Uses**
The tourist accommodation uses set forth in Chapter 21, contain tourist accommodation units.
- B. **Definition of "Additional" Tourist Accommodation Units**
A tourist accommodation unit shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, in accordance with this section. The conversion of an existing non-tourist accommodation use to a tourist accommodation use constituting a tourist accommodation unit an additional tourist accommodation unit requiring an allocation under this chapter. The following are not "additional" tourist accommodation units:
 - 1. The reconstruction or replacement on the same parcel of a tourist accommodation unit legally existing or approved on January 1, 1987;
 - 2. The reconstruction or replacement on the same parcel of a tourist accommodation unit that was legally allocated and approved pursuant to this Code;

3. Modifications to legally existing tourist accommodation structures and their accessory uses;
4. The relocation of a legally existing tourist accommodation unit through a transfer approved by TRPA pursuant to Chapter 51; or
5. The conversion of legally existing multi-family dwellings of six units or more, allocated and approved pursuant to this Code, to timesharing (residential design) units, provided the conversion is provided for in the relevant plan area statement or adopted community plan.

C. **Maximum Number and Distribution of Allocations for Additional Tourist Accommodation Units**

1. A maximum of 400 additional tourist accommodation bonus units may be approved for construction.
 - a. Tourist accommodation bonus units shall be limited to special projects in accordance with subparagraph 50.6.4.D, and shall only be permitted when:
 - (i) Matched by transfers of existing units from sensitive lands that have been restored, or
 - (ii) As incentives for the transfer of existing development to centers in accordance with subsection 0, or
 - (iii) As incentives for the removal and retirement of excess coverage pursuant to subsection **Error! Reference source not found.**
2. Distribution of units within the Area Plan, community plan or Ski Area Master Plan shall be pursuant to the provisions of the adopted community plan or Ski Area Master Plan and the following criteria:
 - a. The additional concentration of tourist accommodation units shall be consistent with the TRPA Regional Transportation Plan and would better promote transit and pedestrian forms of transportation;
 - b. The additional units shall be part of an overall program to rehabilitate and upgrade existing tourist accommodation units;
 - c. The existing infrastructure capacity, such as sewage disposal and highway capacities, shall be sufficient to accommodate the additional units; and
 - d. A demonstration of need for additional units shall be shown pursuant to Chapter 12: *Community Plans*.

50.7.2. Administration of Allocations for Additional Tourist Accommodation Units

For purposes of subparagraph 50.7.1.C and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional tourist accommodation units shall establish the year to which the allocation is attributed.

- A. Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The allocation shall be set forth in the approval for the project.

- B. An allocation for additional tourist accommodation units shall not be transferred to or otherwise used for a project other than that for which it pertains. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit and the tourist accommodation units represented by the allocation shall automatically return to the pool from which they originated.
- C. TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocation of tourist accommodation units.

50.8. REGULATION OF ADDITIONAL PUBLIC SERVICE FACILITIES

TRPA shall regulate the rate and distribution of additional public service development as follows:

50.8.1. Required Findings for Approval of Additional Public Service Facilities

Approval of additional public service facilities shall only be permitted for projects for which the sponsoring entity demonstrates and TRPA finds that:

- A. There is a need for the project;
- B. The project complies with the Goals and Policies, applicable plan area statements, and Code;
- C. The project is consistent with the TRPA Environmental Improvement Program;
- D. The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: *Required Findings*, as they are applicable to the project's service capacity;
- E. If the proposed project is to be located within the boundaries of a community plan area, then, to the extent possible consistent with public health and safety, the project is compatible with the applicable community plan; and
- F. Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a construction schedule outweighs the need for the prior completion of the community plan process.

50.8.2. Definition of "Additional" Public Service Facilities

Public service facilities shall be considered "additional" if they are to be created pursuant to a TRPA approval issued on or after January 1, 1987. The conversion of an existing nonpublic service facility use to a use constituting a public service facility shall be an additional public service facility subject to this chapter. The following shall not be "additional" public service facilities:

- A. The reconstruction or replacement on the same parcel of legally existing public service facilities;

- B. Modifications to legally existing public service facilities and their accessory uses that do not create additional service capacity;
- C. Public or quasi-public utility service connections;
- D. Replacement or reinforcement of pipelines or transmission lines that result in no significant increase in service capacity; and
- E. Telephone lines, local distribution facilities, and similar facilities.

50.8.3. Provisions Regarding Commercial Floor Area Allocation for Public Service Projects

If the owner of the project area is the operator of the public service use pursuant to Chapter 21: *Permissible Uses*, then the provisions of subsection 50.8.1 apply. If the owner of the project area leases his property to an operator of a public service use, the facilities shall be considered a commercial use and subject to the allocation limitations of Section 50.6 unless:

- A. A deed restriction describing the use restrictions is recorded and TRPA and the local government of jurisdiction are included as parties to the deed restriction;
- B. The lease contains adequate assurances that the public service use will remain for a minimum of seven years;
- C. Local government has committed to enforcement of any change of use through permits and business licenses; and
- D. All lien holders on the property have been notified of the deed restrictions.

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

Transfer or relocation of commercial floor area from an existing commercial use may be permitted when a public service use is approved that displaces commercial floor area. ~~The transfer shall be approved only in conjunction with a project approval at the receiving site.~~ The transfer shall be subject to the standards of Chapter 51, and the following standards:

- A. The owner of sending project area shall comply with subparagraphs A through D of subsection 50.8.3 above;
- B. The public service use displacing the commercial use is one of the following: Local Public Health and Safety Facilities, Regional Public Health and Safety Facilities, Collection Stations, Cultural Facilities, Day Care Centers/Pre-Schools, Government Offices, Local Post Offices, Social Service Organizations, or Transit Stations and Terminals;
- C. The commercial floor area displaced is transferred to a site in a designated community plan area;
- D. In order for a receiving project area to qualify for transferred commercial floor area, the receiving project area shall meet the criteria applicable to allocations under the applicable adopted community plan allocation system. If the community plan area does not have an adopted allocation system, the applicable local jurisdiction shall be

required to adopt a system pursuant to the requirements of subparagraph 50.6.4.C before the transfer may occur; and

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

50.9. REGULATION OF ADDITIONAL RECREATION FACILITIES

TRPA shall regulate the rate and distribution of additional recreation facilities as follows:

50.9.1. Required Findings for Approval of Additional Recreation Facilities

Approval of additional recreation facilities shall only be permitted for projects for which the sponsoring entity demonstrates and TRPA finds that:

- A. There is a need for the project;
- B. The project complies with the Goals and Policies, the applicable plan area statements, and Code;
- C. The project is consistent with the following TRPA maximum allowances for outdoor recreation:
 - 1. 6,114 people at one time ("PAOT") in overnight facilities;
 - 2. 6,761 PAOT in summer day-use facilities;
 - 3. 12,400 PAOT in winter day-use facilities; and
 - 4. Plus the allocations set forth in the plan area statements, or the pools of reserved PAOT capacity;
- D. The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: *Required Findings*, as they are applicable to the project's recreational service capacity; and
- E. If the project requires PAOT allocations, it is consistent with the TRPA Environmental Improvement Program.

50.9.2. Definition of "Additional Recreation"

Recreation shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, and would result in an increase in vehicle trips that requires a traffic analysis pursuant to subparagraph **Error! Reference source not found.**, or increased floor space of five percent, or 500 square feet, or would increase PAOT capacity(See subsection 11.6.11). The conversion of an existing non-recreational use to a use constituting a recreation facility shall be additional recreation subject to this chapter. The following shall not be "additional" recreation facilities:

- A. The reconstruction or replacement on the same parcel of recreation facilities legally existing on or approved before January 1, 1987;

- B. Modifications to legally existing recreation and their accessory uses that do not create additional service capacity;
- C. Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 51; or
- D. Dispersed recreation.

50.9.3. Allocation of Additional Recreation PAOTs

No person shall construct a project or commence a use that requires additional PAOTs without first receiving an allocation approved by TRPA. In order to construct the recreation project or commence the additional recreation use, the person proposing same shall comply with all other applicable provisions of this Code.

A. Applicable Recreation Uses

The following recreation uses are subject to PAOT allocation consistent with the PAOT standards in subparagraph 50.9.3.B.

1. Summer Day Use

The following uses and activities are subject to summer day use PAOT allocations:

- a. Marinas, boat launching facilities, rural sports, golf courses, visitor information centers, and off-road vehicle courses;
- b. Recreation centers, participant sport facilities, sport assembly, beach recreation, and day use areas operated by the states' Departments of Parks and Recreation or their permittees, or by federal agencies or their permittees; and
- c. Tour boat operation and those portions of beach recreation, commercial boating, or water-oriented outdoor recreation concessions that provide additional outdoor recreation capacity.

2. Winter Day Use

Downhill ski facilities are subject to winter day use PAOT allocations.

3. Overnight Use

Developed campgrounds, group facilities, and recreational vehicle parks are subject to overnight use capacity PAOT allocation.

B. Definition of Additional PAOTs

A PAOT shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, and results in an increase in the design capacity of a facility or increases the overall primary recreational use in the area of a project subject to PAOT limitation (see subsection 11.6.11). The conversion of an existing recreation use that does not require PAOTs to a use that does require PAOTs shall constitute additional PAOTs. The following shall not be "additional" PAOTs:

1. The reconstruction or replacement on the same parcel of recreation facilities legally existing on, or approved before, January 1, 1987;
2. Modifications to legally existing recreation and their accessory uses that do not create additional service capacity;
3. Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 51; and
4. Dispersed recreation.

C. **Maximum Amount and Distribution of PAOT Allocations**

A maximum amount of recreational PAOT capacity shall be targeted and permitted for development. TRPA shall keep a cumulative accounting of recreation allocation in PAOT as applicable.

1. **General**

PAOT capacity shall apply to the primary recreational use of a facility as follows:

- a. PAOT allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The PAOT allocation shall be set forth in the approval for the project.
- b. An allocation for additional PAOTs shall not be transferred to, or otherwise used for, a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the recreation capacity represented by the allocation shall automatically return to the pool from which it originated.
- c. TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocations of PAOTs.
- d. New developed cross country ski and snowmobile courses shall be encouraged where appropriate as seasonal adjuncts to existing or new summer day use or overnight facilities.

2. **Summer Day Use**

Summer day use capacity shall be allocated and distributed as follows:

- a. There shall be a pool of 6,761 PAOT for summer day use facilities. A minimum of 2,000 of the summer day use PAOT pool shall be reserved for expansion of marinas and boat launching facilities.
- b. PAOT allocation for expansion of marinas and boat launching facilities shall require approval of a master plan except as noted in Section **Error! Reference source not found.**
- c. PAOTs may be assigned to a plan area statement for future allocation.

3. **Winter Day Use**

Additional winter day use capacity shall be allocated and distributed as follows:

- a. There shall be 12,400 winter day use PAOTs for downhill ski areas. All winter day use PAOTs shall be distributed in the plan area statements.
- b. Expansion of use in downhill ski areas requires the adoption of a master plan pursuant to Chapter 14.

4. **Overnight Use**

Additional overnight use capacity shall be allocated and distributed as follows:

- a. There shall be 6,114 PAOTs for overnight uses, of which 5,114 shall be distributed in the plan area statements. The remaining pool of 1,000 overnight PAOTs may be allocated to overnight uses meeting the criteria set forth in subsection 50.9.1 and subparagraph 50.9.3.C.4.b below, provided such uses are located in plan areas where there are no PAOTs specified in the plan area or the amounts specified are insufficient for the proposed use.
- b. To be eligible for overnight PAOT allocation from the pool, the project area shall retain or be restored to a near natural state, include outdoor living amenities such as tables and fire pits, and offer access to outdoor recreational opportunities, such as hiking trails, public beaches, and fishing.

D. **Other Recreational Facilities**

Other permissible recreation facilities, including riding and hiking trails, undeveloped campgrounds, outdoor recreation concessions, and dispersed recreation support facilities, shall be subject to subsection 50.9.1, but shall not be subject to PAOT allocations.

50.10. ELECTION OF CONVERSION OF USE

50.10.1. General Conversion Standards

~~Existing residential units may be converted to tourist accommodation units or commercial floor area, and existing tourist accommodation units may be converted to residential units or commercial floor area if the conversion complies with subsections 50.10.3, 4, 5, 6 or 7 and with the following conversion standards:~~

- ~~A. The proposed conversion shall be evaluated for adverse impacts using the Initial Environmental Checklist (IEC) and the addenda developed by TRPA for conversions and shall not be permitted if adverse impacts cannot be mitigated;~~
- ~~B. Residential and tourist accommodation units shall be converted on a ratio of one unit for one unit;~~
- ~~C. Residential and tourist accommodation units shall be converted to commercial floor area at a ratio of one square foot of existing floor area to one square foot of~~

commercial floor area, using the subsection 50.6.2 criteria for measurement of floor area; and

D. ~~A maximum of 200 residential units and 200 tourist accommodation units may be converted within a calendar year for the region.~~

50.10.2. ~~Conversions to Multi-family Units~~

~~A pilot program is created under this subsection that allows for the conversion of no more than 200 TAUs to ERUs for multi-unit projects, subject to the following conditions:~~

A. ~~Each TAU can be used for a maximum of 1,250 sq. ft. of residential floor area;~~

B. ~~The conversion must happen on the same parcel; and~~

C. ~~TRPA shall monitor the impacts to thresholds of pilot program.~~

50.10.3. ~~Transfer From Sensitive Lands~~

~~Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted when a residential or tourist unit is transferred from a parcel classified as land capability districts 1, 2, 3, or 1b (Stream Environment Zone), and the parcel is restored.~~

50.10.4. ~~Removal of a Nonconforming Use~~

~~Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted in conjunction with a project approval if the conversion results in the elimination of the unit of nonconforming use. The structures containing the converted use shall meet TRPA standards for new construction.~~

50.10.5. ~~Uses Modified to Meet Development Standards for New Projects~~

~~Conversion of an existing residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use, or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences, not to include single family residential, may be permitted onsite or for transfer in conjunction with a project approval if all structures and uses within the project area are modified to meet the TRPA standards applicable for a project proposed on an undeveloped project area.~~

50.10.6. ~~Uses Linked to an EIP Project~~

~~Conversion of residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences, not to include single family, may be permitted onsite or for transfer if the converted use is included as part of a project that has linked status pursuant to Chapter 15: *Environmental Improvement Program*.~~

50.10.7. ~~Uses to Provide Deed Restricted Affordable Housing Projects~~

~~Conversion of existing tourist accommodation units of use to residential may be permitted onsite if the converted units will be used for deed restricted affordable housing, the converted units are certified by the local jurisdiction that they meet their public health and~~

safety standards for residences, and the project area meets TRPA standards applicable for modifications on a developed project area.

~~50.10.8.—Commercial Floor Area/Tourist Bonus Unit Conversion Pilot Program~~

~~Notwithstanding any other contrary provisions of Chapters 50 and 51, this pilot program allows for the reservation, conversion, allocation, and transfer of Commercial Floor Area (CFA) and tourist bonus units.~~

~~A.—Reservation of Bonus CFA or Tourist Bonus Units.~~

- ~~1.—Potential applicants may submit letters of intent to apply for bonus CFA or tourist bonus unit reservations upon TRPA Governing Board approval of this pilot program until March 27, 2016. All reservation letters received during this period shall be reviewed and ranked according to the criteria below by the Governing Board. The applicants with the highest ranked letters of intent will be allowed to reserve bonus units to the extent bonus units are available from TRPA. TRPA shall rank the letters of intent on the following criteria:
 - ~~a.—Amount of nutrient and fine sediment pollutant reduction and stream environment zone and other sensitive land restoration;~~
 - ~~b.—Additional Threshold or community benefits; and~~
 - ~~c.—Status of land acquisition and likely maintenance of restoration benefit.~~~~

~~Successful potential applicants shall complete their reservation applications pursuant to Section 50.10.8.B below within 18 months of Governing Board action on their letter of intent.~~

- ~~2.—If the letter of intent process does not exhaust the available supply of bonus CFA or tourist bonus units, additional reservation applications may be submitted after March 27, 2016 and considered by the Governing Board under the criteria of Section 50.10.A.1 (a) (c).~~
- ~~3.—Sending site project areas for reservation requests shall be limited to contiguous parcels and requests shall describe the number of CFA and/or tourist bonus units that could be feasibly earned as a result of the sending site restoration according to Section 51.5: *Transfer of Existing Development*.~~

~~B.—All applicants for CFA and tourist bonus units either reserved per A.1 or submitted per A.2, above, shall provide the following within 18 months from the date of reservation approval per A.1.~~

- ~~1.—Submit a complete application for a TRPA permit for any demolition and restoration of the sending site project area; and~~

- 2. ~~Include proof of ownership or control of the sending site project area, which, at a minimum, shall be an option to purchase the site.~~
- C. ~~Applicants shall restore and permanently restrict all or part of the sending site, as appropriate, pursuant to the provisions of Section 51.6: *Restriction of Parcels*, no later than 12 months after the approval of an application submitted per 50.10.8.B, above, or three years from the effective date of this ordinance, whichever comes later.~~
- D. ~~The Governing Board may grant one extension of up to 12 months to applicants diligently pursuing the approved restoration project.~~
- E. ~~CFA and tourist bonus units may be converted into either commodity at a ratio of one TAU to 450 square feet of CFA and vice versa.~~
- F. ~~No more than 80,000 square feet of CFA from the TRPA Special Project and CEP Pool and no more than 61 tourist bonus units remaining from the 1987 Regional Plan (provided for in Table 50.4.1 1: *Allocation and Development Rights Accounting of this Code*) may be used under this pilot program.~~
- G. ~~TRPA shall allocate the CFA or tourist bonus units when the sending site has been deed restricted, and when the applicable conditions of approval for the demolition and restoration plan have been satisfied or a security has been posted in an amount equaling 125% of the amount needed to ensure the unsatisfied conditions of approval for the restoration will be satisfied.~~
- H. ~~Bonus units can be earned and held by either a public or private party.~~
- I. ~~This pilot program shall remain in effect from March 27, 2016 through March 27, 2019. If CFA or tourist bonus units are reserved during the time that the pilot program is in effect, TRPA may issue CFA or tourist bonus units following the termination of the pilot program if all of the criteria in this section have been met.~~

50.11.50.10. OTHER PERMITS

A county or city building department shall not issue a permit for or relating to the construction, conversion, or use of units, floor area, service capacity, or other development subject to the requirements of this chapter unless the permit is issued in conjunction with a TRPA approval in accordance with this chapter. This requirement applies to, but is not limited to, a permit for a foundation, grading, clearing, or removal of vegetation.

CHAPTER 51: BANKING, CONVERSION, AND TRANSFER OF DEVELOPMENT RIGHTS

51.1. PURPOSE

This chapter sets forth the provisions for the banking, conversion, and transfer of development rights as defined in Chapter 90 and residential development rights, residential allocations, and existing development from one parcel to another as provided in the Regional Plan Goals and Policies in the Implementation Element, Development and Implementation Priorities Subelement, ~~Implementation Element~~, Goal #3, Policies 1-6 and Development and Implementation Priorities, Policy 3.7. The banking and transfer of land coverage is addressed in Chapter 30: *Land Coverage*.

51.2. APPLICABILITY

This chapter applies to the banking, conversion, and transfer of development rights. The term “development rights” for the purposes of Chapter 51 include commercial floor area (CFA), tourist accommodation units (TAUs), and residential units of use (RUUs).

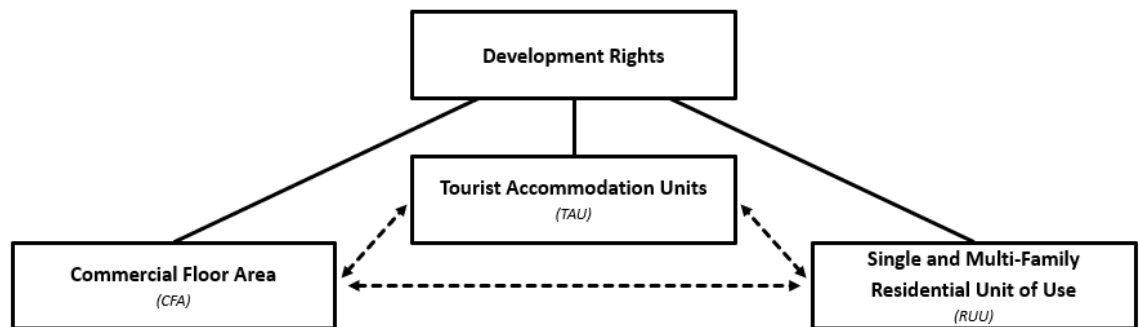


Figure 51.2: Development Rights

All such banking, conversions, and transfers require TRPA approval. Banking, conversions, or transfer of development rights ~~a residential development right or residential allocation~~ shall not constitute approval of ~~the underlying an~~ associated project. ~~Transfers of existing development shall occur only in conjunction with a project approval.~~

51.3 BANKING OF DEVELOPMENT RIGHTS

Certain elements of existing or potential development may be banked, or held, on a parcel provided the activity complies with this section.

51.3.1 Eligibility

A. The following elements of existing or potential development shall be eligible for banking:

1. Commercial floor area, tourist accommodation units, and residential units of use (including potential residential units of use and residential allocations).
2. Existing land coverage may be banked pursuant to Chapter 30: *Land Coverage*.

B. Existing or converted development rights may be banked on a parcel for the sole purpose of banking with no intended use or approved project pursuant to this section and Sections 51.4 or 51.5, as applicable.

51.3.2 Requirements

Banking of existing or potential development may be permitted subject to the following requirements:

A. All banking activities shall be reviewed and approved by TRPA.

B. Prior to banking, the development rights shall be verified as legally existing.

C. The banking shall be limited to the development rights existing on the parcel from which the development is to be removed or modified.

D. For parcels which development rights will be converted pursuant to Section 51.4, the structures or facilities accounting for that use shall be removed or modified as to eliminate the existing units and use.

E. When the banking results in the removal of a primary use as defined by Chapter 21: *Permissible Uses*, all accessory uses and structures associated with the primary use shall also be removed.

F. TRPA shall track and account for parcels from which units of use have been banked as set forth in Chapter 6: *Tracking, Accounting, and Banking*.

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

H. The parcel from which the development rights are banked shall be free of nuisance and hazard.

I. If there are bonds, assessments, back taxes, fees, and liens affecting the parcel, the applicant shall receive authorization to bank development rights from those interested parties to whom the bond, assessment, back taxes, fees, or liens are owed.

51.3.3 Parcel Restriction for Banking

At the time of and as a condition of banking, the parcel from which the development rights existed shall be restricted as follows:

A. Banking of All Existing Development on Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) which all development rights have been banked shall be restored pursuant to subsection 51.3.2.G and shall be permanently restricted to open space by a deed restriction running with land, recorded by the owner except where otherwise permitted in Section 30.5.

B. Banking of Some Existing Development on Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which less than all units of existing development have been banked shall be permanently restricted from redeveloping the project area from where the development rights were previously existing by deed restriction running with the land, recorded by the owner except where otherwise permitted in Section 30.5.

C. Banking of Existing Development on Non-Sensitive Lands

TRPA shall document and track all development rights that have been banked in accordance to Section 51.3.2.F. The use shall remain banked, until or unless, a project associated with the use is approved by TRPA pursuant to this Code.

D. Potential Residential Unit of Use or Residential Allocation Banking on Sensitive Lands

Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all potential residential units of use, allocations, and existing development have been banked shall be permanently restricted from residential development.

1. For parcels in private ownership, or that have deed restrictions running with the land, the permanent removal of development rights from the parcel shall be recorded by the owner.
2. For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the development rights have been permanently removed.

E. Potential Residential Unit of Use or Residential Allocation Banking on Non-Sensitive Lands

TRPA shall document and track all potential residential units of use and residential allocations that have been banked in accordance to Section 51.3.2.F. The use shall remain banked, until or unless, a project associated with the use is approved by TRPA pursuant to this Code.

51.4 CONVERSION OF DEVELOPMENT RIGHTS

Existing development rights consisting of commercial floor area (CFA), tourist accommodation units (TAUs), and residential units of use (RUUs) may be converted from one development right to another provided the conversion complies with this section.

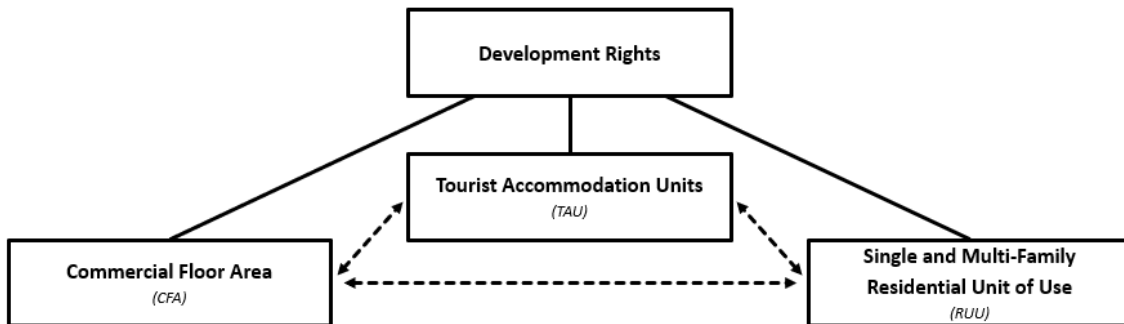


Figure 51.4: Convertible Development Rights

The dashed line refers to the conversion between development rights. See Table 51.4.3-1 for conversion exchange rates.

51.4.1 Eligibility

- A. The following development rights shall be eligible for conversion: commercial floor area, tourist accommodation units, and existing residential units of use.
- B. A single or multi-family existing residential unit of use that was verified and banked as of [insert the effective date of this provision- Jan. 1, 2019] shall be considered a single-family residential unit of use for conversion and transfer purposes.

- C. Existing commercial floor area, tourist accommodation units, and single or multi-family residential units of use or held in allocation pools by local governments shall be eligible for conversions.
- D. Bonus units awarded to a project are eligible for conversion provided all requirements for awarding of the bonus unit in Chapter 52 have been and continue to be met. Bonus units can be awarded concurrent with a qualifying development right transfer without the approval of an associated project.

51.4.2 Requirements

Conversion of existing development may be permitted subject to the following requirements:

- A. All conversions shall be reviewed and approved by TRPA.
- B. Prior to conversion, the development right shall be verified as legally existing.
- C. The conversion shall be limited to the units of use existing on the parcel from which the development is to be removed or modified.
- D. For parcels which units of existing development will be converted, the structures or facilities accounting for that use shall be removed or modified, consistent with the conversion, as to eliminate the existing units and use.
- E. On-site conversions shall be limited to existing development located in Land Capability Districts 4, 5, 6, 7; or, if applicable, in the top rank under IPES unless the conversion is associated with a project that includes a 25 percent or greater reduction in existing land coverage and restoration of that removed coverage and there is no increase in vehicle trips, parking, cubic volume of the structures, or adverse impacts as part of the project.
- F. The parcel from which units are converted shall be free of nuisance and hazard.
- G. If there are bonds, assessments, back taxes, fees, and liens affecting the parcel, the applicant shall receive authorization to convert development rights from those interested parties to whom the bond, assessment, back taxes, fees, or liens are owed.
- H. TRPA shall track and account for parcels from which existing development rights have been converted as set forth in Chapter 6: Tracking, Accounting, and Banking.

51.4.3 Conversion Standards

Existing development rights may be converted if the conversion complies with the following conversion standards:

- A. Commercial floor area shall be converted to tourist accommodation units at a ratio of 300 square feet of commercial floor area to one tourist accommodation unit.
- B. Commercial floor area shall be converted to single-family residential at a ratio of 300 square feet of commercial floor area to one residential unit of use.

- C. Commercial floor area shall be converted to multi-family residential at a ratio of 300 square feet of commercial floor area to one and one-half (1.5) existing residential units of use.
- D. Tourist accommodation units shall be converted to commercial floor area at a ratio of one tourist accommodation unit to 300 square feet of commercial floor area;
- E. Tourist accommodation units shall be converted to single-family residential at a ratio of one tourist accommodation unit to one residential unit of use;
- F. Tourist accommodation units shall be converted to multi-family residential at a ratio of one tourist accommodation unit to one and one-half (1.5) existing residential units of use;
- G. Existing residential units of use used for single-family residential shall be converted to commercial floor area at a ratio of one existing residential unit of use to 300 square feet of commercial floor area;
- H. Existing residential units of use used for single-family residential shall be converted to tourist accommodation units at a ratio of one existing residential unit of use to one tourist accommodation unit;
- I. Existing residential units of use used for single-family residential shall be converted to multi-family residential units of use at a ratio of one single-family existing residential unit of use to one and one-half (1.5) multi-family residential units of use;
- J. Existing residential units of use used for multi-family residential shall be converted to commercial floor area at a ratio of one multi-family existing residential unit of use to 200 square feet of commercial floor area;
- K. Existing residential units of use used for multi-family residential shall be converted to tourist accommodation units at a ratio of one multi-family existing residential unit of use to three-fourths (0.75) tourist accommodation units;
- L. Existing residential units of use used for multi-family residential shall be converted to single-family existing residential units of use at a ratio of one multi-family residential unit of use to seventy-five hundredths (0.75) of one single-family existing residential unit of use.

<u>Table 51.4.3-1 Conversion Exchange Rates</u>				
<u>Existing Development Right</u>	<u>Equivalent Development Rights</u>			
	<u>CFA</u>	<u>TAU</u>	<u>SF ERUU</u>	<u>MF ERUU</u>
<u>300 sq. ft. Commercial Floor Area (CFA)</u>	<u>300 sq. ft.</u>	<u>1</u>	<u>1</u>	<u>1.5</u>
<u>1 Tourist Accommodation Unit (TAU)</u>	<u>300 sq. ft.</u>	<u>1</u>	<u>1</u>	<u>1.5</u>
<u>1 Single Family Detached Existing Residential Unit of Use (SF ERU)</u>	<u>300 sq. ft.</u>	<u>1</u>	<u>1</u>	<u>1.5</u>

<u>1 Multi-Family Attached Existing Residential Unit of Use (MF ERU)</u>	<u>200 sq. ft.</u>	<u>0.75</u>	<u>0.75</u>	<u>1</u>
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51.4.4 Remaining Square Feet and Fractions of Units Resulting from a Conversion of Use

If a conversion executed consistent with subsections 51.4.1 - 3 results in remaining square feet of commercial floor area, or whole or fractions of tourist accommodation units or existing residential units of use, those square feet or units may be banked on either the sending or receiving parcel provided all requirements of Chapter 6: Tracking, Accounting, and Banking, Section 51.3: Banking of Development Rights, or Section 51.5: Transfers of Development Rights as applicable are met.

