

# Chapter 13

## PLAN AREA STATEMENTS AND PLAN AREA MAPS

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

13.1 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.

13.2 Establishment Of Plan Areas And Plan Area Statements: The Plan Areas and the related Plan Area Statements are established as depicted on the Plan Area Map of the TRPA Regional Plan Overlay Maps at 1" = 400' and 1" = 2,000', and in the document entitled Regional Plan for the Lake Tahoe Basin, Plan Area Statements.

13.3 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.

13.4 Relationship To Community Plans: A plan area statement may be replaced or modified by the adoption of a community plan pursuant to Chapter 14.

13.5 Content Of Plan Area Statements: Each plan area statement shall include the following:

13.5.A Name And Number: Each plan area statement shall have a name and number for identification purposes.

13.5.B 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.

(1) Land Use Classifications: The land use classifications are:

(a) Land Conservation Areas: Conservation areas are 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:

- (i) public lands already set aside for this purpose;
- (ii) high-hazard lands, stream environment zones, and other fragile areas, with out substantial existing improvements;
- (iii) isolated areas which do not contain the necessary infrastructure for development;
- (iv) areas capable of sustaining only passive recreation or nonintensive agriculture; or
- (v) areas suitable for low-to-moderate resource management.

(b) Recreation Areas: Recreation areas are areas with good potential for developed outdoor recreation, park use, or concentrated recreation. Lands which are identified as recreation areas include:

- (i) areas of existing private and public recreation use;
- (ii) designated local, state, and federal recreation areas;
- (iii) areas without overriding environmental constraints on resource management or recreational purposes; or
- (iv) areas with unique recreational resources which may service public needs, such as beaches and ski areas.

- (c) Residential Areas: Residential areas are 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 non residential uses that complement the residential neighborhood. These lands include:
- (i) areas now developed for residential purposes;
  - (ii) areas of moderate-to-good land capability;
  - (iii) areas serviced by utilities; or
  - (iv) areas of centralized location in close proximity to commercial services and public facilities.
- (d) Commercial And Public Service Areas: Commercial and public service areas are 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. The purpose of this classification is to concentrate such services for public convenience, separate incompatible uses, and allow other non commercial uses if they are compatible with the purpose of this classification and other goals of the Regional Plan. These lands include:
- (i) areas now developed for commercial or public service uses;
  - (ii) in the case of public services, lands designated for, or in, public ownership;
  - (iii) areas suitable to encourage the concentration of compatible services;
  - (iv) areas of good-to-moderate land capability; or
  - (v) areas with adequate public services and transportation linkages.

- (e) Tourist Areas: Tourist areas are 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 include:
  - (i) areas now developed with high concentrations of visitor accommodations and related uses;
  - (ii) lands on which gaming is a permitted and recognized use;
  - (iii) lands of good-to-moderate land capability; or
  - (iv) areas with adequate public services and transportation linkages.
  
- (2) Management Strategies: The management strategies are:
  - (a) 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.
  - (b) 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 can 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.
  - (c) 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.

- 13.5.C 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:
- (1) 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 14 and incentives pursuant to Chapter 33. The final boundaries of community plans shall be as prescribed by the adoptions.
  - (2) Eligible For Redevelopment Plans: Plan areas designated as eligible for redevelopment plans may be considered for adoption of redevelopment plans pursuant to Chapter 15. Additional provisions prescribing eligibility for redevelopment plans are set forth in Chapter 15.
  - (3) 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 34:
    - (a) Existing Development: The existing development designation determines which areas are eligible for the transfer of existing uses which are permissible uses in the plan area.
    - (b) Multi-Residential Units: The multi-residential unit designation determines which areas are eligible for the transfer of residential development rights.
  - (4) Scenic Restoration Areas: The scenic restoration area designation indicates one or more highway units or shoreline units in the plan area is not in compliance with the Scenic Threshold rating and this area is therefore subject to the scenic quality provisions of Chapter 30.
  - (5) 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 Subsection 43.4.F.<sup>§</sup>
  - (6) (Deleted)<sup>§</sup>
  - (7) Preferred Industrial Areas: Plan areas with the preferred industrial area designation are eligible for the commercial allocation and transfer incentives pursuant to Chapters 33 and 34.

