TRPA
APC
PACKETS

APRIL
1997
TAHOE REGIONAL PLANNING AGENCY
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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, April 9, 1997, at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda for the meeting is attached hereto and made a part of this notice.

March 31, 1997

By: [Signature]
Deputy Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GHI office, and the North Lake Tahoe Chamber of Commerce.

Planning for the Protection of our Lake and Land
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
8319 North Lake Boulevard
Kings Beach, California

April 9, 1997
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on an agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing and Planning Matter items will be taken at the time those agenda items are heard.

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 HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

A. Amendment of Plan Area Statement Boundary Between PAS 110, South Y (Commercial/Public Service), and PAS 114, Bonanza (Residential), to Relocate El Dorado County APN 32-151-01 from PAS 114 to PAS 110; or Amendment of the Special Designation in PAS 114 to Allow the Transfer of Existing Development in Special Area #1 Only

B. Amendment of Chapter 4, Project Review and Exempt Activities, to Amend an MOU With Placer County to Delegate Review of Signs in the North Shore Community Plan Areas

C. Amendment of Chapter 4 (Project Review and Exempt Activities) to Adopt MOU Between TRPA and the Fulton Water Company to Exempt Certain Activities From TRPA Review

D. Amendment of Plan Area Statement 102, Tahoe Keys (Residential), Special Area #1, Permissible Uses, to Add Day-Use Areas as an Allowable Use; or Amendment of Beach Recreation Definition in Chapter 18 to Add Beach Recreation as an Allowed Use to Plan Area Statements 005, 066, 068, 070B, and 102

E. Amendment of Plan Area Boundary Between Plan Area 030, Mt. Rose (Conservation), and Plan Area 040, Incline Village #1 (Residential), to Expand the Urban Boundary to Include Washoe County APNs 125-211-01 and 125-211-02 in Plan Area 040

-1-
F. Amendment of the Environmental Thresholds, Goals and Policies, and Code Chapters to Implement Recommendations From the 1996 Threshold Evaluation - 1:00 p.m.

1. Environmental Thresholds (No Action)
   a. Water Quality, Amendment of the 90th Percentile Total Suspended Sediment Standard for Tributaries (WQ-5) to be the Annual Average
   b. Air Quality, Amendment of the Visibility Standards (AQ-4) to Better Correspond with Current Monitoring Methods
   c. Noise, Amendment of Community Noise Equivalent Level (CNEL) (N-3) to Change Wilderness and Roadless Areas and Critical Wildlife Habitat to 45 CNEL and the Commercial CNEL Category From 65 to 60 and to Amend the Tourist CNEL Category From 55 to 60 CNEL
   d. Fishery
      i. Adoption of Updated In-Stream Fish Habitat Ratings
      ii. Amendment of In-Lake Prime Fish Habitat Map to Accurately Reflect Habitat Conditions
      iii. Amendment of Chapter 12 (TRPA Regional Plan Maps), Prime Fish Habitat Overlay, to Amend In-Lake Fish Habitat Map to Reflect New Mapping
      iv. Amendment of Chapter 12 (TRPA Regional Plan Maps), Stream Habitat Quality Overlay, to Reflect Rerating
   e. Vegetation, Adoption of Late Successional/Old Growth (LSOG) Threshold

2. Code of Ordinances and Goals and Policies
   a. Amendment of Chapter 93 (Traffic and Air Quality Mitigation Program) to Make Adjustments to the Air Quality and Transportation Mitigation Requirements
   b. Amendment of Chapter 74 (Remedial Vegetation Management); Chapter 55 (Development Standards in the Backshore); Chapter 20 (Land Coverage Standards) to Include Standards for Management of Stream Environment Zone and Backshore Vegetation to Achieve and Maintain Thresholds for Vegetation, Wildlife, and Fisheries; Chapter 2 (Definitions); and Chapter 77 (Revegetation)
   c. Amendment of Chapter 6 (Findings Required) to Ensure Additional Resource Capacities Remain Available to Meet the Recreation Goals and Policies of the Regional Plan When Approving Non-Recreation Projects (No Action)
   d. Future Residential, Tourist, Recreation and Commercial Allocations (No Action)
i. Amendment of Chapter VII of the Goals and Policies and Chapter 33 (Allocation of Development) to Adopt a Five-Year System of Allocations of Additional Residential Development and a Ten-Year System of Allocations of Additional Commercial and Tourist Development

ii. Amendment of Chapter 33 (Allocation of Development) to Modify the List of Recreation Uses for Which Summer Day Use PAOTs are Allocated

iii. Amendment of Chapter 33 (Allocation of Development) to Permit Conversion of Use Between Tourist and Residential

iv. Amendment of Chapter 34 (Transfer of Development) to Permit Transfers of Existing Uses into Sensitive Lands in Special Circumstances

v. Amendment of Chapter 14 (Community Plans) to Create Preferred Industrial Areas

vi. Amendment of Certain Plan Area Statements to Reduce the Number of Permissible Residential Bonus Units

vii. Amendment of Kingsbury, Meyers, Kings Beach Industrial, Tahoe Vista, and Ponderosa Community Plans and the South Y Industrial Plan Area Statement to Designate Them as Preferred Industrial Areas

e. Amendment of Chapter 82 (Water Quality Mitigation) to Adjust the Schedule of Fees (No Action)

f. EIP Implementation (No Action)

i. Adoption of Chapter 31 (Environmental Improvement Program) Relative to Linked Project Concept

ii. Amendment of Chapter 33 (Allocation of Development) to Delete the Public Service Five-Year List and Recreation Five-Year List

g. Amendment of Chapter 25 (Best Management Practice Requirements) Related to Extending Program to Accomplish Retrofit of Best Management Practices (No Action)

h. Amendment of Chapter 25 (Sign Standards) to Require Conformance With Certain Permit Action, to Adjust the Amortization Schedule, and to Limit Exemption Policies (No Action)
VI. REPORTS

A. Executive Director
B. Legal Counsel
C. APC Members

VII. ADJOURNMENT
March 28, 1997

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of PAS Boundary Between PAS 110, South "Y" (Commercial/Public Service) and PAS 114, Bonanza (Residential), to Relocate El Dorado County APN 32-151-01 from PAS 114 to PAS 110; or amendment of the Special Designation in PAS 114 to allow the Transfer of Existing Development in Special Area #1 Only

Proposed Action: The applicant proposes to amend Plan Area Statement (PAS) boundary between PAS 110, South "Y" (Commercial/Public Service) and PAS 114, Bonanza (Residential), to relocate El Dorado County APN 32-151-01 from PAS 114 to PAS 110 (See Attachment B). The applicant requests the APC reconsider its September action. Staff has proposed an alternate action to this amendment. Staff proposes to amend the Special Use Designation to allow the transfer of existing development in Special Area #1 only (See Attachment D for proposed language change).

Advisory Planning Commission Action: This matter was presented at the September 11, 1996 APC. The APC voted unanimously to recommend approval of staff recommended action to the Governing Board. However, the applicant was not in attendance and the City action was not completed. The applicant presented his proposed amendment before the City Council at their January 7, 1997 meeting. The applicant has received support from the City Council to amend the PAS 110 community plan boundary. Please refer to Exhibit E for the City Council letter dated January 15, 1997 in support of the applicant’s proposed amendment.

Staff Recommendation: Staff is not in support of the applicant’s proposed amendment and recommends that the APC recommend denial of the amendment to the Governing Board. Staff proposes an alternate action, to amend the Special Use Designation to allow the transfer of existing development. Staff recommends denial of the applicant’s request because: 1) the finding of a need for additional commercial floor area in the community plan cannot be made at this time; and 2) the applicant’s proposed use for the site is already a permissible use in the plan area under TRPA ordinance and requires a use permit from the City of South Lake Tahoe. Although staff is not in support of the amendment, staff supports the South "Y" community plan team taking a look at the community plan boundary issue when that community plan process begins.

JH:rd
3/28/97

AGENDA ITEM V.A.
Planning for the Protection of our Lake and Land
Through that process, it could possibly be determined that this particular parcel belongs in the community plan area. TRPA Code Section 14.3, Eligible Areas, states that preliminary boundaries may be adjusted as part of the community plan process if the required findings can be made.

Background: The applicant proposes to amend the boundary line between PAS 114, a residential plan area, and PAS 110, a community plan area, to add El Dorado County APN 32-151-01 into PAS 110. The applicant has proposed the development of a professional office building on the parcel. See Attachment A for existing conditions and Attachment B for the applicant's proposed amendment.

Currently, there is an existing small construction business office located on the parcel. Current zoning for PAS 114 is Multi-Family Dwelling and Tourist Accommodation by TRPA and Tourist Commercial by the City of South Lake Tahoe. Permissible commercial uses in PAS 114, Special Area #1, include Professional Offices, Nurseries, and Schools-business and vocational. The subject parcel is located in Special Area #1 of PAS 114. PAS 114 is a residential plan area with the special area created to include the U.S. 50/California 89 corridor and permit certain non-residential uses. The intention of the Regional Plan is not to perpetuate the commercial strip down the scenic highway corridor by providing a wide range of commercial uses. Allowing strip commercial will have scenic and transportation threshold impacts. Special Policy #2 of PAS 114 states that this is a transitional area of mixed uses. These should be limited to uses compatible with scenic restoration, the intensity of Highways 50/89, and the background residential areas.

Discussion: In evaluating the proposed plan area amendment, staff uses a three-step approach. The first step is to determine whether a mistake was made in mapping the original plan area boundaries and assigning permissible uses to the area. The second step is to determine whether something has changed in terms of character at this location or pattern of land use to warrant amending the boundaries. The third step is to determine whether the amendment to the plan area would change land use patterns such that attainment and maintenance of environmental thresholds is improved or enhanced.

Based on the above three-step procedure, staff recommends leaving the boundaries the way they are. No mistake was made in drawing the PAS boundary. In evaluating this amendment, staff looked at the goals of creating a community plan area. The community plan process was initiated to encourage concentration of commercial development, discourage the maintenance or exacerbation of strip commercial development and discourage the creation of isolated areas of commercial or tourist accommodation unrelated to the central commercial area. The area within a community plan is a size consistent with the needs for additional commercial development established by the needs assessment which evaluated the entire area of the community plan. The City of South Lake Tahoe has previously completed a needs assessment for the South "Y"
Private Vacant Parcels within PAS 110, South Wye
(map drafted on 4/1/97)
114 -- BONANZA

PLAN DESIGNATION:

Land Use Classification  RESIDENTIAL
Management Strategy      MITIGATION
Special Designation      SCENIC RESTORATION AREA
                       TDR RECEIVING AREA FOR:

1. Multi-Residential Units

2. Existing Development
   (Special Area # 1 Only)

MULTI-RESIDENTIAL INCENTIVE PROGRAM

(Special Area # 1 Only)

DESCRIPTION:

Location: This 192 acre Plan Area is located adjacent to the South Tahoe "Y" and is located on TRPA maps F-19 and G-19.

Existing Uses: This Plan Area contains primarily residential uses including single family residences, apartments and a large trailer park. There is also some commercial use. The area is 80 percent built out.

Existing Environment: This area is covered with a mixed-age stand of pine trees and varying understory vegetation. There is one large SEZ which traverses the area and which includes 76 undeveloped residential lots. The area is 40 percent SEZ, 55 percent low hazard, and five percent moderate or high hazard. The land coverage is 30 percent plus an additional 30 percent disturbed.

PLANNING STATEMENT: This Plan Area should continue to develop as a residential area, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

1. The large SEZ in this area may represent a constraint on additional development depending on the extent of modification.

2. The SEZ drainage is extensively disturbed.

3. Periodic flooding occurs in the SEZ drainage area.

4. There is a significant lack of adequate drainage improvements on existing developed properties and roads.

5. The Highway 50 corridor in this Plan Area is in need of restoration. The Agency, in coordination with Caltrans, should develop a mutually-acceptable restoration plan to be implemented by Caltrans.
SPECIAL POLICIES:

1. The upper Bonanza area is characterized by high erosion. A revegetation program in this area would help reduce the problem.

2. Special Area #1, bisected by Highway 50/89, is a transitional area of mixed uses. The entire area within this special area should be limited to uses compatible with scenic restoration, the intensity of Highway 50/89 and the background residential areas. **Transfer of existing development into Special Area #1 shall be from outside community plan areas.**

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

**General List:** The following list of permissible uses is applicable throughout the Plan Area (except as noted in a special areas #1, #2 and #3).

- **Residential**
  - Single family dwelling (A).

- **Public Service**
  - Local public health and safety facilities (S), transit stations and terminals (S), pipelines and power transmission (S), transmission and receiving facilities (S), transportation routes (S), public utility centers (S), churches (S), and day care centers/pre-schools (S).

- **Recreation**
  - Participant sports facilities (S), day use areas (A), and riding and hiking trails (A).

- **Resource Management**
  - Reforestation (A), sanitation salvage cut (A), special cut (A), thinning (A), early successional stage vegetation management (A), structural and nonstructural fish/wildlife habitat management (A), fire detection and suppression (A), fuels treatment management (A), insect and disease suppression (A), sensitive and uncommon plant management (A), erosion control (A), SEZ restoration (A), and runoff control (A).

**Special Area #1:** The following list of permissible uses is applicable to Special Area #1.

All the uses listed on the General List plus the following additions:

- **Residential**
  - Nursing and personal care(A), mobile home dwelling (S), residential care (A), and multiple family dwellings (A)

- **Tourist Accommodation**
  - Bed and breakfast facilities (S) and hotel, motels and other transient dwellings (S).

- **Commercial**
  - Nursery (S), professional offices (S), and schools - business and vocational (S).
Public Services  
Cultural facilities (S), government offices (S), social service organizations (S), membership organizations (S), publicly owned assembly and entertainment facilities (S), local assembly and entertainment (S), and day care centers/pre-schools (S).

Special Area #2: The following list of permissible uses is applicable to Special Area #2.

All the uses listed on the General List plus the following additions:

Residential  
Multiple family dwellings (S) and mobile home dwellings (A).

Tourist Accommodation  
Bed and breakfast facilities (S).

Special Area #3: The following list of permissible uses is applicable to Special Area #3.

All the uses listed on the General List plus the following addition:

Residential  
Multiple-family dwellings (A)

Maximum Densities: Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>Maximum Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Multiple Family Dwellings</td>
<td>10 units per acre</td>
</tr>
<tr>
<td>Special Area #1 &amp; #2</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Special Area #3</td>
<td>8 units per acre</td>
</tr>
<tr>
<td>Nursing and Personal Care</td>
<td>25 persons per acre</td>
</tr>
<tr>
<td>Residential Care</td>
<td>25 persons per acre</td>
</tr>
<tr>
<td>Mobile Home Dwellings</td>
<td>8 units per acre</td>
</tr>
<tr>
<td>Tourist Accommodation</td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast Facilities</td>
<td>10 units per acre</td>
</tr>
<tr>
<td>Hotel, Motel and Other Transect Dwellings</td>
<td>40 units per acre</td>
</tr>
</tbody>
</table>

Residential Bonus Units: Pursuant to Chapter 35, the maximum number of residential bonus units for Special Area #1 which may be permitted for this Plan Area is 50 units.

Maximum Community Noise Equivalent Level: The maximum community noise equivalent level for this Plan Area is 50 CNEL. The maximum community noise equivalent level for the Highway 50
corridor is 65 CNEL.

**ADDITIONAL DEVELOPED OUTDOOR RECREATION:** The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time.

SUMMER DAY USES 0 PAOT  WINTER DAY USES 0 PAOT  OVERNIGHT USES 0 PAOT

**IMPROVEMENT PROGRAMS:** The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by Volume IV of the Water Management Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.


4. The scenic restoration and landscaping improvements indicated in the Scenic Quality Implementation Program for the Highway 50 and 89 corridors.
110 -- SOUTH “Y”

PLAN DESIGNATION:

Land Use Classification

COMMERCIAL-PUBLIC SERVICE

Management Strategy

REDIRECTION

Special Designation

PRELIMINARY COMMUNITY PLAN AREA

TDR RECEIVING AREA FOR:

1. Existing Development

2. Multi-Residential Units (S.A. #2 only)

PREFERRED AFFORDABLE HOUSING AREA

MULTI-RESIDENTIAL INCENTIVE PROGRAM

(S.A. #2 only)

SCENIC RESTORATION AREA

DESCRIPTION:

Location: This is the commercial area around the Highway 50 - Highway 89 intersection in South Lake Tahoe. This area is located on TRPA maps G-18, G-19, F-18, and F-19.

Existing Uses: The area is a mixture of commercial, tourist, residential and public service uses. The area is 80 percent built out.

Existing Environment: The area is classified as 65 percent low hazard, ten percent moderate hazard and 25 percent SEZ. The land coverage is 55 percent with an additional 20 percent disturbed.

PLANNING STATEMENT: This area should continue to be a regional commercial area but should be redirected for more efficient use.

PLANNING CONSIDERATIONS:

1. The area experiences traffic congestion during peak periods.

2. Scenic Roadway Units 1 and 35 are in this area and are targeted for scenic restoration as required by the scenic threshold.

3. There are access and parking problems along Highways 50 and 89.

4. There are flooding and SEZ encroachment problems.

5. There are occasional noise and odor complaints directed at the refuse company.

6. Barton Hospital operates a waste incinerator and gas-fired boiler.
7. The northern portion of this area is in need of additional fire hydrants and water mains.

SPECIAL POLICIES:

1. A community plan is the preferred method of guiding new development.

2. A community/redevelopment plan should emphasize commercial activity centers, transit-oriented services, multi-family housing, and SEZ restoration.