51.5 Transfer of Development Rights

Development rights as defined by Chapter 90: Definitions may be ~~converted~~ transferred from ~~one development right~~ parcel to another provided the ~~conversion~~ transfer complies with this section. The following development rights shall be eligible for transfer: commercial floor area, tourist accommodation units, residential units of use (including potential residential units of use and residential allocations), and bonus units.

51.3 51.5.1 Transfer of ~~Potential Residential Development Right~~ Unit of Use

A residential development right, as defined in Chapters 90: Definitions, and 31: Density, may be transferred to another parcel pursuant to the following provisions: A ~~potential residential-unit of use~~ development right, as defined in Chapters 90: Definitions, and 31: Density, may be transferred to another parcel pursuant to the following provisions:

A. Vacant Parcel

The parcel from which the development right is transferred shall have a potential residential unit of use ~~development right~~.

B. Parcel Restriction

At the time of and as a condition of the transfer of residential ~~— unit of use~~ development right, the parcel from which the potential residential unit of use ~~development right~~ is transferred shall be restricted pursuant to Section ~~51.5.4~~ 51.6.

C. Receiving Area

The parcel receiving the ~~development right~~ potential residential unit of use shall be in an area where residential uses are permissible and shall meet the following criteria:

1. Parcels Eligible to Receive One or More ~~Development Rights~~ Potential Residential Unit of Use

Parcels located in a plan area or adopted community plan designated as a receiving area for multi-residential units shall be eligible to receive one or more ~~development rights~~ potential residential units of use; or

2. Parcels Eligible to Receive One ~~Development Right~~ Potential Residential Units of Use

The following parcels are eligible to receive one ~~development right~~ potential residential unit of use:

- a. One ~~development right~~ potential residential unit of use may be transferred to a parcel for the purpose of constructing a secondary residence, provided the building site for the secondary residence is in Land Capability Districts 4, 5, 6, or 7; or
 - b. One ~~development right~~ potential residential unit of use may be transferred to a parcel that was not assigned a ~~development right~~ potential residential unit of use provided the parcel has a building site in Land Capability Districts 4, 5, 6, or 7, or, if applicable, is above the initial IPES line of 726.
3. **Transfer of Potential Residential Units of Use ~~Development Rights~~ to Centers; Bonus Unit Incentive**
- a. Receiving parcels in Centers are eligible to receive potential residential units of use ~~development rights~~ based on the land capability district of the sending parcel and the distance of the sending parcel from Centers, and from primary transit routes.
 - b. Transfers of development that result in transfer ratios greater than 1:1 pursuant to this section shall be eligible to receive bonus units in the amount provided below and be allowed only if the applicant provides TRPA with binding assurance that the potential residential unit of use ~~development rights~~ of the sending parcels are permanently restricted as if they were sensitive lands pursuant to subsection ~~51.5.4.H~~ 51.6.8.
 - c. Notwithstanding limitations in Chapters 50 and 52, bonus units received pursuant to this section shall not require an allocation to construct a residential unit.
 - d. TRPA may assign a residential allocation from TRPA’s residential allocation incentive pool to match the transferred potential residential unit of use ~~development right~~ when a transfer earns a bonus unit or portion thereof.
 - e. Transfer ratios shall be determined by considering two factors and multiplying the two resulting ratios, pursuant to the table below.

TABLE 51.5.1-1: TRANSFER OF <u>POTENTIAL RESIDENTIAL UNITS OF USE</u> DEVELOPMENT RIGHTS TO CENTERS	
Step 1: Determine applicable transfer ratio based on sending parcel.	
Sending Parcel	Transfer Ratio
SEZ	1:1.5
Other Sensitive Lands	1:1.25
Non-Sensitive Lands	1:1

TABLE 51.5.1-1: TRANSFER OF POTENTIAL RESIDENTIAL UNITS OF USE DEVELOPMENT RIGHTS TO CENTERS	
Step 1: Determine applicable transfer ratio based on sending parcel.	
Sending Parcel	Transfer Ratio
Step 2: For transfers of potential residential units of use development rights, determine additional transfer ratio based on distance from centers and/or primary transit routes.	
Distance	Additional Transfer Ratio
Less than ¼ mile, or on the lake-ward side of primary transit routes	1:1
¼ mile to ½ mile	1:1.25
½ mile to 1 mile	1:1.5
1 mile to 1½ mile	1:1.75
Greater than 1½ mile	1:2
Step 3: Multiply the applicable ratios from Steps 1 and 2 to determine the applicable transfer ratio.	

D. Density

The transfer shall comply with the density of use provisions for the receiving parcel.

~~E. Local Approval~~

~~For an inter-county transfer, the approval of affected local governments shall be obtained.~~

51.4 51.5.2 Transfer of Residential Allocations

If a parcel is assigned a residential allocation pursuant to Chapter 50: *Allocation of Development*, the allocation may be transferred to another parcel pursuant to the following provisions:

A. Parcel Classification

The allocation transfer shall be from a parcel determined to be in Land Capability Districts 1a, 1b, 1c, 2, 3, or 1b (stream environment zone); shorezone tolerance districts 1, 2, 3, or 4; below the initial IPES line of 726, if applicable; or unsuitable for development due to the inability of the property to meet TRPA or local government development standards.

B. Building Site

The receiving parcel shall have a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES, subject to the limitation in subsection 0 below.

C. IPES Limitation

A residential allocation shall not be transferred to a parcel that is below the initial IPES line of 726 unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than one-half the total inventory in that jurisdiction.

D. Permissible Use

The receiving parcel shall be in a plan area or adopted community plan where residential uses are a permissible use on the receiving parcel.

E. One Transfer

Subject to the limits in Chapter 50, an allocation may be transferred only one time and shall continue to count against the jurisdiction to which it was originally issued.

~~**F. Local Approval**~~

~~For an inter-county transfer, the approval of affected local governments shall be obtained.~~

F. Parcel Restriction

The sending parcel shall be restricted pursuant to Section ~~51-6~~[51.5.4](#) at the time the allocation is transferred.

~~51.5~~[51.5.3](#) **Transfer of Existing Development**

Certain elements of existing development may be transferred from one parcel or project area to another, provided that the receiving parcel is in a plan area or adopted community plan and designated as a receiving area for existing development. Existing residential development may be transferred to any plan area or adopted community plan where residential use is a permissible use. The transfer of existing development shall not be considered additional development and shall be exempt from the applicable allocation system.

A. Eligibility

The following elements of existing development shall be eligible for transfer:

1. **Units of Use**

Units of use may be transferred within the same major use classifications (for example, residential, tourist accommodation, commercial, and recreation). The amount of use transferred shall be measured in appropriate units of use (for example, residential units, tourist accommodation units, commercial floor area, and PAOTs). [Transfers of existing development may be permitted for the sole purpose of banking the rights and do not require an approved project on the receiving parcel.](#)

2. **Land Coverage**

Existing land coverage may be transferred pursuant to Chapter 30.

3. **Amount**

[The amount of development rights that can be transferred to a site is not limited provided the transfer is solely for the purpose of banking those](#)

rights. Transfers of existing development for uses other than banking are subject to the requirements listed below.

B. Requirements

Transfers of existing development may be permitted subject to the requirements listed below.

1. The transfer shall be limited to the units of use existing on the parcel from which the development is to be removed.

~~The use transferred shall be a permissible use on the receiving parcel as set forth in the plan area statement or adopted community plan.~~

2. The receiving parcel shall comply with the site development provisions established by this Code and the plan area statement for the receiving parcel.

~~The findings required for a special use in Chapter 21: Permissible Uses, shall have been made if the use transferred is a special use in the receiving area.~~

~~The approval of affected local governments shall be obtained.~~

3. The parcel from which the existing development is transferred shall be restricted pursuant to Section ~~51.651.5.4~~, no later than the time of commencement of construction of the related project.

4. All facilities, including building and structures, shall be appropriate for removal considering conformance with TRPA plans and the Code, such as the provisions for historical structures and affordable housing.

~~The proposed transfer shall be evaluated for adverse impacts using the IEC and the addenda developed by TRPA for transfer and shall not be permitted if adverse impacts cannot be mitigated.~~

5. The receiving parcel shall have a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES unless:
 - a. There is a 25 percent or greater reduction in existing land coverage and restoration on the receiving parcel and there is no increase in vehicle trips, parking, cubic volume of the structures, or adverse impacts; or
 - b. The transfer of units from a commercial, tourist, or residential use to a site inside a designated community plan area is from sensitive lands to an equal or less sensitive land capability district, and a reduction of land coverage and restoration occurs at the receiving site or sending site equal to 300 square feet of land coverage per tourist unit transferred, 1,200 square feet of land coverage per residential unit transferred, or

one square foot of land coverage per square foot of commercial floor area transferred; or

- c. The transfer of commercial floor area from nonsensitive lands to a site inside a designated community plan area results in a reduction of land coverage and restoration on the receiving site or like sensitive lands in the watershed at a ratio of one square foot of transferred floor area to two square feet of land coverage reduced.
6. Existing residential development shall not be transferred to any parcel that is below the initial level defining the top rank under IPES (726) unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than one-half the total inventory in that jurisdiction.

~~Transfers of tourist accommodation units (TAUs) shall comply with the conditions below.~~

- ~~1. Transferred TAUs may be used to entitle, on a one-to-one basis, for the unit sizes described in subparagraph 2. below, provided the proposed project (receiving site) will be a professionally managed tourist accommodation facility containing three or more of the following on-site guest amenities or services:
 - ~~a. Front desk/check in/lobby~~
 - ~~b. Business center~~
 - ~~c. Spa services~~
 - ~~d. Fitness facility~~
 - ~~e. Restaurant~~
 - ~~f. Bar~~
 - ~~g. Conference space~~
 - ~~h. Concierge's services~~
 - ~~i. Pool or other resort recreation facilities~~
 - ~~j. Valet/below structure parking~~
 - ~~k. Housekeeping~~
 - ~~l. Bell desk~~~~
- ~~2. Provided the conditions in subparagraph 1. above are met, 80 percent of the tourist accommodation units on the receiving site may be up to 1,200~~

~~square feet, with kitchens, and no more than 20 percent of the project's floor area may contain units not to exceed 1,800 square feet, with kitchens.~~

- ~~3. When transferred TAUs are utilized for smaller tourist accommodation facilities that are not operated as destination resorts, the facility shall be professionally managed, units shall not be rented for a period longer than 29 days, and TAUs may not exceed 850 square feet in size.~~
- ~~4. This transfer policy applies to hotels or timeshares and fractional units within a professionally managed tourist accommodation.~~

C. Transfer of Existing Development to Centers; Bonus Unit Incentive

Transfers of existing development to Centers shall ~~receive the approval of affected local governments and shall~~ comply with the following:

1. Receiving parcels in Centers are eligible to receive transfers of existing development based on the land capability district of the sending parcel and the distance of the sending parcel from the Center and from primary transit routes.
2. Transfers of existing development that result in transfer ratios greater than 1:1 pursuant to this section shall be eligible to receive bonus units in the amount provided below and be allowed only if the applicant provides TRPA with binding assurance that the sending parcel will be restored and permanently restricted to open space by deed restriction ~~or other covenant~~ running with the land, recorded by the owner. In cases where a portion of development has been transferred, only that portion of the parcel shall be restricted as open space.
3. Notwithstanding limitations in Chapters 50 and 52, bonus units received pursuant to this section shall not require an allocation to construct a residential unit.
4. Transfer ratios shall be determined by considering two factors and multiplying the two resulting ratios, pursuant to the table below.

TABLE 51.5.3.C-1: TRANSFER OF EXISTING DEVELOPMENT TO CENTERS[1]

Step 1: Determine applicable transfer ratio based on sending parcel.	
Sending Parcel	Transfer Ratio
SEZ	1:3
Other Sensitive Lands	1:2
Non-Sensitive Lands	1:1
Step 2: For transfers of existing residential development, determine additional transfer ratio based on distance from centers and/or primary transit routes.	
Distance	Additional Transfer Ratio
Less than ¼ mile, or on the lake-ward side of primary transit routes	1:1
¼ mile to ½ mile	1:1:25
½ mile to 1 mile	1:1.5
1 mile to 1½ mile	1:1.75
Greater than 1½ mile	1:2
Step 3: Multiply the applicable ratios from Steps 1 and 2 to determine the applicable transfer ratio.	
[1] The provisions of Step 2 only apply to residential development, not commercial floor area or tourist accommodation units. The multiplier in Step 3 only applies to the number of units, not to building size or coverage.	

5. [Banking development rights are eligible to receive bonus units when transferred to a Center. Development rights banked after the 2012 Regional Plan Update \(December 12, 2012\) are eligible to receive the transfer incentives based on sensitivity of the sending parcel from which the units were originally banked provided that parcel was restored the distance of that sending parcel in accordance to Table 51.5.3.C-1 \(Step 1 and 2\). Development rights banked prior to the 2012 Regional Plan Update \(December 12, 2012\) are eligible to receive the transfer incentives based only on the distance of the sending parcel in accordance to Table 51.5.3.C-1 \(Step 2\).](#)
6. [Allocation of a bonus unit shall occur only in conjunction with a project approval.](#)

D. Limitations

The following limitations apply to transfers of existing development:

1. Units of use transferred shall have been legally established; and
2. Transfers of units of use shall not be permitted for development that has become derelict.

E. Transfer of Allocated Bonus Unit within Centers Limitation

The following limitations apply to transfers of previously allocated Bonus Units:

1. Bonus Units shall remain within the same use category at the time the units were awarded (i.e. residential, commercial, and tourist accommodation) and are not eligible for conversion per Section 51.4;
2. Bonus Units awarded to a parcel within a TRPA-approved Town Center shall only be transferred within or between TRPA-approved Town Centers;

F. Verification of Existing Residential Units of Use for Transfer or Banking

Prior to transfer or banking, an existing residential unit of use shall be verified as legally established pursuant to the following criteria:

1. At a minimum, an existing residential unit of use shall contain cooking facilities, bathing and toilet facilities, and living and sleeping areas; and
2. Existing residential units of use to be transferred or banked shall have been legally established as verified by County Assessor, local jurisdiction, and utility records:
 - a. The existing residential unit shall have been assessed as such by the County Assessor's office as of October 15, 1986, except for residential units approved under Chapter 50: *Allocation of Development*.
 - b. Permits and planning department records shall confirm that the unit is a permitted use and structure.
 - c. To be verified as a legally established unit of use, all utility service connections (e.g., water, sewer, gas, and electrical service) shall have been legal as of October 15, 1986, except for residential units approved under Chapter 50.

~~51.6~~ 51.5.4 Parcel Restriction for Transfers of Parcels

Restriction of parcels for the purposes set forth in this Code shall comply with the following requirements:

A. Land Coverage

Parcels from which land coverage has been transferred are subject to provisions of Chapter 30.

B. Residential Allocation Transfer

Parcels from which residential allocations have been transferred shall be permanently restricted from residential development.

1. For parcels in private ownership, deed restrictions ~~or other covenants~~ running with the land that permanently restrict the parcel from residential development shall be recorded by the owner.
 2. For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the parcel has been permanently restricted from residential development.
- C. **Existing Development Transfer**
For parcels from which units of existing development have been transferred, the structures or facilities accounting for that use shall be removed or modified, consistent with the transfer, and the land restored and maintained in as natural a state as is possible, so as to eliminate the units transferred.
- D. **Payment of Bonds and Freedom From Nuisance**
The sending parcel shall be free of nuisance and hazard. All bonds, assessments, back taxes, fees, and liens affecting the parcel to be restricted pursuant to a transfer under this chapter shall be paid in full.
- E. **Transfer of All Existing Development From Sensitive Lands**
For pParcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all units of existing development have been transferred shall be restored pursuant to subsection ~~51.6.3~~51.5.4.C and shall be permanently restricted to open space by a deed restriction ~~or other covenant~~ running with land, recorded by the owner.
- F. **Transfer of Some Existing Development From Sensitive Lands**
For PParcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which less than all units of existing development have been transferred shall be permanently restricted from transferring development back to the parcel by deed restriction ~~or other covenant~~ running with the land, recorded by the owner.
- G. **Transfer of Existing Development From Non-Sensitive Lands**
Owners of parcels located in Land Capability Districts 4, 5, 6, or 7 from which units of existing development have been transferred shall document the transfer and the parcels shall be restricted by deed restriction ~~or other covenant~~ running with the land, recorded by the owner. The restriction shall limit the units of use to any remaining, until or unless:
1. A transfer back to the parcel is approved by TRPA pursuant to this chapter;
or
 2. An allocation is obtained pursuant to Chapter 50.
- H. **Potential Residential Unit of Use ~~Development Rights~~ Transfers From Sensitive Lands**
Parcels in Land Capability Districts 1a, 1c, 2, 3, or 1b (stream environment zone) from which all potential residential units of use ~~development rights~~ have been transferred shall be permanently restricted from residential development.

1. For parcels in private ownership, or that have deed restrictions ~~or other covenants~~ running with the land, the permanent removal of development rights from the parcel shall be recorded by the owner.
 2. For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the development rights have been permanently removed.
- I. **Potential Residential Unit of Use ~~Development Rights~~-Transfers From Non-Sensitive Lands**
 Parcels located in Land Capability Districts 4, 5, 6, or 7, or parcels at or above the initial IPES line (726), from which all potential residential units of use ~~development rights~~ have been transferred, shall be restricted from constructing new residential units by deed restriction ~~or other covenant~~ running with the land, recorded by the owner, but shall be eligible to receive future transfers of coverage or units of use if otherwise permitted in 1 or 2 of subsection ~~51.6.7~~ 51.5.4.H above.
 - J. **Consolidation**
 Where appropriate, TRPA may approve a consolidation of parcels in lieu of a deed restriction for a transfer of a potential residential unit of use ~~development right~~ or allocation, or in addition to a deed restriction, to accomplish the restriction of the parcel consistent with this chapter and other applicable Code provisions.
 - K. **Relation to Chapter 6**
 TRPA shall record the appropriate changes created by transfers in its records pursuant to Chapter 6: *Tracking, Accounting, and Banking*.
 - L. **Sequential Transfers**
Potential rResidential units of use ~~development rights~~ and allocations may be transferred independently provided that, when both the potential residential units of use ~~development right~~ and an allocation have been transferred from a parcel, the parcel shall be permanently restricted to open space. Land coverage transfers may also occur independently subject to the provisions of Chapter 30.

51.6 LOCAL GOVERNMENT APPROVAL

No local government approval is necessary to transfer development rights. Local governments can request the TRPA Governing Board to establish a local approval process if the net change of development rights resulting from transfers over the prior two-year period is equal to or greater than five percent of the total existing built development rights for each type of land use (e.g. commercial floor area, tourist accommodation units, and residential units of use) within that jurisdiction as accounted for by TRPA. TRPA shall maintain an inventory of the total existing built development rights for each type of land use per jurisdiction. The net change shall be calculated for each jurisdiction as follows:

- A. Calculate the percent net change of CFA as: (CFA transferred into the jurisdiction- CFA transferred out of the jurisdiction)/CFA from the TRPA inventory x 100

- B. Calculate the percent net change of TAUs as: (TAUs transferred into the jurisdiction-TAUs transferred out of the jurisdiction)/TAU from the TRPA inventory) x 100
- C. Calculate percent net change of single family RUUs as: (single family RUUs transferred into the jurisdiction – single family RUUs transferred out of the jurisdiction/single family RUUs from the TRPA inventory) x 100
- D. Calculate percent net change of multi-family RUUs as: (multi-family RUUs transferred into the jurisdiction – multi-family RUUs transferred out of the jurisdiction/multi-family RUUs from the TRPA inventory) x 100
- E. (Average of the percentages from A, B, C, and D above)

CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM

52.1. PURPOSE

This chapter sets forth provisions for assigning ~~multi~~-residential bonus units in accordance with the [Regional Plan](#) Goals and Policies ~~in the~~ Land Use Element, Land Use Subelement, Goal 2, Policies 5A and 5B; and ~~in the~~ Implementation Element, Development and Implementation Subelement, Goal #2, Policies 2F and 3, and Goal 3, Policies 1 and 2.

52.2. APPLICABILITY

- A. The assignment of ~~multi~~-residential bonus units shall comply with the provisions set forth in this chapter. Such assignments shall occur only in conjunction with a project approved by TRPA.
- B. In addition to the bonus units authorized by this chapter, bonus units also may result from the following additional Code provisions:
 1. Section ~~Error! Reference source not found.~~: *Onsite Removal and Retirement of Excess Coverage in Town Centers, Regional Centers, or the High-Density Tourist District*;
 2. Section ~~51.5.1.C.3~~ ~~51.3.3.C~~: *Transfer of ~~Development-Rights~~Potential Residential Units of Use to Centers*; and
 3. Section ~~51.5.3.C~~ ~~51.5.3~~: *Transfer of Existing Development to Centers*.

52.3. ~~MULTI~~-RESIDENTIAL INCENTIVE PROGRAM

52.3.1. Assignment of Bonus Units

~~Pursuant to Chapter 11: Plan Area Statements and Plan Area Maps, a~~ A maximum of 1,400 ~~multi~~-residential bonus units may be approved by TRPA pursuant to this section. ~~RA maximum of 200 out of the 1,400 multi~~-residential bonus units may be made available to affordable, moderate, and achievable-income single and multi-family housing projects subject to the criteria in subsection 52.3.4 below. Five hundred and sixty two (562) of the

1,124, or one half of the remaining (as of [effective date of amendments – January 1, 2019]), residential bonus units from the TRPA pool, whichever is less, shall be used for affordable housing units; the remaining 562, or one half of the remaining, residential bonus units from the TRPA pool, whichever is less, shall be used for moderate or achievable housing units. An additional 600 residential bonus units are available to be used in Centers only.

52.3.2. Criteria

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

- A. The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the area plan, plan area statement, applicable community or redevelopment plan, or this Code; and
- B. When bonus units will be used for a multi-family dwelling, mMulti-residential uses shall be designated in the area plan, plan area, or community plan as an allowed use, or a special use for which the findings required in Section 21.2 have been made; ~~and~~

~~Except for affordable housing units as defined in Chapter 90: Definitions, an allocation shall be required pursuant to Chapter 50: Allocation of Development, in order to use multi-residential bonus units.~~

52.3.3. Determination of the Number of Multi-Residential Bonus Units

A. Determination of Project Score

Applications for projects proposing to use multi-residential bonus units shall include a list and description of all mitigation measures identified in Table 52.3.3-1 that are proposed as part of the project. Based on a review of the mitigation measures proposed, TRPA shall determine a score for the project in accordance with Table 52.3.3-1. A maximum of one residential bonus unit may be approved for each ten points received by a project.

B. Mitigation Measures

Projects proposing the use of multi-residential bonus units shall receive a score only when one or more of the mitigation measures in Table 52.3.3-1 are proposed as part of the project. Any combination of the measures in the table may be proposed. Only those mitigation measures that would not otherwise be required by the Code shall be considered in determining the score received by a project. This subparagraph establishes the maximum number of points that may be awarded for each mitigation measure. If a proposed mitigation measure satisfies the requirements of two or more of the mitigation measures listed below, points shall be awarded based on the mitigation measure resulting in the highest score. The total point score shall be rounded down to a number that is a multiple of ten.

TABLE 52.3.3-1: SCORE FOR MITIGATION MEASURES FOR RESIDENTIAL BONUS UNITS	
Mitigation Measure	Score
Participation in a transportation EIP project (see Chapter 15: <i>Environmental Improvement Program</i>)	(Project cost divided by \$8,000) x 10 points

TABLE 52.3.3-1: SCORE FOR MITIGATION MEASURES FOR RESIDENTIAL BONUS UNITS		
Mitigation Measure		Score
Participation in a water quality EIP project (see Chapter 15: <i>Environmental Improvement Program</i>)		(Project cost divided by \$8,000) x 10 points
Provision of stream environment zone restoration pursuant to EIP Program (excluding restoration required as mitigation for new SEZ disturbance)		(Project cost divided by \$8,000) x 20 points
Retirement of an undeveloped parcel located in Land Capability Districts 1a, 1b (SEZ), 1c, 2, or 3 (see Chapter 51: Banking, Conversion, and Transfer of Development Rights)	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit
	Parcel in 1b (SEZ)	30 points per transferred unit
Transfer of existing residential unit and retirement of the parcel in accordance with Chapter 51	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit
	Parcel in 1b (SEZ)	40 points per transferred unit
New access to public recreation areas, lakes, streams, or vista points to which access was previously nonexistent		(Project cost divided by \$8,000) x 10 points (maximum 50 points)
Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 30: <i>Land Coverage</i>		One point for each such reduction of 600 square feet onsite
Participation in projects identified in the TRPA-approved Scenic Quality Improvement Program and/or the EIP		(Project cost divided by \$8,000) x 10 points

C. Adjustments to Score

1. Projects within a Community Plan

The score received pursuant to Table 52.3.3-1 by projects located within an approved community plan shall be multiplied by a factor of 1.5.

2. Projects Providing Affordable Employee Housing

The score received pursuant to Table 52.3.3-1 by projects designed to provide affordable employee housing shall be multiplied by a factor of 2.0.

3. Post-1987 Projects Proposing Subdivision of Units

In order to subdivide a post-1987 multi-residential project that does not meet the standards for low-cost housing as defined in Section 90.2, the score received pursuant to Table 52.3.3-1 shall be multiplied by a factor of 0.67.

D. Option to Reserve Residential Bonus Units

Approved residential bonus units may be reserved for projects based on the proposals submitted prior to project approval to enable applicants to accumulate allocations. Residential bonus units shall be assigned to a parcel and may be reserved as credits, unused, for no more than five years. TRPA may reissue those credits to the same parcel for an additional five years if TRPA finds that the residential bonus units are likely to be used during that period.

52.3.4. Affordable, ~~and~~ Moderate, and Achievable-Income Housing

All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: *Definitions* shall comply with criteria in Section 52.3.4A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded and constructed to single and multi-family housing developments, location of housing developments, and compliance with the program.

A. Residential bonus units may be awarded to single or multi-family housing developments.

B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a short-term vacation rental.

C. A bonus unit may be used for a secondary residence as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.

D. The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits set forth in Chapter 90: *Definitions*, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to 1/10 of the current cost of a bonus unit annually for failure to submit the compliance report or comply with these requirements.

E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.

F. The housing project awarded a residential bonus unit shall be within ½ mile of existing transit stops or a transit stop that will be existing concurrent with the completion of the project.

~~A. Housing development projects proposing to use multi-residential bonus units shall not be subject to Table 52.3.3-1 if the following criteria are met:~~

~~1. The housing provided meets the criteria for affordable or government-assisted housing set forth in Policies HS-1.1 and HS-2.1 of Goals 1 and 2 of the~~

~~Housing Subelement. Residential bonus units for such projects shall be assigned on the basis of project need; and~~

- ~~2. The housing provided meets the definition of “moderate income housing” as defined in Chapter 90, and the local jurisdiction where the project is located maintains a TRPA-certified local government moderate income housing program as determined by subsection 52.3.6.~~

~~B. Bonus units for such projects are assigned on the basis of project need.~~

52.3.5. Residential Bonus Unit Substitution

Residential bonus units may be assigned for existing residential units of use in a project area or [existing](#) residential units of use that are the result of TAU conversion pursuant to subsection [51.450.10.7](#) on a unit-for-unit basis, provided that the following conditions are met:

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

52.3.6. TRPA-Certified Local Government Moderate-Income Housing Program

A. TRPA Certification

TRPA may certify by resolution a local government moderate-income housing program upon a finding that the program adequately addresses:

1. Housing needs and issues of the jurisdiction pursuant to state standards within an adopted Housing Element; and
2. Standards that guide the development of moderate-income housing using the principles of transit-oriented development, including:
 - a. Appropriate proximity to government services;
 - b. Appropriate proximity to commercial and employment centers;
 - c. Appropriate proximity to mass transit opportunities and other alternative modes of transportation; and
 - d. Appropriate residential and commercial densities to facilitate transit use.

B. Permanent Limitations on Approved Use, ~~Rental Rates,~~ and Income Limits

The moderate-income housing program shall, through deed restriction ~~or other~~ covenant running with the land, limit the project area to the approved use and restrict ~~both rental rates and the~~ occupants' household income to moderate-income housing limits. ~~Moderate-income housing shall not include units with a rental rate that exceeds 30 percent of the tenant's monthly gross income. Subdivision projects shall be reviewed using by TRPA Certified Local Jurisdiction Moderate Income Housing Programs for purposes of determining appropriate income and sales price limitations for the sales rate of moderate-income housing. In the absence of a certified local program, project proponents shall use the 4.2 multiplier, to be multiplied by 120 percent of median family income to determine a maximum sales price for housing.~~ Moderate-income units are subject to deed restriction for long-term occupancy for at least ten months in each calendar year. ~~The multiplier is subject to periodic amendment, to adjust for changes to median family income resulting in a numerical increase in the multiplier.~~ Units found not to be in compliance with use, rental and/or sales rates, household income levels, or occupancy requirements as specifically described in the deed restriction ~~or other covenant~~ running with the land shall not be occupied until the non-complying element of the program is rectified.

52.3.7 Transfer of Allocated Residential Bonus Unit Limitations

The following limitations apply to transfers of previously allocated Bonus Units:

- A. Bonus Units transferred shall have been legally established;
- B. Bonus Units shall remain within the same use category at the time the units were awarded (i.e. residential) and are eligible for conversion per Section 51.4;
- C. Bonus Units allocated for affordable, moderate-income, and achievable housing development shall meet the same criteria for which the units were awarded (i.e. affordable shall remain affordable, moderate-income shall remain moderate-income).
- D. Transfers of Bonus Units shall not be permitted for development that has become derelict.

C. **Annual Reporting**

Each local jurisdiction with a certified moderate-income housing program shall document, monitor, submit annual reports to TRPA, and enforce the provisions of the deed restrictions. It shall be the responsibility of the local jurisdiction to ensure full compliance with the provisions of the deed restriction.

52.4. DETERMINATION OF PROJECT COST

The value of work proposed to be done pursuant to subparagraphs 52.3.3.B shall be based on an engineer's estimate approved by TRPA as being reasonable for the work described.

CHAPTER 90: DEFINITIONS

90.1. RULES OF INTERPRETATION AND CONSTRUCTION

90.1.1. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the purpose and intent set out in Section 1.1.

90.1.2. Relationship Between Text and Headings, Illustrations, and Examples

In case of any difference of meaning or implication between the text of this Code and any heading, drawing, table, figure, commentary block, example, or illustration, the text shall control.

90.1.3. Examples and Explanations

This Code provides where necessary additional explanation in the form of examples to clarify its intent. These examples are intended solely as a guide for administrative officials and the public to use in interpreting the Code but are not to be construed as official Code interpretations. Such examples often do not demonstrate all applicable Code requirements but instead explain a particular aspect or method of calculation of a Code requirement.

90.1.4. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "including" and "such as," or similar language, are intended to provide examples, not to be exhaustive lists of all possibilities.