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<sup>§</sup> Amended 4/27/2005

- 13.5.D Description: Each plan area statement shall have a description of location, existing uses and existing environment of the plan area.
- 13.5.E Planning Statement: Each plan area statement shall have a planning statement which sets forth in a summary statement the general planning direction for the plan area.
- 13.5.F 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.
- 13.5.G 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.
- 13.5.H Permissible Uses: Pursuant to Chapters 18 and 51, 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:
- (1) General List: The General List section provides a list of allowed and special uses which may be permitted throughout the land area of a plan area except as modified by subparagraph 13.5.H(2).
  - (2) Special Areas: The Special Area section provides a list of one or more special areas within a plan area with a different list of allowed and special uses than the General List.
  - (3) 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.
- 13.5.I Maximum Densities: Pursuant to Chapter 21, each plan area statement shall designate the maximum densities of use which may be permitted within the plan area.
- 13.6.J (Deleted)<sup>§</sup>
- 13.5.K Maximum Community Noise Equivalent Level: Each plan area statement shall specify the maximum community noise equivalent levels (CNEL) that are permissible within the plan area.
- 13.5.L Additional Developed Outdoor Recreation: Each plan area statement shall specify the amount of additional recreational capacity subject to the PAOT allocations pursuant to Subsection 33.6.B permissible within that plan area. Additional recreational capacity shall be measured in people at one time (PAOT). 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

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<sup>§</sup> Amended 04/24/02

capacity shall be allocated upon permit approval by TRPA or may be allocated to a specific plan area pursuant to 13.7.A. Allocations shall be consistent with the targets for outdoor recreation set forth in 33.6.A. (4) (c). The pools of reserved recreation capacity shall consist of 1,000 overnight PAOT and 6,761 summer day use PAOT. Other recreation capacity may be specified as appropriate.

13.5.M Improvement Programs: Each plan area statement shall make reference to major improvement or restoration programs which affect the plan area.

13.6 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 the base map and the plan area and land capability overlays, as described in Chapter 12.

13.6.A 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 which make exact boundary determination difficult or uncertain, the precise boundary line shall be established by using the following criteria:

- (1) 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.
- (2) 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.
- (3) Where plan area boundaries appear to follow ownership boundaries, such boundaries shall be the plan area boundaries.
- (4) 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.

13.7 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:

- 13.7.A 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 13.7.A, 13.7.B and 13.7.C to reflect current data.
- 13.7.B Amendment By Ordinance: Modification of Permissible Uses, Maximum Densities, and assigned Maximum Community Noise Equivalent Levels shall be by ordinance.
- 13.7.C Amendment By Resolution: Modification of Description, Planning Considerations, and Improvement Programs shall be by resolution.
- 13.7.D Findings For Plan Area Amendments: Prior to adopting any plan area amendment, TRPA must find: <sup>§</sup>
- (1) The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C; and
  - (2) 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, it must be found 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:
    - (a) The amendment is to correct an error which 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
    - (b) The amendment is to enable TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 32 indicators; or
    - (c) The amendment is needed to protect public health and safety and there is no reasonable alternative.

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<sup>§</sup> Amended 4/25/01

- (3) If the amendment is to add multiple-family as a permissible use to a plan area or for one or more parcels, except as provided for in (5) below, the plan area or affected parcel must be found suitable for transit-oriented development (TOD). TRPA shall find that the following factors, or a functional equivalent as provided for in (4) below, are satisfied when determining TOD suitability:
  - (a) The area must have access to operational transit within a 10 minute walk; and
  - (b) Neighborhood services within a 10 minute walk, (e.g., grocery/drug stores, medical services, retail stores, and laundry facilities); and
  - (c) Good pedestrian and bike connections; and
  - (d) Opportunities for residential infill (at densities greater than 8 units per acre) or infill with mixed uses; and
  - (e) Adequate public facilities, (e.g., public schools, urban or developed recreation sites, government services, and post offices).
- (4) In order for TRPA to find a proposal is the functional equivalent of one of the factors listed in 13.7.D (3), or 13.7.D (5) (a), the proposal must be found to facilitate TOD in a manner that is equal or superior to that feature.
- (5) 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 must be found suitable for transit-oriented development (TOD). TRPA shall find that the following factors are satisfied when determining TOD suitability:
  - (a) access to operational transit within a 10 minute walk, or a functional equivalent as provided for in (4) above; and
  - (b) neighborhood services; or
  - (c) public facilities.