3. Uses incompatible with the scenic restoration plan should be encouraged to relocate off of Highways 50 and 89.

4. Properties in Special Area #1 should be considered a preferred area for industrial type uses. Properties in Special Area #2 should be considered a preferred area for multi-residential, professional offices and hospital-related uses.

5. The TRPA and the City of South Lake Tahoe Redevelopment Agency will evaluate all or portions of this Plan Area for a Special Designation as Eligible for Redevelopment Plans after substantial progress has been made toward implementation of the redevelopment plan in PAS 089, 091 and 092.

6. Light industrial, wholesale/storage and other similar uses should be located in the industrial area north of the "Y" (Special Area #1) and residential and medical uses should be located by Barton Hospital (Special Area #2).

7. Senior citizen housing should be encouraged in this area.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area (except as noted in Special Areas #1 and #2).

Residential

Employee housing (S) and multiple family dwelling (S).

Tourist Accommodation

Bed and breakfast facilities (A), hotel, motels Accommodation and other transient dwelling units (A), and timeshare (hotel/motel design) (S).

Commercial

Auto, mobile home and vehicle dealers (S), building materials and hardware (S), eating and drinking places (A), food and beverage retail sales (A), furniture, home furnishings and equipment (A), general merchandise stores (A), mail order and vending (A), nursery (A), outdoor retail sales (S) service stations (A), amusements and recreation services (A), privately owned assembly and entertainment (S), outdoor amusements (S), animal husbandry services (S), broadcasting studios (A), business support services (A), contract construction services (S), financial services (A), health care services (A), laundries and dry cleaning plant (S), personal services (A), professional offices (A), repair services (A), sales lots (S), schools - business and vocational (S), secondary storage (S), printing and publishing (S), small scale manufacturing (S), vehicle storage and
parking (S), and warehousing (S).

**Public Service**

Churches (A), cultural facilities (A), day care centers/pre-schools (A), government offices (A), local assembly and entertainment (A), local post office (A), local public health and safety facilities (A), membership organizations (A), publicly owned assembly and entertainment (S), public utility centers (S), regional public health and safety facilities (S), schools - kindergarten through secondary (S), social service organizations (A), pipelines and power transmission (S), transit stations and terminals (S), transportation routes (S), and transmission and receiving facilities (S).

**Recreation**

Day use areas (A), participant sports facilities (S), outdoor recreation concessions (S), riding and hiking trails (S), and visitor information center (S).

**Resource Management**

Reforestation (A), sanitation salvage cut (A), thinning (A), timber stand improvement (A), tree farms (A), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), structural wildlife habitat management (A), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A), and SEZ restoration (A).

**Special Area #1:** The following list of permissible uses is applicable in Special Area #1.

**Residential**

Mobile home dwelling (S).

**Commercial**

Auto, mobile home and vehicle dealers (A), building materials and hardware (A), eating and drinking places (A), food and beverage retail sales (A), furniture, home furnishings and equipment (A), general merchandise stores (A), mail order and vending (A), nursery (A), outdoor retail sales (A), service stations (A), animal husbandry services (A), auto repair and service (A), broadcasting studios (A), business support services (A), contract construction services (A), financial services (A), health care services (A), laundries and dry cleaning plant (A), personal services (A), professional offices (A), repair services (A), sales lots (A), schools - business and vocational (S), secondary storage (A), food and kindred products (A), fuel and ice dealers (A), industrial services (A), industrial services (A), printing and publishing (A), small scale manufacturing (A), storage yards (A), vehicle and freight terminals (A), vehicle storage and parking (A), warehousing (A), and wholesale and distribution (A).

**Public Service**

Churches (S), collection stations (A), cultural facilities (A), day care centers/pre-schools (A), government offices (S), local assembly and entertainment (S), local post office (A), local public health and safety facilities (A), membership organizations (S), public utility centers (A), regional public health and safety facilities (S), social service organizations (S), pipelines and power transmission (A), transit stations and terminals (A), transportation routes (S), and transmission and receiving facilities (A).
Recreation
Day use areas (A) and participant sports facilities (S).

Resource Management
Same as General List.

Special Area #2: The following list of permissible uses is applicable in Special Area #2.

Residential
Employee housing (A), mobile home dwelling (S), multiple family dwelling (A), multi-person dwelling (A), nursing and personal care (A), residential care (A), and single family dwelling (S).

Tourist Accommodation
Bed and breakfast facilities (S).

Commercial
Nursery (S), animal husbandry services (S), health care services (A), professional offices (A), schools - business and vocational (S), secondary storage (S), and vehicle storage and parking (S).

Public Service
Airfields, landing strips and heliports (new non-emergency sites prohibited) (S), churches (S), cultural facilities (S), day care centers/pre-schools (A), government offices (S), hospitals (A), local assembly and entertainment (S), local post office (A), local public health and safety facilities (A), membership organizations (S), schools - kindergarten through secondary (S), social service organizations (S), pipelines and power transmission (S), transit stations and terminals (S), and transportation routes (S).

Recreation
Day use areas (S), recreation center (S), and participant sports facilities (S).

Resource Management
Same as General List.

MAXIMUM DENSITIES: Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

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<tr>
<td>Mobile Home Dwelling</td>
<td>8 units per acre</td>
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<tr>
<td>Multi-person Dwelling</td>
<td>25 people per acre</td>
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<tr>
<td>Nursing and Personal Care</td>
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<td>Residential Care</td>
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<tr>
<td>Employee Housing</td>
<td>As per limitations above</td>
</tr>
</tbody>
</table>
Tourist Accommodation

Bed and Breakfast 10 units per acre

Hotel, Motel and other Transient Units
  - with less than 10% of units with kitchens 40 units per acre
  - with 10% or more units with kitchens 15 units per acre

Timeshare As per the limitations set forth in this table

RESIDENTIAL BONUS UNITS: Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Special Area #2 of this Plan Area is 175 units.

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 65 CNEL except for Special Area #2 which is 55 CNEL. The maximum community noise equivalent level for the Highway 89 and 50 corridors is 65 CNEL.

ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT  WINTER DAY USE 0 PAOT  OVERNIGHT USES 0 PAOT

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by Volume IV of the Water Quality Management Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.


4. The scenic restoration and landscaping improvements indicated in the Scenic Quality Implementation Program for the Highway 89 and 50 corridor.
January 15, 1997

Mr. James W. Baetge
Executive Director
TRPA
P.O. Box 1038
Zephyr Cove, NV 89448

Dear Jim:

On behalf of the City Council, I would like to voice our support for inclusion of Brig Ebright’s property at the corner of D Street and Highway 50 (1190 Emerald Bay Road) within the South “Y” Community Plan boundary (PAS 110). We believe that this one acre parcel, which is immediately adjacent to the community plan boundary, fits best within a commercial plan area, rather than the residential plan area where it is currently situated (PAS 114). By including this property in PAS 110 it will enable the owner to fully participate in the South “Y” Community Plan preparation process. The proposed plan area boundary adjustment will also provide incentives for the removal of the small substandard structure that currently exists on the site as well as the replacement of the unattractive signage.

Attached is a minute order documenting the Council’s action with respect to this matter. Please forward this letter, along with the attachment, to the APC and Governing Board, once this item is scheduled for their consideration. Should you have any questions feel free to contact Kerry Miller, City Manager or Teri Jarnin, Planning Director.

Thank you for making it possible to share our point of view with your Agency.

Sincerely,

Tom Davis
Mayor

cc: Dale Sare
Excerpt from the Minutes of the City of South Lake Tahoe City Council Meeting
Tuesday, January 7, 1997, 6:00 p.m., City Council Chambers,
1900 Lake Tahoe Boulevard, South Lake Tahoe, CA

X. NEW BUSINESS:

a) Request by Dale Sare, Esq. on behalf of Mr. Ebright to have the City Council consider the property located at 1190 Emerald Bay Road, APN 32-151-01 in the South Y Community Plan process
The following written materials were contained in the agenda packet:

1) Letter to Dennis Crabb, dated November 26, 1996, from Dale L. Sare, Esq. Re: Ebright Property, APN 32-151-01

2) Letter to Dale Sare, dated November 12, 1996, from J. Dennis Crabb, Re: Ebright Property, APN 32-151-01

3) Letter to Dale Sare, dated October 11, 1996, from John Hitchcock, TRPA, Re: Ebright Plan Area Amendment, El Dorado County APN 32-151-01

4) Letter to Teri Jamin, Planning Director, dated October 9, 1996, from Dale Sare, Esq. Re: Ebright Plan Area Amendment, El Dorado County, APN 32-151-01

5) Letter to Dale Sare, dated October 2, 1996, from Teri Jamin

6) Letter to Teri Jamin, dated September 30, 1996, from Dale Sare, Re: Ebright Plan Area Amendment, El Dorado County, APN 32-151-01

Dale Sare presented a packet of written materials prior to the meeting which was not included in the agenda packet. (A copy of said packet is a part of the public record and is on file in the City Clerk's office)

Planning Director Jamin presented a map showing Mr. Ebright's property on the overhead slide projector.

Dale Sare referred to the map, shown on the overhead, to point out how, in his opinion, Mr. Ebright's property was "mistakenly" left out of the community plan boundaries. (A copy of the map is contained in Mr. Sare's packet as Attachments A & B). Sare asked the City Council to support Mr. Ebright's application with the Tahoe Regional Planning Agency for a Plan Area Statement Amendment.
Jamin responded to questions posed by the City Council and explained that the "preliminary" community plan boundaries may be adjusted as a part of the community plan process. However, any adjustments to the boundaries are subject to TRPA making findings at the time the community plan is adopted. Jamin further noted that there are incentives associated with the community plan such as a 70% land coverage for vacant commercial properties and commercial allocations, also available after the adoption of the plan, which Jamin anticipated not happening for some time.

Jamin noted that the only reason to include this property within the community plan was to expand the list of eligible uses on the parcel. Currently, Jamin noted an office building was allowable in the current zoning, with a use permit.

Brief discussion continued.

Jamin responded to further questions regarding zoning of Tourist Commercial vs. General Commercial. In her professional opinion, Jamin noted that General Commercial allows for more "strip oriented" uses, and expressed some concerns over that zoning on Mr. Ebright's parcel.

The City Council agreed that this request was only to receive the Council's support in order to give Mr. Ebright a better position before the TRPA board, understanding that TRPA needed to make the findings at the time of community plan adoption.

It was moved by Councilmember Osti, seconded by Councilmember Brown and unanimously carried to direct the staff to prepare a letter for the Mayor's signature on behalf of the City Council to the Tahoe Regional Planning Agency showing the City Council's support to include this property into the South "Y" Community Plan.

CERTIFICATION

I, Angela Peterson, City Clerk for the City of South Lake Tahoe do hereby certify that the above is a true and correct excerpt from the regular City Council Meeting Minutes of January 7, 1997. The complete set of City Council Meeting Minutes will be approved by the City Council at their next regularly scheduled meeting on Tuesday, January 21, 1997. The Minutes are contained in the City Clerk's office as a part of the official public record.

Dated: January 20, 1997
March 28, 1997

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Amend an MOU With Placer County to Delegate Review of Signs in the North Shore Community Plan Areas

Proposed Action: Placer County and TRPA staff propose to amend Chapter 4 to amend an MOU delegating sign review in the Placer County adopted Community Plan to Placer County. The Advisory Planning Commission (APC) is requested to recommend approval of the proposal. Copies of the proposed adopting ordinance and Memorandum Of Understanding are attached (Attachment A).

Staff Recommendation: Staff recommends approval of the adopting ordinance and MOU (Attachment A).

Background: Pursuant to Sections 4.4 and 26.5 of the TRPA Code of Ordinances, TRPA and Placer County may adopt substitute sign standards for the Placer County Community Plan areas. The recently adopted substitute sign standards are contained in Chapter 18, Placer County Design Standards and Guidelines.

The APC recommended approval of these standards in February of 1994 for Tahoe City, and in March of 1996 for the Northshore Community Plans. The Governing Board later adopted these standards for the five Placer County Community Plans. These standards are now in effect. The approval of the MOU will permit Placer County to continue to assume the delegated permitting authority under the new sign standards.

It is the intent of TRPA and Placer County staffs to adopt the substitute sign regulations for the Lake Tahoe portion of Placer County in the future.

Findings: The following findings are required for the Governing Board to approve the MOU amendment.

Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires the following four findings be made prior to Code amendments:
A. The project 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.

Section 26.5 of the Code allows for the development and implementation of MOUs to exempt signs not otherwise considered exempt or qualified exempt under Chapter 4. The activities permitted in the proposed MOU have been evaluated in the Tahoe City Community Plan EIS/EIR and the Northshore Community Plan EIS and were found to be equal or superior to the provisions of Chapter 26. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

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

Activities undertaken pursuant to this MOU are subject to the provisions of the Regional Plan. The activities are subject to restrictions of the adopted TRPA sign standards, and any significant exemptions will also be subject to TRPA review. Therefore, the activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

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

Activities undertaken pursuant to this MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

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

As explained under findings A, B, and C, above, the Regional Plan will continue to attain and maintain the thresholds.

Article VI(a) Findings

Article VI(a) states,

The Agency shall prescribe by ordinance those activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.
Sections 4.4 and 26.5 of the Code allow for the implementation of MOUs with Placer County to delegate sign permitting and enforcement activities. The proposed MOU effectively and efficiently provides these services. The MOU has no impact on the regulatory structure and does not result in an increase in development. The minor nature of the activities, and the limitations elsewhere in the Code, assure the MOU will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

Ordinance 87-8 Findings

Section 2.5 of Ordinance 87-8 provides that findings under Section 2.40 are not needed to add policies or ordinances designed to make existing policies and ordinances more effective. The proposed MOU with Placer County will implement Section 26.5 of the Code which allows amendments to exempt certain sign review activities of public entities.

Environmental Documentation: Based on the Tahoe City Community Plan EIS/EIR and the Northshore Community Plans EIS/EIR analysis, staff has completed the Initial Environmental Checklist (IEC) for the initial determination of no significant effect on the environment.

Please contact Gabby Barrett at (702) 588-4547 if you have any comments or questions regarding this agenda item.
APPENDIX DD

MEMORANDUM OF UNDERSTANDING
BETWEEN TAHOE REGIONAL PLANNING AGENCY
AND THE COUNTY OF PLACER
APRIL 1997

This Memorandum of Understanding is entered into this 23rd day of April, 1997 by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and the COUNTY OF PLACER (COUNTY), by and through its Board of Supervisors.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 89-9, as amended from time to time. All activities undertaken by the COUNTY pursuant to the MOU shall comply with all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

This MOU sets forth the responsibilities of the parties with regard to the regulation of signage and related activities, in accordance with the desire of the parties to provide a regulatory structure which is consistent with the most efficient possible use of public resources.

RECITALS

A. TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal. Govt. Code 66801; NRS 277.200) to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The bistate Compact, Article VI(a) required TRPA to define which activities are exempt from TRPA review and approval.

B. Given the existing comprehensive regulatory structure of the COUNTY as it pertains to the installation of signs within the area encompassed by TRPA and the Placer County adopted Community Plans (hereafter referred to as "Community Plans"), and consistent with the mandate of the Compact to defer land use regulation to local government whenever feasible, the COUNTY and TRPA agree that the COUNTY shall review signage and related activities within the Community Plans' boundaries. Such review by the COUNTY shall include application of all applicable TRPA regulations to signage projects otherwise subjected to TRPA review. As long as the applicable TRPA regulations are being complied with and enforced, such activities shall be deemed an exempt activity under TRPA regulations.
IT IS NOW THEREFORE UNDERSTOOD AND AGREED BY THE PARTIES:

1. Effective April 23, 1997, signage reviewed and approved by the County, consistent with Chapter 26 of the Code as amended by Chapter 18 of Placer County Design Standards and Guidelines, shall be exempt from TRPA review except as set forth in paragraphs 2 and 3 below. All applications for signage and related activities will be reviewed by the County through its normal and customary review process, including the review and recommendations of the local design review committee, and final action by County staff (Design/Site Review Committee [D/SRC]), except for signs or other activities exempt by statute from County review, in which case TRPA shall review said signs. In the event the County is not able to determine whether or not an application is to be reviewed by the County or TRPA, the County shall consult TRPA consistent with provisions established for that purpose by the County Manager or his designee and the Executive Director or his designee.

2. Amortization of signs pursuant to the Chapter 26 schedule will be the sole responsibility of TRPA to administer and enforce in accordance with the provisions of Chapter 26.

3. The COUNTY and TRPA shall jointly review all proposed sign projects involving exemptions or exceptions from any provision of the Sign Ordinance for "Community Plans" or involving any additional or relocation of land coverage. These projects shall be subject to the procedures established for joint review of such applications by the Placer County Manager or his designee and the Executive Director or his designee.

4. The COUNTY and TRPA staff shall review semi-annually the implementation of this MOU and shall report to their respective governing boards following such reviews.

5. The COUNTY shall perform compliance inspections to ensure that the signs and projects activities permitted under this MOU are constructed in accordance with the plans previously submitted and approved.

The COUNTY shall have authority and responsibility to take any and all administrative steps to enforce the standards of the adopted ordinances as authorized by this MOU, including the processing of Code violations involving unpermitted sign activities.

In the event litigation is necessary to enforce provisions of the TRPA Code, the COUNTY shall contact TRPA Legal Counsel. If a show cause hearing is required, the COUNTY is authorized to institute legal action.

In the event an applicant desires to appeal any administrative action or decision on the part of the COUNTY, acting on behalf of TRPA, such appeal shall be to TRPA.

6. Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director of TRPA determines that, because of unusual circumstances or failure to comply with this MOU, the activity may have a substantial effect on the land, air, water, space, or any other natural resource of the region.
7. This MOU shall continue until sixty (60) days' written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to carry out the provisions of this MOU to achieve the objectives set forth in the Recitals herein.