90.1.5. Technical and Non-Technical Terms

For words that are not defined in this chapter, non-technical words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

90.1.6. Computation of Time

References to days are calendar days unless otherwise stated. The time in which an act is to be done shall be computed by excluding the first day and including the last day.

90.1.7. References to Other Regulations, Publications, and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

90.1.8. Delegation of Authority

For any act or duty not reserved for the Governing Board, whenever a provision requiring the head of a department or another officer or employee of the agency to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.

90.1.9. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Tahoe Regional Planning Agency, unless otherwise indicated.

90.1.10. Mandatory and Discretionary Terms

The words “shall,” “will,” and “must” are always mandatory. The words “may” and “should” are advisory and discretionary terms.

90.1.11. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. “And” indicates that all connected items, conditions, provisions, or events apply.
- B. “Or” indicates that one or more of the connected items, conditions, provisions, or events may apply.

90.1.12. Tenses and Plurals

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

90.1.13. Term Not Defined

In the event there is a term used in this Code that is not defined in this chapter, the Executive Director shall have the authority to provide a definition based upon the definitions used in accepted sources.

90.2. OTHER TERMS DEFINED

For definitions of uses see Section 21.4 (List of Primary Uses), and Section **Error! Reference source not found.**

Abandoned Road

A road not accessible to traffic due to permanent physical barriers; or, a road that is posted or designated for closure.

Accessory Dwelling Unit (ADU)

See "Secondary Residence".

Accessory Use

A use, building, or other facility customarily a part of any primary use that is clearly incidental and secondary to the primary use, that does not change the character or the intensity of the primary use, and that does not operate independent of the primary use. Additional criteria for determining commercial accessory uses for noncommercial primary uses are found in subparagraph 50.6.1.A.2. See subsection 21.3.1 for examples of accessory uses and Section **Error! Reference source not found.** for accessory uses in the shorezone.

Achievable Housing

Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents with an income not in excess of the respective county's achievable area median income (AMI) percentage, using the following methodology:

1. Determine the county's median income where the housing development will be located using income limits for a family of three published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.
2. Determine the county's median single or multi-family housing price, as applicable, where the housing development will be located using median housing prices published annually by TRPA.
3. Divide the median single or multi-family housing price, as applicable, (determine in Step 2) by 3.79 buying power to determine the annual income needed to afford an achievable housing unit.
4. Divide the annual income needed (calculated in Step 3) by the median income (determined in Step 1) to determine the achievable AMI percentage.

Example:

- Median Single Family or Multi-family Home Price (Step 1) / 3.79 = Annual Income Needed

Annual Income Needed (Step 3) / HUD County AMI (Step 2) = Achievable AMI Percentage

- El Dorado Median Multi-family home price of \$330,000 / 3.79 = \$87,071 Annual Income Needed

\$87,071 Annual Income Needed / \$65,500 HUD El Dorado AMI = 127% maximum AMI per household to be eligible for an achievable residential bonus unit

This calculation may be periodically adjusted to reflect changes in the affordability gap between median income and median home price within the Lake Tahoe Basin. Maximum AMI per county per household to be eligible for an achievable bonus unit will be available upon request from TRPA. Achievable housing units shall meet the criteria and restrictions in accordance to Chapter 52: *Bonus Unit Incentive Program.*

Active Transportation

Transportation that does not rely entirely on a car to travel between origin and destination. This can include walking, biking, skateboarding, roller-skating, cross country skiing, using public transit, or driving to an intercept lot, parking, and then using another form of travel.

Activity

Any conduct, active or passive, that may have an impact on the land, air, water, space, or other natural resource of the region.

Adaptive Management

The process of implementing policy (and management) decisions as scientifically driven management experiments and/or monitoring programs that test predictions and assumptions in management plans, and using the resulting information to improve the plans.

Adopted Plan

An adopted community plan, specific plan, or master plan.

“Additional” Commercial Floor Area

See subparagraph 50.6.1.B.

Additional Development

Development that did not exist, or was not approved, on the effective date of the Regional Plan. Relocation or reconstruction of development is not additional development.

Additional Factors

See subsection **Error! Reference source not found.**

“Additional” PAOTs

See subparagraph 50.9.3.B.

“Additional” Public Service Facility

See subsection 50.8.2.

“Additional” Recreation

See subsection 50.9.2.

“Additional” Residential Unit

See subparagraph 50.5.1.B.

“Additional” Tourist Accommodation Unit

See subparagraph 50.7.1.B.

Adjacent Parcels

Parcels that are separated by a lot line or are near or close to each other but separated by a right-of-way in such a manner that, if the right-of-way was removed, the boundaries would touch.

Advisory Planning Commission (APC)

The Advisory Planning Commission of the Agency as defined in Article III(h) of the Compact.

Affordable Housing

Residential housing, deed-restricted to be used exclusively for lower-income households (income not in excess of 80 percent of the respective county's median income) and for very low-income households (not to exceed 50 percent of the respective county's median income). ~~Such housing units shall be made available for rental or sale at a cost that~~ to individuals whose median income does not exceed the recommended state and federal standards. Each county's median income shall be determined according to the income limits published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development. ~~For multi-person dwellings, the affordable housing determination shall be made using each resident's income and not the collective income of the dwelling.~~

Agency

The Tahoe Regional Planning Agency, including the Governing Board and staff.

Agency of Jurisdiction

As used in Chapter 14: *Specific and Master Plans*, a government agency with responsibility for managing land, such as the Forest Service, the state parks departments, City of South Lake Tahoe, and the California Tahoe Conservancy.

Allocation

An apportionment of additional development opportunity for residential, commercial, tourist accommodation, and certain recreational projects.

Alluvial Soils

All the following soil types owe their major characteristics to the presence of surface or subsurface water: (a) loamy alluvial land (Lo); (b) elmira loamy coarse sand, wet variant (Ev); (c) celio gravelly loamy coarse sand (Co); (d) marsh (Mh); (e) gravelly alluvial land (Gr); and (f) fill land (Fd).

Alluvial Soil Type

All of the following soil types as defined in the United States Department of Agriculture Soil Survey for Lake Tahoe, as identified on Agency maps, or as determined by the Agency to be present in an area: Loam Alluvial land (Lo), Elmira loamy coarse sand, wet variant (Ev), Celio gravelly loamy coarse sand (Co), Marsh (Mh), Gravelly alluvial land (Gr), Fill land (Fd), Seeped soils, and Beaches (Be).

Alternative Commute Mode

See subparagraph **Error! Reference source not found.**

Alternative Energy Source

Energy, such as solar, wind, geothermal, or hydroelectric energy, that can replace or supplement traditional fossil-fuel sources of energy, such as coal, oil, and natural gas.

Alternative Fuels

Fuels derived from resources other than petroleum such as ethanol, biodiesel, natural gas, propane and hydrogen.

Apartment

A residential complex of two or more residential units under single ownership, usually but not always sharing the same structure, water distribution system, sewer collection system, parking facilities, open space, and recreational amenities.

Approved Center

See subparagraph **Error! Reference source not found..**

Approved Plant Species

Plants designated by TRPA as acceptable species for use in landscaping and revegetation. Such species are usually but not always indigenous to the region. See also "Plant List."

Appurtenant Structure

A fixed structure customarily associated with and attached to a main structure.

Area Plan

The package of policies, plans, maps, codes, and ordinances found by TRPA to be in conformity with the Regional Plan under Ch. 13: *Area Plans*. The Memorandum of Understanding (MOU) that is associated with a Conforming Area Plan is not part of the Area Plan. Conforming Area Plans are a part of the Regional Plan.

Aquatic Invasive Species (AIS)

A nonindigenous species that threatens the diversity or abundance of the native species or the ecological stability of infested waters, or the commercial, agricultural, aquacultural, or recreational activities dependent on such waters, as identified in the Lake Tahoe Region Aquatic Invasive Species Management Plan. Aquatic Invasive Species include but are not limited to: zebra mussel (*Dreissena polymorpha*), quagga mussel (*Dreissena bugensis*), Eurasian water milfoil (*Myriophyllum spicatum* L.), curly leaf pond weed (*Potamogeton crispus* L.), and large mouth bass (*Micropterus salmoides*).

Area of Wave Run-Up

The area landward of the shoreline that is subjected to wave run-up during high water conditions and an extreme wind event. An extreme wind event is an 80 miles-per-hour onshore wind of one-hour duration.

Artificial Beach Replenishment

The importation of materials to maintain an existing beach or to create a new beach.

Artificial Islands

Islands created by man that provide additional land area in a lake or other body of water.

Average Vehicle Ridership (AVR)

See subparagraph **Error! Reference source not found..**

Backshore

The land area located between the highwater line of the lake and the upland area of instability or the wave run-up area.

Backshore Stability

The extent to which the backshore resists erosion or mass wasting due to factors such as the presence of naturally occurring existing vegetation, the gradient and geological composition of the backshore, and the absence of structures that may affect stability or disrupt natural littoral processes.

Bailey Coefficients

The allowable percentages of land coverage assigned to land capability districts (e.g., one percent in Land Capability Districts 1 and 2; five percent in Land Capability District 3; 20 percent in Land Capability District 4; 25 percent in Land Capability District 5; and 30 percent in Land Capability Districts 6 and 7).

Bailey Report

A report written by Dr. Robert G. Bailey, entitled *Land Capability Classification for the Lake Tahoe Basin, A Guide for Planning* (U.S.D.A.1974), which outlines a system of land classification including land capability districts and coverage coefficients.

Barrier Beach

An area of shorezone characterized by sandy soil separating a marsh-like lowland from a lake.

Barrier Wall

A wall separating lake waters from the shore.

Base Land Coverage

The allowable base land coverage as permitted by Chapter 30: *Land Coverage*.

Basement

The bottom floor of a building, the excavation for which any portion is greater than five feet below natural grade, measured at the location where the bottom of the excavation meets the foundation wall, exclusive of footing excavation.

Basic Services

Paved access roadways, water service, electrical service, and waste water treatment services, as required in Chapter 32: *Basic Services*.

Basin

The Tahoe Basin. See also "Region."

Bathing Facilities

A shower or bathtub.

Best Available Control Technology

An emission limitation that will achieve the most stringent emission limitation that is achieved in practice by that source.

Best Available Retrofit Control Technology

An emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each source.

Best Management Practices

Alternative structural and nonstructural practices proven effective in erosion control and management of surface runoff in Lake Tahoe Region.

Biofuel Facilities

Facilities that combust or gasify forest and other plant materials in a manner that, in combination with other systems, generates electrical energy for use or distribution or generates heat for distribution within

a building or facility. Any heating unit that meets the definition of a wood heater is not considered a biofuel facility.

BMPs

See “Best Management Practices.”

BMP Retrofit Implementation Program

A program that uses BMPs to retrofit existing developed properties to, for example, control and treat stormwater runoff, to protect water and air quality in the Basin.

Board

The Governing Body of the TRPA, whose members are appointed pursuant to Article III of the Compact.

Boat Lift

A mechanical device whose function is to raise and lower water craft in and out of a body of water for temporary storage. Also includes low level boat lift, boat hoist, and boat saddle.

Boat Ramp

A ramp allowing boats to be launched into, or retrieved from, the water.

Body of Water

An area of water, of natural or artificial creation, including but not limited to lakes, harbors, man-made lagoons, reservoirs, ponds, and rivers.

Bonus Unit

An additional residential or tourist accommodation unit obtained pursuant to Chapter 52: *Bonus Unit Incentive Program*.

Breakwater

A man-made structure that diminishes the force of waves.

Bridge Span

A bridge that extends over a particular obstacle to avoid or minimize disturbance to the land or water area over which it passes. The bridge span measurement is the distance between the bridge abutments, excluding the bridge supports between abutments.

Building

Any structure designed or used for the support, shelter, or enclosure of persons, animals, or property of any kind.

Building Envelope

The area allotted for development of units in a planned individual unit development.

Building Frontage

The two-dimensional surface area of a building found within the perimeter bounded by the finished grade line, the cornice line, and exterior side walls in one plane, not including intermediate walls perpendicular to such surface area, and containing a door or other entrance open to the public which faces a street.

Building Season

See "Grading Season."

Building Sign

Any sign attached to and supported by a wall of a building, or the wall of a structure, including a mansard roof. Any



Building Sign

permanent sign placed on or behind glass or within a building and located in such a manner as to have an obvious intent to capture interest of those outside the building shall be considered a building sign and shall be treated in the same manner.

Building Site

The portion of a parcel designated for development.

Buoy

A float anchored to a lake bottom that serves as a boat mooring, navigation guide, hazard warning, or similar use.

Bypass Dredging

Rearranging earthen material within the same body of water without removing the material from the body of water.

Canopy

The cover of branches and foliage formed by the crown of adjacent trees and other woody growth. A manmade structure consisting of a suspended covering or roof or similar structure.

Carpool

See subparagraph **Error! Reference source not found..**

Carrying Capacity

See "Environmental Threshold Carrying Capacities."

Carrying Capacity (Grazing)

Level or measurement of grazing based on animal unit months (AUM) that a given range can support without adverse impacts.

Cellar

See "Basement."

Central Furnace

A self-contained space heater providing for circulation of heated air at pressures other than atmospheric through ducts more than 25 cm (10 inches) in length.

Center

A Town Center, Regional Center, or High Density Tourist District.

Change in Operation

See subparagraph **Error! Reference source not found.**

Change in Use

Conversion of a primary use from one use category to another use category as listed in the Table of Primary Uses in Chapter 21: *Permissible Uses* (e.g., service station to professional office).

Chemical Fertilizer for Lawns

Synthetically manufactured inorganic substances containing potassium, nitrogen, and phosphorous used to promote lawn growth.

Child Care Nurseries

Facilities designed or used for the care for six or more children, with or without compensation.

Christmas Tree Cultivation

The planned growth management of trees for sale as Christmas trees.

Clearing

See "Grading."

Coal

Solid fossil fuels classified as anthracite, bituminous, sub bituminous, or lignite by A.S.T.M. Designation D-388-66.

Coarse Woody Debris

Sound and rotting logs that provide habitat for plants, animals, and insects; stabilize soils; and are a source of organic nutrients for soil development. Material is generally greater than 10 centimeters (4 inches) in diameter.

Code

The Code of Ordinances.

Coefficients

See "Bailey Coefficients."

Collective Household

A group of at least two, but not more than six, persons who are unrelated by blood, marriage, or adoption, living together as an independent housekeeping unit.

Collector

Device or area that uses the sun's energy to heat domestic water or to heat, cool, or light a living space, including but not limited to space and domestic water heating and cooling system. See also "Solar Collector."

Combustion Appliance

A device or appliance that produces heat by internal combustion of fuel, including, without limitation, oil, gas, kerosene, coal, wood, or propane.

Commencement of Construction

The pouring of concrete for a foundation, or work of a similar nature upon the permitted structure. Commencement of construction does not include grading, plan preparation, installation of utilities or landscaping.

Commercial

The retail or wholesale sale or rental of any article, substance, commodity, or service.

Commercial and Public Service Area

Areas that have been designated to provide commercial and public services to the region or have the potential to provide future commercial and public services.

Commercial Facilities

A structure designed or used for the support, shelter, or enclosure of persons, animals, or property of any kind, for commercial uses.

Commercial Floor Area

The gross square footage of floor area within the outer wall of a commercial building, not including stairwells and airshafts. The square footage of other facilities relating to such building, including but not limited to decks that are designated for commercial use under a permit, shall be considered commercial floor area. Square footage for the following shall not constitute commercial floor area:

- A. Parking areas, driveways, parking structures, outside stairways, and walkways;
- B. Accessory uses determined by TRPA not to contain additional commercial floor area pursuant to subparagraph 50.6.1.A;
- C. Temporary projects pursuant to Chapter 22: *Temporary Uses, Structures, and Activities*; and
- D. The area of play in an indoor tennis court, the area of water in an indoor swimming pool, and the area for skating in an indoor roller or ice skating rink, provided these are the permanent primary uses and otherwise meet the definition of commercial use.

Common Work Location

See subparagraph **Error! Reference source not found.**

Community Apartment

An undivided interest in land coupled with the right of exclusive occupancy of a unit.

Community Noise Equivalent Level (CNEL)

A measure of noise that is the logarithmic average of single noise event values as measured by a noise monitor.

Community Plan

An area-specific plan for the areas designated in the Goals and Policies as eligible for development and adoption of a community plan. An adopted community plan replaces any plan area statements contained within the same area but carry forward some of the provisions of the plan area statements. Among other things, community plans identify development themes for the area, define desired types and intensities of uses, and generally try to create a coherent vision for the community. See Chapter 12: *Community Plans*.

Commuter

See subparagraph **Error! Reference source not found.**

Commuter Matching Service

See subparagraph **Error! Reference source not found.**

Compact

The Tahoe Regional Planning Compact, as amended and set forth in California Government Code Section 66801, Nevada Revised Statutes Section 277.200, or Public Law 96-551,94 Stat. 3233, (December 19, 1980).

Compliance Measure

See subsection **Error! Reference source not found.**

Condominium

An interest in real property defined or recognized under applicable (California or Nevada) state law as a condominium.

Condominium Development

The division of real property into, or use of real property for, condominiums, including all structures relating to such division or use.

Condominium Conversion

A change in the form of ownership of improved property whereby persons obtain ownership interests in and to, or rights of occupancy of, individual units thereof, including but not limited to, condominiums, community apartments, stock cooperatives and any other similar change in the form of ownership of real property.

Confined

Stream types classified under major categories A and B, and stream type C2, as defined in the report entitled "A Stream Classification System," David L. Rosgen, April, 1985.

Conforming Area Plan

An Area Plan that has been found in conformance with the Regional Plan in accordance with Chapter 13 of the Code of Ordinances.

Conservation Areas

Areas with value as primitive or natural areas, with strong environmental limitations on use, and with a potential for dispersed recreation or low intensity resource management. Conservation areas include:

- A. Public lands already set aside for this purpose;
- B. High-hazard lands, stream environment zones, and other fragile areas, without substantial existing improvements;
- C. Isolated areas that do not contain the necessary infrastructure for development;
- D. Areas capable of sustaining only passive recreation or non-intensive agriculture; or
- E. Areas suitable for low-to-moderate resource management.

Construction

The creation, building, assembly, disassembly, demolition, modification, or reconstruction of a structure.

Construction Site Boundary

A line on final construction drawings identifying the limits of the area of disturbance surrounding a project.

Contiguous Parcels

Parcels whose boundaries touch along one or more sides.

Conversion of Use

See "Change in Use."

Cooking Facilities

Any area within a structure that contains the following: a gas or electric range, stove top and/or oven (not including a microwave oven), a refrigerator in excess of five cubic feet in size, and a standard-sized kitchen sink.

Coverage

See "Land Coverage."

Coverage Coefficients

See "Bailey Coefficients."

Critical Habitat

Any element of the overall habitat for any species of concern that, if diminished, could reduce the existing population or impair the stability or viability of the population. This shall apply also to habitat for special interest species indigenous to the region whose breeding populations have been extirpated but could return or be reintroduced.

Cut-to-Length

A harvesting system in which felled trees are processed into log lengths at the stump before they are carried to the road or landing.

dBa

A measurement of sound intensity in decibels using the "A" weighted scale.

dbh

"Diameter at breast height," or the diameter of a tree measured at four and one-half feet above the ground on the uphill side of the tree. A circumference of 44 inches at breast height may be considered as the equivalent of 14 inches dbh.

Dead Tree

For any coniferous species, a tree that is totally lacking needles, or totally lacking green limbs or needles throughout the crown. For any deciduous species, a tree determined to be physiologically dead by a qualified forester.

Decorative Gas Appliance

A gas- or propane-fueled combustion appliance certified under ANSI standard Z21.50.

Defensible Space Assessor

A person who works for an organization that is operating under a TRPA MOU that has been approved by TRPA, who has successfully completed a Defensible Space Certification Program for Lake Tahoe, and evaluates structures for defensible space. Annual renewal of this certification is required.

Denuded Area

An area of land from which substantially all vegetation has been removed.

Derelict

An abandoned structure or other development. Abandonment is determined without regard to intent to abandon. Evidence of abandonment includes lack of maintenance, access, utility connections, habitability, or ability to function in the applicable use category.

Designated Floodplain

The limits of the 100-year floodplain where established for creeks by the U.S. Army Corps of Engineers and/or the limits of the 100-year floodplain as established by the Federal Emergency Management Agency (FEMA) on a Flood Insurance Rate Map (FIRM). In areas where the U.S. Army Corps of Engineers or Federal Emergency Management Agency has not mapped a floodplain and where TRPA has reason to believe that a flood hazard may exist, the limits of the 100-year floodplain shall be determined by application of standard hydrologic data and methods applied by a competent professional, in consultation with appropriate local jurisdictions, and approved by TRPA.

Desilting Basins

An area used to store water runoff so that suspended sediment is allowed to fall and accumulate at the bottom of the basin.

Develop

The act of creating, establishing, constructing, or altering any project or other activity.

Developed Outdoor Recreation

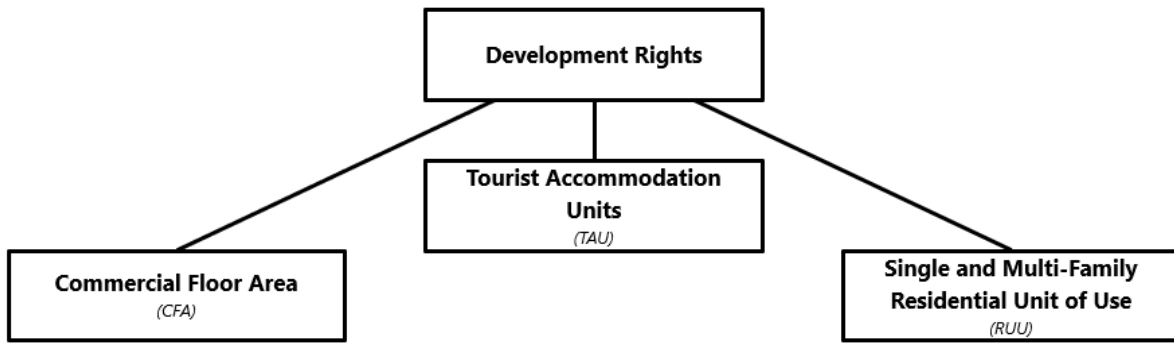
See "Recreation (Developed)."

Developed Recreation

See "Recreation (Developed)."

Development Right

[A legally existing unit of use that must be obtained prior to the construction of a project and commencement of use or activity on a property. A development right is not a vested right. Development rights include commercial floor area, tourist accommodation units, and residential units of use \(comprised of a potential residential unit of use and a residential allocation\). Prior to \[the effective date of the amendments\], a potential residential unit of use was called a "residential development right" for the purposes of Section 50.3. See "Residential Unit of Use \(Potential\)".](#)



~~The right to potential residential use that is attached to certain parcels in the region in accordance with Section 50.3. A development right is not a vested right.~~

Diligent Pursuit

See subparagraph ~~Error! Reference source not found.~~

Directional Sign

Any sign that is used solely for the purpose of traffic or pedestrian direction or safety, and placed on the property to which or on which the public is directed, and that contains no advertising copy.

Discharge-Direct

The release of certain substances into a body of water or ground water.

Discharge-Indirect

The release of certain substances into a body of water by the passage of the substances over the earth.

Diseased Trees

Trees affected with plant pathogens including, without limitation, mistletoe, stalactiform rust and annosus root disease.

Disturbance Zone

The zone around a nest site or animal use area for animals which are highly vulnerable to disturbance.

Disturbed Areas

An area where soil, vegetation, or another natural feature of a site has been removed or substantially altered.

Drainage Way

A man-made depression in the earth's surface in which surface waters collect or flow as a result of rain or melting snow but which is empty at other times.

Dredging

Removing or rearranging earthen materials that are lakeward of the high water line.

Dripline

The area immediately beneath rooftop eaves or other surfaces from which runoff falls, or an area delineated by projection of the periphery of the crown area of a tree down to the ground surface.

Driveway

A clearly identifiable path of vehicular access from the parking area of a parcel to the public right-of-way or other access road. A driveway may be either one-way or two-way.

Eastside Forest Type

Those forests east of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps at <http://trpa.org/gis/>). The TRPA Westside and Eastside Forest Types GIS data layer delineates the eastside forest types and westside forest types in the region.

Edge Zone

The zone where two different plant communities meet or merge.

Effective Date of the Regional Plan

The July 1, 1987, date established by Ordinance 87-9 as the effective date of the Regional Plan. Unless the context indicates otherwise, the calculation of time periods begins from the effective date of the Regional Plan.

Emergency

A situation or circumstance that poses immediate danger to life, property, or the environment and demands immediate action to effectuate compliance with the Compact, or the Regional Plan, Code, and Rules of Procedure.

Emission

The act of passing into the atmosphere an air contaminant or gas stream containing an air contaminant. Also, an air contaminant that passes into the atmosphere.

Employer

See subparagraph 65.4.1.B.7.

Employer Transportation Coordinator (ETC)

See subparagraph **Error! Reference source not found.**

Employer Transportation Plan

See subparagraph **Error! Reference source not found.**

Environmental Assessment (EA)

An analysis used to determine whether a proposed project will have a significant effect on the environment and to determine whether a more detailed Environmental Impact Statement (EIS) will be necessary to provide additional analysis. It includes, among other things, alternatives to the proposed project and discussion of environmental impacts of the project. An EA is required when TRPA determines that an Initial Environmental Checklist (IEC) does not provide sufficient information to fully assess a project's environmental effects.

Environmental Impact Statement (EIS)

An Environmental Impact Statement (EIS) is prepared in order to analyze, among other things, whether a proposed project will have a significant effect on the environment, provide alternatives to the proposed project, recommend methods to mitigate significant effects, and identify significant adverse impacts that cannot be avoided

Environmental Impact Statement (EIS)

The document defined in Article VII of the Compact.

Environmental Improvement Program (EIP)

See Section **Error! Reference source not found.**

Environmental Improvement Program (EIP) GIS Layer

The TRPA Environmental Improvement Program GIS data layer indicates the type and locations for stream environment zone, water quality, transportation, and other environmental improvements.

Environmental Threshold Carrying Capacities

See subsection 1.4.3.

Ephemeral Stream

Flows sporadically only in response to precipitation, with flows lasting a short time.

Erosion Control

Structural or nonstructural techniques applied to a particular site or region to prevent or minimize over land loss of soil or nutrients.

Escape Cover

Habitat that animals use to escape from predators.

Estimated Cost of Construction

A cost estimate prepared by a registered engineer, licensed architect, or other qualified professional acceptable to TRPA, of the cost to construct the structural elements of a structure. This includes, without limitation: pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete. Land coverage mitigation construction cost shall not include non-structural elements such as painting, shingles and other non-bearing roofing materials, siding (except siding necessary to brace or provide shear strength), doors overlays upon existing paved surfaces, HVAC systems, sewer systems, water systems, electrical systems, furniture, and similar decorations and fixtures.

Excavation

The digging out of earthen materials. See also "Grading."

Executive Director

The executive officer of TRPA.

Exempt

Activities that are not subject to review and approval by TRPA. See Section **Error! Reference source not found.**

Exhaust Emissions

The products of combustion emitted into the ambient air from any opening downstream of the exhaust ports of an engine.

Existing

Legally present or approved on the effective date of the Regional Plan or subsequently legally constructed, commenced, or approved pursuant to necessary permits. Derelict structures are not considered existing for purposes of Chapters 50, 51, and 52 nor are projects whose approvals have expired.

Exotic Animals

Animals, other than household pets and other domestic animals such as farm animals, which do not occur naturally in the Lake Tahoe Basin. Exotic animals do not include established nonnative fish or game birds but do include mammals, birds, reptiles, and fish not indigenous to North America or the Sierra Mountain Range.

Expansion

An increase in size or extent of an existing structure or use that results in additional commercial floor area, additional residential units, additional tourist accommodation units, additional PAOTs, additional land coverage, vehicle trips, or other capacities regulated by this Code. For any “expansion” applicable to the shorezone, see subsection **Error! Reference source not found.**

Facility

A stationary man-made feature that is attached directly or indirectly to the lands or waters of the Region.

Factory-Built House

House constructed by an automated process entirely in a factory. There is little or no functional difference between factory-built housing and site-built housing. Factory-built houses include the following:

- A. “Modular Homes”: This is a type of factory-built home in which the individual sections are constructed at the factory, transported to the site on truck beds, and assembled on site by local contractors. They are built to the state, local, or regional code where the home will be located.
- B. “Panelized Homes”: These are factory-built homes in which panels, such as a whole wall with windows, doors, wiring, and outside siding, are transported to the site and assembled. The homes must meet state or local building codes where they are sited.
- C. “Pre-Cut Homes”: This is the name for factory-built housing in which building materials are factory-cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log, and dome homes. These homes must meet local, state, or regional building codes.

Family

One person, or more persons, occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, motel, or like establishment.

Fawning Habitat

The area normally used by deer for the birth and rearing of young.

Feasible

Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Feller-Buncher

A machine that fells and gathers trees. Feller-bunchers fell and bunch trees mechanically with hydraulically-driven chain saws, circular saws, or shears. The feller-buncher bundles trees for a grapple skidder or cable skidder to pick up.

Fertilizer

Inorganic, organic, or synthetic composition that is used to supply artificial amounts of nutrients for the purpose of increasing soil or plant productivity.

Fertilizer Management Program

Guidelines that outline the appropriate use of fertilizer.

Fill

Any rock, soil, gravel, sand, or other material deposited by man. See also "Grading."

Final Action

A decision by TRPA to approve, require modification, or reject a proposal considered by TRPA.

Final Map

A map of a subdivision placed on record as a final subdivision map in the recorder's office of a local government.

Findings

A written statement supported by substantial evidence in the record of the ultimate facts and the rationale supporting a conclusion that applicable Code or Compact requirements are met.

Finish Grade

The final grade of the construction site that conforms to the approved plan.

Finish Grading

Smoothing of an earthen surface to bring it to final grade.

Firebreaks

An area cleared of vegetation to act as a gap between continuous combustible materials.

Fireplace

An open structure, usually masonry, for containment of a fire. See also "Wood Heater."

Fireplace Inserts

See "Inserts."

First Order Stream

A natural depression that conveys surface water to major or minor streams or other receiving waters. A first order stream is a mappable, unbranched tributary. It may not normally contain flowing water and may flow only during storms or snowmelt periods. Examples include swales, ravines, draws, natural ditches, and hollows.

Fish and Wildlife Management Projects

Structural or non-structural projects that enhance or create habitat for fish or wildlife.

Fish Habitat

The combination of qualities that creates suitable conditions for the growth, reproduction, and production of fish. The term specifically refers to the environmental characteristics necessary for food, water, cover, and reproduction needs.

Fisheries

Pertains to the growth, reproduction, and production of fish present in the waters within the Lake Tahoe Basin.

Floating Docks or Platforms

Structures designed to float on a water surface that are attached either to the shoreline or to a lake bottom.

Floating Breakwaters

Structures designed to float on a water surface that are attached either to a shoreline or to a lake bottom. Their purpose is to suppress wave action.

Floodplain

An area adjoining a water course, lake or other body of water that has been or may be covered by flood water.

Food Habitat

An area where environmental conditions are favorable for supplying food to a particular species.

Forage Carrying Capacity

A standard necessary to maintain a level of palatable vegetation.

Foreshore

The zone of a lake level fluctuation that is the area between the high and low water level. (For Lake Tahoe, the elevations are 6,229.1 feet Lake Tahoe Datum and 6,223.0 feet Lake Tahoe Datum, respectively.)

Forest Pest

An animal or insect causing a threat to a forest stand or tree.

Forwarder

A self-propelled machine, usually self-loading, that transports trees or logs by carrying them completely off the ground.

Foundation

The structural support system of a building or other structure.

Fracture

A break in the topography or land form.

Freestanding Sign

Any type of sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces in or on the ground; or that is placed upon a planter, pedestal, retaining wall, or other structure and not supported by a building.



Freestanding Sign

Freeway

A divided arterial highway with full control of access and with grade separations at intersections.

Geographic Information System (GIS)

A Geographic Information System (GIS) is a digital mapping tool designed to capture, store, analyze, and present spatial and geographic data. A GIS data layer is a visual representation of a single geographic dataset such as a feature in the natural or built environment or regulatory boundary in a digital map. Typically, several GIS data layers are added to a map to compare features such as a road GIS data layer compared to a GIS data layer showing park areas.

Geomorphic Unit

A particular type of landform as described in the Bailey Report. The geomorphic unit map (1971) and geomorphic unit GIS data layer indicate the type and location of geomorphic units.

Governing Board

The Governing Body of the TRPA as defined in Article III of the Compact.

Grading

Cutting through or otherwise disturbing the layers of the soil mantle so as to change the existing landform, including, but not limited to, disturbing the soil mantle for construction of a driveway, parking area, utility line, building, or other structure. Also includes filling, excavation, and clearing.

Grading Season

The period each year during which grading is permitted commencing May 1 and ending October 15.

Groin

See "Jetty."

Groundwater Between 20-40 Inches

Evidence of ground water between 20 and 40 inches below the ground surface (somewhat poorly drained soil).

Handbook of BMPs

The document that sets forth the Best Management Practices.

Harbor

A shorezone area that is protected from wave forces and deep enough to provide for the anchorage or moorage of a boat.

Harvester

A machine that falls trees and performs processing functions at the stump, including, but not limited to cut-to-length harvesters and feller-bunchers.

Hazardous Tree

A tree identified as dangerous, immediately or in the near future, to lives or property.

Head of Livestock

One horse, mule, sheep, cow, steer, or other four-legged grazing animal.

Healthy Trees

Trees that are not diseased or infested.

Height

See subsection **Error! Reference source not found..**

Height of Sign

For a freestanding sign, the vertical distance measured from the curb grade of the nearest street to the highest point of the sign or sign structure. For a building sign, the vertical distance measured from the building grade to the highest point of the sign or sign structure.

Helipad

For the landing of or take off of helicopters. A helipad does not have fueling, maintenance, or other support activities associated with its operation.

Heliport

An area of land, water or a structure, intended or used for the landing or take-off of helicopters. A heliport has fueling, repair, or support activities associated with its operation.

Helispot

An area of land, water, or a structure used for the landing or take-off of a helicopter for an emergency, or for a predetermined limited basis.

High Water Elevation

The established upper elevation limit of the surface of a body of water. (For Lake Tahoe, the high water elevation is 6,229.1 Feet Lake Tahoe Datum.)

High Water Line

Elevation 6,229.1 feet, Lake Tahoe Datum, for Lake Tahoe.

Historic Resources

Structures, buildings, sites, districts, or objects having historic, prehistoric, archaeological, or paleontological significance.

Home Occupations

A use that is customarily conducted entirely within a dwelling by the residents of the dwelling, provided the occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes. The following activities are prohibited as part of home occupations: Sales of products not produced on the premises, unless the sales are done by written order with no commodities or displays on the premises; employment of more than one person other than the residents of the dwelling; No signs or structures advertising the occupation; outside storage of materials or supplies incidental to the home occupation; and more than one home occupation is carried on in a dwelling. The following uses are examples of home

occupations: consultative professional occupations, whose function is one of rendering a service; a secondary business office; the making of clothing; the giving of music lessons; and the creation of crafts.

IBC

The International Building Code.

Impervious Coverage

See "Land Coverage."

Indicator

See subsection **Error! Reference source not found..**

Indirect Discharge

See "Discharge - Indirect."

Indirect Source

A facility, building, structure, installation, real property, road, or highway that generates or may generate mobile sources of air pollution or serve as a trip end. Indirect sources include, but are not limited to, parking facilities, airports, and retail facilities.

Infiltration Facility

A device used to percolate runoff into the soil, including without limitation a rock-filled trench or basin.

Initial Environmental Checklist (IEC)

A checklist submitted with all applications used to evaluate, on a preliminary level, whether the project will have a significant effect on the environment and serves as basis to determine whether additional environmental analysis is required through an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

Innovative Techniques

As used in subparagraph **Error! Reference source not found..**, newly introduced, but not well-established, silvicultural and harvesting techniques that are designed to be low impact on the environment.

Innovative Technology Vehicles

Motorized vehicles used in vegetation management (including tree removal) operations that have been designed so as to minimize impacts to soils and vegetation. Innovative technology vehicles should be able to be operated in a manner than minimizes disruption of the soil surface (soil detachment), soil compaction, and damage to vegetation. Depending on specific site conditions (e.g., soil type, soil conditions, slope) and the method of operation, the use of low-ground pressure logging vehicles such as certain harvesters and forwarders may qualify as "innovative technology" vehicles.

Insert

An air-tight design placed inside a masonry fireplace that provides greater heating efficiency.

Insignificant Increase

See subparagraph **Error! Reference source not found..**

Inspection and Maintenance Program

As used in subsection **Error! Reference source not found.**, a program to reduce emissions from in-use vehicles by identifying vehicles that need emissions control-related maintenance and requiring that maintenance is performed.

Instream Flow

The rate and volume of water passing through a stream channel.

Instream Flow Diversions

The removal of water from a stream channel so as to divert the flow of water or to partially or totally reduce the flow of stream water below the point of diversion.

Instream Value

The ecological or other value integrally linked to the flow of a stream at a given volume and rate.

Intensification of Impacts

Any action relating to an existing use or structure that significantly increases adverse environmental impacts for the categories set forth on the TRPA Environmental Checklist.

Intensification of Use

Any action relating to an existing use that impacts on the extent of nonconformity with provisions of the Code, including, but not limited to, coverage, noise, increases in-vehicle trips, and design standards.

Interim Target

See subsection **Error! Reference source not found.**

Intermittent Stream

A stream that only flows at certain times of the year. For example, when it receives water from springs or from a surface source such as melting snow.

Invasive Species

The term refers to species, both aquatic and terrestrial, that establish and reproduce rapidly outside of their native range and may threaten the diversity or abundance of native species through competition for resources, predation, parasitism, hybridization with native populations, introduction of pathogens, or physical or chemical alteration of the invaded habitat. Through their impacts on natural ecosystems, agricultural and other developed lands, water delivery and flood protection systems, invasive species may also negatively affect human health and/or the economy.

Irrevocable Commitment

For purposes of subparagraph 12.7.3.E.18, irrevocable commitment to fund each priority public benefit or related mitigation measure (collectively referred to in this subsection as "measures") shall mean the following:

- A. The public entity funding the measure or, when necessary, the electorate, has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and only ministerial acts necessary to the issuance of any such bonded indebtedness and the receipt of funds therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure for the measures;

- B. The application for state and federal grant monies has received approval and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for such public improvements in accordance with the final or demonstration redevelopment plan;
- C. The measures are approved and funded as part of a public entity's capital improvement program;
- D. Where the funding of the measures is the responsibility of the developer, TRPA shall ensure that the public entity shall have received sufficient funds or an acceptable security to fully fund the measures;
- E. The public entity funding the measure has received a funded commitment from another public entity as described in A through C above; or
- F. Any combination of A through E above.

Jetty

A man-made barrier in the water that is usually but not always perpendicular to a shoreline.

Kitchen

A room with cooking facilities.

Kitchen Facilities

See "Cooking Facilities."

Kitchen Unit

A unit with cooking facilities.

Lagoons (Man-Made)

A body or channel of water created by man, but not including existing marinas or modifications thereto.

Lake

A water body greater than 20 acres in size, exceeding two meters deep at low water and lacking trees, shrubs, persistent emergents, emergent mosses or lichens with greater than 20 percent aerial coverage.

Lakefront Façade

The surface area of the lakefront elevation(s) for all primary and accessory buildings and other structures, with visible area for a given project area within the shoreland.

Lake Tahoe Datum

Elevation Lake Tahoe Datum equals elevation United States Geological Survey plus 1.14 feet.

Lakeward

In the direction of a lake or other body of water as applicable.

Lakezone

The zone including that area of a lake located beyond the lakeward limits of the nearshore.

Land Bank

An entity designated by TRPA to perform the functions set forth in Section 6.9.

Land Capability District

A soils unit designated on the adopted TRPA land capability map and denominated by a numerical rating of one through seven (e.g. Land Capability District 1). The system was devised by Dr. Robert G. Bailey for the U. S. Forest Service and is detailed in the Bailey Report.

Land Coverage

A man-made structure, improvement, or covering, either created before February 10, 1972, or created after February 10, 1972, pursuant to either TRPA Ordinance No. 4, as amended, or other TRPA approval, that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement, or covering. Such structures, improvements, and coverings include, but are not limited to, roofs, decks, surfaces that are paved with asphalt, concrete, or stone, roads, streets, sidewalks, driveways, parking lots, tennis courts, patios; and 2) lands so used before February 10, 1972, for such uses as for the parking of cars and heavy and repeated pedestrian traffic that the soil is compacted so as to prevent substantial infiltration. A structure, improvement or covering shall not be considered as land coverage if it permits at least 75 percent of normal precipitation directly to reach the ground and permits growth of vegetation on the approved species list. See also "Potential Land Coverage." Common terms related to land coverage are:

- A. Hard Coverage—man-made structures as defined above.
- B. Soft Coverage—compacted areas without structures as defined above.

Land Disturbance

Disruption of land that includes alteration of soil, vegetation, surface hydrology, or subsurface hydrology on a temporary or permanent basis, through action including, but not limited to, grading.

Landing

A centrally located log collection area to which logs are skidded or yarded and then loaded for shipment.

Landscaping

The decoration of an area with plants and other vegetation.

Late Seral (Successional)/Old Growth

Coniferous forest stands that contain a relative greater density of large and/or old trees, typically in an advanced stage of community succession. Old-growth communities vary in structural character (number of canopy layers, size of snags, and size of coarse woody debris) due to tree species composition, disturbance regime, and the edaphic site qualities (defined by site specific substrate, precipitation and solar radiation index).

Lawn

An area planted with grass species, usually closely mowed.

Legally Existing

See definition for "Existing."

Level of Service

For an intersection or roadway segment, the level of service is the delay to motorized vehicles and the volume/capacity ratio and is expressed by a series of letter grades from A (low v/c ratio and delay) through E (high v/c ratio and delay) and F (blocked).

Limited-Use Roads

A class of roads, other than dedicated public roads, for which the primary use is timber harvest operations.

Linear Public Facilities

Public service facilities that are linear in nature such as roads, streets, trails, utility transmission and distribution facilities, and other similar right-of-ways. This term also includes accessory uses to such facilities, including without limitation pump houses, lift stations, substations, and access right-of-ways.

Littoral Parcel

A parcel of land adjoining or abutting the high water elevation of a lake.

Littoral Processes

The redistribution of sediments within the foreshore or nearshore in response to energy generated by waves or longshore currents that have not been disrupted by man-made structures.

Livestock

Domestic animals, such as cattle or sheep, raised and used for commercial purposes.

Livestock Containment Facilities

Structures built or used to hold livestock, including, but not limited to, corrals.

Living Area

The enclosed areas of a structure, including the living area for all stories of the structure, not accessible to motor vehicles.

Local Government Neighborhood Compatibility Requirements

Requirements implemented and enforced by a local government through a cooperative agreement with TRPA that regulate vacation rentals to ensure neighborhood compatibility. Such requirements include, but are not limited to, mitigating the potential adverse impacts related to refuse/garbage, parking, occupancy, noise, lighting, and signage.

Local Resident

A person whose primary residence is in the Tahoe region as evidenced by a driver's license.

Lock-Off Unit

A lock-off unit is a tourist accommodation unit within a residential design timeshare use that exists within a split-use unit and consists of one or more bedrooms (or sleeping quarters) and baths, but does not contain kitchen facilities. A lock-off unit is created by "locking-off" the kitchen and one or more baths and bedrooms (or other sleeping quarters) in the split-use unit thereby creating a hotel-type tourist accommodation unit that may be rented or leased separately from the remainder of the split-use unit. A lock-off unit constitutes one tourist accommodation unit of the two tourist accommodation units that constitute, or are required for, a split-use unit, except as set forth in Chapter 11: *Plan Area Statements and Plan Area Maps*.

Log Culverts

Logs placed in a stream to facilitate crossing by equipment.

Lop and Scatter

A slash treatment method where limbs and tops of felled, dead, or damaged trees are cut into short lengths and scattered throughout an area without any concentration. The method requires that no portion of the slash shall be more than twenty inches above the ground and that all unmerchantable chunks are scattered.

Lot

See "Parcel."

Low-Emission Vehicle

A vehicle certified by a state or the U.S. Environmental Protection Agency as a "Low Emission Vehicle."

Low-Level Boat Lift

A device with forks attached to a pier that reaches under a boat to lift it from the water for temporary storage.

Low Water Elevation

The established lower surface elevation for fluctuation within a body of water. (For Lake Tahoe, the low water elevation is 6,223.0 Feet Lake Tahoe Datum.)

Maintenance

- A. Ordinary and routine activities necessary to keep a structure in good working order and to prevent deterioration caused by natural conditions. Examples of maintenance include washing, painting, caulking, and rewiring. Maintenance shall not include replacing any part of a structure.
- B. As used in subparagraph **Error! Reference source not found.**, "maintenance" is the ordinary upkeep, repair, and preservation of the condition of a sign in order to keep the existing sign components (including color) safe, neat and orderly in condition and appearance and to prevent corrosion or deterioration caused by weather, age, or other conditions. Maintenance does not include any changes to the sign area that result in a different message, color scheme, or graphic design, or any changes in the external dimensions of the sign or structure.

Maintenance Area

See subparagraph **Error! Reference source not found.**

Maintenance Dredging

The dredging of areas that previously have been dredged to maintain legally established lake bottom elevations, and dimensions, with the legally established elevations and dimensions based on previous permits, plans, physical evidence, or other such documentation.

Major Arterial

U.S. Highway 50; S.R. 89, California; S.R. 28, Nevada and California; S.R. 267, California; S.R. 431, Mt. Rose, Nevada; S.R. 207 Kingsbury Grade, Nevada; Loop Road (Lake Parkway, Montreal Road from the state line to Park Avenue, Park Avenue from Montreal Road to Pine Boulevard, and Pine Boulevard to the state line); Ski Run; Pioneer Trail; Al Tahoe Boulevard; Lake Tahoe Boulevard; Fallen Leaf Lake Road; Tahoe Keys Boulevard; Lake Shore and Country Club Drive, Incline Village Nevada; Sierra Boulevard; Black Bart; Venice Boulevard; and Village Boulevard.

Major Evaluation Interval

See subsection **Error! Reference source not found.**

Major Stream

A continuously flowing water body and its associated topography. A major stream is usually identified as a permanent stream on a U.S. Geological Survey (USGS) topographic map, 7.5-minute series and classified by TRPA as a third or higher-order streams.

Major Use Classifications

The six use classifications listed in the Table of Primary Uses in Section 21.4, being; I. Residential; II. Tourist Accommodation; III. Commercial; IV. Public Service; V. Recreation; and VI. Resource Management.

Man-Made Channel

A channel constructed by man for the purpose of conveying water or a channel created by water being discharged from a man-made source, such as a culvert or pipe.

Manufactured Home

A home built entirely in the factory on a non-removable steel chassis that is transported to the building site on its own wheels and installed under a federal building code administered by the U.S. Department of Housing and Urban Development, according to the Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) that went into effect June 15, 1976. This term does not include a mobile home dwelling or factory-built housing.

Marine Railway Systems

A boat ramp designed to use a railed vehicle to launch and retrieve watercraft.

Master Plan

A plan for a defined area that provides more detailed planning to ensure that projects and activities in the area are consistent with the Goals and Policies, the Plan Area Statements or community plans, and the Code.

Maximum Height

See subsection **Error! Reference source not found..**

Maximum Land Coverage

Allowable base land coverage plus allowed transferred coverage.

Materially Damaged

As used in subsection **Error! Reference source not found.**, any of the following activities or alterations to a live tree that would require a permit to remove; (1) topping; (2) the removal of live limbs within the upper two thirds of the total tree height; (3) girdling; (4) the application of chemicals harmful to the tree; (5) purposefully exposing the cambium layer; or (6) other damage to the tree that will potentially result in its death or disfigurement, or in a significant increase in its susceptibility to insects or disease.

Measurement Standard

See subsection **Error! Reference source not found..**

Mitigation (Onsite)

Mitigation measures, such as the removal of land coverage, applied in the project area of the project being mitigated.

Mitigation (Offsite)

Mitigation measures applied outside the project area of the project being mitigated.

Mobile Home Dwelling

See Table 21.4-A: Primary Use Definitions.

Moderate Income Housing

Residential housing, deed-restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county's median income. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the [US Department of Housing and Urban Development](#) and, if applicable, the California Department of Housing and Community Development.

Modification

Changes in the form or substance of a structure or activity.

Modified Stationary Source

Any physical change, change in method of operation of, or addition to, an existing stationary source, or any change in hours of operation, process, or production rate, except that routine maintenance or repair shall not be considered to be a physical change. A reconstructed source shall be treated as a new stationary source. Unless previously limited by a permit condition, a replacement of a piece of equipment with an identical piece of equipment with emissions less than or equal to those from the original piece of equipment shall not be considered a modified stationary source.

Montane Zone

The montane zone is all lands below 7,000 feet elevation.

Mooring Buoy

See "Buoy."

Multi-Residential

Residential development at a greater density than one unit per parcel.

Multi-Residential Bonus Units

Bonus units available for use only in multi-residential projects.

Multi-Residential Facilities

Residential uses, with two or more units per structure, that meet the Transit Oriented Development standards set forth in subparagraph 11.8.4.C.1 or the functional equivalent as defined in subparagraph 11.8.4.C.3.

Multiple-Use Facility

A shorezone facility, usually but not always a pier, which is used by the public, homeowners association, or two or more littoral parcel owners, and is recognized by TRPA as multiple-use pursuant to subsection **Error! Reference source not found.**

Native Plants

Plants indigenous or occurring naturally in the Lake Tahoe Basin. See also "Plant List."

Natural Ground Elevation

See subsection **Error! Reference source not found..**

Natural Hazard Maps and GIS Data Layers

The natural hazard maps and GIS data layers indicate locations of avalanche zones, earthquake zones, and flooding zones.

Natural State

That condition that is found in nature and not modified by human intervention.

Navigational Structure

A structure or device maintained solely as an aid to boat navigation.

Near Natural State

Approximating natural conditions.

Nearshore

The zone extending from the low water elevation of Lake Tahoe (6,223.0 feet Lake Tahoe Datum) to a lake bottom elevation of 6,193.0 Feet Lake Tahoe Datum, but in any case, a minimum lateral distance of 350 feet measured from the shoreline. In other lakes, the nearshore extends to a depth of 25 feet below the low water elevation.

Near Surface Groundwater

Evidence of ground water within 20 inches of the ground surface (poorly drained soil).

Nesting Habitat

The area normally used by a species of bird for the nesting and rearing of young.

Net Environmental Benefit to a Stream Environment Zone

See subparagraph **Error! Reference source not found..**

New Development Potential

The regional potential for additional residential, commercial, tourist accommodation, public service, recreation, and related growth, as limited by the number of existing development rights currently remaining and the Bailey coefficients for land coverage. The number of existing development rights is the number of development rights created on July 1, 1987, pursuant to Chapter 31, as amended, minus development rights that have been extinguished. New development potential for piers is limited by subparagraph 82.3.3of the Code.

Noncommercial Copy

See subsection **Error! Reference source not found..**

Nonconforming Sign

A sign that is legally existing or approved as of the effective date of Chapter 38: *Signs*, that does not comply with the applicable standards set forth in that chapter.

Nonconforming Use

See subsection 21.2.3 and, for uses within the shorezone, see subsection **Error! Reference source not found..**

Non-Attainment Area

An area not in attainment of federal primary air quality standards as designated by the Environmental Protection Agency.

Non-combustion Heaters

Electric heaters.

Non-Native Species

Animals, other than domestic animals and household pets, that do not occur naturally in the Lake Tahoe Basin or which have been artificially introduced or established by man.

Non-Permanent Structure

A non-permanent structure is a structure meeting the requirements of subparagraph **Error! Reference s**
ource not found..

Non-Sensitive Lands

For lands with IPES scores, those lands above 725; for lands without IPES scores, those lands identified as Land Capability Districts 4, 5, 6, or 7; and that are not within the back shore.

Nursery Habitat

The area where juvenile fish seek food and cover.

One Hundred-Year Floodplain

The area that would be inundated by a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.

Open Burning

As applied in Nevada only, a fire that emits the products of combustion into the atmosphere without passing through a stack or chimney.

Optimum Stocking Level

The number of trees on a given area that maximizes the growth rate and overall health of a stand of trees.

Organized Recreation Camps

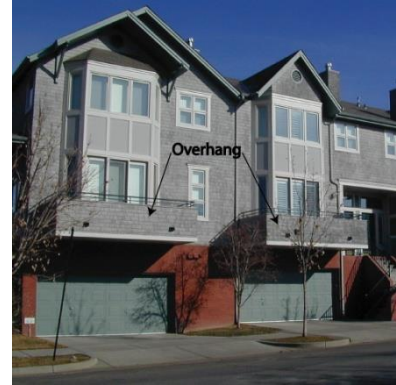
Land or premises containing structures designed to be used for organized camping.

Ornamental Vegetation

The landscaping of property with shrubs, trees, and other vegetative ground cover not native to the Tahoe region.

Overhang

The portion of a structure that is cantilevered so as to not require a structural member attached to the ground, or is a deck with no structure underneath supported by posts. For a building or deck, the overhang is that portion of the structure extending beyond a continuous foundation wall.



Overhang

Over-Snow Removal

Removal of trees from a project site using yarding equipment capable of traveling over snow without disturbing the soil or vegetation beneath.

Oversteepened Cut Slopes

Slopes steeper than 2:1.

PAOT (People At One Time)

The number of people that a recreation use can accommodate at a given time. A measure of recreation capacity.

Parcel

An area of land or, in the case of a condominium, separate space, whose boundaries have been established by some legal instrument such as a recorded map or recorded deed and that is recognized as a separate legal entity for purposes of transfer of title.

Parcel Consolidation

The merging of two or more contiguous parcels into one parcel.

Parcel Line Adjustments

A change in the legal boundary or boundaries of a parcel.

Parcel Map

A map required by state law for the division of land into parcels.

Particulate Matter

Material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

Peak-Period Commuter

See subparagraph **Error! Reference source not found..**

Pedestrian-Oriented Sign

A permanent, non-illuminated sign with an area less than five square feet on any one side, and not over ten feet above ground level.

Percent Cross Slope Retained Across Building Site

See subsection **Error! Reference source not found..**

Perching Site

A tree, cliff, or other high platform, used by raptors for resting, sitting, or viewing.

Perennial Stream

Permanently inundated surface stream courses. Surface water flows throughout the year except in years of infrequent drought. Perennial streams shall be those shown as solid blue lines on USGS Quad Maps, or streams determined to be perennial by TRPA.

Permissible Use

Allowed uses or special uses approved by the Governing Board. See also accessory uses, Section 21.3, and accessory structures, subsection **Error! Reference source not found..**

Person

An individual, partnership, corporation, business association, joint venture, group of individuals, or governmental entity.

Person-Trip

A one-direction movement of an individual person which begins and ends at a trip end.

Pervious

Any surface that allows at least 75 percent of precipitation to directly reach and infiltrate the ground throughout the life of the surface.

Pier

A fixed or floating structure extending from the backshore to beyond the line marking the high water elevation of a lake.



Portable Sign

Pierhead Line

A line established on the adopted shorezone maps of TRPA.

Plans

Plans include the TRPA Regional Plan as defined in the TRPA Compact, other plans that are authorized by the Regional Plan and have been adopted by the TRPA Governing Board, and Area Plans that are authorized by the Regional Plan and that have been adopted by a Local Government and have been found by TRPA to be in conformance with the Regional Plan.

Plant List

The Recommended Native and Adapted Species List adopted by TRPA.

Political Sign

A sign advertising a candidate for public office, proposition, or other issue to be voted on by the electorate.

Pond

A standing water body less than 20 acres in size and/or less than two meters deep at low water.

Portable Sign

Any sign not permanently affixed to the ground or a building.

Possible Contaminating Activity

Activities equivalent to TRPA primary uses identified by either the California Department of Public Health Services or the Nevada Bureau of Health Protection Services, regardless of where the project is located,

as having the potential to discharge contaminants to surface or ground waters. Such uses include but are not limited to those listed in subsection **Error! Reference source not found..**

Potential Land Coverage

The land coverage allowed as base coverage in Chapter 30: *Land Coverage*, but that does not physically exist.

Predominantly Urbanized Area

See subsection **Error! Reference source not found..**

Prescribed Fire

The planned application and confinement of fire by professionally trained public agency fire personnel to wild land fuels on lands selected in advance of that application to achieve any of the following objectives: 1) prevention of high-intensity wild land fires through reduction of the volume and continuity of wild land fuels; 2) watershed management; 3) range Improvement; 4) vegetation management; 5) forest improvement; 6) wildlife habitat improvement; or 7) air quality maintenance.

Previous Use

See subparagraph **Error! Reference source not found..**

Primary Riparian Vegetation

The following vegetative community types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"

- A. Type 0: Open water - Open water, Swamps and pools and Vernal pools.
- B. Type 2: Herbaceous - Wet marsh or meadow and Sphagnum bog.
- C. Type 7: Riparian shrub - Willow thicket and Alder thicket.
- D. Type 9: Broadleaf - Low elevations.

Primary Transit Routes

- A. Highway 50 - from Carson City to Highway 89
- B. Highway 89 – from Truckee to Highway 50 at the South Lake Tahoe “Y”
- C. Highway 28 – from Highway 89 in Tahoe City to the intersection with Country Club Drive in Incline Village
- D. Highway 267 – from Truckee to Highway 28
- E. Highway 207 – from Daggett Summit to Highway 50

Prime Fish Habitat

In Lake Tahoe, the zone of water and substrate less than 30 feet deep where suitable habitat exists for purposes of spawning, feeding, or escape cover, or as designated on TRPA Prime Fish Habitat Maps.

Problem Assessment

A comprehensive identification and evaluation of a significant degradation of the environment prepared by TRPA and used as the basis for action plans provided for in Section **Error! Reference source not found..**

Prohibited Use

See subsection 21.2.4, and for uses within the shorezone, see subsection **Error! Reference source not found..**

Project

An activity undertaken by any person, including any public agency, that may substantially affect the land, water, air, space or any other natural resources of the Region. See also Chapter 2.

Project Area

See subparagraph **Error! Reference source not found..**

Project Controller

See subparagraph **Error! Reference source not found..**

Project Cost

The fair market value of materials and services used in constructing and implementing a project.

Projecting Sign

A sign other than a building sign which projects from and is supported by a wall of a building, and is not parallel to the plane of the wall.



Projecting Sign

Property Transportation Coordinator (PTC)

See subparagraph **Error! Reference source not found..**

Protective Structure

A structure placed in a body of water or the area of wave run-up, to prevent erosion.

Public Athletic Fields

Play fields constructed and operated by or for schools and government agencies primarily for team sport usage, such as baseball, football, and soccer. Public athletic fields are typically open for public use for at least 120 days between May 1 and October 31. Golf courses, landscaping, lawns, meadows, ski runs, and similar open space are not considered public athletic fields.

Public Entity

A public service or quasi public entity that is responsible for public transportation, linear public facilities, utility services, public health and safety, public education, environmental protection, or public open space.

Public Safety Facilities, Essential

Fire and law enforcement facilities and/or stations, including apparatus bays, apparatus maintenance buildings, living quarters, and offices; training facilities including training towers; emergency operation center buildings; emergency communication towers, and fire prevention and fuel management work centers.

Public Service

Public or quasi-public uses or activities pertaining to communication, transportation, utilities, government, religion, public assembly, education, health and welfare, or cultural and civic support. It does not include such uses or activities that are primarily involved in commercial enterprises.

Qualified Exempt

Activities not subject to review and approval by TRPA upon the filing of a declaration pursuant to subsection **Error! Reference source not found.**

Qualified Forester

A person who: 1) is a California Registered Professional Forester (RPF); or 2) holds a Bachelor of Science degree, with a major in Forestry, Renewable Natural Resources, or closely related field, and has had a minimum of three years verifiable experience in forestry-related work. A valid California Registered Professional Foresters (RPF) License shall be required per California State law for any natural person or entity performing forestry work in California.

Quasi-Public

Having the purpose of providing a public service as a utility and under regulation of state, local, or federal law, such as a telephone company, electric power company, TV cable company, and natural gas supplier, or provide services for the public health and welfare or for educational or cultural purposes, on a voluntary or non-profit basis.

Range Professional

A person either meeting the requirements for the Federal Rangeland Management Series (GS-454) of the U.S. Office of Personnel Management, licensed as a Certified Rangeland Manager under the California Professional Foresters Licensing Act (PFLA), or the Certified Range Management Consultants(CRMC) certification program provided by the Society for Range Management.

Reasonable Further Progress

Annual incremental reductions in emissions of the applicable air pollutant that are sufficient to provide for attainment of the applicable national air quality standard by the dates established under the Clean Air Act, as amended in 1977.

Receiving Parcel

Parcel to which coverage, an allocation, or other development is transferred.

Reconstruction

The replacement of all or an entire portion of an existing structure without changing the structure's dimensions or function. The concept of "reconstruction" shall be a functional one to include substitution of one kind of material for another, for example steel for wooden piles, or synthetic for wood decking, even where those changes may result in a negligible change in the dimension or change in appearance of the structure (e.g., placing a steel pile around an existing wood pile). Notwithstanding the foregoing, the replacement of a structure may qualify as a reconstruction where there is a reduction (without reconfiguration) in the dimension of the structure resulting in an improvement to environmental conditions (e.g., replacing double pilings with single pilings; replacing a pier without a previously existing boat house). No reconstruction shall increase the visual mass or contrast rating of the previously existing structure.