8. None of the duties set forth in this MOU shall be assigned, transferred, or subcontracted by the COUNTY without the prior written approval of TRPA.

9. None of this MOU shall be construed to limit the authority of the COUNTY to administer state or local regulations or to impose reasonable conditions of approval on any application. Further, nothing in this MOU shall be deemed to limit the regulatory powers of either the COUNTY or TRPA.

10. In carrying out the intent of this MOU, the COUNTY and TRPA shall adhere to all provisions contained within TRPA Code Chapter 38 relating to accounting and tracking of coverage and any other applicable procedures. All project accounting and tracking shall be completed by the COUNTY and transmitted to TRPA to be included in its permanent accounting and tracking records. In carrying out the provisions of this MOU, the COUNTY shall utilize tracking forms provided by TRPA to record all inspections, verifications, and other project review activities. The COUNTY shall submit completed tracking forms to TRPA on a monthly basis.

COUNTY OF PLACER

DATED: ____________________________

Rex Bloomfield, Chairman
Board of Supervisors

TAHOE REGIONAL PLANNING AGENCY

DATED: ____________________________

James W. Baetge, Executive Director
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 97-

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING CHAPTER 4 OF THE TAHOE REGIONAL PLANNING AGENCY CODE OF ORDINANCES RELATING TO EXEMPT ACTIVITIES; ADOPTING A MEMORANDUM OF UNDERSTANDING WITH PLACER COUNTY TO EXEMPT CERTAIN SIGN ACTIVITIES FROM TRPA REVIEW; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance No. 87-9, as amended, by amending Chapter 4 of the Code of Ordinances to adopt a memorandum of understanding with Placer County pursuant to Section 4.4 of Chapter 4 of the Code in order to further implement the Regional Plan and Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 The Advisory Planning Commission ("APC") conducted a public hearing and recommended adoption of the amendments. The Governing Board has also conducted a noticed public hearing on the amendments. Oral testimony and documentary evidence were received and considered.

1.30 The proposed amendments have been determined not to have a significant effect on the environment and are exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact.

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.5 of the Code and Articles V(g) and VI(a) of the Compact.

1.50 The amendments adopted by this ordinance continue to implement the Regional Plan, as amended, in a manner that attains and maintains the environmental thresholds as required by Article V(c) of the Compact.

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

Section 2.00 Amendment of Chapter 4 of the Code

Subsection 4.4.D of Chapter 4 is hereby added as follows:

"4.4.F Sign Activities Within The Placer County Portion of the Region: As set forth in the Memorandum of Understanding regarding exemption of sign activities from TRPA review and approval between Placer County and TRPA dated April 23, 1997 and set forth in Appendix DD of this Chapter."
Section 3.00  Interpretation and Severability

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

Section 4.00  Effective Date

This ordinance shall become effective 60 days after the date of its adoption or the execution of the MOU by Placer County, whichever is later.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held April 23, 1997, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Drake DeLanoy, Chairman
Tahoe Regional Planning Agency
MEMORANDUM

March 27, 1997

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt a Memorandum of Understanding Between TRPA and Fulton Water Company

Staff Recommendation

Staff recommends that the Governing Board amend Chapter 4 of the Code of Ordinances to exempt certain activities of Fulton Water Company from TRPA review by adopting the attached ordinance.

Description and Discussion

Pursuant to Section 4.8 of the TRPA Code of Ordinances, TRPA may amend Chapter 4 to exempt those activities of public and quasi-public entities as set forth in memoranda of understanding (MOUs) between TRPA and such entities. The format of the MOU is similar to that found in Sections 4.2 and 4.3 of the Code. Activities are separated into categories of exempt and qualified exempt. Those activities are described in the attached MOU. Fulton Water Company may undertake exempt activities without contacting TRPA and may commence activity on qualified exempt activities provided they give written notice five business days prior to the activity commencing. All activities, whether exempt or not, must comply with the TRPA Regional Plan, including the Code of Ordinances and Handbook of Best Management Practices.

Fulton Water Company has reviewed the proposed MOU and is in agreement with the provisions contained therein.

Environmental Documentation

Staff has completed the Environmental Checklist and has made an initial determination of no significant effect on the environment.
Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires the following four findings be made prior to Code amendments:

A. The project 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;

Section 4.8 of the Code allows for the development and implementation of MOUs to exempt certain activities not otherwise considered exempt or qualified exempt under Chapter 4. The activities described in the proposed MOU are minor in nature and are subject to all the provisions of the Regional Plan. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

B. The project will not cause the environmental thresholds to be exceeded;

Activities undertaken pursuant to this MOU are subject to the provisions of the Regional Plan. The activities are minor in nature, are subject to restrictions, and are geared toward essential activities and maintenance of existing facilities. Therefore, the activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

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

Activities undertaken pursuant to this MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

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

As explained under findings A, B, and C, above, the Regional Plan will continue to attain and maintain the thresholds.
Article VI(a) Findings

Article VI(a) states,

The Agency shall prescribe by ordinance those activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

Section 4.8 of the Code allows for the implementation of MOUs with public entities to exempt activities from TRPA review. The proposed MOU with Fulton Water Company exempts minor activities undertaken by public utility districts charged with providing essential public services. Under the MOU, Fulton Water Company will be able to more effectively and efficiently provide these services. The MOU has no impact on the regulatory structure and does not result in an increase in development. The minor nature of the activities, and the limitations elsewhere in the Code, assure the MOU will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

Ordinance 87-8 Findings

Section 2.5 of Ordinance 87-8 provides that findings under Section 2.40 are not needed to add policies or ordinances designed to make existing policies and ordinances more effective. The proposed MOU with Fulton Water Company will implement Section 4.8 of the Code which allows amendments to exempt certain activities of public and quasi-public entities.

Please contact Jerry Wells, Deputy Director, at (702) 588-4547 if you have any comments or questions on this agenda item.
MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
FULTON WATER COMPANY

APRIL 1997

This Memorandum of Understanding is entered into this ____ day of April 1997, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and the FULTON WATER COMPANY, by and through its Owner.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. Activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.3.B of the TRPA Code. All activities undertaken by the FULTON WATER COMPANY pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

I. EXEMPT ACTIVITIES

The following activities of FULTON WATER COMPANY, in addition to those exempt pursuant to Section 4.2. of the TRPA Code, are not subject to review and approval by TRPA provided any related excavation or backfilling work does not exceed 10 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4 through 7 and/or within an existing paved area, and the site is stabilized and revegetated within 72 hours to prevent erosion.

A. WATER SUPPLY ACTIVITIES

1. Repair and replacement of existing waterworks equipment such as pumps, valves, motors, compressors, generators, electrical systems, control systems, alarm systems, fire hydrants, pipes, screens, wells, water meters, service connections, service boxes, water tanks, and treatment facilities provided there is no increase in size or capacity and the replacement facilities are similar in type and function.

2. Install new service connections for TRPA-approved projects, and for existing improved properties which have abandoned their existing well provided there is no increase in development potential.

3. Prune vegetation around water facilities and within easement areas provided no vegetation is removed.
4. Install new valves, fire hydrants and sampling hydrants (for water quality testing) along existing water lines within existing roadways and easements provided there is no increase in capacity.

5. Locate existing underground lines and appurtenances.

6. Install observation wells for groundwater monitoring, soil investigation, or pilot hole investigation.

7. Repair emergency leaks at any time provided all repair work is conducted within land capability districts 4 through 7 and/or within an existing paved roadway or compacted road shoulder.

8. Flushing of wells and main lines to improve or maintain water quality conformance, provided all discharge is piped directly to the existing sanitary sewer system and all required temporary BMPs are in place.

B. SIGNS

1. Installation of roadside warning signs related to construction/maintenance activities or needed for safety purposes, provided signs are removed within 10 business days following completion of the activities, or within 10 business days of the removal of the safety hazard.

C. STRUCTURES

1. Demolition of structures provided the structure is not designated, or pending designation on the TRPA Historic Resource Map, as amended from time to time.

2. Structural repair or remodeling less than $5,000 per year which does not result in an increase in the dimensions of a structure (including height), a change of use, an increase in commercial floor area, or an increase in density.

D. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control devices such as:
   a. Sediment basins not exceeding 150 square feet in size.
   b. Swales
   c. Rock slope protection not visible from any TRPA-designated scenic roadway or shorezone unit, class I bike paths, or recreation area.
   d. Rock-lined ditches.
   e. Willow wattling.
f. Access barriers, i.e., bollards and split-rail fencing.

2. Restoration of disturbed areas of one acre or less provided scarification does not exceed 6" in depth and excavation and filling does not exceed 20 cubic yards.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities of FULTON WATER COMPANY are not subject to review and approval by TRPA, provided FULTON WATER COMPANY certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, excavation and backfilling does not exceed 25 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4-7 and/or within an existing paved area, and the site is stabilized and revegetated within 72 hours to prevent erosion, and the activity is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least five working days before the activity commences.

For those activities involving in excess of 25 cubic yards of excavation (as provided below), FULTON WATER COMPANY shall submit the statement to TRPA at least 30 days before the activity commences. The following activities are in addition to those activities deemed "Qualified Exempt" pursuant to Section 4.3 of the TRPA Code.

A. WATER SUPPLY ACTIVITIES

1. Replace existing water lines and service connections for a distance of not more than 2,000 lineal feet, provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity, relocation of main lines is within existing paved areas or compacted road shoulders, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

2. Repair or replace existing water intake lines (involving no dredging), vertical wells, horizontal wells, and infiltration galleries with facilities of similar type and function, provided there is no increase in size or capacity.

3. Install new water lines and service connections for a distance of not more than 750 lineal feet to intertie existing facilities or extend service to TRPA-approved projects or to existing improved properties which have abandoned their existing well, provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity or development potential, the main line is within an existing paved area or compacted road shoulder, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

B. ROADS, DRIVeways AND PARKING AREAs

1. Reconstruction, resurfacing or overlaying existing pavement provided that BMPs are in place, including dust control measures.
C. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of retaining walls not exceeding 200 feet in length and 3 feet in height, provided that if located within a TRPA-designated scenic roadway or shoreline unit, the wall design is consistent with the TRPA Design Review Guidelines (Chapter 1, Section C(7) and Section 30.13.C(2) of the TRPA Code, and an inventory of existing retaining walls is completed prior to the installation of any new walls.

2. Restoration of disturbed areas not exceeding 2 acres, provided scarification does not exceed 6" in depth.

III. TREATMENT AND ACCOUNTING OF COVERAGE

It is understood by the FULTON WATER COMPANY and TRPA that the activities set forth herein may result in a requirement to mitigate existing excess coverage. Further, many of the activities involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. The FULTON WATER COMPANY shall report to the Executive Director of TRPA annually on the status of compliance with all excess coverage mitigation, coverage removal and restoration requirements as related to all activities undertaken pursuant to this MOU.

IV. LOSS OF EXEMPTION

Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that, because of unusual circumstances, the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

V. TERMINATION

This MOU may be terminated by either party upon sixty (60) days notice in writing.

FULTON WATER COMPANY

DATED: ________________________________

John Fulton, Owner

TAHOE REGIONAL PLANNING AGENCY

DATED: ________________________________

James Baetge, Executive Director
April 1, 1997

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Plan Area Statement 102, Tahoe Keys (Residential), Special Area #1, Permissible Uses, to Add Day-Use Areas as an Allowable Use; or Amendment of Beach Recreation Definition in Chapter 18 and to Add Beach Recreation as an Allowed Use to Plan Area Statements 005, 066, 068, 070B, and 102

Proposed Action: To amend the Permissible Use List, Special Area #1 in Plan Areas Statement 102, Tahoe Keys (Residential), to include Day-Use Areas as an allowed use; or amend the Beach Recreation definition in Chapter 18 and to add Beach Recreation as an allowed use to Plan Area Statements 005- Rocky Ridge (Residential), 066-Zephyr Cove (Recreation), 068-Round Mound (Recreation), 070B-Rabe (Recreation), and 102-Tahoe Keys (Residential), see Exhibit A for locations of plan areas. The applicant proposes to amend the permissible use list to include Day-Use Areas as an allowed use in Special Area #1. Staff has determined that an alternative to the applicant’s proposed amendment is more viable and has included that option in this packet. The two options are discussed below.

Staff Recommendation: Staff recommends the APC make a recommendation to the Governing Board to adopt the staff’s proposed option. Amending the definition of Beach Recreation and add Beach Recreation as an allowed use to PAS 005, 066, 068, 070B, and 102.

Background: The applicant, the Tahoe Keys Beach & Harbor Association, originally submitted a project to TRPA that included expansion of boat slips, paving of new parking stalls, bulkhead repair, plugging parking lot drainage pipes that originally drained runoff to the Tahoe Keys Lagoons, removal of concrete sidewalks, parking lot drainage improvements, and treatment of storm water runoff in a treatment basin. It was intended at the time that the project would fall under the Day-use definition. During the review of the project it was determined that Day-use was permissible throughout PAS 102, except for Special Area #1. The applicant was advised to submit an application to amend the use list in Special Area #1 and add Day-use areas as an allowed use.

Discussion: The primary question staff addressed with the application: what is the proper use classification of the existing boat slips and the associated parking area? Since the boat slips predate TRPA regulations, there is not a prior determination on this issue. In a letter dated July 3, 1995, to Ron Turner of the Tahoe Keys Beach & Harbor Association (TKBHA), staff narrowed the choices to marina or day-use area. Upon further discussion staff has added another choice to the list, beach recreation. The definition of each area as follows:
Marina: Establishments primarily providing water-oriented services such as yachting and rowing clubs; boat rentals; storage and launching facilities; sport fishing activities, excursion boat and sight-seeing facilities; and other marina-related activities, including but not limited to fuel sales and boat and engine repair. Marinas contain water-oriented facilities ans structures which are regulated and defined in Chapter 51. Condominiums, hotels, restaurant, and other such uses with accessory water oriented multiple use facilities are not considered marinas. Outside storage or display is included as part of the use.

Day-Use Areas: Land or premises, other than participant sports, 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.

Beach Recreation (Chapter 2 Definition): Recreation activities associated with a beach and supported by developed support facilities such as sanitation facilities, parking, picnic sites, and nearshore facilities such as multiple-use piers and buoys.

Beach Recreation (Chapter 18 Definition): Recreational use of a beach, supported by developed facilities such as sanitation facilities, parking, and picnic sites. Nearshore and foreshore facilities are included in Chapter 51.

Currently the subject area is comprised of the slips with the associated parking lot, but no support facilities, such as sanitation facilities. The boat slips do not fit into the day-use area or marina definition neatly. The difference between the two are significant. Marina expansions in excess of 10 boat slips and 10 buoys require preparation of a Master Plan. Day-use areas, on the other hand are exempt from PAOT requirements and are permitted anywhere in the region, but do not really apply to boat slips.

The applicant's proposed amendment to add day-use areas to special area #1 to is done under the assumption of processing the project as an expansion of accessory structures (boat slips) to a Day-use area (parking lot). Staff is somewhat uncomfortable with this option due to the large number of slips and the potential for future abuse of the Day-use area concept. Due the large number of boat slips, the boat slips is the primary land use and the parking lot is an accessory use to the boat slips.

After internal discussions among staff, the boat slips and parking lot fit more into Beach Recreation as defined in Chapter 2. Therefore, staff proposes an alternative option, to amend the definition of Beach Recreation in Chapter 18 to match that of Chapter 2 and add Beach Recreation as an allowed use to Special Area #1. Furthermore, as part of this amendment, staff has completed an inventory of all shorezone plan areas and have found some without beach recreation as a permissible use although that activity is taking place. As part of this amendment, staff proposes a clean up to add Beach Recreation to those plan areas. The proposed language change to Beach Recreation is in Exhibits B and C. With this amendment, the applicant's problem of having a use that is not permissible solved. The project will fall under the Beach
Staff has discussed the amendment with the applicant's representative and informed the representative that staff will be taking the original option as well as the staff's recommended option to the Advisory Planning Commission. The applicant's representative did not have any problems with this approach.

**Required findings:** The following must be made prior to adopting the proposed amendments:

A. Chapter 6 Findings:

1. **Findings:** The project 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 plan and programs.

   **Rationale:** The proposed amendment to the listed plan area plan area statements and to the definition of Beach Recreation will not adversely affect implementation of the Regional Plan. The plan areas listed as part of this amendment already have beach recreation uses occurring. The amendment will bring the use in compliance. Amending the definition of Beach Recreation in Chapter 18 will make it consistent with the existing definition found in Chapter 2.

2. **Findings:** That the project will not cause the environmental thresholds to be exceeded.

   **Rationale:** The amendment will bring into compliance plan areas that currently have beach recreation activities but where the use is not presently permissible. Furthermore, any projects that are proposed due to this amendment, will be required to comply with all aspects of the Regional Plan package.

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

   **Rationale:** Any new or expansion of development due to this amendment will continue to be subject to federal, state and local air and water quality standards.

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

   **Rationale:** For reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the
5. **Finding:** The Regional Plan, as amended, achieves and maintains the threshold.

**Rationale:** For the reasons stated in Findings 1 and 2 above, the Regional Plan, as amended, achieves and maintains the thresholds.

**B. Chapter 13 Findings**

1. **Finding:** Prior to adopting any plan area amendment, TRPA must find the amendment is substantially consistent with the plan area designation criteria in Subsection 13.5.B and 13.5.C.

**Rationale:** As stated in Chapter 16 Findings, the affected plan areas are all shorezone plan areas with beach recreation activities. Currently those uses are not in compliance. Adding beach recreation will bring the plan areas into compliance.