Recreation Areas

Areas with good potential for developed outdoor recreation, park use, or concentrated recreation.

Recreation (Developed)

Outdoor activities that are enhanced by the use of man-made facilities, including, but not limited to, campgrounds, marinas, and ski areas.

Recreation (Dispersed)

Activities such as hiking, jogging, primitive camping, nature study, fishing, cross country skiing, rafting/kayaking, and swimming. The use does not usually involve the use of developed facilities.

Recreation (Dispersed Outdoor)

Outdoor recreational uses that require few or no developed facilities, require no motorized vehicles, and generally occur in rural areas such as hiking; horseback riding; jogging; dispersed, primitive, or back country camping; fishing and hunting; nature study and photography; rafting and kayaking; sightseeing; dispersed beach recreation; swimming; sunbathing; and cross country skiing shall be allowed uses throughout the region. See also "Recreation (Dispersed)."

Recreation (Urban)

Indoor and outdoor activities primarily designed for use by the residents of the region, including, but not limited to, athletic fields and neighborhood parks.

Recreational Fires

Fires used in connection with a recreational activity, including, but not limited to, campfires and barbecues.

Redevelopment

New construction on a site that has existing uses and structures. Redevelopment is not limited to designated Redevelopment Areas or Districts.

Redirection

The redirection of development designation is designed primarily to improve environmental quality and community character by changing the direction of development or density through relocation of facilities and rehabilitation or restoration of existing structures and uses.

Region

All that area described in Article II(a) of the Tahoe Regional Planning Compact. See also Basin.

Regional Plan

The long term general plan for the development of the region and as more specifically described in Article V of the Compact.

Rehabilitation

Upgrading existing facilities by repair, reconstruction, or modification.

Reinforcement

The provision of telephone capacity for existing or projected telephone communication service along existing or approved transmission or distribution routes.

Remedial Action Plan

A plan to correct environmental degradation.

Remedial Vegetation Plan

A plan to address areas where remedial management of vegetation is necessary to achieve and maintain environmental thresholds for health and diversity in vegetation.

Rental Car

A passenger vehicle designed to carry not more than ten persons and that is available for rental on a daily or other basis to members of the general public. The definition of rental car does not include a taxi, limousine, motorhome, truck, or motorcycle.

Rental Transaction

See subparagraph **Error! Reference source not found.**

Repair

Activities necessary to put back a structure to good and sound condition after decay or damage without changing the structure's dimensions or function. Repairs include replacing components of a structure, such as decking, structural members, piles, re-siding, re-roofing, and replacement of electrical or mechanical gear. The concept of "repair" shall be a functional one to include substitution of one kind of material for another, for example steel for wooden piles, or synthetic for wood decking, even where those changes may result in a negligible change in the dimension or change in appearance of the structure (e.g., placing a steel pile around an existing wood pile). —No repair shall increase the visual mass or contrast rating of the repaired existing structure.

Residential

Uses, facilities, and activities primarily pertaining to the occupation of buildings for living, cooking, and sleeping by the owner as a permanent or second home, by renters on a monthly or longer term basis, or by renters of a vacation rental that meets the Local Government Neighborhood Compatibility Requirements.

Residential Area

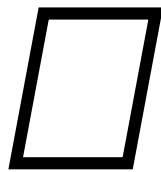
Areas having potential to provide housing for the residents of the region.

Residential ~~Development Right~~ Units of Use

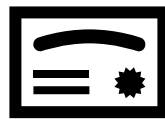
A. Potential Residential Unit of Use (PRU)

A potential residential unit of use is attached to certain parcels in the region in accordance with Section 50.3. A potential residential unit of use is not a vested right. To construct a new residential dwelling, the property must comply with Section 50.3 to be eligible for a potential residential unit of use and the property owner must obtain a residential allocation from the respective local jurisdiction or transfer an existing residential unit of use to the property from an eligible sending site. A potential residential unit of use together with a residential allocation becomes an existing residential unit of use upon construction. Potential residential units of use were previously referred to as a 'residential development right'.

Potential Residential Unit of Use + **Residential Allocation** = **Residential Unit of Use**
(ability to develop a lot) *(permission to build)* *(upon construction)*



Vacant Residential lot



Residential Allocation



B. Residential Unit of Use (ERU)

A residential unit of use is an existing residential unit constructed (1) prior to the adoption of the Regional Plan, or (2) as a result of a TRPA permit to construct an additional residential unit from the combination of a potential residential unit of use and a residential allocation or conversion from a different type of development right. At a minimum, an existing residential unit of use shall contain cooking facilities, bathing and toilet facilities, and living and sleeping areas. A residential unit of use may be associated with a single-family house containing one residential unit or a multi-residential development containing more than one unit per parcel as defined by this Code.

See ~~“Development Right.”~~

Residential / Dooryard Burning

As applied in California only, the burning of vegetative-only waste grown on the site at a residence in the open air. Residential/dooryard burning does not include burning in fireplaces and woodstoves within the residence.

Residential Unit

One or more rooms containing one or more bedrooms, with not more than one kitchen, designed to be occupied permanently as an independent housekeeping unit by one family or one collective household with facilities for living, cooking, sleeping and eating.

Resource Management

Uses, facilities, and activities pertaining to the utilization, management, or conservation of natural resources.

Restoration, or Restored

In the context of natural areas, the reestablishment of the primary natural characteristics and functions of the soil, hydrology, vegetation, and other natural features of the natural habitat.

Restricted Gaming (Nevada Only)

Operation of not more than 15 slot machines pursuant to Nevada law as an accessory use to a commercial or tourist accommodation primary use.

Revegetation

Establishment of vegetation on disturbed areas.

Ridesharer

See subparagraph **Error! Reference source not found.**

Riparian Plant Community

A plant association identified by the presence of vegetation that requires free or unbound water or conditions more moist than normal in the area. Such communities include, but are not limited to, deciduous trees (alder, aspen, cottonwood, willow), hydrophytes, meadow vegetation, riparian shrub, and lodgepole pine.

Road

A smooth or paved surface designed for travel by motor vehicles.

Rock Cribbing

An enclosure of wood, steel, or other material containing unconsolidated rock.

Roof Sign

A sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure. Signs standing out horizontally from a mansard roof are considered wall signs; however, they may not extend vertically above the top of the mansard.



Roof Sign

Scenic BMPs

Mitigation measures that reduce the visual impact of structures to promote threshold attainment. This includes the use of landscaping, building design, glass treatment, articulation, color, texture, screening, and other such techniques.

Scenic Highway and Corridor

A roadway that has been determined to have outstanding scenic value. The scenic corridor includes the roadway right-of-way and extends 100 feet perpendicularly from the edge of the right-of-way boundary.

Scenic Units GIS Data Layers

The TRPA scenic units GIS data layers indicate the location of the roadway units, the shoreline units, the recreation areas, and the bicycle trails established by the scenic thresholds. Scenic highway corridors, including specific urban, transition and natural corridor designations are also identified.

Seasonal Efficiency

The efficiency, as certified by the California Energy Commission under the provisions of California Administrative Code, Title 20, Chapter 2, Subchapter 4, Article 4, Sections 1603 and 1607, (Appliance Efficiency Standards).

Seasonal High Water Table

The highest level of soil saturated with water during a one year period, usually but not always found in the spring months.

Second Order Stream

A stream formed by the confluence of two or more first order streams.

Secondary Residence

See subsection 21.3.2.

Secondary Riparian Vegetation

The following vegetative types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"

- A. Type 2: Herbaceous - Wet mesic meadow.
- B. Type 9: Broadleaf - High elevations.
- C. Type 19: Lodgepole - Wet type.

Seeped Soils

Soils having the characteristics of a high water table.

Seiche

An oscillation of the surface of a landlocked body of water (as a lake) that varies in period from a few minutes to several hours.

Sending Parcel

The parcel from which land coverage, an allocation or other development is transferred.

Sensitive Lands

For lands with IPES scores, those lands at or below 725; for lands without IPES scores, those lands identified as Land Capability Districts 1, 2, or 3; and lands within the backshore.

Sensitive Plant Species

Plants that are extremely scarce and considered vulnerable to local extirpation or extinction.

Service Capacity

The ability to accommodate units of traffic, energy, sewer, water, or people engaged in the activity for which the facility was intended, or other similar units of measure.

Service Connection

The connection of utilities, such as gas, water, electricity, or telephone, to a structure.

Setback

An area established adjacent to the shorezone interface or riparian vegetation to provide a natural buffer between development and sensitive or ecologically significant areas.

SEZ

See "Stream Environment Zone."

SEZ Setback

A strip of land adjacent to the edge of a SEZ, the designated width of which is considered the minimum width necessary to protect the integrity of the various characteristic of the SEZ. The width of the setback shall be established in accordance with the procedure set forth in subsection **Error! Reference source not found.**

SEZ Vegetation

Species of a plant community indigenous to the Lake Tahoe Region which are commonly associated with the landscape position and land form, soil type, hydrology, elevation, and climate of an SEZ type, such as a wet meadow, mesic meadow, or stream. The plant communities include primary and secondary indicator species listed in Section **Error! Reference source not found.**

Shift of Employment

See subparagraph **Error! Reference source not found.**

Shoreland

The distance from the highwater line of Lake Tahoe to the most landward boundary of the littoral parcel, or 300 feet landward, whichever is lesser. In the case where the littoral parcel is a narrow parcel not qualifying for a development right, such as a road right-of-way or a dedicated beach access parcel, the most landward boundary of the adjoining parcel to the littoral parcel or 300 feet shall apply. In the case where a littoral parcel is split by a right-of-way but is considered one project area, the most landward boundary of the project area or 300 feet, whichever is less, shall apply.

Shoreline

The highest line normally covered by waters of a lake or body of water. (For Lake Tahoe, the shoreline elevation is 6,229.1 feet Lake Tahoe Datum.)

Shoreline Protective Structure

Walls, earthen banks, bulkheads, revetments, or other devices designed to prevent direct erosion or flooding of the backshore by reinforcing the interface between land and water.

Shorezone

The area including the nearshore, foreshore, and backshore.

Shorezone Tolerance District

Areas with special regulations along the shorelines of Lake Tahoe, Fallen Leaf Lake, and Cascade Lake identified in the 1973 Shorezone Plan for Lake Tahoe and depicted on TRPA Shorezone Tolerance District and Land Capability Overlay Maps. See Chapter 83: *Shorezone Tolerance Districts and Development Standards*.

Sign

Any character, letter, figure, symbol, design, model or device or combination of these used to attract attention or convey a message and which is visible from a street, public recreation area, bicycle trail, or from Lake Tahoe. The term includes banners, pennants, streamers, moving mechanisms, and lights.

Significant Spawning Habitat

In Lake Tahoe, areas designated on TRPA's Prime Fish Habitat Map as "Spawning Habitat" and, through field examination, confirmed to consist of substrate predominantly comprised of small rock, cobble, gravel, or any combination thereof.

Significant Soil Disturbance

Damage to soil structure, chemistry, and biota through compaction, burning, removal or topsoil, soil contamination or other activities, to the degree that there may be reduced vegetation growth, increased surface runoff, or erosion. Soil compaction and other disturbance potential can vary depending upon soil type, rooting depth, soil moisture content, surface litter thickness, and compaction forces.

Significant Vegetation Damage

Damage to non-target vegetation such that a vegetation type or plant community does not recover its previous or better water quality and habitat functions and values by the end of the next growing season following tree removal activity. Vegetation damage shall be evaluated through an approved monitoring program containing specific monitoring criteria.

Silviculture

The science of forestry; the growing of trees.

Single Family House

A detached structure that contains one residential unit.

Single Occupant Vehicle (SOV)

See subparagraph **Error! Reference source not found.**

Single-Use Pier

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

Skidding

The act of dragging a tree or log along the ground or snow by cable systems or by mobile equipment. See also Section **Error! Reference source not found.**: *Tree Removal*.

Skid Trail

A rough pathway on which logs are skidded.

Slope Condition

The condition of the slope located adjacent to the stream channel or edge of the SEZ shall be defined as follows. The extent of existing slope protection, which is defined as the percent cover of original duff layer, down logs, low growing vegetation or rock fragments greater than 1-2 inches in diameter, shall be given primary consideration when determining slope condition.

- A. Good - Slopes show little or no evidence of surface (sheet, rill, gully) erosion or mass wasting. Slopes are typically covered 90 percent or more with original duff layer, down logs, slash, low

growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly less than 30 percent. Soil horizons are usually cohesive and consolidated.

- B. Average - Slopes show evidence of surface (sheet, rill, gully) erosion or mass wasting over 5 to 25 percent of the slope surface. Slopes are typically covered between 50 to 90 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly between 30 and 70 percent. Soil horizons are typically moderately cohesive and consolidated.
- C. Poor - Slopes show evidence of active and pronounced surface (sheet, rill, gully) erosion or mass wasting over more than 50 percent of the slope surface. Slopes are typically covered less than 50 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is often greater than 70 percent. Soil horizons are typically non-cohesive and unconsolidated. Evidence of seeping is often present.

Snag

A standing dead tree in some stage of decay that may have biological and structural attributes usable by wildlife. Hard snags are essentially composed of sound wood, especially on the outside and occur in decay classes 2 through 5. Soft snags are in advanced decay and occur in decay classes 6 through 9. (Source: Maser, C., and J. M. Trappe. 1984. "The seen and unseen world of the fallen tree." USDA, Forest Service. Gen. Tech. Rep. PNW-164).

Soft Land Coverage

See "Land Coverage."

Soil

The unconsolidated mineral or organic material on the immediate surface of the earth that serves as the natural medium for the growth of land plants, detention of sediment and biogeochemical cycling.

Solid Waste

Any material defined by the Code of Federal Regulations, Title 40, Protection of Environment (Section 261.2) as a solid waste.

Source Water

Water drawn to supply drinking water from an aquifer by a well or from a surface water body by an intake, regardless of whether such water is treated before distribution.

Spawning Habitat

An area that attracts, or is capable of attracting, fish for reasons of producing and fertilizing eggs. Spawning areas are typically comprised of rock, cobble, or rubble.

Special Interest Species

Animal species for which environmental thresholds have been established.

Specific Plan

A comprehensive long-range program for the further development of a facility or area. See Chapter 14: *Specific and Master Plans*.

Specific Program

A program adopted by ordinance that provides for discontinuance or modification of a use or structure. See Chapters 21: *Permissible Uses*, and 81: *Permissible Uses and Structures in the Shorezone and Lakezone*.

Split-Use Unit

A tourist accommodation unit within a residential design timeshare use which has at least one bedroom and two bathrooms and is constructed such that one or more bedrooms are capable of being rented or leased as a hotel-type tourist accommodation unit separately from the bath and kitchen facilities. A split-use unit constitutes two tourist accommodation units except as set forth in Chapter 13: *Redevelopment Plans*. See “Lock-off Unit.

Spoil Material

Any earthen material that remains after a grading or dredging activity.

Stationary Source

A building, structure, facility, or installation that emits or may emit an air pollutant. Building, structure, or facility includes all pollutant-emitting activities which: belong to the same industrial grouping, are located on one or more contiguous or adjacent proper ties, and are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control. Installation includes any operation, article, machine, equipment, or other contrivance which emits or may emit an air pollutant.

Step Foundations

Foundations designed to incrementally rise in height in order to conform to the natural ground.

Stock Cooperative

A form of subdivision in which the buyers hold their right to occupancy through ownership of stock or membership in a cooperative corporation.

Stream Corridor Impediment

A man-made structure, such as a culvert, fence, bridge, or building, that is located in the 100-year floodplain and significantly obstructs or impedes stream hydrologic functions, including fish habitat, stream migration, and riparian vegetation maintenance or establishment.

Stream Environment Zone

Generally an area that owes its biological and physical characteristics to the presence of surface or ground water. The criteria for identifying and SEZ is set forth in Section **Error! Reference source not found.**

Street

A public or private way open to general public use, including all classes of roadways and parking lots, but excluding alleys and driveways.

Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Basements and non-habitable floor area, such as attics, are not considered a story.

Structure

Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, that requires location on the ground or is attached to something having a location on the ground. This includes such things as roads, trails, and earthworks.

Structural Diversity

Diversity in a forest stand resulting from layering or tiering of the canopy.

Structural Repairs

Repairs to those elements of a structure that affect the bearing capacity of the structure, including, without limitation, pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete.

Structure Housing Gaming

A building or buildings joined together in some definite manner, containing gaming, as defined in Article VI of the Compact.

Sub-Alpine Zone

The sub-alpine zone is all lands above 8,500 feet elevation.

Subdivision

The act or product of dividing, by a legal instrument such as a recorded deed or map, land, airspace, structures, boat slips, or other property into two or more entities, and which entities are recognized, under the law of either state, as separate legal entities for purposes of transfer of title. Subdivisions include, but are not limited to, divisions of real property, improved or unimproved, for the purpose of use, sale, lease, or financing, immediate or future, into two or more condominiums, community apartments, stock cooperatives, lots, or parcels.

Substantial Tree Removal

See subparagraph **Error! Reference source not found.**

Substrate

The bottom materials of a lake or stream.

Superstructure

A structure within the foreshore or nearshore, other than a handrail, davit, or flagpole but including boathouses, which projects above high water or ground elevation more than five feet.

Supplemental Compliance Measure

See subsection **Error! Reference source not found.**

Surface Water

Water produced by rainfall; melting snow; or a spring falling upon, arising from, and naturally spreading over land.

Surface Water Conveyance

A man-made drainage way.

Target Date

See subsection **Error! Reference source not found.**

Temporary Erosion Control

Temporary devices installed on a site to contain runoff and control erosion from a site.

Temporary Activity

An organized event or a commercial activity that does not occur more than four times in a calendar year and that does not exceed fourteen consecutive days in duration. Activities that are within the scope of a primary use are conducted within the project area and that would not otherwise require TRPA review and approval are not deemed temporary activities. Examples of such activities are a golf tournament at a golf course, or a ski race at a ski area.

Temporary Project

A temporary use, activity, or structure.

Temporary Roads

A class of non-public roads that are used during forest product harvesting, usually for one or two seasons only, and that thereafter are retired from use and restored and revegetated so as to prevent erosion.

Temporary Structure

A temporary structure is a structure which is approved for a limited time as set forth in Chapter 22: *Temporary Uses, Structures, and Activities*.

Temporary Use

A temporary use is a primary use which does not exceed a period of twelve months.

Tentative Map

A subdivision map made for the purpose of showing the design and improvement of a proposed subdivision, and the existing conditions in and around it, which need not be based upon an accurate or final survey of the property.

Terrace

A moderately flat land area, above the floodplain, generally less than 20 percent slope.

Threshold

See "Environmental Threshold Carrying Capacity."

Timber Harvesting

Tree harvesting operations in which the primary purpose is the production of raw material for the forest products industry, or for silvicultural purposes, including Christmas tree harvest.

Timber Harvest Plan

A plan issued by TRPA describing the methods to be used in a particular timber harvest, and shall not be provided in lieu of a valid timber harvest plan approved by the California Department of Forestry and Fire Protection under the California Forest Practices Act.

Third-Order Stream

A stream formed by the confluence of two or more second-order streams.

Thrifty

Young, vigorous trees capable of seeding the area to support continuing forest growth.

Tourist Accommodation

Uses, facilities, and activities primarily pertaining to the occupation of buildings for eating, sleeping, and living on a temporary basis by persons whose permanent residence is elsewhere.

Tourist Accommodation Unit

A unit, with one or more bedrooms and with or without cooking facilities, primarily designed to be rented by the day or week and occupied on a temporary basis.

Toxic or Hazardous Waste

Any hazardous product that when disposed of improperly can cause damage to human health or the environment. Examples of hazardous wastes include hazardous wastes generated in quantities that are regulated by state or federal laws; and hazardous wastes generated in small quantities by households and small businesses, which include automotive lubricants and cleaners, paint preservatives and strippers, stain removers, pesticides, and many other products which may be poisonous, flammable, corrosive, reactive, explosive, or cancer causing. The definition includes any hazardous wastes defined by local, state, or federal agencies with jurisdiction in the Tahoe region; and when two or more definitions exist, TRPA will apply the more inclusive definition.

Tree Removal

Cutting down, killing, or materially damaging a tree.

Trip Assignment Pattern

An estimate of the paths used by vehicle trips to and from a location.

Trip End

A trip origin or trip destination. Trip ends, for a location, are the summation of origins and destinations.

Trip Generation Rate

The number of motorized vehicle trip ends for a location.

Trip Reduction Credit

See subparagraph **Error! Reference source not found..**

Trip Table

See subparagraph **Error! Reference source not found..**

TRPA

Tahoe Regional Planning Agency, including the Governing Board and staff.

TRPA Permit

A written statement by TRPA of project approval.

Unit

A single quantity regarded as a whole in calculation.

Uncommon Plant Communities

Plant communities for which environmental thresholds have been established, and other plant communities designated as uncommon and unique.

Unconfined

Stream types classified under major categories C (excluding stream type C2), D and E as defined in the report entitled "A Stream Classification System," David L. Rosgen, April 1985.

Upper Montane Zone

Lands between 8,500 feet and 7,000 feet elevation.

Unserviceable

See subsection **Error! Reference source not found..**

Unused Allocation

A residential allocation that does not mature into actual construction, including, without limitation, forfeited allocations, and case-by-case or prior approvals that expire without construction or where the parcel is sold or donated to an appropriate public entity.

Urban Areas

Those areas designated as residential, tourist, commercial/public service, or mixed-use by the plan area statements.

Urban Interface (also referred to as the Wildland Urban Interface and the Urban Wildland Interface)

See subparagraph **Error! Reference source not found..**

Urban Recreation

See "Recreation (Urban)."

Utility

A public or quasi-public entity that provides gas, water, electricity, cable TV, telephone, or similar services.

Vacant Parcel

A parcel that is undeveloped or unimproved and has no established use.

Vacation Rental

A residential unit rented for periods of 30 days or less.

Vanpool

See subparagraph **Error! Reference source not found..**

Vegetation

A collective term for plants.

Vehicle Emissions Standard

A specific emission limit allowed for a class of vehicles. The standard is normally expressed in terms of maximum allowable concentrations of pollutants (e.g., parts per million).

Vehicle Miles Traveled (VMT)

The total miles traveled by a motorized vehicle, or a number of motorized vehicles, within a specific area or over a specified period of time.

Vehicle Trip

See subparagraph **Error! Reference source not found.**

Vehicle Trip Generation

Residential or tourist accommodation trip generation is the total number of vehicle trips anticipated from persons occupying such units. For commercial and other uses, trip generation is the total number of vehicle trips to and from the project site.

View Corridor

A view of Lake Tahoe from a major arterial that is unobstructed by buildings or other structures.

View Enhancement

The creation of a new view, or the addition to an existing view of the natural landscape, a view of Lake Tahoe, or a view of a major visual feature that is visible from a scenic threshold roadway travel route as identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory.

Visible Area

The surface area of all structures in the shoreland visible from 300 feet offshore and generally perpendicular to and centered on the project area. Surface area blocked by man-made structures in the shorezone shall count as visible area.

Visible Structure

A structure with visible area.

Visual Breaks

The application of landscaping to man-made structures that result in reducing the contrast and breaking the overall visible area of a structure's façade. This may be achieved by screening with vegetation, rocks, soil, and other natural appearing materials or by using such techniques between detached structures.

Wall-Mounted Sign

See "Building Sign" and "Projecting Sign."

Waterborne Transit

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at different sites.

Water Breaks

A ditch, dike, or dip, or combination thereof, constructed diagonally across logging roads, tractor roads, skid trails, and firebreaks so that water flow is effectively diverted therefrom. Water breaks are synonymous with water bars.

Watercraft

A waterborne vessel of any type or size including, but not limited to, boats, barges, ferries, yachts, houseboats, floating homes, kayaks, rafts, canoes, personal watercraft, pleasure craft, marine craft, amphibious vehicles.

Water Crossing or Diversion Structure

A structure designed to alter or cross any stream, river, or other body of water.

Watercourse

A man-made stream of water or a natural stream such as a river, creek, or rivulet.

Water-Dependent

A use, activity, or facility that by its very character must be located adjacent to or over water.

Water Heater

A device that heats water at a thermostatically controlled temperature for delivery on demand.

Water Salvage Operations

Public service use of bringing a vessel or its cargo to the water's surface. For storage of salvage equipment, see "Construction Equipment Storage."

Water Purveyor

A private, public, or quasi-public water company, water district, or similar entity, legally empowered to supply or provide water for domestic or other uses.

Water Quality Control Facilities

Facilities required for the attainment and maintenance of water quality and related thresholds, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities.

Westside Forest Type

Those forests west of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps at <http://www.trpa.org/gis/>). The TRPA Westside and Eastside Forest Types GIS data layer delineates the eastside forest types and westside forest types in the region.

Wet Bar

A single bar-sized sink and a refrigerator no greater than five cubic feet in size with minimal cabinets and counters. A wet bar shall not include a gas or electric range, stove top and/or oven (not including a microwave oven), a refrigerator in excess of five cubic feet in size, or a standard-sized kitchen sink.

Wetlands

Low-lying areas where the water table stands near or above the land surface for a portion of the year. These areas are characterized by poor drainage, standing water, and hydrophytes and include but are not limited to those areas identified in the land capability classification system as Class 1B lands.

Wood Heater

A wood-fired appliance, including, but not limited to, a freestanding conventional masonry or prefabricated zero-clearance fireplace; any similar fireplace whose operation requires it to be built into the structure as a component of the building; franklin stove; air tight stove; fireplace insert; or any other stove or appliance designed to burn solid fuel for heating and/or enjoyment purposes.

Woodstove

See "Wood Heater."

Working Days

Regular TRPA business days excluding weekends and holidays.

208 Plan

The Lake Tahoe Water Quality Management Plan (“208 Plan” or “WQMP”) is a framework that sets forth the components of the water quality management system in the Tahoe Region, as required by the U.S. Environmental Protection Agency’s (U.S. EPA) regulations in 40 C.F.R. Section 130.6, which implements Sections 208 and 303(e) of the Clean Water Act.

STAFF REPORT

Date: September 5, 2018

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Agenda Item Number V.A.2 & V.A.3 – California Tahoe Conservancy Memorandum of Understanding (MOU) regarding land bank authority and duties & Resolution to reaffirm local land bank authority

Summary and Staff Recommendation:

The Tahoe Regional Planning Agency's (TRPA) staff and the Development Rights Strategic Initiative's (DRSI) Working Group ask that the Advisory Planning Commission (APC) recommend approval and adoption to the TRPA Governing Board of the proposed Memorandum of Understanding (MOU) between TRPA and the California Tahoe Conservancy (CTC) and a resolution to reaffirm local land bank authority as part of the DRSI. The DRSI Working Group (which includes representatives from the CTC and Nevada Division of State Lands) unanimously recommended approval of the revised MOU and resolution on August 23, 2018.

Required Motions:

In order to recommend approval of the requested action, the APC must make the following motion(s), based on the staff summary:

- 1) A motion to recommend approval of the required findings (Attachment A), including a finding of no significant effect, and
- 2) A motion to adopt recommend approval and adoption of the proposed Resolution 18-___ to revise the MOU between the TRPA and CTC (Attachment B).
- 3) A motion to recommend adoption of the proposed resolution (Attachment C) to reaffirm the California Tahoe Conservancy's and Nevada Division of State Land's land bank authority.

In order for motion(s) to pass, an affirmative majority vote by APC members, without regard to the state of representation, is required.

Project Description:

TRPA's DRSI considered changes to the development rights system in order to accelerate the Lake Tahoe Regional Plan Goals and Policies, support environmentally beneficial and economically feasible redevelopment, improve the effectiveness and predictability of the development rights system, and

continue to manage growth in the region. The development rights system is a central part of the Regional Plan's growth management system and an important strategy used to attain multiple environmental thresholds. The DRSI proposes five changes to the system:

- (1) allow conversions between different types of development rights – commercial floor area (CFA), tourist accommodation units (TAU), and residential units of use (RUU) – using environmentally neutral exchange rates;
- (2) expand the eligibility of the residential bonus unit incentive program;
- (3) enhance the development right banking system through partnerships with the local land banks;
- (4) eliminate overlapping, multi-jurisdictional approvals of development rights transfers; and
- (5) eliminate the requirement to have an approved project on a receiving site prior to a transfer of development rights.

Implementation of recommendation number three, “enhance the development right banking system”, would require a resolution reaffirming the local land bank authority and a revised MOU between TRPA and CTC to facilitate land acquisitions by CTC, increase the supply of development rights in the land bank, and accelerate the movement of existing development into the Town Centers. The revised MOU would replace the existing MOU between TRPA and CTC adopted by the TRPA Governing Board on March 17, 2016, Resolution 16-03-05.

Under the existing TRPA and CTC MOU, CTC has the authority to provide mitigation on behalf of project applicants on the California side of the Lake Tahoe Basin and sell and transfer coverage. They do so by acquiring and maintaining an inventory of hard, soft, and potential coverage; restoring hard and soft coverage on disturbed or sensitive lands; and retiring potential coverage. In exchange, TRPA transfers all excess coverage mitigation fees paid to TRPA for project approvals in California.

The revised MOU would expand the CTC's ability to acquire, sell, and transfer all forms of development rights (i.e. CFA, TAU, existing and potential RUU, and land coverage) and align with the authority granted to the CTC by the State of California.

The resolution is intended to support state legislative proposals of the land banks as needed to help accelerate the goals and policies of the Regional Plan. For example, California legislative proposals by CTC to use alternative transfer or disbursement strategies in cases where the goals of the Lake Tahoe Regional Plan and State of California planning and environmental preservation objectives can better be achieved.

The purpose of this staff report is to provide a brief background of land banks within the Tahoe region and recommendation number three. Supplemental materials attached to this report include the

environmental findings and findings of no significant effect, Initial Environmental Checklist, the revised MOU, and policy resolution. A full discussion on all five Development Rights Strategic Initiative's recommendations, including the environmental analysis and amendments, is included in Agenda Item Number V.A.1 of this packet.

Background:

Since the 1987 Lake Tahoe Regional Plan, local land banks in California and Nevada have played a crucial role in mitigating the environmental impacts associated with the urbanization of the Lake Tahoe Basin. These partners continue to help meet local land use goals today by land and development right acquisition, the transfer of development rights, permanent retirement of land coverage, and sensitive land restoration. As part of their MOU with TRPA, the land banks receive excess coverage mitigation (ECM) fees paid by project applicants to mitigate legally existing "grandfathered" coverage amounts. These fees are then used to acquire and retire offsite coverage. This continued partnership is a key mechanism to meet the goals and policies of the Regional Plan and accelerate threshold attainment by transferring aging development from sensitive areas into more walkable, bikeable, and transit-oriented town centers. Throughout the DRSI process, there has been broad-based support to expand this partnership and realize previously untapped potential.

The CTC, for example, seeks to achieve goals related directly to the Regional Plan Performance Measures, which incentivize environmental redevelopment in pursuit of threshold attainment, such as:

- Modify the distribution of development after 2012 compared to the distribution in 2012;
- Increase the annual average number of development rights transferred to town centers from sensitive and remote land compared to the annual average prior to 2012;
- Accelerate the removal rate of existing non-residential development rights on sensitive lands;
- Improve housing availability for residents and workers;
- Increase percentage of all trips using non-automobile modes of travel (transit, bicycle, pedestrian);
- Decrease automobile vehicle miles travelled per capita (excluding through trips)
- Accelerate pedestrian and bicycle improvements; and
- Increase the rate of redevelopment.

The Development Rights Working Group's recommendations (including conversion exchange rates and eliminating overlapping approvals) are projected to significantly improve the existing development rights system by allowing easier movement of development rights, encouraging environmentally beneficial redevelopment, and simplifying the system.

One additional vehicle that local land banks (California Tahoe Conservancy, Nevada Division of State Lands) and others could use to drive desired community and environmentally beneficial redevelopment is to expand their inventories of development rights. Currently, the land banks acquire primarily land coverage and potential residential units of use (previously referred to as "residential development

rights”). This role could be expanded to development rights (i.e. commercial floor area, tourist accommodation units, and residential units of use) as well. The banking function involves providing development rights in return for some sort of repayment. As the repayment is received, additional development rights are acquired. The newly acquired development rights are then provided in return for repayment, continuing the cycle. The cycle is repeated over and over. However, unlike a for-profit bank, the development rights bank may or may not receive a full return on the rights it provides because its mission is restoration, redevelopment, provision of workforce housing, etc. These organizations would have the ability to seek additional funding to augment their development rights banking role, whether to subsidize development rights for desired types of development or to provide additional development funds to support desired ends, such as workforce housing. Acquiring all forms of development rights, other than just coverage, for example aligns with authority granted to the California Tahoe Conservancy by the State of California.

TRPA will continue to track and monitor transactions and ensure that the development rights system continues to support the Lake Tahoe Regional Plan goals and policies. The development rights banks would continue their role acquiring and providing a reliable and steady inventory of development rights and pricing those development rights or distributing them based on defined priorities. In addition, having more development rights traded through public and quasi-public agencies will provide greater transparency and public awareness of the development rights system.

This strategy would accelerate the goals and policies of the Lake Tahoe Regional Plan by:

- Removing aging properties that no longer provide significant community and economic benefits;
- Restoring sensitive areas and increasing environmental restoration;
- Creating reliable sources, or central repositories, of development rights to better serve demand; and,
- Facilitating redevelopment in Town Centers.

Partnering with Local Land Banks

Between November 2017 and May 2018, the DRSI project team worked closely with representatives from both the CTC and Nevada Division of State Lands to better understand the role of the land banks in the development rights system and identify strategies for better meeting the goals of the Lake Tahoe Regional Plan. The sections below summarize key take-aways from those discussions.

Nevada Division of State Lands (NDSL)

The DRSI team met with Charlie Donahue (Administrator), Elizabeth Kingsland (Management Analyst), and Brenda Swart (Land Agent) from NDSL on January 3, 2018. NDSL supports the role of the local land banks in the development rights system; however, NDSL currently does not have the need or demand to

amend their MOU with TRPA. In addition to land management in the Lake Tahoe Basin, NDSL administers special programs and land use planning services throughout the State of Nevada.

The NDSL noted that since the agency's initial MOU with TRPA in the late 1990's, the NDSL role in the development rights system primarily involved the acquisition, banking, and transferring of *land coverage*. Since that time, NDSL has disposed of only four residential development rights, and has not had many inquiries regarding other development rights. Unlike the California portion of the Lake Tahoe Basin, there are relatively few lodging facilities on the Nevada side, and therefore NDSL is not regularly involved in tourist accommodation unit (TAU) transactions. Additionally, NDSL has not received any inquiries or requests from the local jurisdictions to increase their role or activities in the Basin.

The NDSL also indicated that the current process defined in the TRPA/NDSL MOU is working efficiently. NDSL does not have any requests for streamlining or process improvements related to their MOU.

California Tahoe Conservancy

The DRSI team met with Patrick Wright (Executive Director) and Kevin Prior (Chief Administrative Officer) numerous times between November 2017 and May 2018. In the last several years, CTC has acquired developed properties on sensitive land through its Tahoe Livable Communities (TLC) Program and is now seeking to transfer those development rights for projects in Town Centers in keeping with the Lake Tahoe Regional Plan. The demand for these development rights far exceeds the Conservancy's inventory in its land bank. TRPA views the TLC program as key mechanism to accelerate the goals of the Regional Plan and fully supports this program to meet the greater demand.

The two key challenges CTC faces in increasing program capacity to acquire and transfer development rights are: (1) secure additional funding to acquire properties with existing development rights that no longer serve an environmental, economic, or community benefit; and (2) legislative direction that provides the flexibility to sell development rights at less than market value if doing so furthers state planning and Lake Tahoe Regional Plan objectives. Receiving the local support of agency partners will be critical to address these challenges.

Working Group Recommendation:

In support of CTC's ability to secure funding for acquisition and promote legislation enabling alternative disbursement options of development rights, the DRSI Working Group recommends adopting the following two items:

- *Revise and adopt an MOU. (Attachment B, Exhibit 1)*

The revised MOU would expand the CTC's ability to acquire, sell, bank, and transfer all forms of development rights (i.e. CFA, TAU, existing and potential RUU, and land coverage) and align with the authority granted to the CTC by the State of California. The revised MOU also establishes any additional tracking and monitoring needs between TRPA and CTC.

- *Adopt a resolution. (APC Agenda Item V.A.3)*

TRPA, CTC, and NDSL staff drafted a resolution to reaffirm the important role of the land banks within the Tahoe region to accelerate the goals and policies of the Lake Tahoe Regional Plan. The intent is for the resolution to be used in support of legislative proposals to authorize land banks (e.g., CTC) to use alternative transfer or disbursement strategies in cases where the goals of the Lake Tahoe Regional Plan and the applicable state's planning and environmental preservation objectives can better be achieved, and to provide an appropriate incentive that enables projects that align with identified state and regional priorities.

The DRSI Working Group unanimously recommended approval of the revised MOU and the resolution on August 23, 2018 to help accelerate the goals and policies of the Lake Tahoe Regional Plan.

Environmental Review:

TRPA staff prepared the required findings document (Attachment A) and Initial Environmental Checklist (Attachment A, Exhibit 1) to evaluate the effects of the proposed adoption of the revised MOU (Attachment B, Exhibit 1) and resolution (Attachment C). The IEC found that the revised MOU and resolution, as proposed, would not have a significant effect on the environment. Based on this finding of no significant impact (FONSI), no further environmental documentation is required. For the environmental analysis and review of all five DRSI recommendations see Agenda Item Number V.A.1 of this packet.

Contact Information:

For questions regarding this agenda item, please contact Jennifer Self, at (775) 589-5261 or jself@trpa.org.

Attachments:

- A. Environmental Findings & Finding of No Significant Impact (FONSI)
Exhibit 1: Initial Environmental Checklist (IEC)
- B. Adopting Resolution for a Revised MOU between TRPA and CTC
Exhibit 1: Revised MOU
- C. Resolution to Reaffirm Support of the Local Land Banks

**ATTACHMENT A:
Required Findings & Finding of No Significant Effect (FONSE)**

**Required Findings
for Revised MOU between CTC and TRPA
and Resolution to Reaffirm Land Bank Authority**

This document contains required findings per Chapter 3 and 4 of the TRPA Code of Ordinances for adoption of a Memorandum of Understanding and resolution as part of the Development Rights Strategic Initiative.

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

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

Rationale: TRPA staff prepared an Initial Environmental Checklist (IEC) to evaluate the effects of the proposed adoption of the Memorandum of Understanding (MOU) (Attachment B) and resolution to reaffirm support of the local land banks (Attachment C). The Initial Environmental Checklist (IEC) found that the MOU and resolution, as proposed, would not have a significant effect on the environment. Based on this finding of no significant effect (FONSE), no further environmental documentation is required.

TRPA Code of Ordinances Section 4.4 – Threshold Related Findings

Finding: The project (MOU and resolution) 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: Section 2.6 of the Code allows for the development and implementation of MOUs that allow exempt activities in accordance with the TRPA Regional Plan and Code by a public or quasi-public entity. However, all exempt activities described in the proposed MOU are still subject to all provisions of the Regional Plan. The MOU will allow each agency to use its resources more effectively and to reduce duplicative regulatory requirements for certain

projects, while not altering the substantive requirements of the Regional Plan. Additionally, the MOU and resolution are intended to help facilitate sensitive lands restoration, increase the development rights inventory held by local land banks, and move development rights to Town Centers in keeping with the Regional Plan. The proposed MOU is consistent with and will not adversely affect implementation of the Regional Plan.

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

Rationale: Activities undertaken pursuant to the proposed MOU and resolution are subject to the provisions of the Regional Plan. The activities described in the MOU and resolution will not change the type of projects or increase the amount of development allowed by the Regional Plan. Activities undertaken pursuant to the proposed amended MOU and resolution are subject to the provisions of the Regional Plan. The activities described in the MOU are effectively regulated by the CTC and adoption of the MOU will not change the type of projects or increase the amount of development allowed by the Regional Plan. Therefore, the activities listed in the MOU will not cause the environmental thresholds to be exceeded.

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

Rationale: Activities undertaken pursuant to the MOU and resolution are subject to the standards of the Regional Plan and Code. Based on the completed IEC no applicable federal, state and local air and water quality standard will be exceeded. The proposed MOU and resolution do not affect or change the Federal, state or local air and water quality standards applicable for the Region. Federal, state, and local, air and water quality standards remain applicable for all parcels in the Tahoe region ensuring environmental standards shall be attained, maintained, or exceeded pursuant to the TRPA Compact.



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Location
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STATEMENT OF NO SIGNIFICANT EFFECT

Project Description: Development Rights Strategic Initiative Proposed MOU between CTC and TRPA and a Resolution to Reaffirm Land Bank Authority.

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.6 of the TRPA Rules of Procedure, TRPA staff reviewed the information submitted with the subject project.

Determination: Based on the Initial Environmental Checklist, Agency staff found that the subject project will not have a significant effect on the environment.

A handwritten signature in black ink, appearing to read "Jennifer J. J.", positioned above a horizontal line.

TRPA Executive Director/Designee

August 9, 2018

Date

**ATTACHMENT A, EXHIBIT 1:
Initial Environmental Checklist
for Resolution to Reaffirm Support of the Local Land Banks
and a Revised Memorandum of Understanding (MOU) between TRPA and the
California Tahoe Conservancy**

INITIAL DETERMINATION OF ENVIRONMENTAL IMPACT CHECKLIST

Project Name: California Tahoe Conservancy revised Memorandum of Understanding

Project Description:

As part of the Development Rights Strategic Initiative (DRSI), the DRSI Working Group (including members of the California Tahoe Conservancy and Nevada Division of State Lands) proposed a revised Memorandum of Understanding (MOU) between TRPA and the California Tahoe Conservancy (CTC) and a resolution. The revised MOU and resolution are intended to reaffirm local land bank authority, facilitate land acquisitions, increase the inventory of development rights held by the land banks, and accelerate the movement of existing development into the Town Centers by the local land banks. The revised MOU would replace the existing MOU between TRPA and CTC adopted by the TRPA Governing Board on March 17, 2016, Resolution 16-03-05.

Under the existing TRPA and CTC MOU, CTC has the authority to provide mitigation on behalf of project applicants on the California side of the Lake Tahoe Basin and sell and transfer coverage. They do so by acquiring and maintaining an inventory of hard, soft, and potential coverage; restoring hard and soft coverage on disturbed or sensitive lands; and retiring potential coverage. In exchange, TRPA transfers all excess coverage mitigation fees paid to TRPA for project approvals in California.

The revised MOU would expand the CTC's local authority to acquire, sell, and transfer all forms of development rights (i.e. CFA, TAU, existing and potential RUU, and land coverage) and align with the authority granted to the CTC by the State of California. The revised MOU would be consistent with the provisions of the TRPA Code of Ordinances Chapter 2: *Applicability of the Code of Ordinance* and would require that all activities be reviewed and approved in accordance with the Lake Tahoe Regional Plan and TRPA Code of Ordinances.

The resolution is intended to support state legislative proposals of the land banks as needed to help accelerate the goals and policies of the Regional Plan. For example, California legislative proposals by CTC to use alternative transfer or disbursement strategies in cases where the goals of the Lake Tahoe Regional Plan and State of California planning and environmental preservation objectives can better be achieved.

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

I. ENVIRONMENTAL IMPACTS:

1. Land

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

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

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

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

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

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

b. Deterioration of ambient (existing) air quality?

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

c. The creation of objectionable odors?

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

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

- Yes
- No

No, With Mitigation Data Insufficient

e. Increased use of diesel fuel?

Yes No

No, With Mitigation Data Insufficient

3. Water Quality

Will the proposal result in:

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

- | | | |
|---|--|--|
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| f. Alteration of the direction or rate of flow of ground water? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| h. Substantial reduction in the amount of water otherwise available for public water supplies? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality? | | |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

4. Vegetation

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

5. Wildlife

Will the proposal result in:

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

6. Noise

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

b. Exposure of people to severe noise levels?

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

As required by Chapter 3: Environmental Documentation of the TRPA Code, Noise impacts will be analyzed for specific transfer of development projects during project permitting. The transfers of tourist lodging will be restricted to Centers in the Transfer of Development Program; though the exact area of tourist lodging placement is unknown. The 2011 threshold evaluation shows that the Region is at target or somewhat better for Cumulative Noise Events in Hotel/Motel and commercial areas.

- Yes No

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

No, With Mitigation Data Insufficient

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

8. Land Use

Will the proposal:

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

9. Natural Resources

Will the proposal result in:

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

10. Risk of Upset

Will the proposal:

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

Yes No

No, With Mitigation Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

Yes No

No, With Mitigation Data Insufficient

11. Population

Will the proposal:

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

The implementation of the transfer of development program was analyzed in the 2012 Regional Plan Update. The Code amendments would allow the transfer program to operate consistent with the assumptions and analysis in the 2012 Regional Plan Update EIS, which found that the program would have beneficial effects on the location, distribution, density, and growth rate of human population in the Region. (2-2 to 2-3, 2-6 to 2-7 Regional Plan Update Final EIS http://www.trpa.org/wp-content/uploads/Volume_1_RPU_FEIS.pdf.)

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

12. Housing

Will the proposal:

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

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

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

Number of Existing Dwelling Units: _____

Number of Proposed Dwelling Units: _____

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

- Yes No
- No, With Mitigation Data Insufficient

13. Transportation/Circulation

Will the proposal result in:

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

As required by Chapter 3: Environmental Documentation of the TRPA Code, Transportation/Circulation impacts will be analyzed for specific transfer of development projects during project permitting. VMT impacts and the associated mitigation will be detected through regional modeling, regularly occurring every 4 years. In addition, potential regional VMT impacts are mitigated at the project level through localized trip generation calculations as an Air Quality Mitigation fee.

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No

No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

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

The proposed Code amendments will facilitate transfers of development to designated Centers, which will promote circulation patterns consistent with Regional Transportation Plan, Regional Plan, and supporting environmental analysis.

Yes No
 No, With Mitigation Data Insufficient

e. Alterations to waterborne, rail or air traffic?

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

14. Public Services

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

As required by Chapter 3: Environmental Documentation of the TRPA Code, Public Service impacts will be analyzed for specific transfer of development projects during project permitting.

a. Fire protection?

- Yes No
- No, With Mitigation Data Insufficient

b. Police protection?

- Yes No
- No, With Mitigation Data Insufficient

c. Schools?

- Yes No
- No, With Mitigation Data Insufficient

d. Parks or other recreational facilities?

- Yes No
- No, With Mitigation Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes No
- No, With Mitigation Data Insufficient

f. Other governmental services?

- Yes No
- No, With Mitigation Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

16. Utilities

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

a. Power or natural gas?

Yes No

No, With Mitigation Data Insufficient

b. Communication systems?

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

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

Yes No

No, With Mitigation Data Insufficient

e. Storm water drainage?

- Yes No
- No, With Mitigation Data Insufficient

f. Solid waste and disposal?

- Yes No
- No, With Mitigation Data Insufficient

17. Human Health

Will the proposal result in:

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

- Yes No
- No, With Mitigation Data Insufficient

b. Exposure of people to potential health hazards?

- Yes No
- No, With Mitigation Data Insufficient

18. Scenic Resources/Community Design

Will the proposal:

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes No
- No, With Mitigation Data Insufficient

b. Create additional recreation capacity?

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

20. Archaeological/Historical

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

- Yes No
- No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

21. Findings of Significance.

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

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

Yes No
 No, With Mitigation Data Insufficient

Determination:

On the basis of this evaluation:

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

Yes No

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

Yes No

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

Yes No



Signature of Evaluator

Date August 9, 2018

TRPA Senior Planner, Long Range and Transportation Division
Title of Evaluator

ATTACHMENT B:
Adopting Resolution for Revised Memorandum of Understanding (MOU)
Between the TRPA and California Tahoe Conservancy

TAHOE REGIONAL PLANNING AGENCY
TRPA RESOLUTION NO. 2018 –

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY’S GOVERNING BOARD
TO ADOPT A MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA TAHOE CONSERVANCY
REGARDING THE ACQUISTION, SALE, BANKING, AND TRANSFER OF DEVELOPMENT RIGHTS, AS
WELL AS THE EXCESS COVERAGE MITIGATION FEE PROGRAM

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan; and

WHEREAS, over the years TRPA and California Tahoe Conservancy have entered into Memorandums of Understanding for the acquisition, banking, and transfer of land coverage and the excess coverage mitigation fee program;

WHEREAS, on XXXX XX, 201X, the TRPA Governing Board found it was necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by adopting amendments to the TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90 to implement proposed changes to the development rights system and residential bonus unit program as part of the Development Rights Strategic Initiative (Ordinance No. XX-XX); and

WHEREAS, TRPA prepared and circulated an Initial Environmental Checklist analyzing any potential significant impacts from adoption of the Memorandum of Understanding in accordance with the substantive and procedural requirements of Article VII of the

Compact, Chapter 3 of the Code, Article 6 of the Rules of Procedure, and all other applicable rules and regulations; and

WHEREAS, TRPA made any necessary findings to adopt the Memorandum of Understanding as required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations; and

WHEREAS, the Memorandum of Understanding has been reviewed at four separate public meetings and public comments have been considered at each meeting; and

WHEREAS, the Memorandum of Understanding was endorsed by the Regional Plan Implementation Committee of the Governing Board on XXXX XX, 201X; and

WHEREAS, the Memorandum of Understanding was endorsed by the Advisory Planning Commission on XXXX XX, 201X;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby approves the Memorandum of Understanding with CTC, as reflected in Exhibit 1 of this resolution.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this ____ day of _____, 2018, by the following vote:

Ayes:
Nays:
Absent:

James Lawrence, Chair
Tahoe Regional Planning Agency
Governing Board

**ATTACHMENT B, EXHIBIT 1:
Revised Memorandum of Understanding (MOU)
Between the TRPA and California Tahoe Conservancy**

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE TAHOE REGIONAL PLANNING AGENCY
AND THE CALIFORNIA TAHOE CONSERVANCY**

This Memorandum of Understanding is entered into this XX day of XXX, 20XX, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), a bi-state agency created under the Tahoe Regional Planning Compact, and the CALIFORNIA TAHOE CONSERVANCY, an agency of the State of California ("CONSERVANCY").

This Memorandum of Understanding replaces entirely the Memorandum of Understanding dated March 17th, 2016, between the parties and the former shall control all collection and expenditure of excess coverage mitigation fees and outline objectives for the acquisition and sale of all types of development rights by the CONSERVANCY.

I. AUTHORITY

This Memorandum of Understanding is based on the following laws, regulations, procedures, and policies:

- The Tahoe Regional Planning Compact, P.L. 91-143, 83 Stat. 360, (1969); amended, P.L. 96-551, 94 Stat. 3233, (1980) (hereafter "Compact");
- The Tahoe Regional Plan as adopted by TRPA in Ordinance No. 87-9 on June 25, 1987, effective July 1, 1987, and updated December 12, 2012 (hereafter "Regional Plan");
- The TRPA Code of Ordinances, Area Plans, Community Plans, Plan Area Statements, and Maps adopted pursuant thereto (all Chapter references herein below are to the Code of Ordinances);
- The enabling legislation of the California Tahoe Conservancy (Title 7.42; Section 66905 et seq.) as amended (Chapter 153, Statutes of 2015);
- Resolution No. 10-87-1 of the California Tahoe Conservancy, adopted October 23, 1987 and Resolution No. 16-03-05, adopted March 17, 2016;
- Resolution No. 87-25 of the Tahoe Regional Planning Agency, adopted October 29, 1987; and Resolution No. 87-30 of the Tahoe Regional Planning Agency, adopted December 16, 1987.
- Resolution No. xx of the Tahoe Regional Planning Agency, adopted xx xx, xxxx.

II. DEFINITIONS

The following terms shall have the definitions set forth below for purposes of this Memorandum. In the event of any conflict between the following definitions and the definitions in the TRPA Code of Ordinances, the definitions contained herein shall govern this Memorandum of Understanding to the extent of any inconsistency.

A. Development Rights.

The term "development rights" shall include commercial floor area, tourist accommodation units, and existing and potential residential units of use as defined in the TRPA Code of Ordinances.

B. Disturbed Areas

An area where soil, vegetation, or another natural feature of a site has been removed or substantially altered.

C. Excess Coverage Mitigation Project.

The term "excess coverage mitigation project" shall mean any action or activity undertaken by the CONSERVANCY for the purpose of generating excess land coverage mitigation credit through the land bank.

D. Excess Coverage Mitigation Fee.

The term "excess coverage mitigation fee" shall mean the fee which is required to be paid by a project proponent(s) in order to mitigate a project(s) with existing land coverage in excess of base allowable land coverage and which fee is calculated according to a formula set forth in Chapter 30 of the TRPA Code of Ordinances.

E. Hydrologically Related Area.

The term "hydrologically related area" shall refer to any one of the six areas designated on those certain maps adopted by TRPA on September 26, 1986, as they may be amended from time to time, which are located in whole or in part on the California side of the Lake Tahoe Region. The term "hydrologically related areas" shall refer to these six areas collectively.

F. Lake Tahoe Region, Lake Tahoe Basin.

The terms "Lake Tahoe Region" and "Lake Tahoe Basin" shall mean all that area described in Article II of the Tahoe Regional Planning Compact.

G. Land Bank.

The term "land bank" shall mean a land bank as provided for in the Goals and Policies of the Regional Plan, and Chapters 30 and 6 of the TRPA Code of Ordinances, to be established by the CONSERVANCY for that portion of the Lake Tahoe Region lying within the State of California.

H. Land Coverage.

The term "land coverage" shall include potential, soft, or hard coverage as defined in the TRPA Code of Ordinances.

I. Restoration Credit.

The term "restoration credit" shall include stream environment zone (Bailey Land Capability Class 1b) Restoration Credit and Bailey Land Capability Class 1a, 1c, 2, or 3 Restoration Credit. Restoration Credit is derived from verified soft or hard coverage located in Bailey Land Capability Class 1a, 1b, 1c, 2, or 3 that has been restored pursuant to Chapter 2 of the TRPA Code of Ordinances.

J. Stream Environment Zone.

The term "Stream Environment Zone" shall generally mean an area that owes its biological and physical characteristics to the presence of surface or groundwater or area further described in Chapter 53 of the TRPA Code of Ordinances.

K. Town Center

The term "Town Center" shall refer to areas designated by TRPA as a town center. These areas generally refer to concentrations of the Region's non-residential services that have

been targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities in the Region.

III. PURPOSE

The purpose of this Memorandum is to establish the respective duties and authorities of the CONSERVANCY and TRPA with respect to a land bank to be operated by the CONSERVANCY for the California side of the Lake Tahoe Region and to set forth the procedures to be followed by TRPA and the CONSERVANCY with respect to the land bank.

IV. JURISDICTION AND POWERS

Subject to all applicable laws of the State of California and the Bi-State Compact, TRPA Regional Plan, and TRPA Code of Ordinances, the CONSERVANCY is designated as a land bank to meet the following objectives:

- A. providing mitigation for excess coverage on behalf of any permit applicant on the California side of the Lake Tahoe Region, by carrying out an excess coverage mitigation project on any parcel or parcels eligible to provide such mitigation under Chapter 30;
- B. providing mitigation for any public service or public outdoor recreation project located on sensitive lands by retiring and restoring hard and/or soft coverage and disturbed lands as provided in Chapter 30;
- C. acquire, sell, and bank development rights from any parcel(s) in the owned by the land bank pursuant to TRPA Code of Ordinances;
- D. increasing the supply of development rights, land coverage, and restoration credits in the land bank through acquisition of developed properties that no longer provide significant environmental, community, or economic benefit;
- E. promoting movement of development rights, land coverage, and restoration credits, from outside of town centers and sensitive lands into town centers;
- F. utilizing TRPA Regional Plan development right multiplier and bonus unit programs;
- G. transferring development rights, land coverage, and restoration credits when in-lieu public benefits are provided that promote statewide, regional, and area plan goals above and beyond required mitigation measures; and,
- H. coordinating annually with the TRPA to realign joint priorities.

The objectives of this memorandum relate directly to the Lake Tahoe Regional Plan goals and policies, which incentivize compact environmental redevelopment in pursuit of threshold attainment.

V. DUTIES

A. Establishment of Land Bank; Site Selection.

The CONSERVANCY shall take all necessary and appropriate action to maintain and manage the land bank and shall proceed with a systematic identification of lands that would be appropriate for inclusion in the land bank.

B. Priority Setting.

TRPA and the CONSERVANCY shall confer annually to set priorities for banking, transfer, or retirement of development rights, land coverage, and restoration credits and land or acquisitions consistent with section IV. Priorities shall be established that align with TRPA environmental threshold attainment, the Lake Tahoe Regional Plan, Conservancy enabling legislation, and statewide land use planning goals and policies.

C. Maintaining Inventory; Advance of Assets; Use of Inventory.

1. The CONSERVANCY shall use best efforts to acquire and maintain within the land bank an inventory of development rights, land coverage, and restoration credits and disturbed areas, sufficient to meet the projected needs of the land bank.
2. In order to maintain an inventory of development rights, land coverage, and restoration credits for the land bank, the CONSERVANCY may utilize assets other than excess coverage mitigation fees for the purpose of acquiring and/or restoring land for the land bank.
3. The CONSERVANCY may use acquired inventory to satisfy eligible project needs, provided CONSERVANCY jurisdiction and power under Section IV and priorities jointly established under V.B are not thereby impaired.
4. Restoration credits from restored parcels that are subsequently sold and transferred shall not be counted in the environmental improvement program (EIP) threshold reporting.

D. Assignment of Excess Coverage Mitigation Fees.

TRPA hereby agrees to assign to the CONSERVANCY, for the land bank, all excess coverage mitigation fees paid to TRPA for projects located in California through the term of this Memorandum.

E. Deposit of Excess Coverage Mitigation Fees.

When TRPA receives excess coverage mitigation fees from projects located in California, it shall deposit and hold the fees in an interest-bearing account under its control, until such time as it causes the excess coverage mitigation fees to be disbursed to the CONSERVANCY pursuant to Section V.G below.

F. TRPA Reporting of Excess Coverage Mitigation Fees.

TRPA shall deliver to the CONSERVANCY a report bi-annually containing the following information pertaining to each permit for which an excess coverage mitigation fee was received by TRPA during the preceding reporting period:

1. location of project by state, county, hydrologically related area, and assessor parcel number(s);
2. amount of fee paid by applicant;
3. amount and type of coverage in terms of square feet as determined under the coverage reduction formula in Chapter 30; and,
4. total balance of excess coverage mitigation funds for the requested specified time period.

G. Disbursements by TRPA.

TRPA shall disburse all accumulated excess coverage mitigation fees payable to the CONSERVANCY under Section VI.1. above, and any interest accrued thereon, less TRPA's investment administrative fees not to exceed 15% of the interest income, to the CONSERVANCY upon its request, which shall occur not more often than quarterly unless a project or purchase would require a more timely distribution. Requests for disbursements shall be accompanied with reporting on the intended usage of the excess coverage mitigation fees consistent with VI.9. below. Such disbursements shall require approval by the TRPA Governing Board and be made by electronic transfer payable to the "California Tahoe Conservancy," and shall bear the notation "land bank".

H. Use of Excess Coverage Mitigation Fees.

1. The CONSERVANCY shall use excess coverage mitigation fees received from TRPA solely for the purposes of:
 - a) for no less than 50% of the fees received, paying for assets advanced to the land bank by the CONSERVANCY, acquiring land for the use of the land bank, and restoring hard and soft coverage and disturbed lands and retiring potential coverage through the land bank. When using the fees for these purposes, the CONSERVANCY shall:
 - i) prioritize the retirement of hard and soft coverage on SEZs and other sensitive lands; and
 - ii) only retire potential coverage through acquisition of fee title or retirement of development potential on land located in Bailey Land Capabilities 1a, 1b, or 1c.
 - b) the CONSERVANCY may use no more than 50% of the fees received for Environmental Improvement Program projects or other projects deemed appropriate in advance by the TRPA Executive Director. The projects funded by the CONSERVANCY with excess coverage mitigation fees under this provision:
 - a. must benefit Water Quality and/or Soil Conservation thresholds; and,
 - b. cannot replace Total Maximum Daily Load {"TMDL"} credit or other mitigation obligations of other entities.

- c. can be used for administrative expenses and overhead, subject to the limitations in (b) below.
2. The CONSERVANCY may apply the excess coverage mitigation fees toward payment or reimbursement of its direct costs of acquisition, and/or restoration, and/or materials incurred for or through the land bank, by the CONSERVANCY or billed to the CONSERVANCY by contractors or other providers of services. These costs include, but are not limited to, all steps necessary to successfully restore land to meet various laws, regulations, permit requirements, and TRPA Code of Ordinances. Overhead and other incidental costs of administration, operation, and monitoring of the land bank may be charged by the CONSERVANCY against the excess coverage mitigation fees to cover actual costs to the CONSERVANCY, up to 12% of the aggregate of such fees (including interest) received from TRPA. The CONSERVANCY shall submit documentation of its overhead and other incidental costs prior to making any charges against the excess coverage mitigation fees.

I. Transfer of Land Coverage

Where the CONSERVANCY agrees to transfer land coverage on behalf of a permit applicant through the land bank, pursuant to Chapter 30 and Chapter 51 of the TRPA Code of Ordinance, TRPA and/or applicable permitting MOU partner shall, upon the CONSERVANCY'S request:

1. Certify to the CONSERVANCY the amount and type of land coverage of mitigation needed by the permit applicant
2. Determine the eligibility of the sending and receiving parcels; and
3. Approve or deny the transfer through a Documentation Letter.