**Environmental Documentation:** Based on the above analysis and completion of an Initial Environmental Checklist (IEC), staff recommends a Finding of No Significant Effect (FONSE) for the staff's proposed amendment. The amendment will fix and bring into compliance plan areas that are missing the beach recreation use. This type of land use, where boat slips occur but do not fall under the marina classification will now be properly classified. Any new or expansion project proposed will be required to meet all requirements of the Regiona Plan package, including the Code, Plan Area Statements, Scenic Restoration, and other applicable TRPA plans and programs.

Staff will begin this item with a brief presentation. If you have any questions or comments regarding this agenda item, please contact John Hitchcock at (702) 588-4547 or email to trpa@sierra.net.
Proposed Language Amendment to Section 18.4

**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 51.
005 -- ROCKY RIDGE

PLAN DESIGNATION:

Land Use Classification: RESIDENTIAL
Management Strategy: MITIGATION
Special Designation: SCENIC RESTORATION AREA

DESCRIPTION:

Location: This Plan Area is located along Highway 28 between Tahoe City and Lake Forest and can be found on TRPA maps C-6, C-7 and D-6.

Existing Uses: This area is made up of low density residential lake front homes, planned unit residential units in the Rocky Ridge Subdivision, and a motel. The area is 90 percent built out.

Existing Environment: This area is 60 percent low hazard, 25 percent high hazard and 15 percent SEZ. Land coverage is 40 percent plus an additional 22 percent disturbed. The shorezone tolerance districts are classified 4 and 7 and contain prime fish habitats.

PLANNING STATEMENT: This area should continue to be a residential area of the same type and character that now exists.

PLANNING CONSIDERATIONS:

1. There is residential intrusion into the SEZs.
2. The shoreline is showing evidence of bank erosion and large unstable areas.
3. Lake front parcel improvements are not adequate with respect to drainage, infiltration, and slope stabilization.
4. The prime fish habitat in Lake Tahoe is tentatively identified for habitat restoration.
5. Scenic Roadway Unit 15 and Scenic Shoreline Units 15 and 16 are within this Plan Area. Shoreline Unit 16 is targeted for scenic restoration as required by the scenic threshold.

SPECIAL POLICIES:

1. The wall barrier on Burton Creek should be removed or otherwise renovated to facilitate upstream migration of fish.
2. The existing motel shall be conforming; however, there shall be no additional tourist accommodation units in this area.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming.
uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

**General List:** The following list of permissible uses is applicable throughout the Plan Area:

- **Residential**
  - Single family dwelling (A).
- **Tourist Accommodation**
  - Hotel, motel and other transient dwelling units (S) and bed and breakfast facilities (S).
- **Commercial**
  - Professional offices (S).
- **Public Service**
  - Local post offices (S), local public health and safety facilities (S), public utility centers (S), pipelines and power transmission (S), transit stations and terminals (S), transportation routes (S), and transmission and receiving facilities (S).
- **Recreation**
  - Day use areas (A), beach recreation (A), participant sports (S), and riding and hiking trails (A).
- **Resource Management**
  - Reforestation (A), sanitation salvage cut (A), special cut (A), thinning (A), early successional stage vegetation management (A), structural and nonstructural fish/wildlife habitat management (A), fire detection and suppression (A), fuels treatment/management (A), insect and disease suppression (A), sensitive and uncommon plant management (A), erosion control (A), SEZ restoration (A), and run-off control (A).

**Shorezone:** Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel.

**Tolerance Districts 4 and 7**

- **Primary Uses**
  - Beach recreation (A), safety and navigational devices (A), and salvage operations (A).
- **Accessory Structures**
  - Buoys (A), piers (A), fences (S), boat ramps (S), breakwaters or jetties (S) floating docks and platforms (A), shoreline protective structures (S), and water intake lines (S).

**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

**USE**

<table>
<thead>
<tr>
<th>Residential</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
</tbody>
</table>
Tourist Accommodation

Bed and breakfast facilities 8 units per acre
Hotel, motel and other transient dwelling units
- with less than 10% of units with kitchens 20 units per acre
- with 10% or more units with kitchens 8 units per acre

RESIDENTIAL BONUS UNITS: Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 0 units.

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 55 CNEL. The maximum community noise equivalent level for the Highway 28 corridor is 55 CNEL.

ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT  WINTER DAY USE 0 PAOT  OVERNIGHT USES 0 PAOT

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by Volume IV of the Water Quality Management Plan.
2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.
4. The scenic restoration and landscaping improvements indicated in the Scenic Quality Implementation Program for the Highway 28 corridor.
066 -- ZEPHYR COVE

PLAN DESIGNATION:

Land Use Classification
RECREATION

Management Strategy
MITIGATION

Special Designation
TDR RECEIVING AREA FOR:

1. Existing Development

DESCRIPTION:

Location: This area is located on both sides of Highway 50 in the vicinity of Zephyr Cove and is depicted on TRPA map H-14.

Existing Uses: This area includes the federally-owned Zephyr Cove Resort and Marina, which includes the mooring location of the M. S. Dixie Tour Boat, a library, a senior citizen center, an elementary school and a high school, a Douglas County park, and a large estate. The area is approximately 50 percent built out. The shoreline is 50 percent in public ownership.

Existing Environment: The lands are classified as 10 percent high hazard, 25 percent SEZ, 30 percent moderate hazard and the remaining as low hazard. The shorezone tolerance districts are 1, 7, and 8. The land coverage and disturbance is moderate to high. Habitats for Rorippa subumbellata are found in limited areas on the beach.

PLANNING STATEMENT: This area should continue to serve as a recreation/education center with limited opportunities for recreation expansion consistent with the need to improve the quality of the recreation experience associated with the resort facilities.

PLANNING CONSIDERATIONS:

1. Traffic congestion at the resort aggravates pedestrian and vehicular safety.
2. The public beach near Skyland is not readily accessible.
3. There are at least two barriers to fish migration on Zephyr Creek and several water filings have the potential to dry the creek up in late summer.
4. The campground, roads, and portions of parking at the resort are contributing to water quality problems.
5. Scenic Roadway Unit 30, Shoreline Units 28 and 29, and Scenic Resource Evaluation Area 2 are within this Plan Area.

SPECIAL POLICIES:

1. Bring all road and parking areas up to 208 Water Quality Standards, prevent vehicular access to open space lands, and restore disturbed SEZ whenever possible to their naturally functioning capabilities.
2. Improve the traffic flow between the resort and highway.
3. Certain areas of the beach should be managed for the protection of Rorippa.

4. Expansion of access to public beach areas should be a high priority.

5. The Douglas County Park Master Plan should be used as a planning guide for the county lands.

6. The Zephyr Cove Resort is a preferred area for tour boat operations.

7. Existing residential uses, outside publicly-owned lands, shall be allowed to remain as allowed uses with opportunities for expansion consistent with Agency regulations. New single family houses permitted through TDR shall not be eligible for multi-residential bonus units.

**PERMISSIBLE USES:** Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

**General List:** The following list of permissible uses is applicable throughout the Plan Area.

**Residential**

- Domestic animal raising (S), employee housing (S), and single family dwelling (S).

**Tourist Accommodations**

- Hotel, motel, and other transient dwelling units (S).

**Commercial**

- Eating and drinking places (S), food and beverage retail sales (S), general merchandise stores (S), outdoor retail sales (S), service stations (S), amusements and recreation services (S), and secondary storage (S).

**Public Service**

- Churches (S), cultural facilities (S), pipelines and power transmission (S), public assembly and entertainment facilities (S), local public health and safety facilities (S), public utility centers (S), transmission and receiving facilities (S), transportation routes (S), cemeteries (S), government offices (S), membership organizations (S), schools - kindergarten through secondary (S), transit stations and terminals (S), and schools - college (S).

**Recreation**

- Marinas (S), **beach recreation (A)**, recreation centers (A), cross country skiing courses (S), day use areas (A), riding and hiking trails (A), undeveloped campgrounds (A), participant sports (S), developed campgrounds (A), outdoor recreation concessions (A), recreation vehicle parks (S), rural sports facilities (S), group facilities (S), and snowmobile courses (S).

**Resource Management**

- Reforestation (A), sanitation salvage cut (A), selection cut (A), special cut (A), thinning (A), timber stand improvement (A), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), structural wildlife habitat management (A), farm/ranch accessory structures (S), grazing (S), range pasture management (S), range improvement (S), fire detection and suppression (A), fuels treatment (S), insect and disease suppression (A), prescribed fire management (A), sensitive
(A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A), and SEZ restoration (A).

**Shorezone:** Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel.

**Tolerance Districts 1, 7 and 8**

**Primary Uses**

Water oriented outdoor recreation concessions (A), beach recreation (A), tour boats (A), safety and navigation facilities (A), water borne transit (A), and marinas (S).

**Accessory Structures**

Buoys (A), piers (A), fences (S), boat ramps (A), breakwaters or jetties (S), floating decks and platforms (A), water intake lines (A), and shoreline protective structures (S).

**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

**USE**

**MAXIMUM DENSITY**

**Residential**

Employee Housing 15 units per acre

Single Family Dwelling 1 unit per parcel

**Tourist Accommodation**

Bed and Breakfast Facilities 10 bedrooms per parcel

Hotel, Motel and other Transient Units 20 units per acre

Timeshare (transient) 20 units per acre

Resorts 25 persons per acre

**Recreation**

Developed Campgrounds 8 sites per acre

Group Facilities 25 persons per acre

Recreational Vehicle Park 10 units per acre

**RESIDENTIAL BONUS UNITS:** Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 0 units.
MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 55 CNEL. The maximum community noise equivalent level for the Highway 50 corridor is 65 CNEL.

ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT  WINTER DAY USE 0 PAOT  OVERNIGHT USES 200 PAOT

OTHER: Two miles of trail.

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by Volume IV of the Water Quality Management Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.

068 -- ROUND MOUND

PLAN DESIGNATION:

Land Use Designation: RECREATION
Management Strategy: MITIGATION
Special Designation: NONE

DESCRIPTION:

Location: This area extends from McPaul Creek to Elks Point Road, generally west of Highway 50. The mapped boundaries of this area are located on TRPA map H-15.

Existing Uses: The area is generally undeveloped except for the old Round Hill resort and a few private residences.

Existing Environment: 33% of the area is high hazard, while the remainder is classified as moderate. The shorezone tolerance districts are rated as 1 and 8. There is a large meadow at the north end. The land coverage and disturbance is low to moderate.

PLANNING STATEMENT: This area should be managed for recreational opportunities including provisions for increased public access to the shoreline.

PLANNING CONSIDERATIONS:

1. The USFS has recently purchased the majority of the area within this Plan Area.

2. A land capability challenge has been approved for a portion of the property.

3. Scenic Roadway Unit 30 and Scenic Shoreline Unit 29 are within this Plan Area.

SPECIAL POLICIES:

1. A recreation master plan should be prepared for the public lands in this Plan Area. Such plan shall include a detailed description of the historical level of use, proposed long-term recreation improvements, water quality improvements (BMP's), and mitigation programs.

2. Until such time as a master plan is approved for the public lands in this area, the site should be managed consistent with the level of historic use. Allowances to increase the use capacity of the site beyond historical levels shall be approved in conjunction with the adoption of the master plan.

3. Boat docking and mooring facilities should be provided but boat launching facilities will be discouraged until ingress/egress problems are resolved.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.
**General List:** The following list of permissible uses is applicable throughout the Plan Area.

**Residential**
Domestic animal raising (S), employee housing (S), single family dwelling (S), and summer homes (S).

**Tourist Accommodation**
Hotel, motel and other transient dwelling units Accommodation(S).

**Public Service**
Churches (S), local public health and safety facilities (S), transportation routes (S), government offices (S), transit stations and terminals (S), and pipelines and power transmission (S).

**Recreation**
Marinas (S), beach recreation (A), cross country skiing courses (S), day use areas (A), riding and hiking trails (A), undeveloped campgrounds (A), developed campgrounds (A), outdoor recreation concessions (A), rural sports and group facilities (S), and rural sports (S).

**Resource Management**
Reforestation (A), sanitation salvage cut (A), special cut (A), thinning (A), timber stand improvement (A), tree farms (A), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (S), structural wildlife habitat management (S), farm/ranch accessory structures (S), grazing (S), range pasture management (S), range improvement (S), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), prescribed fire management (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A) and SEZ restoration (A).

**Shorezone:** Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel.

**Tolerance Districts 1 and 2**

**Primary Uses**
Beach recreation (A), recreational boating (A), tour boat operations (A), safety and navigation devices (A), and water intake lines (A).

**Accessory Structures**
Buoy (A), piers (A), fences (S), boat ramps (A), floating docks and platforms (A), and shoreline protective structures (S).

**Tolerance District 8**

**Primary Uses**
Outdoor recreation concessions (A), beach recreation (A), recreational boating (A), commercial boating/tour boats (S), safety and navigation devices (A), special events (A), and marinas (S).

**Accessory Structures**
Buoy (A), piers (A), fences (S), boat ramps (A), breakwaters or jetties (S), floating docks and platforms (A), and shoreline protective structures (S).

**Maximum Densities:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum
allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards. The maximum number of residential bonus units for this Plan Area is 0 units.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family dwelling</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Employee housing</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Summer home</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Tourist Accommodation</td>
<td></td>
</tr>
<tr>
<td>Hotel, Motel and other Transient Units</td>
<td></td>
</tr>
<tr>
<td>-with less than 10% of units with kitchens</td>
<td>20 units per acre</td>
</tr>
<tr>
<td>-with 10% or more units with kitchens</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
</tr>
<tr>
<td>Developed Campgrounds</td>
<td>8 sites per acre</td>
</tr>
<tr>
<td>Rural Group Facilities</td>
<td>25 persons per acre</td>
</tr>
</tbody>
</table>

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL**: The maximum community noise equivalent level for this Plan Area is 50 CNEL, except the maximum community noise equivalent level for the Highway 50 corridor is 65 CNEL.

**ADDITIONAL RECREATION DEVELOPMENT**: The following are the targets for and limits of additional outdoor recreation facilities within the Plan Area. Specific projects and their timing are addressed in the TRPA Five Year Recreation Program pursuant to Chapter 33 ALLOCATION OF DEVELOPMENT. The following are measured in additional persons at one time (PAOT).

- **SUMMER DAY USES 0 PAOT**
- **WINTER DAY USES 0 PAOT**
- **OVERNIGHT USES 0 PAOT**

**OTHER**: 3 miles of trail.

**IMPROVEMENT PROGRAMS**: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by Volume IV of the Surface Water Quality Management Plan as shown on Figure VIII.1 through 18 of Volume I of the 2018 Water Quality Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.

3. Stream zone restoration as indicated in Volume III of the Water Quality Management Plan, the Stream Environment Zone Restoration Program. (To be completed.)
070B -- RABE

PLAN DESIGNATION:

Land Use Designation: RECREATION
Management Strategy: MITIGATION
Special Designation: NONE

DESCRIPTION:

Location: This area includes the Rabe Meadow area at South Stateline. The boundaries of this area are depicted on TRPA maps H-15 and H-16.

Existing Uses: The area contains the Rabe Meadow, Nevada Beach and Campground, Elk Point Yacht Club, Bitler Marina, and some miscellaneous private uses.

Existing Environment: Approximately 50 percent of the area is classified SEZ, 25 percent is low hazard, and the rest is moderate or high hazard. The shorezone tolerance district is 7. The land coverage and disturbance are low. The U.S. Forest Service has restored an old casino site in this area. Habitats for Rorippa subumbellata are found on the beach.

PLANNING STATEMENT: The existing recreation uses should continue and the public beach and camping areas should be expanded.

PLANNING CONSIDERATIONS:

1. There are littoral drift and water quality problems associated with Bitler Marina and the Elk Point Yacht Club.
2. Development in the vicinity of Bitler Marina is in poor condition.
3. There is inadequate parking associated with Elk Point Yacht Club.
4. Scenic Roadway Unit 31, Scenic Shoreline Unit 30, and Scenic Resource Evaluation Area 1 are within this Plan Area.
5. There is an opportunity to expand the facilities of the Nevada Beach Campground.

SPECIAL POLICIES:

1. Protect the Rorippa populations in this beach area adjoining the mobile home park.
2. Provide expanded opportunities for developed recreation on public lands.
3. The Bitler property and Elk Point property shall be required to implement scenic improvement and BMP retrofit programs as part of any Agency project approval.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must
be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

**General List:** The following list of permissible uses is applicable throughout the Plan Area.

**Residential**

- Single family dwelling (S).

**Public Service**

- Local public health and safety facilities (S), membership organizations (S), public utility centers (S), transportation routes (S), transit stations and terminals (S), and pipelines and power transmission (S).

**Recreation**

- Marinas (S), beach recreation (A), cross country skiing courses (S), day use areas (A), riding and hiking trails (A), cultural facilities (S), undeveloped campgrounds (A), participant sports (S), developed campgrounds (A), outdoor recreation concessions (A), rural sports (S), group facilities (S), snowmobile courses (S), and visitor centers (S).

**Resource Management**

- Reforestation (A), sanitation salvage cut (A), selection cut (A), special cut (A), thinning (A), timber stand improvement (A), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), structural wildlife habitat management (A), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), prescribed fire management (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A), and SEZ restoration (A).

**Shorezone:** Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel.

**Tolerance District 7**

**Primary Uses**

- Beach recreation (A), boat launching facilities (S), marinas (S), salvage operations (A), tour boat operations (A), water borne transit (A), and water oriented outdoor recreation concessions (A).

**Accessory Structures**

- Boat ramps (A), breakwaters or jetties (S), buoys (A), fences (S), floating docks and platforms (A), piers (A), shoreline protective structures (S), and water intake lines (S).

**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

**USE**

**Residential**

**MAXIMUM DENSITY**

PAS 070 -- RABE
Page 2
Single Family Dwelling 1 unit per parcel
Summer Homes 1 unit per parcel

Recreation
Developed Campgrounds 8 sites per acre
Group Facilities 25 persons per acre

**RESIDENTIAL BONUS UNITS:** Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 0 units.

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area is 55 CNEL. The maximum community noise equivalent level for the Highway 50 corridor is 65 CNEL.

**ADDITIONAL DEVELOPED OUTDOOR RECREATION:** The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

- **SUMMER DAY USES 0 PAOT**
- **WINTER DAY USE 0 PAOT**
- **OVERNIGHT USES 500 PAOT**

**OTHER:** Three miles of trail.

**IMPROVEMENT PROGRAMS:** The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by *Volume IV of the Surface Water Quality* Management Plan as shown on Figure VIII-1 through 18 of Volume I of the 208 Water Quality Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.

3. Stream zone restoration as indicated in *Volume III of the Water Quality Management Plan*, the Stream Environment Zone Restoration Program. (To be completed.)
102 -- TAHOE KEYS

PLANNING STATEMENT:

This area should continue to maintain the existing residential and commercial character of the neighborhood.

PLANNING CONSIDERATIONS:

1. Many of the undeveloped single family lots and portions of the Cove East parcel have been disturbed as a result of unauthorized activities. These disturbed areas and several common area parklands are in need of revegetation. There may be the potential for SEZ restoration within this Plan Area; however, specific areas for restoration have not been identified.

2. A 26 lot subdivision has been approved in this area as part of a litigation settlement, subject to reasonable conditions upon the development which are consistent with the goals and policies of the Regional Plan.

3. Over coverage is a problem in this Plan Area, especially at the marina site.
4. There is need for additional public parking in the marina area.

**SPECIAL POLICIES:**

1. Uses and expansion of the marina shall be in conformance with a specific plan to be prepared in accordance with the procedures set forth in Chapter 16 of the Code and approved by the Agency. Such plan shall give priority to uses which are water or marina dependent.

2. Except as otherwise provided by the TRPA/Dillingham Settlement Agreement, new development will be subject to a special water quality mitigation fee designed to offset the filled area’s adverse impacts on water quality consistent with the Agency’s recognition of portions of the SEZ as man-modified.

3. Land coverage limitations for areas not covered by the Tahoe Keys Property Owners Association approval of man-modification shall be subject to the TRPA/Dillingham litigation settlement or further determinations on man-modification.

4. Based on a determination by the Agency that the TKPOA regulations for pier installation and maintenance are consistent with the Regional Plan for the Lake Tahoe Basin, Goals and Policies and the shorezone provisions of the Code of Ordinances, construction and repair of piers within the Tahoe Key lagoons shall be reviewed pursuant to a Memorandum of Understanding with the TKPOA.

5. Consistent with the provisions of the TRPA/Dillingham Settlement Agreement and limitations on public access due to TKPOA ownership of certain lands, parking facilities for public use of the Upper Truckee River and adjacent land areas and temporary boat trailer parking should be encouraged in the vicinity of the marina.

6. Duplex dwellings may be allowed with TDR on the nine remaining undeveloped lots in the area bounded by Venice Drive, Tahoe Keys Boulevard, Monterey Drive, and Danube Way.

7. All ordinance standards, Design Review Criteria, New Development Limitations, and other regulations of the Agency shall apply to this Plan Area except as otherwise exempted by the TRPA/Dillingham Settlement Agreement. When reviewing a project TRPA may approve a permissible use in the Tahoe Keys Convenience Center only if it finds, in addition to other required findings, that the proposed use is consistent with the 1983 project approval for the Convenience Center as a neighborhood-serving commercial center and the related EIS. The following shall be allowed (A) uses in the Convenience Center:

- Clothing or shoe stores
- Banks or savings and loan offices
- Barber or beauty shop
- Medical offices
- Local post offices
- Professional offices

**PERMISSIBLE USES:** Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

**General List:** The following list of permissible uses is applicable throughout the Plan Area (except as noted in Special Areas #1 and #2).
Residential

Single family dwelling (A).

Public Service

Local public health and safety facilities (S), transit stations and terminals (S), pipelines and power transmission (S), transmission and receiving facilities (S), transportation routes (S), public utility centers (S), churches (S), schools - kindergarten through secondary (S), and social service organization (S).

Recreation

Participant sports facilities (S), day use areas (A), riding and hiking trails (S), and beach recreation (A).

Resource Management

Reforestation (A), sanitation salvage cut (A), special cut (A), thinning (A), early successional stage vegetation management (A), structural and nonstructural fish/wildlife habitat management (A), fire detection and suppression (A), fuels treatment/management (A), insect and disease suppression (A), sensitive and uncommon plant management (A), erosion control (A), SEZ restoration (A), and runoff control (A).

Special Area #1: The following list of permissible uses is applicable in Special Area #1. See Special Policy #7 for required findings.

Commercial

Amusements and recreational services (S), eating and drinking places (A), food and beverage retail sales (A), general merchandise stores (S), health care services (S), personal services (S), professional offices (S), repair services (S), financial services (S), local post offices (S), and government offices (S).

Recreation

Marina (A), beach recreation (A), and outdoor recreation concessions (A).

Public Service

Those uses listed on the General List for this Plan Area.

Resource Management

Those uses listed on the General List for this Plan Area.

Special Area #2: The following list of permissible uses is applicable in Special Area #2.

All the uses listed on the General List plus the following additions:

Residential

Multiple family dwellings (A).

Shorezone: Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel.

Tolerance District 1

Primary Uses

Beach recreation (Special Area #2 only) (A), safety and navigational devices (A), and salvage operations (A).

Accessory Structures

Breakwaters or jetties (S), fences (S), and water intake lines (S). Floating docks and platforms (A), and piers (A) only in Special Area...
MAXIMUM DENSITIES: Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

USE

Residential

Single Family Dwelling

Multiple Family Dwellings

MAXIMUM DENSITY

1 unit per parcel

15 units per acre

RESIDENTIAL BONUS UNITS: Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 10 units.

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 55 CNEL.

ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT  WINTER DAY USE 0 PAOT  OVERNIGHT USES 0 PAOT

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by Volume IV of the Surface Water Quality Management Plan as shown on Figure VIII-1 through 18 of Volume 1 of the 208 Water Quality Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.

3. Stream zone restoration as indicated in Volume III of the Water Quality Management Plan, the Stream Environment Zone Restoration Program. (To be completed.)
March 31, 1997

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Plan Area Boundary Between Plan Area 030, Mt. Rose (Conservation) and Plan Area 040, Incline Village #1 (Residential) to Expand the Urban Boundary to Include Washoe County APNs 125-211-01 and -02 in Plan Area 040

Proposed Action: The owners of two parcels in Incline Village propose to amend the Plan Area Statement boundary between Plan Area 030, Mt. Rose (Conservation), and Plan Area 040, Incline Village #1 (Residential) to add both of the parcels (approximately 9.85 acres in area) which are presently in Plan Area 030, to Plan Area 040. Small portions of each of the parcels are presently within Plan Area 040. Adding the remaining portions would expand the TRPA Urban Boundary. Refer to Exhibit A, Existing Plan Area Boundaries, Exhibits B and C, Subject Properties, and Exhibit D, Applicant’s Proposed Plan Area Boundaries.

The land to be added to Plan Area 040 is proposed to be developed for single family residential uses. Single family residential uses are not permitted in Plan Area 030, but are permitted in Plan Area 040. Summer homes are permitted in Plan Area 030 provided that they are developed on high capability land or use existing coverage, however, the applicant’s stated desire is to develop year-round residences rather than summer homes. The applicants contend that TRPA has made a mistake in originally establishing the plan area (and urban) boundary.

Staff Recommendation: Staff recommends that the Advisory Planning Commission recommend to the Governing Board adding a reduced portion of each of the parcels into Plan Area 040 (approximately 1.42 acres) and not the entire parcels as proposed by the applicant. Refer to Exhibit E, Staff-Recommended Plan Area Boundary Relocation. The balance of the parcels would then remain in Plan Area 030. This recommendation is based on the facts that the portions to be added are adjacent to the existing developed subdivision and contain IPES building envelopes which have been evaluated and determined to contain "buildable" sites. The portions of the parcels which would remain in Plan Area 030 are steeply sloping lands and are mapped as land capability class 1c. Additional discussion on this recommendation is provided below.
Background: The subject parcels are vacant. As shown in Exhibit A, portions of both parcels have been included in Plan Area 040. The IPES building site for parcel 125-211-02 which is eligible for development is presently within Plan Area 040 and technically does not need to be amended. Refer to Exhibit F, Location of IPES Building Sites.

The parcels were originally mapped by TRPA as part of Plan Area 030 because they:

- were very large in size as compared to the balance of the subdivision;
- were undeveloped;
- were mapped entirely as class 1c and High Hazard Geomorphic Units;
- had very little of the parcel adjacent to the existing subdivision; and
- were originally zoned GF, General Forest.

This logic was used by TRPA in the early 1980s when drafting the plan area statements and several other parcels of similar size and characteristics were in a similar situation.

TRPA Urban Boundary: In 1986, as part of the Regional Plan package, TRPA established an Urban Boundary. By definition, the Urban Boundary includes all residential, commercial/public service and tourist accommodation plan areas.

Recreation and Conservation plan areas are not included within any portion of the Urban Boundary. The only manner in which the Urban Boundary may be expanded is by adding lands from existing Recreation or Conservation plan areas. Most of the area of the subject parcels is a Conservation Plan Area. The process by which Urban Boundary expansions can be considered by TRPA is discussed below.

TRPA established Urban Area Boundaries as a policy statement to clearly direct the location of all future residential, commercial/public service and tourist accommodation development. The Urban Boundary represents TRPA policy (shown below) that additional development occur within already developed areas. These areas contain the necessary public utilities, road system, and other supporting infrastructure to accommodate the additional development permitted under the Regional Plan.

The following sections of the Regional Plan Goals and Policies, Land Use Element, Land Use Subelement contains the Urban Boundaries policies.

"GOAL #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 COMPACT."
Based on the findings of the Compact, evidence included in the environmental impact statement prepared for this Plan, and public testimony, the Tahoe Region is experiencing resource use problems and deficient environmental controls.

POLICIES

1. THE TOTAL POPULATION PERMITTED IN THE REGION AT ONE TIME SHALL BE A FUNCTION OF THE CONSTRAINTS OF THE REGIONAL PLAN AND THE ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES.

Population growth in the Region will be guided by the limitations on land use set forth in the Plan. This Plan identifies land use, densities, traffic volumes, urban boundaries, and other factors that indirectly determine the population at any given time. All of these factors have been set to ensure compliance with the environmental thresholds.

2. SPECIFIC LAND USE POLICIES SHALL BE IMPLEMENTED THROUGH THE USE OF PLANNING AREA STATEMENTS FOR EACH OF THE PLANNING AREAS IDENTIFIED IN THE MAP INCLUDED IN THIS PLAN (LOCATED INSIDE BACK COVER). AREAS OF SIMILAR USE AND CHARACTER HAVE BEEN MAPPED AND CATEGORIZED WITHIN ONE OR MORE OF THE FOLLOWING FIVE LAND USE CLASSIFICATIONS: CONSERVATION, RECREATION, RESIDENTIAL, COMMERCIAL AND PUBLIC SERVICE, AND TOURIST. THESE LAND USE CLASSIFICATIONS SHALL DICTATE ALLOWABLE LAND USES. MORE DETAILED PLANS, CALLED COMMUNITY PLANS, MAY BE DEVELOPED FOR DESIGNATED COMMERCIAL AREAS. OTHER DETAILED PLANS, SUCH AS THE AIRPORT MASTER PLAN, SKI AREA MASTER PLANS, AND REDEVELOPMENT PLANS, MAY ALSO BE DEVELOPED. THESE DETAILED PLANS MAY COMBINE TWO OR MORE OF THE FIVE LAND USE CLASSIFICATIONS.

Since the development permitted under this Plan is generally limited to the existing urban boundaries in which uses have already been established, the concept of this land use plan is directed toward regulating infill and redirection. The intent of this system is to provide flexibility when dealing with existing uses, continuation of acceptable land use patterns, and redirection of unacceptable land use patterns. Implementation ordinances set forth the detailed management criteria and allowed uses for each land use classification.

Discussion: From a land use planning standpoint and in terms of attaining and maintaining the adopted environmental threshold carrying capacities, the existing lands within the Urban Boundary should first be built out prior to expanding into those areas outside of it. A fundamental concept of both the Regional Plan and threshold attainment is to infill additional development into existing developed areas. Cumulatively, significant expansions of the Urban Boundary are generally inconsistent with the Regional Plan Goals and Policies stated above and with attaining and maintaining the thresholds.
As shown in Exhibits B and C, each of the parcels has a recorded building site on it. The sites were originally developed when the subdivision was platted in the late 1960s and have little or no relationship to the attainment and maintenance of Regional Plan Goals and Policies or the adopted environmental thresholds. In the case of the building site for APN 125-211-02, it may actually degrade scenic resource thresholds when viewed from Lake Tahoe and other key viewing areas due to its aspect and orientation. The applicant would have to amend the existing approved building site for APN 125-211-02 because it is outside the area recommended by staff to be relocated into Plan Area 040.

Findings: Prior to amending the plan area boundary, TRPA must make the following findings.

Chapter 13 Findings


Rationale: The subject parcels are presently located in Plan Area Statement 030. Plan Area Statement 030 describes the area as steep tree covered slopes which provide a distinctive scenic backdrop for Incline Village.

The Planning Statement for Plan Area 030 states that the area should remain undeveloped to the extent that its natural features and qualities are protected. Resource management should be low level with maximum emphasis on providing opportunities for dispersed recreation.

Planning Consideration #1 states that the area is suitable for only the least intensive uses due to the preponderance of high hazard lands and the potential for avalanche and ground stability hazards.

Conservation plan areas are defined by TRPA as follows:

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 set aside for this purpose;
(ii) high-hazard lands, stream environment zones, and other fragile areas, without substantial existing improvements;
(iii) isolated areas which do not contain the necessary infrastructure for development;
(iv) areas capable of sustaining only passive recreation or non-intensive agriculture; or
(v) areas suitable for low-to-moderate resource management.

The applicant proposes to relocate the parcels into Plan Area 040, a residential plan area. Residential plan areas are defined by TRPA as follows:

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 nonresidential 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.

Staff recommends that the 1.42 acres of the subject parcels as shown in Exhibit D be included in Plan Area 040 because they better fit the description of Residential Plan Areas than Conservation plan Areas.

The subject parcels are in private ownership, have the necessary infrastructure for development in the vicinity of the parcel, and each has a buildable IPES site adjacent to the existing residential subdivision. The property is adjacent to developed residential uses and is serviced by utilities which are stubbed to the end of the existing cul-de-sacs.

Special Designations: Neither plan area contains any special designations.

2. **Finding:** 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:
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.

**Rationale:**

The amendment as recommended by staff will make Plan Area Statement 040 consistent with Goal #2, Policy 2 of the Land Use Element, Land Use Subelement, which defines residential areas and differentiates them from conservation areas primarily based on land capability classification, adjacency to existing developed uses and the availability of existing infrastructure.

The applicant proposes that the second part of this finding be made based on item (a) which would correct a mapping error which occurred at the time of adoption.

**Chapter 6 Findings**

1. **Finding:**

The project 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:**

Based on the limited addition of lands to Plan Area 040 and the fact that no additional development potential is approved as a result of the amendment, the project is not expected to adversely affect implementation of the Regional Plan.

2. **Finding:**

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

**Rationale:**

Provided that only the staff recommended addition of 1.42 acres of land is made to Plan Area 040, the project is not expected to cause the environmental thresholds to be exceeded.

3. **Finding:**

Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.
Rationale: See findings 1 and 2 above.

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

Rationale: See findings 1 and 2 above.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed project. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 13 findings shown above and on the following:

1. From a Regional perspective, no additional development would be permitted by the amendment than is otherwise permissible under the Regional Plan;

2. The amendment would correct a mistake by TRPA in originally establishing the plan area boundary; and

3. Only as small portion of the subject parcels would be added to the Urban Boundary. The portion to be added has already been evaluated by TRPA under IPES. The evaluation concluded that a suitable building site exists on both parcels which is immediately adjacent to the existing subdivision, thus minimizing the need for unnecessary extension of utilities and other infrastructure.

Staff will begin this item with a brief presentation. Please contact Andrew Strain at (702) 588-4547 if you have any questions or comments regarding this item.
Existing Plan Area Boundaries
Applicant's Proposed Plan Area Boundaries

PAS 040 (Res)
APN 125-211-01
APN 125-211-02
Proposed PAS Boundary Line Amendment

PAS 030 (Con)

PAS 041 (Res)
Staff Recommended Plan Area Boundary Relocation
LOCATION OF IPES BUILDING SITES

Exhibit F
4/1/97
MEMORANDUM

March 30, 1997

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of the Environmental Thresholds, Goals and Policies, and Code Chapters to Implement Recommendations From the 1996 Threshold Evaluation

Proposed Action: Staff is requesting a APC recommendation on the adoption in April of the following two items recommended by the 1996 Threshold Evaluation Report. These items were discussed at the March APC meeting.

a. Amendment of Chapter 93 (Traffic and Air Quality Mitigation Program) to make adjustments to the air quality and transportation mitigation requirements. (See Attachment A)

b. Amendment of Chapter 74 (Remedial Vegetation Management); Chapter 55 (Development Standards in the Backshore); Chapter 20 (Land Coverage Standards) to include standards for management of stream environment zone and backshore vegetation to achieve and maintain thresholds for vegetation, wildlife, and fisheries; Chapter 2 (Definitions); and Chapter 77 (Revegetation). (See Attachment B)

The other items listed below under Discussion Items will be considered for a final recommendation and action in May.