J. Acquisition and Sale of Development Rights, Land Coverage, and Restoration Credits

Where the CONSERVANCY agrees to acquire and sell whole or portions of development rights, land coverage, and restoration credits with private or public parties consistent with IV and V.B of this MOU, transfers of development rights, land coverage, and restoration credits shall be reviewed and approved by TRPA.

The price paid for development rights, land coverage, and restoration credits shall be agreed upon by the permit applicant and the CONSERVANCY. The purchase price shall be paid directly to the CONSERVANCY or endorsed to the designated title company when a transaction involves an escrow. Said funds shall be deposited by the CONSERVANCY or designated title company. Upon receipt of funds and transaction or escrow closure, transaction data shall be tracked by the CONSERVANCY, and reported to TRPA as required.

K. Severing Development Rights, Land Coverage, and Restoration Credits from Parcels

The CONSERVANCY may sever all or portion of development rights, land coverage, and restoration credits from a parcel. If this option is exercised, TRPA and the CONSERVANCY will establish controls and procedures for the tracking and monitoring of such land use

units no longer associated with a parcel.

L. Public Service Projects and Public Outdoor Recreation Project

The CONSERVANCY may enter into agreements to provide and/or reserve development rights, land coverage, and restoration credits for public service projects and public outdoor recreation projects meeting the Lake Tahoe Regional Plan goals and policies by restoring and removing hard or soft coverage and banking associated development rights as provided under Chapter 30 and Chapter 51. The terms and procedures set forth in Section VI. I and VI.J above shall apply to the mitigation of such public projects through the land bank.

M. CONSERVANCY Projects

The CONSERVANCY may reserve and/or use development rights, land coverage, and restoration credits from the Land Bank for future and/or current CONSERVANCY projects meeting Lake Tahoe Regional Plan Goals pursuant to this Memorandum and TRPA Code of Ordinances.

N. Methods of Retiring Coverage

1. Areas containing soft, hard, and/or potential coverage shall be retired by filing with TRPA document(s), in form acceptable to TRPA and suitable for recordation, by which the CONSERVANCY consents to the permanent retirement of said coverage on the areas described therein, unless and until TRPA approves the transfer of said right to the sending parcel.
2. Soft coverage and disturbed lands shall be restored so as to cause the area to function in a natural state, with provision for permanent protection from further disturbance. Appropriate methods of restoration include, but need not be limited to, decompaction of soils, revegetation, restoration of land and/or natural watercourses and gradients, and removal of refuse.
3. Hard coverage shall be restored by destruction and removal, to the extent feasible, of all structures, pavement, and other impervious land covering on the area to be restored, together with the methods specified in (b) above for restoration of soft coverage
4. All coverage retirement carried out through the land bank shall be subject to TRPA and/or MOU permitting partners inspection and review.
5. CONSERVANCY shall give priority to removal of coverage in sensitive areas.

O. Annual Reports: Excess Coverage Mitigation Program.

There shall be an annual reporting period, at the end of which the CONSERVANCY shall prepare and deliver to TRPA an annual report summarizing all excess coverage mitigation projects performed during said reporting period and identifying the excess coverage mitigation fees which were applied toward each such project. The annual report shall, in addition, list:

1. the current inventory of parcels credited or available to the land bank for restoration and/or retirement of hard, soft, and potential coverage; and
2. all mitigation already performed or in progress, but not yet credited towards a permit applicant's project, including but not limited to:
 - a) square feet and land capability of coverage or disturbed land restored,
 - b) acres of land acquired by land capability,
 - c) estimated pollutant and stormwater load reductions, and
 - d) Soil Conservation and Water Quality threshold gains using EIP Performance Measures.

P. Annual Reports: Development Rights, Land Coverage, and Restoration Credits

There shall be an annual reporting period, at the end of which the CONSERVANCY shall prepare and deliver to TRPA an annual report summarizing all land bank transactions and holdings of development rights, restoration credits, and land coverage during said reporting period. The annual report shall include the following information for sending and receiving parcels:

1. assessor's parcel number or project number;
2. amount and type of development rights acquired, held, sold, and transferred;
3. land capability (Bailey/IPES scores) from which the development right was transferred from;
4. date of acquisition, sale, or transfer; and
5. distance of each sending site from a Town Center.

Q. CONSERVANCY Accounts.

The CONSERVANCY shall maintain accounts in keeping with State of California approved records retention schedules, which shall be made available to TRPA upon request, of:

1. all monies expended and received by the CONSERVANCY on behalf of the land bank;
2. all properties within the inventory of the land bank;
3. all areas on which coverage or disturbed land has been restored or retired since the last annual reporting period made available to TRPA, including:
 - a) the date as of which coverage or disturbed land has been restored or

- retired;
- b) the type of coverage or area restored or retired;
- c) the cost per square foot restored or retired;
- d) the area or amount of coverage that has been restored or retired, in square feet of each type retired; and
- e) the mechanism by which restoration or retirement has been accomplished.

In computing the cost per square foot of coverage retired, the CONSERVANCY may use an average based upon the cost of retiring a given type of coverage in more than one coverage mitigation project.

VI. Termination/Amendment

This Memorandum of Understanding may be terminated by either party upon ninety (90)-days advance notice in writing. This Memorandum of Understanding may be amended by written agreement of the CONSERVANCY and the TRPA Governing Board. In the event this Memorandum of Understanding is terminated for any reason and there is a balance of excess coverage mitigation funds available, the CONSERVANCY shall continue to carry out the duties of Section VI.9., as well as related reporting obligations and TRPA shall continue to carry out the duties of Section VI .3., as well as related reporting obligations, for all projects for which mitigation fees were received by TRPA prior the effective date of termination. Unexpended mitigation fees received by the Conservancy, if any, shall be returned to TRPA upon fulfillment of any outstanding obligations.

IN WITNESS WHEREOF, the parties have entered into this Memorandum of Understanding on the date first hereinabove written.

JOANNE MARCHETTA EXECUTIVE DIRECTOR
TAHOE REGIONAL PLANNING AGENCY

PATRICK WRIGHT
EXECUTIVE DIRECTOR
CALIFORNIA TAHOE CONSERVANCY

ATTACHMENT C:
Resolution to Reaffirm Support of the Local Land Banks

TAHOE REGIONAL PLANNING AGENCY
TRPA RESOLUTION NO. 2018 –

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY’S GOVERNING BOARD TO SUPPORT THE GRANTING AND USE OF ADDITIONAL TRANSFER AND DISBURSEMENT DUTIES AND AUTHORITIES TO THE CALIFORNIA TAHOE CONSERVANCY AND NEVADA DIVISION OF STATE LANDS

WHEREAS, 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; and

WHEREAS, The Compact directs TRPA to adopt and enforce a Regional Plan that sets forth projects and proposals for implementation of the Regional Plan and through agency ordinances, rules and regulations to achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds; and

WHEREAS, The Regional Plan sets forth proposals for removal of development and development rights from environmentally sensitive lands; and

WHEREAS, The Regional Plan sets forth proposals for removal of development and development rights from lands that are not located near transportation service and facilities; and

WHEREAS, The Regional Plan sets forth proposals for transfer of development and development rights to areas designated in the Regional Plan as centers to be redeveloped by removing older development that does not meet current environmental regulations and replacing it with development that does; ; and

WHEREAS, The Regional Plan sets forth proposals for transfer of development and development rights to areas designated in the Regional Plan as centers to be redeveloped that will be served by multiple forms of transportation including pedestrian, bicycle, and transit to reduce the dependency on the private automobile as set forth in the Compact; and,

WHEREAS, The Regional Plan sets forth proposals for transfer of development and development rights to areas designated in the Regional Plan as centers to be redeveloped to provide sites for projects that enhance the economy of the Region and provide housing opportunities for all in the Region; ; and,

WHEREAS, TRPA recognizes and supports the efforts of the California Tahoe Conservancy and the Nevada Division of State Lands to acquire, transfer, and dispose of land and development rights to implement the proposals set forth in the Regional Plan and statewide goals and policies; and,

WHEREAS, TRPA recognizes that these efforts can be significantly more effective if the California Tahoe Conservancy and Nevada Division of State Lands are granted additional transfer and disbursement

duties and authorities to implement proposals included in the Lake Tahoe Regional Plan and that are consistent with statewide goals and policies; and

WHEREAS, this Resolution has been reviewed at public meetings and public comments have been considered at each meeting; and

WHEREAS, this Resolution has been endorsed by the Advisory Planning Commission;

WHEREAS, this Resolution has been endorsed by the Regional Plan Implementation Committee of the Governing Board; and

NOW THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby supports the granting and use of additional transfer and disbursement duties and authorities related to development rights and other property interest by the California Tahoe Conservancy and Nevada Division of State Lands to implement the Lake Tahoe Regional Plan and statewide goals and policies as articulated within the respective Memorandums of Understanding.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this ____ day of _____, 2018, by the following vote:

Ayes:

Nays:

Absent:

James Lawrence, Chair
Tahoe Regional Planning Agency
Governing Board

STAFF REPORT

Date: September 5, 2018
To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Tahoe Region Housing Activities General Update

Summary and Staff Recommendation:

Representatives from the Mountain Housing Council, Lake Tahoe South Shore Chamber of Commerce, and Tahoe Prosperity Center will present updates on housing efforts on the north and south shores. This item is for informational purposes and no action is required.

Background:

As the Advisory Planning Commission members know, TRPA continues to support local government level housing efforts on both the north and south shores. At the August Governing Board meeting the Mountain Housing Council annual report was presented. In addition to that report, the Board received a report from the Lake Tahoe South Shore Chamber of Commerce on the site visits to Colorado resort communities and their housing agencies. Those site visits were led by the Chamber and included representatives from both the south and north shores. Comments regarding the recent housing efforts of the Tahoe Prosperity Center were also provided to the Governing Board.

At the Advisory Planning Commission meeting similar informational presentations will be provided by Seana Doherty representing the Mountain Housing Council, Steve Teshara representing the Lake Tahoe South Shore Chamber of Commerce, and Heidi Hill Drum representing the Tahoe Prosperity Center.

Contact Information:

For questions regarding this agenda item, please contact John Hester, (775) 589-5219 or jhester@trpa.org.

STAFF REPORT

Date: September 5, 2018
To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Tahoe Keys Integrated Management Plan Update

Summary and Staff Recommendation:

Staff and partners will provide an update on invasive aquatic plant control activities and progress towards identifying solutions for long-term control within the Tahoe Keys waterways. This item is for informational purposes and no action is required.

Contact Information:

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

STAFF REPORT

Date: September 5, 2018
To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Tahoe-Truckee PEV Readiness Plan Implementation Update

Summary and Staff Recommendation:

Staff will provide an update on implementation of the Tahoe-Truckee Plug-In Electric Vehicle Readiness Plan. This item is for informational purposes and no action is required.

Project Description/Background:

Transportation is one of the top contributors to greenhouse gas emissions in the Tahoe Region. The advancement of electric vehicles has the potential to greatly reduce transportation related emissions and reduce related impacts on Lake Tahoe.

TRPA and partners developed the Tahoe-Truckee PEV Readiness Plan in 2017 using a grant from the California Energy Commission. Following plan development, a grant for implementation of the plan was secured through the California Energy Commission. Activities under this grant included public outreach and education, site specific analysis, and permit streamlining.

Supporting deployment of charging infrastructure and public education were two of the highest priority tasks identified in the regional planning process. By developing a complete charging network that connects to surrounding urban regions, the adoption of electric vehicles will follow.

This item will provide an update on implementation activities and look toward next steps for the Region.

Contact Information:

For questions regarding this agenda item, please contact Devin Middlebrook, at (775) 589-5230 or dmiddlebrook@trpa.org.

STAFF REPORT

Date: September 5, 2018
To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Chile-Tahoe Partnership Update

Summary and Staff Recommendation:

Staff will provide an update on the Chile-Tahoe Partnership and recent trip by Tahoe team to Lake Panguipulli, Chile. This item is for informational purposes and no action is required.

Project Description/Background:

In May of this year, a small delegation from Lake Tahoe representing TRPA, the League to Save Lake Tahoe, and University of California, Davis traveled to the Los Rios Region of Southern Chile. The mission of this trip was to help the local agencies and community begin to think about the sustainable development of the region, using Lake Tahoe as a case study.

The trip included meetings with public officials, non-profits, universities, and community groups. The trip culminated in a public seminar attended by over 230 people where the story of Lake Tahoe was shared. The seminar ended in the signing of an international partnership between Lake Tahoe and Lake Panguipulli.

This partnership, recognized by the TRPA Governing Board in May, is a continuation of Tahoe's leading role in conservation across the globe.

Next steps include the formation of a regional NGO to oversee the creation of a sustainable development plan for Panguipulli, community outreach, implementation of a monitoring program, and future exchanges between Tahoe and Chile. TRPA and Lake Tahoe will play a critical role in sharing best practices with the people of Chile to lead to a more sustainable future.

Contact Information:

For questions regarding this agenda item, please contact Devin Middlebrook, at (775) 589-5230 or dmiddlebrook@trpa.org

2018 QUARTERLY REPORT

TAHOE REGIONAL PLANNING AGENCY
Second Quarter: April – June 2018



**TAHOE
REGIONAL
PLANNING
AGENCY**

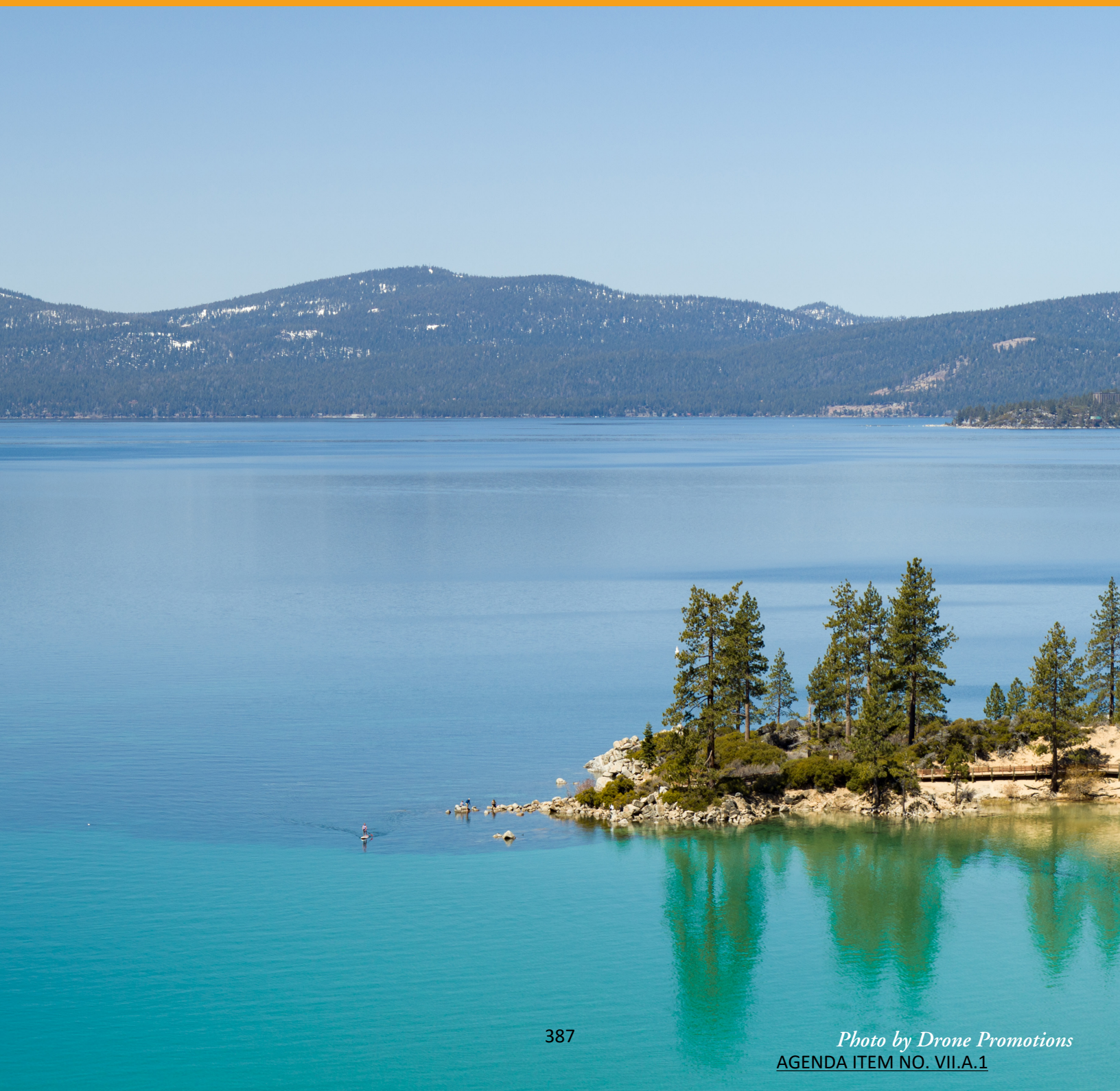


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TRPA STRATEGIC INITIATIVES

The Tahoe Regional Planning Agency (TRPA) is moving forward with strategic initiatives the Governing Board identified in 2015 as priorities over the next five years. These initiatives align directly with the four objectives in the agency's Strategic Plan.

THRESHOLDS UPDATE STRATEGIC INITIATIVE

Most of the threshold standards TRPA adopted in 1982 are based on science that is now over 30 years old. The cost of fully monitoring and measuring the existing threshold system has also proved unsustainable. A broad bi-state consensus supports considering updates to the thresholds and monitoring systems. TRPA is working with the Bi-State Tahoe Science Advisory Council and science community to create a sustainable, prioritized, and relevant monitoring plan, and to review and consider modifying the threshold standards to reflect the latest science and the significant values in the Lake Tahoe Region.



Strategic Initiative Desired Outcomes: Relevant and scientifically rigorous threshold standards and a cost-efficient, feasible, and informative, comprehensive monitoring and evaluation plan.

Technical Corrections to Threshold Standards Approved

On May 23, the Governing Board unanimously voted to adopt a reorganization and set of non-policy technical corrections to improve the threshold standards. The modifications were the result of over a year of work with the Tahoe Science Advisory Council and other partners and were the first modifications of the threshold standards since the regional plan was revised in 2012. The reorganization consolidated 173 threshold standards to 152 standards by reducing overlap in the system. The reorganization and technical corrections made the goals and framework of the standards more transparent, a critical step in advance of engaging stakeholders to consider more substantive changes. The reorganization maintained the same level of protection afforded by the system and will not affect TRPA's Regional Plan, Code of Ordinances, project review, or analyses.

SHORELINE PLAN INITIATIVE



TRPA launched the shoreline initiative to enhance the recreational experience along Lake Tahoe's shores while protecting the environment and responsibly planning for potential future development in the shorezone. TRPA and partner agencies initiated planning by engaging the Consensus Building Institute, a third-party mediation firm, to convene stakeholders and complete a stakeholder issue assessment. The assessment aided the development of a collaborative planning process and work program accepted by the TRPA Governing Board in April 2016.

The scope of work focuses on the extent of allowed development of shoreline structures (marinas, piers, buoys, slips, and boat ramps) to support water-dependent recreation and effective resource management to ensure threshold attainment. The scope of work is detailed in the scope memo on www.shorelineplan.org.

***Strategic Initiative Desired Outcomes:** The shoreline plan initiative will result in updated goals and policies in TRPA's Regional Plan and new regulations in the TRPA Code of Ordinances (Chapters 80 to 86) aimed at enhancing recreation and protecting the 72-miles of Lake Tahoe's shoreline.*

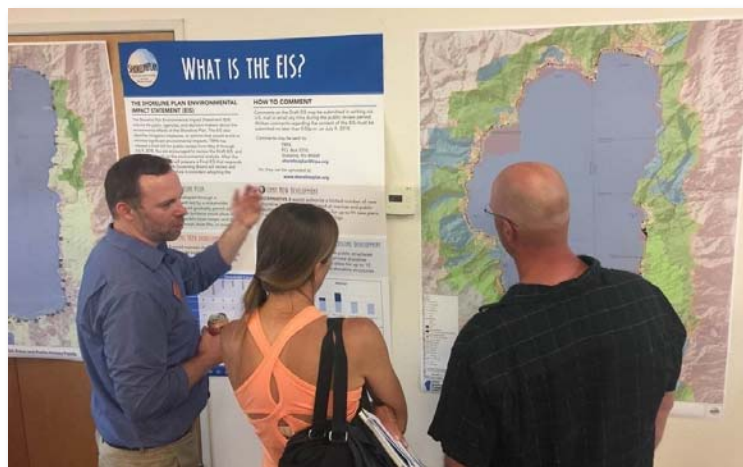
Draft Environmental Impact Statement and Code Amendments

After more than two years of collaboratively developing a proposed plan and alternatives to it, in May, TRPA released a Draft Environmental Impact Statement (EIS) that analyzes four alternatives put forth by the Shoreline Steering Committee. The purpose of the EIS is to inform the public, agencies, and decision-makers about the environmental effects of the Shoreline Plan and the mitigation measures put in place to minimize any significant environmental impacts. The EIS public comment period closes on July 9, 2018, after which TRPA and Ascent Environmental will prepare the final EIS in response to comments received.

This quarter, TRPA also released draft amendments to the Code of Ordinances recommended by the multi-agency Shoreline Code Working Group. The proposed amendments would implement the policies analyzed under Alternative 1 of the Shoreline Plan Draft EIS. TRPA staff presented the draft shoreline code provisions to the Regional Plan Implementation Committee at its April 25 and May 22 hearings. The Draft EIS, code and all related material can be found at www.shorelineplan.org.

Public Outreach

With the release of the Draft EIS, the coordinating partners on the Shoreline Steering Committee continue to encourage public participation and feedback on the Shoreline Plan process, EIS, and code amendments through an extensive outreach campaign. In May, TRPA sent out 35,000 mailers advertising upcoming public workshops and public hearings to property owners in the Tahoe Basin. Two public workshops were held in June and focused on the topics covered in the EIS including piers, moorings, marinas, and non-motorized recreation and safety. The workshops provided an opportunity for homeowners, recreators, and community members to learn about the proposed plan. In addition to these workshops, TRPA staff continues to meet with organizations around the lake to brief the community on the Shoreline Plan, the environmental review process, and to hear feedback on the proposal and environmental analysis. To date, TRPA staff has provided over 30 organizational briefings. TRPA continues to send monthly updates on progress and opportunities to comment on the plan to a shoreline mailing list of over 500 subscribers.



Community members learn more about the Shoreline Plan at a public meeting in June 2018.

Program Implementation

As the Shoreline Plan nears completion, TRPA has begun to shift its focus to implementation of the proposed ordinances and program. The Shoreline Steering Committee has developed a fee proposal that will provide funding for mitigation measures to minimize impacts identified in the EIS. In response to concern from the non-motorized recreation community, the committee endorsed strong enforcement and boater education programs. TRPA is working to develop agency partnerships for public health and safety on Lake Tahoe. Meetings this quarter with local enforcement agencies are improving coordinated enforcement of the 600-foot no wake zone and establishing a 'watercraft task force' to tackle shoreline program enforcement issues around the lake as they emerge. Recognizing that improved education and enforcement of the 600-foot no wake zone is an important component with the additional boating structures allowed under the proposed plan, TRPA has developed an educational campaign that will begin with the 2018 boating season. One component of the campaign is adding messaging that promotes awareness and compliance of the 600-foot no wake zone ordinance at marinas, boat ramps, and watercraft inspection stations.



Take Care message to educate the public about the 600-foot no wake zone.

DEVELOPMENT RIGHTS STRATEGIC INITIATIVE

The Lake Tahoe Region has a unique system of development rights. These are land use units that must be acquired before a property is developed and include rights such as commercial floor area (CFA), tourist accommodation units (TAUs), and residential units of use (RUUs). The intent of the development rights system is to ensure urban build out within the region aligns with environmental capacities and encourages environmentally beneficial redevelopment in town centers.



Strategic Initiative Desired Outcomes: Facilitate greater understanding of Tahoe's growth management system. Assess and update the commodities growth management system with the goal of encouraging environmentally beneficial redevelopment of legacy properties and removal of development from sensitive lands. Involve relevant stakeholders with the goal of mutual and inclusive engagement.

At the direction of the TRPA Governing Board, staff launched a multi-year initiative in 2015 to consider comprehensive changes to the existing development rights system to ensure it is working

for the community needs of today and meeting the goals of the Lake Tahoe Regional Plan. The initiative employs a stakeholder and working group process to clarify issues, formulate strategic approaches, and develop recommendations that align with the regional plan.

The Development Rights Working Group made five recommendations in September 2017:

1. Establish exchange rates between CFA, TAUs, and RUUs;
2. Eliminate local jurisdictional approval of development right transfers;
3. Partner with local land banks to increase the supply of development rights and accelerate the goals of the TRPA Regional Plan;
4. Streamline the development rights system (including banking and transfer activities) and make the system more user-friendly; and,
5. Expand eligibility for residential bonus units to encourage workforce housing.

The second quarter of 2018 marked significant progress on refining the details of the recommendations and developing the implementing code and other agreements needed to carry out the new approach:

- Received endorsement from the Development Rights Working Group to adopt a definition of “achievable housing” for the Tahoe Basin.
- Received direction from the working group to move forward on policy, code, and procedural changes for the expansion of the residential bonus unit program.
- Received endorsement from the Technical Code Team on draft code and policy amendments.
- Drafted a revised memorandum of understanding and policy resolution in collaboration with the California Tahoe Conservancy to support the land bank’s acquisition and transfer of development rights.
- Continued coordination with the Mountain Housing Council and Tahoe Prosperity Center to align regional housing initiatives and recommendations.
- Facilitated a development customer user group to identify streamlining and process improvements.
- Received endorsements from local community groups for the working group’s recommendations.

More information about the development rights strategic initiative is available online at <http://www.trpa.org/about-trpa/how-we-operate/strategic-plan/development-rights/>.

TRANSPORTATION STRATEGIC INITIATIVE

TRPA’s transportation initiative will enhance Lake Tahoe’s transportation system with improved trails, transit, and technology. The approval of the 2017 Regional Transportation Plan, Linking Tahoe, was the first essential step. The most significant issue the initiative aims to address is heavy visitor traffic that causes congestion in community centers, at recreation areas, and at regional entry and exit points.

Strategic Initiative Desired Outcomes: Accelerate threshold attainment by implementing the Regional Transportation Plan, reducing air pollution, improving water quality, enhancing recreational opportunities and mobility, and shifting people to biking, walking, and transit use.

Travel Management

The travel management program implements strategies aimed at influencing people's choices about how and when they travel to reduce traffic congestion. TRPA and partners are working to increase awareness and education around transportation options. Launched in June, the www.LinkingTahoe.com website was refurbished as a travel option website. The website provides a portal for residents and visitors to know their travel options before they choose how to get to, through, and around Lake Tahoe. Over 3,000 Linking Tahoe brochures were distributed to lodging providers, visitor centers, and local businesses in the Lake Tahoe Region.



Screenshot from www.LinkingTahoe.com where visitors can click on different ways to get around Tahoe and get more information on that mode of transportation.

Bi-State Transportation Working Group

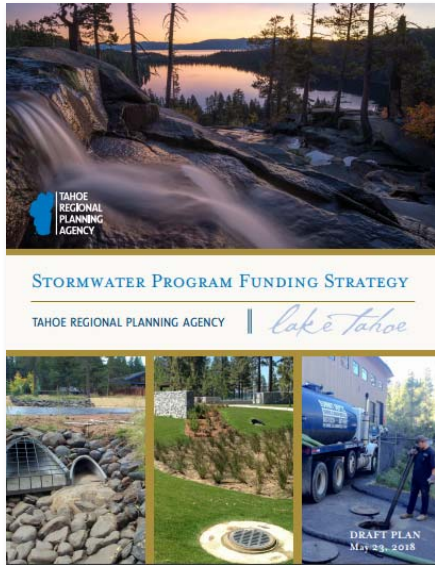
The Lake Tahoe Bi-State Transportation Consultation Working Group, formed in April 2017, aims to provide leadership and alignment for transportation implementation at Lake Tahoe and build transportation system connections with northern California and Nevada. Co-chaired by California Secretary of Natural Resources John Laird and Director of the Nevada Department of Conservation and Natural Resources Bradley Crowell, the working group includes regional, local, and private sector leaders from around the basin. The group is working through its four subcommittees to identify and resolve obstacles that slow Tahoe's Regional Transportation Plan implementation. In preparation for the Lake Tahoe Summit in August, the working group is putting together a 14-partner agency commitment to multi-modal corridor implementation planning; rolling out an on demand micro transit service on the South Shore; creating a Tahoe branded smart-phone application for carpooling; preparing a memorandum of understanding between California and Nevada departments of transportation focusing on freight and possibly passenger rail to Tahoe; and organizing a 10-year Transportation Action Plan of priority projects designed to double the numbers now using transit, biking, and walking instead of their cars.

STORMWATER MANAGEMENT OPERATIONS & MAINTENANCE STRATEGIC INITIATIVE

TRPA's stormwater initiative will improve water quality and advance threshold attainment by helping local governments establish sustainable long-term funding for stormwater operations and maintenance. A Tahoe Resource Conservation District stakeholder assessment is the basis to develop a financial outlook and unified action plan for California local governments to fund

stormwater operations and maintenance. TRPA is assisting stakeholders from Nevada that want to join the process.

***Strategic Initiative Desired Outcomes:** A sustainable governance structure and action plan to secure regional funding for stormwater management operations and maintenance that supports meeting and maintaining threshold and federal water quality standards.*



Stormwater Program Funding Strategy Endorsed by the Governing Board

In May, TRPA’s stormwater program manager presented the Stormwater Program Funding Strategy to the Governing Board. The strategy identifies several short- and long-term program funding options to continue providing TRPA’s services after grant funding concludes in December 2018. The board endorsed strategies to streamline program requirements and pursue cost recovery.

In support of broader funding goals, the Road to Blue Stormwater Funding Partnership is moving ahead to implement next steps for securing dedicated funding streams for stormwater operations and maintenance. Pending litigation against government jurisdictions outside Tahoe that tested the most promising funding strategies has slowed the Tahoe partnership’s progress on finalizing Tahoe’s approach.

Stormwater Leadership Exchange

In April, TRPA Stormwater Program Manager Shay Navarro participated in a peer-to-peer leadership exchange in Washington, D.C., with other governmental stormwater professionals. Topics included national precedents on stormwater funding and maintenance, green stormwater infrastructure, and nature-based solutions. As an outcome from the exchange, TRPA now participates on an international cold climate working group that addresses installation, maintenance, and performance considerations for stormwater infrastructure in cold climates.



TRPA Stormwater Program Manager Shay Navarro with other stormwater professionals in a leadership exchange in Washington, D.C.