Staff Recommendation: Staff recommends approval of the proposed amendments.

Background: This month’s proposed action is a portion of the "A" List of high priority implementation items recommended by the 96 Threshold Evaluation Report. The "A" List is a set of recommended revisions to the Regional Plan package including amendments to the Environmental Threshold Carrying Capacities, the Goals and Policies and the Code of Ordinances. The "A" List is found in Schedule of Implementation (Appendix B) of the Draft 96 Threshold Evaluation.
Memorandum to Advisory Planning Commission
Amendment of the Environmental Thresholds,
Goals and Policies, and Code Chapters
Page 2

Because of the staff commitments during March staff is only presenting two
items of the "A" List for public hearing and adoption at both the April APC
and Governing Board meetings. On the other A List items, no final action is
being requested from the APC or the Governing Board. In May 1997 staff
intends to present the remaining items on the "A" List for public hearing and
adoption. The final package will include the "A" List items, the Final

On March 12, 1997, the Advisory Planning Commission (APC) considered
threshold-related recommendations and conducted a public hearing. The APC
took no official action on these, however, they did recommend that the old
growth/late successional stage threshold for vegetation be taken back to the
Forest Health Consensus Group for further refinement and staff review the
proposed Chapter 6 recreation findings for implementation concerns.

Required Findings: The following findings must be made prior to adopting the
proposed amendments:

A. Chapter 6 Findings:

1. Finding: The project 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 amendments to increase the transportation
mitigation fees and better protect SEZ vegetation are
recommended by the 1996 Threshold Evaluation Report to
improve TRPA's ability to achieve thresholds and to
implement the Regional Plan.

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

Rationale: The amendments to increase the transportation mitigation
fees and better protect SEZ vegetation are recommended
by the 1996 Threshold Evaluation Report to improve
TRPA's ability to achieve thresholds.

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

Rationale: The increased transportation fees are linked to the list
of transportation EIP projects needed achieve and
maintain air quality thresholds and standards. The SEZ
vegetation protection measures are proposed to improve
water quality.

AGENDA ITEM V.F
B. Ordinance 87-8 Findings: Section 2.40 of Ordinance 87-8 requires the following findings prior to Code amendments. The proposed amendment provides for an equal or better means of attainment or maintenance of the thresholds. The required findings and their rationales are:

1. The amendments are consistent with the Compact and with attainment or maintenance of the thresholds.

   **Rationale:** The amendments to increase the transportation mitigation fees and better protect SEZ vegetation are recommended by the 1996 Threshold Evaluation Report to improve TRPA's ability to achieve thresholds and to implement the Regional Plan.

2. One of the following findings:

   a. There is a demonstrated conflict between provisions of the Regional Plan package, and the conflict threatens to preclude attainment or maintenance of thresholds; or

   b. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact; or

   c. Legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code; or

   d. Technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code; or

   e. The provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds; or

   f. Implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

      (1) The cost of implementation outweighs the environmental gain to be achieved;

      (2) Implementation will result in unacceptable impacts on public health and safety; or

      (3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.
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Goals and Policies, and Code Chapters
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**Rationale:** Finding d states the rationale for the proposed amendments.

**Environmental Documentation:** The proposed amendments were considered in the 1996 Threshold Evaluation Report and recommended for adoption. The Report was used to complete an Initial Environmental Check List (IEC). Staff recommends that a Finding of No Significant Effect be prepared for the proposed action.

**Discussion Items:** The following "A" List elements are proposed for consideration in April and for final action in May. Proposed language for each item is attached to this staff report. Background discussion on the need for each of the amendments is referenced to the 1996 Evaluation Report or may be found with each attachment.

1. **Proposed Environmental Threshold Amendments**
   
a. Water quality, amendment of the 90th Percentile Total Suspended Sediment Standard for Tributaries (WQ-5) to be the annual average. See Chapter 1, pages 24-68. (Attachment C)
   
b. Air quality, amendment of the Visibility Standards (AQ-4) to better correspond with current monitoring methods. See Chapter 2, pages 14-18. (Attachment D)
   
c. Noise, amendment of Community Noise Equivalent Level (CNEL) (N-3) to change wilderness and roadless areas and critical wildlife habitat to 45 CNEL, to amend the tourist CNEL category from 55 to 60 CNEL, and the commercial CNEL category from 55 to 60. See Chapter 6, pages 5-9. (Attachment E)
   
d. Fishery, see Chapter 5. (Attachment F)
   
   i. Adoption of updated instream fish habitat ratings.
   
   ii. Amendment of In-Lake Prime Fish Habitat Map to accurately reflect habitat conditions.
   
   iii. Amendment of Chapter 12 (TRPA Regional Plan Maps), Prime Fish Habitat Overlay, to amend In-Lake Fish Habitat Map to reflect new mapping.
   
   iv. Amendment of Chapter 12 (TRPA Regional Plan maps), Stream Habitat Quality Overlay, to reflect re-rating.
   
   e. Vegetation, adoption of Lake Successional/old Growth (LSOG) Threshold. See Chapter 3, pages 3-9. (Attachment G)
2. **Proposed Code of Ordinances and Goals and Policies Amendments**

   a. Amendment of Chapter 6 (Findings Required) to ensure additional resource capacities remain available to meet the recreation goals and policies of the Regional Plan when approving non-recreation projects. See Chapter 7, pages 16-23. (Attachment H)

   b. Future residential, tourist, recreation, and commercial allocations. (Attachment I)

      i. Amendment of Chapter VII of the Goals and Policies and Chapter 33 (Allocation of Development) to adopt a five-year system of allocations of additional residential development and a ten-year system of allocations of additional commercial and tourist development.

      ii. Amendment of Chapter 33 (Allocation of Development) to modify the List of Recreation Uses for which summer day use PAOTs are allocated.

      iii. Amendment of Chapter 33 (Allocation of Development) to permit conversion of use between tourist and residential.

      iv. Amendment of Chapter 34 (Transfer of Development) to permit transfers of existing uses into sensitive lands in special circumstances.

      v. Amendment of Chapter 14 (Community Plans) to create preferred industrial areas.

      vi. Amendment of certain Plan Area Statements to reduce the number of permissible residential bonus units.

      vii. Amendment of Kingsbury, Meyers, Kings Beach Industrial, Tahoe Vista, and Ponderosa Community Plans and the South Y Industrial Plan Area Statement to designate them as preferred industrial areas.

   c. Amendment of Chapter 82 (Water Quality Mitigation) to adjust the Schedule of Fees. (Attachment J)

   d. EIP Implementation. (Attachment K)

      i. Adoption of Chapter 31 (Environmental Improvement Program) relative to linked project concept.

      ii. Amendment of Chapter 33 (Allocation of Development) to delete the Public Service Five-Year List and Recreation Five-Year List.
e. Amendment of Chapter 25 (Best Management Practice Requirements) related to extending program to accomplish retrofit of best management practices. (Attachment L)

f. Amendment of Chapter 26 (Sign Standards) to require conformance with certain permit action, to adjust the amortization schedule, and to limit exemption policies. See Chapter 8, pages 25-28. (Attachment M)

Staff will begin this item with presentations from the Program Manager for each of the listed items. Please contact Gabby Barrett at (702) 598-4547 if you have any questions or comments regarding this matter.
ANALYSIS AND DISCUSSION OF THE PROPOSED TRANSPORTATION AND AIR QUALITY MITIGATION FEES

The adopted Regional Plan for the Lake Tahoe Region contains a detailed Implementation Element. Policy 2 of Goal #4 of the Development and Implementation Priorities Subelement states:

ALL PROJECTS SHALL OFFSET THE TRANSPORTATION AND AIR QUALITY IMPACTS OF THEIR DEVELOPMENT

The implementing ordinances for the Regional Plan will define stationary sources of air pollution which may locate in the Region, and define what constitutes a significant environmental impact on air quality from stationary sources. Commercial and residential development contribute indirect impacts to air quality by increasing the number of vehicle trips in the Region. The cumulative impacts of such trips is significant.

The ordinances will establish a fee to offset the impacts from minor projects. The fee will be assessed on both commercial and residential development. The ordinances will also define what projects have significant environmental impacts; these projects will be required to complete and EIS and mitigate air quality and traffic impacts with specific projects and programs.

In addition to the above policy, Goal #1 of the Financing Subelement states:

IN COOPERATION WITH OTHER AGENCIES, PROVIDE FUNDS TO CARRY OUT THE CAPITAL IMPROVEMENTS PROGRAM AND OTHER PROGRAMS OF THE REGIONAL PLAN, PROVIDE FOR THE REVENUE SOURCES THAT DISTRIBUTE COSTS EQUITABLY AMONG USERS OF THE BASIN, MEET PERFORMANCE OBJECTIVES, AND ATTAIN ENVIRONMENTAL THRESHOLDS.

Section 93.6 of the Code of Ordinances also states:

As part of the biennial revisions to the Regional Transportation Plan, TRPA shall review the fee schedules in 93.3D and 93.4 D in light of the costs of needed improvements and the funds available to support those improvements, and recommend adjustments to the fee schedules as appropriate.

Background

Mitigation of the development impacts is often financed through impact fees imposed at the time of project approval. The traffic mitigation program currently utilized by TRPA (Chapter 93) is similar to the traffic mitigation programs of many other jurisdictions. These jurisdictions have determined that public monies are not adequate to fund transportation improvements needed to offset the impacts of additional development and that additional development should pay for a fair share of these improvements.
To determine appropriate impact fee levels, Frank and Rhodes (1987) recommend the application of the following three criteria:

1. The rational nexus test requires that:
   a. the occupants of the development will use the service;
   b. the service is one the government has legitimate authority to provide; and
   c. there is likely to be a shortage of the service if steps aren't taken to provide it.

2. The impact fee must be proportional to the expected usage level. To meet this requirement, any generally accepted methodology can be used to establish a fee schedule.

3. The linkage between the development and the impact fee must be established by determining that:
   a. the problem the service is intended to correct is created by the development;
   b. the amount of the impact fee is at least roughly proportional to the share of the problem created by the development; and
   c. the impact fee will be used to alleviate the problem created.

Cost of Offset Growth

In summary, additional development must offset its transportation and air quality impacts. In general, when a fee is assessed, the fee is calculated by estimating the cost of needed improvements, and dividing all or a part of that cost among anticipated growth. The most efficient way to determine the cost for offsetting growth is to use an averaging method. In this method, the costs of necessary improvements are totalled, and then allocated among growth by some consistent unit applicable to all development.

The cost of offsetting growth can be calculated in at least three ways. These different ways are all based on an estimate of cost to implement improvement projects, but vary by the averaging time used. In 1992, the air quality mitigation fee was updated using a five year averaging method. The same method will be used to update the fee now.

The TRPA Environmental Improvement Program (EIP) estimates that from FY 1997 through 2002, approximately $73.3 million will be needed to implement the Mass Transit, Bicycle and Pedestrian projects on the EIP project list for transportation and air quality projects. By the year 2002, internal daily vehicle trips will increase by 11,618, with regionwide vehicle trips increasing to 363,380. Vehicle trips internal to the Region will increase by 4.27 percent from 1995-2001. Using an averaging method, growth should pay for 4.27 percent of $73.3 million, or $3.13 million.

The most consistent unit to use for allocating the cost of growth is the daily vehicle trip. Unlike commercial floor area or other measures of
development, vehicle trips apply equally to all development. As noted above, TRPA estimates that internal growth will result in increases in daily vehicle trips of 11,618 by the year 2001. The following is the estimate using the above cost scenario:

<table>
<thead>
<tr>
<th>Cost of Growth</th>
<th>$/Daily Vehicle Trip</th>
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</thead>
<tbody>
<tr>
<td>$3.13 million</td>
<td>$270 ($3.13 / 11,618)</td>
</tr>
</tbody>
</table>

Application of Fee

Each DVT has two trip ends. One end is a production, the other end is an attraction. The "beds" account for the productions (houses, hotel/motel rooms, campgrounds, etc.) because they produce a vehicle trip. Commercial business, and recreation areas attract vehicle trips.

The fee associated with each DVT should be divided between the production and attraction trip ends. This fee may be divided equally, or it can be weighted toward either production or attraction trip end. Since 1987, TRPA has weighted the production end of a vehicle trip at 90 percent, and the attraction end of the trip at 10 percent.

Based on the $270/DVTE fee shown above, and rounding the fees for the production and attraction ends, the following would be the new fee schedule:

- Commercial Trips: $25/DVTE
- Residential/Production Trips: $240/DVTE

So, the current fee for commercial and attraction trips would increase from $20 to $25/DVTE, and the mitigation fee for new residential type units would increase from $2,000 per unit to $2,400 per unit.

The rest of the Air Quality mitigation fee program outlined in Chapter 93 would remain the same, and the fee would be assessed to any increase in the number of daily vehicle trips ends attributable to a proposed project.

References

BACKGROUND DISCUSSION OF CHAPTER 74 AMENDMENTS

Stream Environment Zone (SEZ)

Several questions have arisen recently related to how the amendments would affect existing landscaping in SEZ areas, existing uses in SEZ, and restrictions relative to the backshore. Language relative to these issues has not yet been drafted, but will be presented at the Advisory Planning Commission's meeting for consideration.
CHAPTER 74

REMEDIAL VEGETATION PROTECTION AND MANAGEMENT

Chapter Contents

74.0 Purpose
74.1 Applicability
74.2 Protection of Stream Environment Zone Vegetation
74.23 Remedial Vegetation Management Problem/Identification
74.34 Preparation of Remedial Vegetation Management Plans

74.0 Purpose: In accordance with the Vegetation Conservation Element of the Regional Plan Goals and Policies, this chapter provides for the protection of Stream Environment Zone (SEZ) vegetation, other common vegetation, uncommon vegetation, and sensitive plants. It also provides for remedial management of vegetation to achieve and maintain environmental thresholds for plant species and structural diversity in vegetation, and to maintain the maintenance of vegetation health. The management and protection of vegetation shall, at a minimum, consider the diversity of plant species and landscape pattern of plant communities, and their attributes in relationship to wildlife and fisheries habitat, scenic quality, recreation use, soil conservation, water quality.

74.1 Applicability: TRPA requires the protection and maintenance of all native vegetation types. TRPA may require the preparation and implementation of a remedial vegetation management plan for any parcel where the need for remedial vegetation management has been identified for purposes of environmental threshold maintenance or attainment. The use, protection, and maintenance of vegetation is also addressed in Chapters 2, 20, 25, 30, 37, 50, 55, 65, 71, 72, 73, 75, 77, 78, and 79 of the Code of Ordinances.

74.2 Stream Environment Zones: No project or activity shall be undertaken in an SEZ which converts naturally-occurring native SEZ vegetation to a non-native or artificial state, or which negatively impacts naturally-occurring native SEZ vegetation through action including but not limited to reducing biomass, removing vegetation, or altering vegetation composition. Manipulation or management of naturally-occurring native SEZ vegetation may be permitted in accordance with the Code of Ordinances for purposes of SEZ vegetation health, wildlife, or fish habitat improvements, and after approval of a vegetation management plan pursuant to Section 74.4.B., or as provided in Sections 20.4 and 20.5.C.
74.23 Remedial Vegetation Management Priority/Identification: TRPA and land management agencies including the states' forestry departments shall identify areas where remedial management of vegetation is necessary to achieve and maintain environmental thresholds for health and diversity in vegetation.

74.34 Preparation Of Remedial Vegetation Management Plans: At the request of TRPA, remedial vegetation management plans shall be prepared by the property owners of areas identified for remedial vegetation management in cooperation with TRPA and appropriate resource management agencies.

74.34.A Plan Content: Remedial vegetation management plans shall contain, at a minimum, the following information:

1. Purpose of the management plan, including a list of objectives;
2. Description of existing vegetation, including the abundance, distribution, and age class of tree species;
3. Remedial measures necessary to achieve the stated objectives, including details of harvest and revegetation plans (see Chapter 77); and
4. An implementation schedule, including a monitoring program to report progress on monitoring of vegetation.

74.34.B Plan Approval: TRPA may approve a remedial vegetation management plan provided TRPA finds that the plan is necessary to achieve, and can reasonably be expected to achieve, the purposes set forth in Section 74.A.0.
AMENDMENTS RELATED TO CHAPTER 74 REVISIONS

Chapter 2, Definitions

Revised 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, without limitation, but not limited to, grading.

Chapter 55, Development Standards in the Backshore

Revised 55.6 Vegetation: Naturally occurring vegetation shall not be removed or damaged in the backshore, unless otherwise authorized under TRPA permit pursuant to Sections 55.4 and 74.2. Species used in the backshore for revegetation or landscaping shall be those listed on the TRPA-approved plant list, and be naturally occurring species appropriate for the backshore.

Chapter 20, Land Coverage Standards

Added 20.4.B(5) Vegetation: Naturally occurring vegetation shall not be removed or damaged in land capability district 1b unless otherwise authorized under TRPA permit pursuant to Sections 20.4.B., 20.5.C., 55.6, and 74.2. Species used for revegetation or landscaping shall be naturally occurring species appropriate for stream environment zones.
ANALYSIS AND DISCUSSION
OF A PROPOSED AMENDMENT TO AMEND THE
90TH PERCENTILE TO AN ANNUAL AVERAGE

Proposed Action: No action is requested at this time. This item is being presented as a status report only.

Staff Recommendation: Staff recommends that the standard for total suspended sediment for tributaries be modified to reflect the annual average in addition to the 90th percentile concentration.

Background: Although much remains to be learned, through studies of sediment transport mechanisms, stream channel morphology, flow and load relationships, and sediment-nutrient relationships, TRPA has gained a better understanding of the processes and activities in the watershed which cause sediment and nutrient delivery to the tributaries and Lake Tahoe. TRPA is also attempting to develop better information on the sources of sediment and nutrients in the urbanizes portions of the Tahoe Region. Long-term water quality parameters which have been measured for Lake Tahoe Basin tributaries have typically focused on total loading to the streams, and ultimately to Lake Tahoe. While the 90th percentile concentrations currently measured provide valuable information, staff feels in addition to this standard, an annual average concentration would provide valuable information related to total loading to Lake Tahoe.

Discussion: This matter has been brought before the Lake Tahoe Interagency Monitoring Program (LTIMP) members. More discussion will occur at an April LTIMP meeting before a final recommendation is brought forward. Recently, the State of Nevada adopted new water quality standards which are specific for Nevada tributaries. It is the intent of staff to coordinate with LTIMP to incorporate the Nevada standards and discuss ramifications, if any, of adding this additional standard.
MANAGEMENT STANDARD
Reduce dissolved inorganic nitrogen loads from surface runoff by approximately 50 percent, from groundwater approximately 30 percent, and from atmospheric sources approximately 20 percent of the 1973-81 annual average. This threshold relies on predicted reductions in pollutant loadings from out-of-basin sources as part of the total pollutant loading reduction necessary to attain environmental standards, even though the Agency has no direct control over out of Basin sources. The cooperation of the states of California and Nevada will be required to control sources of air pollution which contribute nitrogen loadings to the Lake Tahoe Region.

NUMERICAL STANDARD
Decrease sediment load as required to attain turbidity values not to exceed three JTU. In addition, turbidity shall not exceed one JTU in shallow waters of the Lake not directly influenced by stream discharges.

Reduce the loading of dissolved inorganic nitrogen, dissolved phosphorus, iron, and other algal nutrients from all sources to meet the 1967-71 mean values for phytoplankton primary productivity and periphyton biomass in the littoral zone.

Tributaries

NUMERICAL STANDARD
Attain applicable state standards for concentrations of dissolved inorganic nitrogen, dissolved phosphorus, and dissolved iron. Attain a 90 percentile value for suspended sediment concentration of 60 mg/l.

MANAGEMENT STANDARD
Reduce total annual nutrient and suspended sediment load to achieve loading thresholds for littoral and pelagic Lake Tahoe.

Surface Runoff

NUMERICAL STANDARD
Achieve a 90 percentile concentration value for dissolved inorganic nitrogen of 0.5 mg/l, for dissolved phosphorus of 0.1 mg/l, and for dissolved iron of 0.5 mg/l in surface runoff directly discharged to a surface water body in the Basin.

Achieve a 90 percentile concentration value for suspended sediment of 250 mg/l.

MANAGEMENT STANDARD
Reduce total annual nutrient and suspended sediment loads as necessary to achieve loading thresholds for tributaries and littoral and pelagic Lake Tahoe.

Groundwater

MANAGEMENT STANDARD
Surface runoff infiltration into the groundwater shall comply with the uniform Regional Runoff Quality Guidelines as set forth in Table 4-12 of the Draft Environmental Threshold Carrying Capacity Study Report, May, 1982.
ANALYSIS AND DISCUSSION
OF A PROPOSED AMENDMENT TO THE
VISIBILITY THRESHOLDS

Proposed Action: No action is being requested of the Advisory Planning Commission (APC) at this time; the amended numerical visibility standard is currently being developed by TRPA’s visibility mentors. Staff will be presenting the proposed revisions at the meeting. The amendment to the TRPA visibility thresholds is before the APC for discussion only.

Staff Recommendation: Staff recommends that the APC review the proposed amendment to the visibility standards, and provide input as appropriate.

Background: On August 26, 1982, the TRPA Governing Board adopted, by adopting Resolution 82-11, a set of environmental threshold carrying capacities ("thresholds") to apply within the Tahoe Region. The thresholds were adopted as required by the TRPA Planning Compact of 1980. At that time, thresholds were adopted for both regional and subregional visibility. The visibility thresholds that were adopted in 1982 included the following:

Regional Visibility

NUMERICAL STANDARD

Achieve 171 kilometers (103 miles) at least 50% of the year as measured by particulate concentrations.

Achieve 97 kilometers (59 miles) at least 90% of the year as measured by particulate concentrations.

Reduce wood smoke emissions by 15% of the 1981 base values through technology, management practices and educational programs.

Subregional Visibility

NUMERICAL STANDARD

Achieve 87 kilometers (54 miles) at least 50% of the year as measured by particulate matter.

Achieve 26 kilometers (16 miles) 90% of the year as measured by particulate matter.

Reduce suspended soil particles by 30% of the 1981 base values through technology, management practices and educational programs. Reduce wood smoke emissions by 15% of the 1981 base values through technology, management practices and educational programs. Reduce vehicle miles of travel by 10% of the 1981 base values.

The numerical standard was established from a 1981 visual air quality study in the Basin which measured regional visibility using contrast teleradiometry. This method included the measurement of the contrast of a horizon feature against the sky. When using this method, various assumptions are made regarding the target and overall illumination.
The teleradiometer measurements had certain "inherent contrast errors" for short path length measurements, and spatially inhomogeneous distribution of visibility reducing pollutants for targets which crossed only certain parts of the basin.

The 1982 Threshold Study Report, which provided the background information for the development of the thresholds, stated that, at the time, there was no long-term data from which to develop trends in regional visibility. Because of this, the recommended standards were based on only six months of information.

**DYNAMIC THRESHOLDS**

Both the Threshold Study Report and adopting Resolution 82-11 recognize that thresholds should be "dynamic". Chapter 14 of the Threshold Study Report states that "additional data will be incorporated as necessary to provide for a continual assessment of the thresholds and environment of the Lake Tahoe Basin."

Point 4 of Resolution 82-11 states that, after each five year review of thresholds, the pertinent environmental threshold standards shall be amended where scientific evidence and technical information indicate:

- (a) two or more threshold standards are mutually exclusive; or
- (b) substantial evidence to provide a basis for a threshold standard does not exist; or
- (c) a threshold standard cannot be achieved; or
- (d) a threshold standard is not sufficient to maintain a significant value of the Region or additional threshold standards are required to maintain a significant value."

**UPDATED INFORMATION/CURRENT MONITORING**

Subsequent to the development of the visibility threshold standards, TRPA has implemented its own visibility monitoring program. The visibility monitoring program has been in place since 1989, when the current site on Lake Tahoe Boulevard in South Lake Tahoe was constructed. The additional site at Bliss State Park was constructed in 1991, with the transmitting end of the transmissometer located in Zephyr Heights.

Between the two sites, there is a variety of visibility monitoring equipment. Each site contains a nephelometer, meteorological monitoring equipment, and a particulate sampling system. The Bliss site contains the receiving end of the transmissometer, and its accompanying data collection system. (As stated above, the transmitting end is in Zephyr Heights). The South Shore site contains photographic monitoring, which consists of a camera taking pictures across the Lake and measuring contrast measurements of the ridge line against the sky.

The monitoring equipment that is used today measures visibility ranges in a different way than it was measured when the standard was developed. It has been determined that the teleradiometer over-estimated visibility ranges. For this reason, the standard was set at a higher range than it would be set today, using today's monitoring equipment.
Looking at the visibility data over the life of the monitoring program, it appears that visibility ranges have remained relatively constant. Based on a compilation of data by TRPA's visibility mentors (Air Resource Specialists, Inc.), the standards for 50% visibility ranges are not being met. The 90% visibility ranges are being met. According to the mentors, the fact that the 50% ranges are not being met is not due to a degradation in visibility, but is due to the fact that the current monitoring equipment produces different ranges than the equipment used to set the standard.

**VISIBILITY STANDARD AMENDMENTS**

The amendment to the visibility threshold that is being proposed at this time is an adjustment to the standard so that the standard is based on the current monitoring techniques, and not on techniques that are no longer used. The proposed amendment (without the new numbers) is as follows:

**Regional Visibility**

**NUMERICAL STANDARD**

Achieve \( \frac{1}{1} \) kilometers (\( \frac{1}{2} \) miles) at least 50% of the year as measured by particulate concentrations.

Achieve \( \frac{1}{1} \) kilometers (\( \frac{1}{2} \) miles) at least 90% of the year as measured by particulate concentrations.

Reduce wood smoke emissions by 15% of the 1981 base values through technology, management practices and educational programs.

**Subregional Visibility**

**NUMERICAL STANDARD**

Achieve \( \frac{1}{1} \) kilometers (\( \frac{1}{2} \) miles) at least 50% of the year as measured by particulate matter.

Achieve \( \frac{1}{1} \) kilometers (\( \frac{1}{2} \) miles) 90% of the year as measured by particulate matter.

Reduce suspended soil particles by 30% of the 1981 base values through technology, management practices and educational programs. Reduce wood smoke emissions by 15% of the 1981 base values through technology, management practices and educational programs. Reduce vehicle miles of travel by 10% of the 1981 base values.

The historical data is currently being compiled by TRPA's visibility mentors. This data will be used to develop the amended threshold standard. For this reason, the numerical standard is not available at this time, but will be provided at the April TRPA Advisory Planning Commission meeting.

If you have any questions regarding this item, please feel free to contact Bridget Cornell at (702) 588-4547.

/bkc
NOISE AMENDMENT
THRESHOLD RESOLUTION 82-11

Cumulative Noise Events

NUMERICAL STANDARD
Background noise levels shall not exceed existing levels at the following levels:

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>or CNEL Range (dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>High density residential areas</td>
<td>55</td>
</tr>
<tr>
<td>Low density residential areas</td>
<td>50</td>
</tr>
<tr>
<td>Hotel/motel facilities areas</td>
<td>55</td>
</tr>
<tr>
<td>Commercial areas</td>
<td>50</td>
</tr>
<tr>
<td>Urban outdoor recreation areas</td>
<td>55</td>
</tr>
<tr>
<td>Rural outdoor recreation areas</td>
<td>50</td>
</tr>
<tr>
<td>Wilderness and roadless areas</td>
<td>45</td>
</tr>
<tr>
<td>Critical wildlife habitat areas</td>
<td>45</td>
</tr>
</tbody>
</table>

POLICY STATEMENT
It shall be a policy of the TRPA Governing Body in the development of the Regional Plan to define, locate, and establish CNEL levels for transportation corridors.
BACKGROUND DISCUSSION OF STREAM RE-RATINGS

Since the adoption of the in-stream fish habitat numerical standards in 1982, the rated streams of the Region have not been re-evaluated nor re-rated. Because of the dynamic nature of streams, changes (both man-made and natural) have occurred yet have not been monitored or evaluated. The 1991 Threshold Evaluation recommended that the streams be re-rated.

The TRPA thresholds include the following standard for stream fish habitat:

NUMERICAL STANDARD
Maintain the 75 miles of excellent, 105 miles of good, and 38 miles of marginal stream habitat as indicated by the map on page 76 of the EIS for the Environmental Threshold Study.

The stream conditions reported in the 1982 Threshold Study Report were as follows:

24 miles of excellent stream habitat;
55 miles of good stream habitat; and
129 miles of marginal stream habitat

TRPA's technical advisory committee reviewed the recent Forest Service-Lake Tahoe Basin Management Unit (LTBMU) stream inventory information. The LTBMU has conducted intensive inventories of 50 of the Region's streams over the last five years. The physical attribute data gathered as a part of each stream inventory have included channel types (entrenchment, width/depth, sinuosity, slope range, and channel material) and habitat types (low and high gradient riffles, cascades, pool types). In addition, the stability of the stream banks has been noted and barriers, both natural (e.g., cascades), man-made (e.g., culverts) and beaver dams, have been listed by reach (see Appendix C-1 for Stream Inventory data). The LTBMU is still completing the biological portion of this inventory, which is essential to the evaluation of the utilization of these streams by vertebrate, as well as invertebrate, species.

The work that has been completed, which includes the analysis of certain attributes, provides for a much more accurate accounting of instream fish habitat. Based upon this more accurate analysis of instream fish habitat, TRPA, LTBMU, Tahoe Research Group (TRG), Nevada Division of Wildlife (NDOW), California Department of Fish and Game (CFG), California Tahoe Conservancy (CTC), and California State Parks, serving as a technical advisory team, re-rated the streams to reflect current conditions and knowledge.

In 1982, when the original instream fish habitat numerical standards were adopted, there was a shortage of 51 miles of excellent habitat (24 miles existed) and 40 miles of good stream habitat (65 miles existed), and 91 too many miles of marginal habitat (129 miles existed) (see Table 5-1 and Figure 5-1). There is some confusion regarding the original stream rating status, because the management standard states that 75 miles of excellent and 105 miles of good shall be maintained. This implies these targets were met and only needed to be maintained. Clearly this was not the case.

- 1 -
At this point in time, the stream re-ratings provide a new base from which to work toward the numerical standards. This base more accurately reflects the conditions of the streams and the current knowledge regarding stream dynamics and fish habitat (see Table 5-2). The streams that show a change in their numerical or qualitative rating are not necessarily reflecting physical changes that have occurred within their reaches, positive or negative. For example, Glen Alpine Creek, which flows into Fallen Leaf Lake, was originally rated as a marginal stream for resident fish. Based on more current information, it has been re-rated as an excellent stream. No fisheries improvement projects have occurred on this drainage, so the rating reflects an adjustment, rather than being the product of a habitat restoration or enhancement project. On the other hand, Ward Creek represents a tributary whose original rating did not correspond with its current conditions based upon the LTBMU's data and therefore fell from a good rating to a marginal. Again, this is not a reflection of something currently degrading this tributary's ability to provide good habitat. More recent activities that are reflected in the ratings, which went down for both Blackwood and Taylor Creeks, are the beaver dams that are having a significant impact on the migratory fisheries by creating barriers to migration (See Table 5-3).
FISHERIES

A popular recreational activity in the Tahoe Basin is fishing. Some of the larger streams on the California side provide excellent opportunities to catch rainbow, brown, cutthroat, and brook trout. The lakes offer a wider choice of fishing opportunities. The entire fishery is highly sensitive to habitat disturbance. Maintenance of the fishery must focus on preserving prime fish habitats in the lakes and streams and ensuring access to spawning and feeding habitats. The strategies for accomplishing these goals are built into the framework of environmental thresholds. The fishery thresholds are listed below:

STREAM HABITAT

NUMERICAL STANDARD
Maintain the 75 miles of excellent, 105 miles of good, and 38 miles of marginal stream habitat as indicated by the map amended May 1997 based upon the re-rated stream scores found in Appendix C-1 of the 1996 Threshold Evaluation.

INSTREAM FLOWS

MANAGEMENT STANDARD
Until instream flow standards are established in the Regional Plan to protect fishery values, a nondegradation standard shall apply to instream flows.

POLICY STATEMENT
It shall be a policy of the TRPA Governing Board to seek transfers of existing points of water diversion from streams to Lake Tahoe.
DRAFT AMENDMENT
THRESHOLD RESOLUTION 82-11

FISHERIES

Stream Habitat

NUMERICAL STANDARD
Maintain the 75 miles of excellent, 105 miles of good, and 38 miles of marginal stream habitat as indicated by the map amended May 1997 based upon the re-rated stream scores found in Appendix C-1 of the 1996 Threshold Evaluation. [insert page number and subsequent page]

Instream Flows

MANAGEMENT STANDARD
Until instream flow standards are established in the Regional Plan to protect fishery values, a nondegradation standard shall apply to instream flows.

POLICY STATEMENT
It shall be a policy of the TRPA Governing Board to seek transfers of existing points of water diversion from streams to Lake Tahoe.

Lahontan Cutthroat Trout

POLICY STATEMENT
It shall be the policy of the TRPA Governing Board to support, in response to justifiable evidence, state and federal efforts to reintroduce Lahontan cutthroat trout.

Lake Habitat

MANAGEMENT STANDARD
A nondegradation standard shall apply to fish habitat in Lake Tahoe. Achieve the equivalent of 5,948 total acres of excellent habitat.
<table>
<thead>
<tr>
<th>STREAM</th>
<th>Old Migratory Migratory New Migratory Migratory</th>
<th>Substrate</th>
<th>Shade</th>
<th>Fish #</th>
<th>Reprod</th>
<th>Bank Ch.</th>
<th>Stab</th>
<th>Grass</th>
<th>Barre</th>
<th>Sol</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>U. Glenn Pond</td>
<td>m</td>
<td>r</td>
<td>3</td>
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<tr>
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<tr>
<td>Upper Truckee</td>
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m: Migratory | r: Residence
>55: Excellent | >38: Excellent | >27<38: Good | ≤27: Marginal

Source: USFS LTBMU Stream Inventories, TRPA Stream Habitat Threshold Rating System.

Chapter 5 - 10
BACKGROUND ON IN-LAKE FISH HABITAT MAP REVISION

Lake Tahoe is considered ultra-oligotrophic, low in nutrient levels and primary productivity. This condition naturally limits fisheries production because it limits primary production. With low nutrient levels for the primary producers to feed on, the food chain created within Lake Tahoe is limited. The population potential of the Lake Tahoe fishery is further limited by the availability and quantity of suitable spawning, feeding, and escape cover habitats. Past practices have significantly damaged the fishery resource through habitat modification or destruction.

The TRPA thresholds for fish include the following standard:

MANAGEMENT STANDARD
A nondegradation standard shall apply to fish habitat in Lake Tahoe. Achieve the equivalent of 5,948 total acres of excellent habitat.