BMP Certificates Issued

TRPA issues best management practices (BMP) certificates to recognize a parcel’s compliance with stormwater management BMPs in TRPA’s Code of Ordinances. The Stormwater Management Program targets priority properties for BMP compliance in coordination with local jurisdictions to achieve required pollutant load reductions. Concentrating on commercial and large multi-family (six

units or more) properties is shown by the Total Maximum Daily Load (TMDL) analyses to generate more pollutant load compared to single-family residential properties. This quarter, TRPA issued 96 BMP certificates: 36 for single family residential parcels and 60 for multi-family residential parcels. The cumulative total for 2018 is shown below:

BMP Certificates issued from January 1 to June 30, 2018					
California	Land Use	Total Certificates Issued Year to Date	Certificates Issued Through Permitted Projects	Certificates Issued Through Voluntary Compliance	Certificates Issued Through Enforced Compliance
	Single Family Residential	31	22	8	1
	Multi-Family Residential	0	0	0	0
	Commercial	3	0	1	2
	California Total	34	22	9	3
Nevada	Single Family Residential	20	5	2	12
	Multi-Family Residential	62	58	2	3
	Commercial	0	0	0	0
	Nevada Total	82	63	4	15
	Total Certificates Issued	116	85	13	18

- **Non-compliance letters:** During the second quarter of 2018, TRPA issued notice of failure to install and maintain BMPs letters to the owners of 120 non-compliant parcels.
- **Lake-Friendly Businesses:** At the end of June, 95 businesses were members of the Lake Friendly Business Program, up from 80 businesses at the same time last year. This incentive program recognizes local businesses that complete and maintain BMPs by publicly acknowledging them as good stewards of the lake through print advertisements and social media campaigns.
- **Reporting and Data Analysis:** Work continued integrating TRPA’s BMP database with the Lake Tahoe Info TMDL stormwater tools. A highlight of this work enabled the automatic calculation of six of the eight stormwater Environmental Improvement Program performance measures. These integrations help ensure improved data quality and increase reporting efficiency.
- **Area-Wide Treatment Plans:** In June, TRPA’s Stormwater Management Program met with each of Tahoe’s local jurisdictions to initiate planning for area-wide stormwater treatment opportunities in the Lake Tahoe Basin. The meetings addressed processes and criteria to map potential area-wide treatment opportunities and identify parcels requiring infiltration BMPs versus source control BMPs only.
- **Training and Education:** TRPA’s Stormwater Management Program staff held four BMP trainings for local jurisdiction and TRPA Current Planning staff on BMP regulations and design and maintenance considerations when reviewing and approving development projects.

FOREST HEALTH STRATEGIC INITIATIVE

TRPA's forest health strategic initiative builds on a decade of work by the Tahoe Fire and Fuels Team partnership to implement the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy. The initiative is building a shared vision for forest management in the Tahoe Region, including completing fuels reduction treatments in the wildland-urban interface, identifying and addressing current and future threats to Tahoe's forests and watersheds, and extending forest management actions in the general forest to accomplish large, landscape-scale, multi-benefit restoration through a collaborative multi-agency process.

Strategic Initiative Desired Outcomes: Reduce the threat of fire in the wildland-urban interface and implement forest restoration at a large-landscape scale.

Lake Tahoe West Partnership

This quarter, the Lake Tahoe West Interagency Design Team continued progress on developing the Landscape Restoration Strategy for Tahoe's forested landscape on the west shore. The team actively worked with the Science Coordination Team to complete scientific modeling to assess the effect of four management scenarios on a suite of ecosystem values and services. The



Interagency Design Team also led a stakeholder field trip in June, where stakeholders visited several locations with active restoration activities. The field trip's goal was to demonstrate to stakeholders the types of restoration activities that are being evaluated for the Landscape Restoration Strategy. Christina Restaino, Forest Ecosystem Health Program Manager, is the lead of the Interagency Design Team and a co-lead of the Science Coordination Team.

Forest Health Threshold Update

This quarter, TRPA worked with numerous stakeholder groups, including the Tahoe Fire Fuels Team and the Lake Tahoe West Interagency Design Team, to review TRPA's current forest health thresholds, and evaluate, based on current science, emerging threats, and changing state policies, whether changes or additions may be needed. A general outline of concepts under considerations were presented to the Tahoe Interagency Executive Steering Committee and the TRPA Governing Board in June 2018. A TRPA Code Working Group, a subset of the Tahoe Fire and Fuels Team, was also formed to begin looking at how the code may be updated for forestry practices to align with new forest health values in the updated thresholds.

Forest Health Project Funding

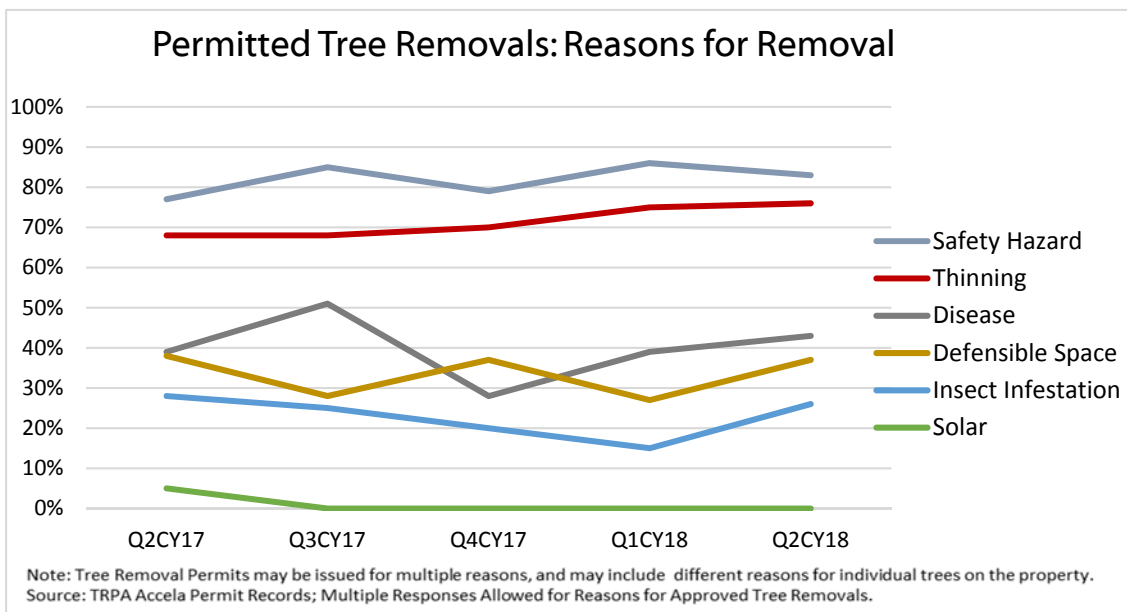
In June, the U.S. Forest Service Lake Tahoe Basin Management Unit was allocated \$2.5 million from the Lake Tahoe Restoration Act funding authorization. This funding will be used to support the Lake Tahoe West Restoration Partnership and hazardous fuel reduction projects on the west and north shores.

Urban Forestry/Tree Removal Permits on Private Property

TRPA foresters are part of the network of forestry and fire professionals who help private landowners keep their property safe and defensible from wildfire. TRPA's staff forester provides expertise in tree risk assessment and serves private property owners in the Tahoe Basin with thorough tree evaluations. The table below summarizes tree removal applications by quarter since the second

quarter of 2017. In the second quarter of 2018, TRPA received 271 tree removal applications. Trees removed due to safety hazard continue to be the primary reason for marking trees for removal. The number of permits submitted online is up seven percent from the same quarter last year.

Summary of TRPA Tree Removal Applications & Permitting Activity Quarter 2 2017 through Quarter 2 2018					
	Q2 CY2017	Q3 CY2017	Q4 CY2017	Q1 CY2018	Q2 CY2018
Tree Removal Applications Received	270	338	153	90	271
Number of Trees Permitted for Removal	1,141	1,296	520	339	1,431
Percent Applications Submitted Online	62%	60%	67%	68%	69%
Source: TRPA Accela Permit Records					



AQUATIC INVASIVE SPECIES STRATEGIC INITIATIVE

Control of existing aquatic invasive species (AIS) is one of three core AIS programs, complementing the well-known prevention program as well as early detection/rapid response. Boat inspection fees and funding from California and Nevada combine to fund the boat inspection program. The primary need going forward is to secure AIS control program funding to implement Tahoe’s science-based AIS Control Implementation Plan and prioritize effective projects to push back existing populations of AIS.

Strategic Initiative Desired Outcomes: Control of invasive weeds, clams, and fish enhances and restores Tahoe’s unique ecosystem and protects Tahoe’s recreation and tourist-based economy. Secure funding for the AIS control program, and carry out the prioritized implementation plan, and align control projects to reduce existing AIS.

AIS Program Funding

TRPA and program partners made significant gains in obtaining funds for the AIS program. During this quarter, TRPA was appropriated \$3.088 million from the U.S. Fish and Wildlife Service through the Lake Tahoe Restoration Act. The funds are slated for implementing a facilitated and mediated approach for the Tahoe Keys control project and invasive aquatic plant control.

AIS Prevention

The four boat inspection stations opened on May 1 and will operate through September 30. The stations are located at Spooner Summit, Meyers, Alpine Meadows, and Truckee.

AIS Control

- Asian clam control work continued at Sand Harbor State Park utilizing rubber bottom barriers that suffocate the clams but leave their shells behind. Staff is looking for innovative approaches to clam control that would remove clams from the lake and are planning to do a test project in the fall.
- The TRPA Hearings Officer approved the use of laminar flow aeration in the Ski Run Marina to reduce the organic layer at the bottom of the lake that invasive aquatic plants use for food.
- TRPA issued a request for proposals seeking a mediation/facilitation team for the Tahoe Keys project. Three proposals have been received and a review of the proposals is underway.
- Control work on invasive weeds in Elks Point Marina started.

AIS Monitoring

A contractor has been selected to develop an aquatic plant monitoring plan and implement a survey. The plan will describe multiple techniques for monitoring and provide a consistent survey tool to track changes in AIS populations over time.

ONGOING INITIATIVES AND ANNUAL ACTIVITIES

LONG RANGE & TRANSPORTATION PLANNING DIVISION

Long range planning priorities are established by TRPA's Governing Board annually and reviewed based on evaluations of progress toward achieving and maintaining environmental threshold standards every four years.

Sustainable Recreation

This quarter, the Sustainable Recreation Working Group hosted its first stakeholder workshop for the development of a regional recreation strategic plan. The workshop brought together 50 stakeholders representing public, private, and community interests. Five shared recreation values emerged at the workshop: shared stewardship, access for all, quality experience, respect for communities, and health and well-being. Next steps include garnering community input on recreation experience and needs, integration of recreation into the State Route 89 Recreation Corridor Plan, developing shared recreation indicators, and beginning development of a sustainable recreation strategy for the Tahoe Basin.

Electric Vehicle Readiness

TRPA completed an education and outreach campaign promoting electric vehicles. Actions included digital ads, social media, an electric vehicle poker run, and car show. Overall, the digital

campaign had over 500,000 impressions, 13 cars participated in the poker run, and five cars participated in the car show. The goal of the campaign was to raise awareness of the availability of electric vehicle charging stations at Lake Tahoe and promote the use of electric vehicles. Greater use of electric vehicles reduces lake polluting carbon fuel emissions and reduces greenhouse gas production.

Chile Clear Lakes

Learning from and contributing to conservation work in other parts of the globe that share Lake Tahoe's concerns enhances our practices here at home and reputation as a global leader. Representatives from TRPA, the League to Save Lake Tahoe, and University of California, Davis took part in an international delegation trip to the Los Rios Region of Southern Chile, specifically, Lago



Signing of an international partnership between Lake Tahoe and Chile.

Panguipulli. The trip included meetings with federal, regional, and local officials, universities, community groups, and indigenous tribes. The purpose of the trip was to help the region sustainably develop their lakes to avoid environmental degradation. Over 230 people attended a public workshop as part of this event, resulting in the signing of an international partnership proclamation between Lake Tahoe and Chile.

American Planning Association Presentation

TRPA transportation staff presented on a panel this quarter at the national American Planning Association conference. The panel explored the benefits of using anonymous aggregated cell phone information in transportation master planning and other types of planning projects. Mining cell phone data, one of 44 sessions on transportation that day, received the American Planning Association Transportation Planning Division endorsement as the most informative and useful session for the day.

2018 Tahoe Bike Challenge

The 13th annual Tahoe Bike Challenge had 196 participants who traveled over 11,215 miles on foot or bicycle, stopping 12,105 pounds of carbon dioxide emissions from entering the atmosphere. Collectively, participants burned 482,245 calories and saved \$2,493 in gasoline costs. The team challenge had 32 local businesses compete for the most miles and trips with TRPA logging over 1,635 car-free miles. The winners were as follows:

- **Team challenge winners (Most Trips)**
 - First – South Tahoe Refuse and Recycling, 259 trips
 - Second – Lake Tahoe Community College, 252 trips
 - Third – League to Save Lake Tahoe, 250 trips

- **Team challenge winners (Most Trips Per Employee)**
 - First – El Dorado County Department of Transportation/Library, 32.33 trips per employee
 - Second – Tahoe Telecommuters, 17.57 trips per employee
 - Third – Lake Tahoe Community College, 14.82 trips per employee

Safe Routes to School Program

The Safe Routes to School program provided in-class pedestrian and bicycling safety lessons to 894 elementary school students and four bicycle safety classes reaching 634 students during this quarter.

Lake Tahoe Region Safety Plan

As required by the Fixing America’s Surface Transportation Act, TRPA is coordinating with the states of California and Nevada on safety performance measure targets with the goal of decreasing crashes. Supporting this effort, TRPA and partners continue to work on the Lake Tahoe Region Safety Plan. Recent accomplishments include development of a ‘Tahoe Travel Shed’ concept that will guide how projects are designed and operated to prioritize safety improvements for all roadway users. Partners are also finalizing two memorandums of understanding to document commitments to improving crash data collection and analysis, utilizing a countermeasure toolbox, and using a Tahoe-specific performance metric tool for determining design volumes. Lastly, partners are developing eight priority projects to move forward for construction funding consideration through each state’s Highway Safety Improvement Program.



Elementary school students learn about bike safety at the annual bike rodeo during the Tahoe Bike Challenge.

CURRENT PLANNING DIVISION

The basin partnership achieves environmental threshold benefits through project implementation by the public and private sectors. The Current Planning Division reviews project applications in a timely and consistent manner to serve the public and help facilitate environmental improvement and economic investment in Lake Tahoe communities.

Hearings Officer Meetings

The Hearings Officer approved 15 project applications this quarter:

- Three land capability challenges;
- The modification of a potentially historic lakefront home;
- Three gas line replacement projects for Southwest Gas in Kings Beach, Meyers, and the City of South Lake Tahoe;
- A new monopine cellular tower at Edgewood Golf Course;
- A permit for Nevada Energy to rebuild the existing underground electric distribution system within the PineWild Subdivision in Douglas County;

- An addition to an existing single-family residence within Incline Village;
- A permit to construct a new building for relocation of an emergency diesel generator for the South Tahoe Public Utility District;
- A special use permit to renovate and expand facilities at Galilee Episcopal Camp and Conference Center near Glenbrook;
- A permit to install two avalanche control devices at Alpine Meadows Ski Area;
- A new commercial warehouse building near the South Lake Tahoe Airport; and,
- Ski Run Marina Laminar Flow Aeration Environmental Improvement Project to reduce aquatic invasive species.

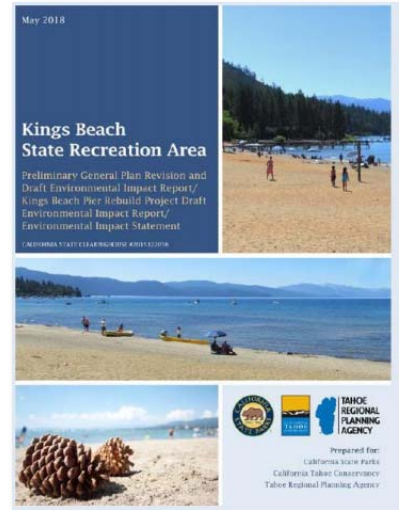
Permit Application Review

The number of permit applications received this quarter is up compared to the same quarter last year. The increase in shorezone applications is likely due to the onset of a six-month permitting pause during the final stages of review of the Shoreline Plan update. The increase in residential applications can be partially attributed to TRPA assuming Washoe County permit reviews following the County's memorandum of understanding suspension earlier this year. Forty-four of the 83 residential projects in the second quarter were for residential projects within Washoe County.

Summary of TRPA Project Applications Received Quarter 2 2017 through Quarter 2 2018					
	Q2 CY2017	Q3 CY2017	Q4 CY2017	Q1 CY2018	Q2 CY2018
Applications Received¹	234	243	199	213	278
Residential Projects ²	42	44	25	50	83
Commercial Projects ²	4	5	4	4	5
Recreation/Public Service Projects ²	9	9	11	16	11
Environmental Improvement Construction Projects	5	1	0	5	5
Shorezone/Lakezone Projects ²	7	7	5	4	22
Grading Projects	10	16	7	5	12
Verifications and Banking ³	132	124	123	91	94
Transfers of Development	10	5	7	13	14
Other ⁴	15	32	17	25	32
Notes:					
1 Does not include Exempt projects, Qualified Exempt declarations, Tree Removal applications, or Administrative applications.					
2 Includes New Development and Additions/Modification					
3 Includes Soils/Hydrology Verifications, IPES, Land Capability Verifications, Land Capability Challenges, Verifications of Coverage, Verifications of Uses, Site Assessments and Standalone Banking Applications					
4 'Other' includes Historic determinations, Lot Line Adjustments, Temporary projects, Scenic, Underground Tank Removal, Subdivision of Existing Uses, Sign, Allocation Assignments, and other miscellaneous project types					
Source: TRPA Accela Permit Records					

Kings Beach State Recreation Area General Plan & Pier Project

TRPA, California State Parks, and the California Tahoe Conservancy released the Kings Beach State Recreation Area General Plan Revision and Pier Rebuild Project Draft Environmental Impact Report/ Statement for a public comment period which ended at the end of June. The pier rebuild is an Environmental Improvement Program project to enhance public recreation access both to and from Lake Tahoe. A relocated and expanded public pier that stood high and dry during the recent drought would be newly accessible for both lake viewing and boating access at most water levels. The proposed pier project will likely move forward for approval under the new Shoreline Plan and code. Additional benefits to both scenic and fish resources would be achieved through required mitigation under the new Shoreline Plan.



ENVIRONMENTAL IMPROVEMENT PROGRAM DIVISION

TRPA's Environmental Improvement Division leads the Lake Tahoe Environmental Improvement Program (EIP), a collaborative public and private, multi-jurisdictional capital investment program to conserve and restore Lake Tahoe's environment and enhance public recreation opportunities. The division leads the development of new financing strategies for future projects and programs, sets priorities so limited funding achieves maximum threshold gain, and builds new associations beyond the Tahoe Region to improve implementation and leverage new funding sources.

California Lands Stewardship Network: Field Trip to Muir Woods

EIP Division Manager Kim Caringer attended the California Lands Stewardship Network at the Asilomar State Park Conference Center in June 2018. The network is a group of regional partnerships that practice collaborative, cross-jurisdictional landscape-scale stewardship in California. This "network of networks" was formed in late 2016 to exchange ideas and experience, share tools, build



California Lands Stewardship Network members on a field trip to Muir Woods. Photo by Sue Gardner.

relationships, meet collective priorities, and promote innovation among land stewardship practitioners and colleagues. Caringer organized a field trip for Tahoe staff from numerous agencies to meet with staff at the Muir Woods National Monument who recently unveiled a new parking management and reservation system. Both teams found the exchange to be valuable in learning about and sharing solutions to

similar challenges in balancing access and natural resource protection and addressing growing congestion that impacts visitor experience.

Field Tour for Assemblyman Garcia

The EIP Division assisted in planning and giving a Lake Tahoe tour to California Assemblyman Edwardo Garcia of the 56th Assembly District, which encompasses Imperial County and parts of Riverside County. Assemblyman Garcia recently introduced Assembly Bill 1918 which proposes to establish the Office of Sustainable Recreation to promote economic development and job growth in California’s outdoor recreation economy. Also, the Salton Sea, located in Assemblyman Garcia’s district, will receive \$200 million in restoration dollars from the recently passed California Proposition 68. The Assemblyman is interested in learning from Tahoe’s Environmental Improvement Program and other collaboratives around California on how to structure a collaborative restoration program for the Salton Sea. This tour demonstrated Tahoe’s challenges and successes in the EIP and highlighted the importance of Senate bills that will promote restoration around the state.

Mitigation Fund Releases

During the second quarter of 2018, TRPA released \$640,000 in mitigation funds to local jurisdictions for EIP project implementation and maintenance.

Quarter 2 2018 – Approved Mitigation Fund Releases			
Month	Jurisdiction / Fund	Project	Amount
April 2018	City of South Lake Tahoe/Stream Environment Zone Funds	Bijou Park Creek Watershed and SEZ Restoration Project	\$300,000
	El Dorado/Air Quality Funds	Meyers Corridor Operational Improvement Project	\$50,000
	El Dorado/Air Quality Funds	East San Bernardino Ave Class 1 Bike Trail Project	\$60,000
	El Dorado/Operations & Maintenance Funds	Purchase of Tymco 500X Street Sweeper	\$50,000
	April Total		
May 2018	Washoe/Air Quality Funds	Purchase of Tymco High-Efficiency Street Sweeper	\$65,000
	Washoe/Operations & Maintenance	Repair of retaining wall along Beowawie Road	\$35,000
	May Total		
June 2018	Douglas/Operations & Maintenance	Repair and upgrade of two stormwater basins	\$80,000
	June Total		
Quarter 2 2018 Total			\$640,000

RESEARCH & ANALYSIS DIVISION

TRPA monitors hundreds of environmental threshold standards, performance measures, and management actions for progress and effectiveness. TRPA's Research and Analysis Division connects the science community to the implementation of the regional plan and provides the best possible information for policy decisions, operations, and accountability. The division organizes science inputs, builds data platforms, monitors and maintains current data, and analyzes information needed for policy development and decision making.

LakeTahoeInfo.org Development

TRPA continued to develop the <https://laketahoeinfo.org> website this quarter with enhancements to make it more accessible, user-friendly, and valuable to the user. Highlights and new features include:



- Information about 706 parcels was updated in the Parcel Tracker this quarter. TRPA also responded to 91 help requests directly through the Parcel Tracker. These requests were from property owners, real estate agents, and MOU partners requesting updated permitting information on a parcel.
- The Monitoring Dashboard (<https://monitoring.laketahoeinfo.org/>) was enhanced this quarter to show more featured monitoring programs. Noise monitoring, stream monitoring, and Tahoe Yellow Cress monitoring data can now be viewed and downloaded from the dashboard. More featured monitoring programs will be added next quarter.
- The LT Info Stormwater Tools (<https://stormwater.laketahoeinfo.org/>) are now open for public viewing. Previously only the Stormwater Tools homepage was available to the public, and other pages were limited to logged-in jurisdictional and regulatory users. Most pages in the Stormwater Tools are quite technical in nature, but in keeping with LT Info's core values of transparency and accountability this area is now open to the public.

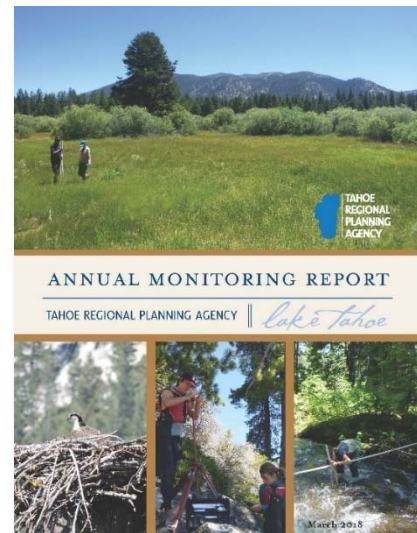
Automation of Data Updates

This quarter, Research and Analysis Division staff created custom solutions to further automate data updates to parcel and monitoring datasets. The automated updates improve accuracy for end users and TRPA efficiency by minimizing time spent working on repetitive tasks.

TRPA Annual Monitoring Report Released

TRPA released its first ever annual monitoring report this quarter, the 2017 Annual Monitoring Report. While the TRPA Threshold Evaluation reports comprehensively on monitoring results from across the basin partnership the annual report keys in on monitoring performed by TRPA related to the threshold categories of streams, SEZ, air quality, noise, wildlife, Tahoe Yellow Cress, and bicycle/pedestrian usage. The annual report is another step moving the basin partnership closer to the goal of real time progress reporting that eliminates the four-year waiting period between comprehensive threshold evaluations. The 2017 Annual Monitoring Report can be viewed at:

<https://monitoring.laketahoeinfo.org/FileResource/DisplayResource/ce846a97-d27f-4af4-9c8d-5d1e07459dc2>

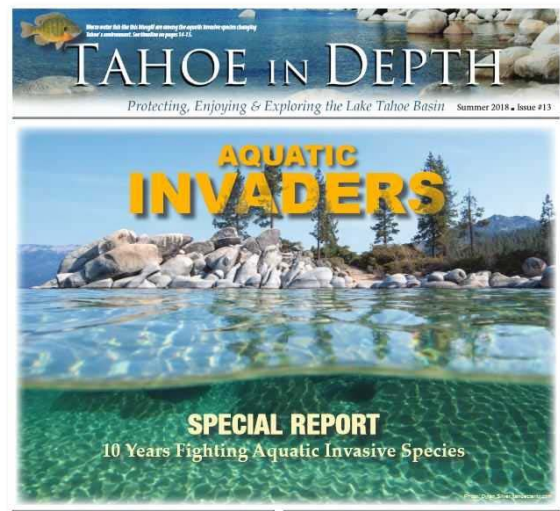


EXTERNAL AFFAIRS

TRPA supports a culture committed to public education, outreach, and community engagement to implement the Tahoe Regional Plan. The external affairs team leads public engagement initiatives in collaboration with a wide variety of agency and nonprofit stakeholders. This quarter, TRPA continued ongoing education and outreach in the Lake Tahoe Region to raise public awareness about issues at Lake Tahoe and improve public understanding about the role of TRPA and the EIP collaborative partnership.

Legislative Affairs: External Affairs staff continued working with Tahoe’s congressional delegation on future Lake Tahoe Restoration Act appropriations, helping secure \$15 million through appropriations committees that would be part of any final budget negotiations. Staff also supported TRPA’s general budget requests with the states of California and Nevada, and worked on California’s Proposition 68, the parks, environment and water bond.

Tahoe In Depth: TRPA and its partners published the summer 2018 issue of Tahoe In Depth. The issue includes a special report on 10 years of fighting aquatic invasive species at Lake Tahoe and the 10th anniversary of the watercraft inspection program that has successfully prevented any new invasive species introductions over the last decade.



Staff Trainings: External affairs organized a series of trainings in May for TRPA staff to improve their writing and communication skills.

Community Presentations: Staff made a series of presentations to Realtor groups at Lake Tahoe to update them about TRPA initiatives including the Shoreline Plan, the development rights strategic initiative, and new property and permit research tools available on www.LakeTahoeInfo.org.

Take Care: TRPA staff helped launch an updated TakeCareTahoe.org (<https://takecaretahoe.org/>) website. The website for the collaborative environmental stewardship campaign has expanded into a one-stop shop for information about environmental education, volunteer opportunities, and visitor centers in the Lake Tahoe Basin.

Lake Spirit Awards: TRPA recognized four people—Amy Berry, Jacob Quinn, Sue Hughes, and Gavin Feiger—with Lake Spirit Awards to recognize their dedication to improving Lake Tahoe’s environment, communities, and recreation opportunities.

Scholarships: TRPA awarded two high school seniors at Lake Tahoe with college scholarships totaling \$1,000. Funding for the scholarships is raised via donations made by TRPA staff and Governing Board and Advisory Planning Commission members. Over the last 12 years, TRPA has awarded more than \$14,000 in scholarships to 30 local students pursuing environmental and science degrees in college.

Snapshot Day: TRPA staff led a team for Snapshot Day, helping the California Conservation Corps take water quality samples at a site along Taylor Creek.

FINANCE, INFORMATION TECHNOLOGY, & FACILITIES

Finance Update

TRPA made significant progress on budget activities this quarter. The annual operating budget was presented to and approved by the Governing Board. California has approved its budget, including TRPA's allocation for fiscal year 2018/19. Nevada is in the second year of its biennial budget cycle, so TRPA's funding was approved last year. Work has begun on the fiscal year 2019/21 biennial budget for Nevada and the fiscal year 2019/20 budget for California. TRPA's Transportation Overall Work Plan for fiscal year 2018/19 has been approved by the funders. Additional Special Programs (Grant) funds were received from the U.S. Forest Service under the Lake Tahoe Restoration Act.

Facilities Update

The agency is in the process of renewing a lease with the General Services Administration and is in negotiations with other potential lessors. During the last three months, solar panels on the roof of the TRPA building have generated 382,751 kilowatt hours of electricity reducing carbon dioxide emissions by 268 tons.

HUMAN RESOURCES

Training and Development

The second quarter brought more staff training and development to TRPA. Alison Gaulden of the University of Nevada, Reno Reynolds School of Journalism delivered three custom sessions of "Writing for Results." Michael Ward of HighBar Global delivered "Performance Communications" training to supervisors.

TRPA Boat Crew Returns

In May, TRPA welcomed back its seasonal boat crew: Ted Truscott, Jeff Miller, and Kristian Morehead. Ted and Jeff join for their fourth summer season, and Kris for his fifth.

TRPA Summer 2018 Interns

TRPA welcomed new summer interns this quarter. Lindsey Costello joined the Research and Analysis Division as a permit research technician intern. She has a bachelor's degree in environmental planning and design and is enrolled at the University of Washington in the masters of sustainable transportation program. James Osgood, a student at Lehigh University studying finance and economics, is working in the Finance Team, focused on continuous improvement project to streamline the processing of agency securities. Rosalie Annand, a senior studying environmental management and protection at California Polytechnic University, is an intern in the Long Range and Transportation Planning Division. Rosalie is supporting the Shoreline Plan and the Development Rights Initiative.

New TRPA Staff

Steve Biddle, Finance Department

TRPA said good bye to its terrific facilities manager, Chuck Hanson, who announced his retirement. Taking his place is Steve Biddle, who joined the agency in June after several years in facilities and maintenance roles at technology firms. Steve recently relocated to the Carson Valley from Southern California to be closer to family in the area.



Robbie Graves, Current Planning Division

Robbie Graves joined TRPA in April as a senior management assistant, providing administrative support to the Current Planning Division and Long Range and Transportation Planning Division. Robbie has over five years of hospitality and office management experience and most recently worked for Chase International Real Estate as an executive assistant to the CEO.