In 1971, a cooperative survey was conducted by the Nevada Fish and Game Commission (predecessor to the Nevada Division of Wildlife), the California Department of Fish and Game, and the United States Bureau of Sport Fisheries and Wildlife, to identify fish and aquatic habitats of special significance. The Prime Fish Habitat Map adopted by the TRPA Governing Board in 1984, and in use today, is a product of this survey.

In conjunction with a fish habitat study (Littoral Structure and Its Effects on the Fish Community of Lake Tahoe, Byron et al., 1989 et seq.) and the Shorezone DEIS (Lake Tahoe Shorezone Development Cumulative Impact Analysis and Draft Environmental Impact Statement, TRPA, 1995), all of the Lake Tahoe shoreline has been resurveyed. Figure 5-2, Prime Fish Habitat Map, is a composite of this current information and represents a more accurate picture of the types of in-lake fish habitat based on lakebed substrate. However, the Prime Fish Habitat Map, does not reflect the prime habitat conditions that occur at the mouths of migratory streams when the substrate consists of sand or silt. Figure 5-3, Adopted Prime Fish Map, does correctly identify these areas as spawning habitat.

Prime fish habitat is defined as areas which satisfy habitat requirements critical to the distribution of fish or important to components of their food chains and life cycles. These areas commonly have nearshore substrate consisting of gravel, cobble, rock, boulders, or rubble. However, these areas also include beds of macrophytes in the shorezone and lakezone. The most recent studies regarding utilization of the shorezone by fish have also emphasized the importance of areas where the lake bottom contains only silt or sand. These areas are not only prime nursery areas for many non-game fish species; there is also evidence that tui chub (a native non-game fish) spawn in this habitat type.
Much of the lake habitat for fish is found in a narrow band around the perimeter of Lake Tahoe to a depth of about 30 feet. The area of fish habitat is equal to about five percent of the total area of Lake Tahoe. Most of the feeding and spawning activity of forage fishes, a major link in the food chain, takes place in that zone. Rainbow trout, mackinaw, and mountain whitefish, which predominantly occupy the deeper parts of Lake Tahoe, enter the nearshore to feed and depend heavily on the productivity of the nearshore.

The 1982 Threshold Study Report cited a number of habitat modifications as threats to the quality of Lake Tahoe habitat, including: siltation, direct physical removal of habitat, contamination, and disturbance by activities which cause fish to avoid the area. The 1982 Threshold Study Report stated that about 55 percent of the shoreline’s excellent habitat experienced moderate to heavy boat traffic which, it concluded, degraded the habitat. The level of disturbance was inferred, based on the numbers of piers, buoys, and marinas in a given area.

Observations since 1989 do not confirm the relationship between piers, buoys, and marinas and the potential for habitat degradation in all habitat types. According to a recent study, piers do not have a significant negative impact on fish habitat usage, nor do they generate boat traffic of an intensity which would disturb fish utilizing feed and/or escape habitat. Based upon more recent information, there are 3,495 acres of excellent habitat; in 1982, 2,776 acres were mapped as excellent.

The most direct impact on fish habitat is the physical disturbance of the rocky substrate, which is sometimes removed or rearranged to create jetties and sandy beaches. This type of disturbance is widespread. For example, in Nevada from Cave Rock to Zephyr Cove, it accounts for approximately 350 acres. Map 5-4 depicts the current account of areas that should be targeted for restoration based on physical manipulation of the lake bottom habitat out to the 30-foot contour. This map represents approximately 3,440 acres of habitat disturbance.

The existing adopted map does not reflect the existing condition as they pertain to areas in need of habitat restoration. Many of the areas targeted for restoration on the current map were highlighted in this manner only because there were a number of shorezone structures.
Proposed Prime Fish Habitat

- Spawning Habitat
- Feeding and/or Escape Cover Habitat

Source: University of California, Davis and Utah State University, Littoral Structure and Its Effect on the Fish Community of Lake Tahoe
Late Successional/Old Growth Threshold

This matter was discussed at the March 1997 Advisory Planning Commission meeting and it was decided to return the language to the Forest Health Consensus Group for refinement. The APC expressed concern of a need for more detail. The Forest Health Consensus group met on March 18, 1997 and continued discussion to a subcommittee which met on March 25, 1997. That group discussed the matter and agreed to bring the language in Attachment G-1 to the full Consensus Group which meets again on April 15, 1997. It was conditioned upon the Consensus Group committing to completing supporting documents (such as Goals and Policies and Ordinances) within six months.

For your information, attached are two (Attachments B and C) other drafts of LSOG Threshold language that have been considered. Attachments B and C are variations of the language brought to the APC in March.

Staff is working on supporting language which could be incorporated into the Vegetation Goals and Policies or the Code of Ordinances.
TABLE 3-1
TRPA THRESHOLD: COMMON VEGETATION

MANAGEMENT STANDARD
Increase plant and structural diversity of forest communities through appropriate management practices as measured by diversity indices of species richness, relative abundance and pattern.

Provide for promotion and perpetuation of late successional/old growth forests. The goal is to increase late successional/old growth conditions across elevational ranges of the Lake Tahoe Basin forest cover types.

Individual trees greater than 30" dbh shall also be favored for retention because of their late seral attributes.

-- Maintain the existing species richness of the Basin by providing for the perpetuation of the following plant associations:

Yellow Pine Forest
Red Fir Forest
Subalpine Forest
Shrub Association
Sagebrush Scrub Association
Deciduous Riparian
Meadow Association
Wetland Association
Cushion Plant Association
Late Successional/Old Growth Forests

-- Relative Abundance -- of the total amount of undisturbed vegetation in the Tahoe Basin:

1. Maintain at least 4 percent meadow and wetland vegetation
2. Maintain at least 4 percent deciduous riparian vegetation
3. Maintain no more than 25 percent dominant shrub association vegetation
4. Maintain 15-25 percent of the Yellow Pine Forest in seral stages other than mature
5. Maintain 15-25 percent of the Red Fir Forest in seral stages other than mature

-- Pattern -- Provide for the proper juxtaposition of vegetation communities and age classes by:

1. Limiting acreage size of new forest openings to no more than eight acres
2. Adjacent openings shall not be of the same relative age class or successional stage to avoid uniforming in stand composition and age
TABLE 3-1
TRPA THRESHOLD: COMMON VEGETATION

MANAGEMENT STANDARD
Increase plant and structural diversity of forest communities through appropriate management practices as measured by diversity indices of species richness, relative abundance and pattern.

Provide for protection of remnant old growth stands and promotion and perpetuation of late successional/old growth forests. The goal is to increase late successional/old growth conditions across elevational ranges of the Lake Tahoe Basin forest cover types.

All remnant old growth stands should be mapped and protected. Silvicultural practices and other disturbances should not be allowed, with the exception of maintaining natural processes such as fire.

Outside of the remnant old growth areas, plant aggregations of any size, containing a minimum of 4 trees per acre of 30" dbh, or greater, and/or exhibiting signs of decadence (large trees, broken tops, large limbs, snags and logs) for that species and site condition, and known essential use areas (e.g., nest sites) by late successional/old growth species shall be managed as core areas for promotion of late successional conditions and wildlife habitat which includes connecting wildlife corridors.

Individual trees greater than 30" dbh shall also be favored for retention because of their late seral attributes.

While diverse management strategies such as thinning and prescribed fire shall be allowed, removal of 30" dbh trees shall only be performed according to silvicultural prescriptions favoring late seral forest stand structure and in compliance with wildlife thresholds.

Forest stands in the remaining matrix should be managed to restore structural complexity.

--- Maintain the existing species richness of the Basin by providing for the perpetuation of the following plant associations:

Yellow Pine Forest
Red Fir Forest
Subalpine Forest
Shrub Association
Sagebrush Scrub Association
Deciduous Riparian
Meadow Association
Wetland Association
Cushion Plant Association
Late Successional/Old Growth Forests
-- Relative Abundance -- of the total amount of undisturbed vegetation in the Tahoe Basin:

1. Maintain at least 4 percent meadow and wetland vegetation
2. Maintain at least 4 percent deciduous riparian vegetation
3. Maintain no more than 25 percent dominant shrub association vegetation
4. Maintain 15-25 percent of the Yellow Pine Forest in seral stages other than mature
5. Maintain 15-25 percent of the Red Fir Forest in seral stages other than mature

-- Pattern -- Provide for the proper juxtaposition of vegetation communities and age classes by:

1. Limiting acreage size of new forest openings to no more than eight acres
2. Adjacent openings shall not be of the same relative age class or successional stage to avoid uniforming in stand composition and age
TABLE 3-1
TRPA THRESHOLD: COMMON VEGETATION

MANAGEMENT STANDARD
Increase plant and structural diversity of forest communities through appropriate management practices as measured by diversity indices of species richness, relative abundance and pattern.

Provide for promotion and perpetuation of late successional/old growth forests. The goal is to increase late successional/old growth conditions across elevational ranges of the Lake Tahoe Basin forest cover types.

Plant aggregations of any size, containing a minimum of 4 trees per acre of 30" dbh, or greater, and/or exhibiting signs of decadence associated with old growth forests, shall be managed as core areas for promotion of late successional conditions and connecting corridors for wildlife.

Individual trees greater than 30" dbh shall also be favored for retention because of their late seral attributes.

While diverse management strategies such as thinning and prescribed fire shall be allowed, removal of 30" dbh trees shall only be performed according to silvicultural prescriptions favoring late seral forest stand structure.

-- Maintain the existing species richness of the Basin by providing for the perpetuation of the following plant associations:

Yellow Pine Forest
Red Fir Forest
Subalpine Forest
Shrub Association
Sagebrush Scrub Association
Deciduous Riparian
Meadow Association
Wetland Association
Cushion Plant Association
Late Successional/Old Growth Forests

-- Relative Abundance -- of the total amount of undisturbed vegetation in the Tahoe Basin:

1. Maintain at least 4 percent meadow and wetland vegetation
2. Maintain at least 4 percent deciduous riparian vegetation
3. Maintain no more than 25 percent dominant shrub association vegetation
4. Maintain 15-25 percent of the Yellow Pine Forest in seral stages other than mature

5. Maintain 15-25 percent of the Red Fir Forest in seral stages other than mature

-- Pattern -- Provide for the proper juxtaposition of vegetation communities and age classes by:

1. Limiting acreage size of new forest openings to no more than eight acres

2. Adjacent openings shall not be of the same relative age class or successional stage to avoid uniforming in stand composition and age
CHAPTER 6
FINDINGS REQUIRED

Chapter Contents

6.0 Purpose
6.1 Applicability
6.2 Procedure For Findings
6.3 Threshold-Related Findings
6.4 Findings Necessary To Amend The Regional Plan, Including The Goals And Policies And Plan Area Statements And Maps
6.5 Findings Necessary To Amend Or Adopt TRPA Ordinances, Rules Or Other TRPA Plans And Programs

6.0 Purpose: The Tahoe Regional Planning Compact requires TRPA to make findings before taking certain actions. In addition, the Regional Plan package, including the Code and plan area statements, sets forth other findings which must be made. This chapter sets forth procedures describing how TRPA shall make the findings required.

6.1 Applicability: Prior to approving any project or taking any other action specified herein, TRPA shall make the findings required by the provisions of the Regional Plan package, including the Goals and Policies, the Code, and specifically, this chapter and any other requirement of law. All such findings shall be made in accordance with this chapter.

6.2 Procedure For Findings: Findings shall be made as follows:

6.2.A Written Findings: All required findings shall be in writing and shall be supported by substantial evidence in the record of review. The findings required by Section 6.3 shall be in writing prior to the approval of the proposed matter.

6.2.B Statement: Required findings shall be accompanied by a brief statement of the facts and rationales upon which they are based.

6.3 Threshold-Related Findings: The following specific findings shall be made, pursuant to Articles V(c), V(g) and VI(b) of the Compact in addition to any other findings required by law.

6.3.A Findings Necessary To Approve Any Project: To approve any project, TRPA must find, in accordance with Sections 6.1 and 6.2, that:
The project 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.

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

Wherever Federal, State or local air and water quality standards applicable for the region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Tahoe Regional Planning Compact, the project meets or exceeds such standards.

Making Specific Findings: As part of the findings required by Subparagraphs 6.3.A(1), (2) and (3), TRPA shall:

(1) Identify the nature, extent and timing or rate of effects of the project, using applicable measurement standards consistent with the available information, on all applicable:

(a) Compliance measures (Section 32.5);
(b) Indicators (Section 32.3);
(c) Additional factors (Subsection 32.3.E); and
(d) Supplemental compliance measures (Subsection 32.2.H).

(2) Quantify any contribution of the project to any of the cumulative accounts for the items listed in Subsection 32.7.B and record that contribution in the current cumulative account.

(3) Confirm that any resource capacity utilized by the project is within the amount of the remaining capacity available, as that remaining capacity has been identified in any environmental documentation applicable to the project, including the environmental impact statement for the Regional Plan package.

(4) Confirm that the project will not prevent attainment of any adopted target date (Subsection 32.4.A) or interim target (Subsection 32.4.B).

(5) For project-specific mitigation measures, relied upon to confirm the matters in Subparagraphs 6.3.A(2) and (3), TRPA shall identify an adequate means including setting a baseline status by which the mitigation measure's effectiveness will be evaluated.
(6) For all projects other than recreation projects contained in the Environmental Improvement Program (EIP) for which an Environmental Assessment or an Environmental Impact Statement is prepared, which will use additional water supply, additional sewage capacity, create additional land coverage, or create additional vehicle miles of travel, find that sufficient capacity remains in each of the resources listed above which are utilized by the project to permit development of recreation projects which are contained in the EIP.

6.4 Findings Necessary To Amend The Regional Plan, Including The Goals And Policies And Plan Area Statements And Maps: To approve any amendment to the Regional Plan, TRPA must find, in addition to the findings required pursuant to Subparagraphs 6.3.A(2) and 6.3.A(3) and Subsection 6.3.B, and in accordance with Sections 6.1 and 6.2, that the Regional Plan, as amended, achieves and maintains the thresholds.

6.5 Findings Necessary To Amend Or Adopt TRPA Ordinances, Rules Or Other TRPA Plans And Programs: To approve any amendment or adoption of the Code, Rules or other TRPA plans and programs which implement the Regional Plan, TRPA must find, in addition to the findings required pursuant to Section 6.3, and in accordance with Sections 6.1 and 6.2, that the Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.
BACKGROUND DISCUSSION OF CHAPTER 6 AMENDMENTS

In 1991, the recreation threshold was found to be in attainment. The technical advisory committee found that, "recreation projects are being advanced without restriction by lack of public service capacity. However, this situation could change if residential, commercial, and other development proceeds without commensurate recreation development."

There was concern that long-term public service capacity (e.g., water supply, sewage capacity, transportation system capacity) could be absorbed by other types of development (e.g., residential, public service or commercial), and be unavailable for recreation facilities. This concern is reflected by Goal #1, Policy 2 of the Recreation Element, Developed Recreation Subelement of the Goals and Policies, which states:

"2. WHEN REVIEWING PROJECTS THAT COMMIT SIGNIFICANT RESOURCES OR SERVICES TO NON-OUTDOOR RECREATIONAL USES, TRPA SHALL BE REQUIRED TO MAKE WRITTEN FINDINGS THAT SUFFICIENT RESOURCE CAPACITY REMAINS TO OBTAIN THE RECREATION GOALS AND POLICIES OF THIS PLAN.

Based on estimated recreational development permitted by this Plan, the Agency shall specify 'fair share' estimates for the Region and for local areas of critical services and resources. No non-recreational projects may be approved that would rely on the utilization of such reserved capacities."

Establishing the fair share concept for public outdoor recreation recognized that a level playing field did not exist between public recreation and private sector development. The concern was that lands appropriate for public recreation expansion might not be available to the public in the future. The private sector was seen as being in the position to respond more quickly in terms of acquiring the units of use or land area than public entities, thus preventing public recreation from going forward. If the Region were to continue to enhance its economic base by providing public recreation, than a fair share policy was necessary.

To properly implement the Goals and Policies, adequate resource capacity should be reserved to meet anticipated resource needs for recreational uses. This is particularly important with respect to water supply, or other such resources where capacity cannot be readily expanded or where utilization of those resources is approaching (or is anticipated to approach) full of capacity.

Additionally, in the case of water demand, it should be noted that water consumption for the irrigation of recreational facilities varies by type of recreation use. For example, golf courses are heavy water users, while beaches, boating, campsites, trails, etc., are less so. Should water supply prove to be a pertinent limiting resource in the Region, less consumptive recreational uses may be preferable to more consumptive uses., and TRPA policies and regulations should be adjusted accordingly.
DRAFT

RESIDENTIAL, TOURIST, RECREATION, AND COMMERCIAL ALLOCATION PACKAGE

MARCH 30, 1997

1. Commercial and Residential Agreements
2. Goals and Policies Amendments
3. Code Amendments
4. Residential Bonus Unit Reductions
5. Preferred Industrial Areas

Text Underlined = New Text
Text Crossed-out = Text to be Deleted

Tahoe Regional Planning Agency
MARCH 30, 1997

1996 AGREEMENTS ON COMMERCIAL, TOURIST, AND RESIDENTIAL ALLOCATIONS
PROPOSED COMMERCIAL ALLOCATION SYSTEM

I. TOTAL ALLOCATIONS: The commercial allocation for the Region will be 400,000 sq. ft. of commercial floor area, and 200 tourist bonus units for the next 10 years. This is in addition to the 300,000 plus sq. ft. and 200 units of unused 1987-97 allocations. The following special provisions shall apply:

A. The distribution of a reserve of 150,000 sq. ft. of commercial allocations and a reserve of 100 tourist bonus units will be considered for release at the 2001 Threshold Evaluation or upon use of the initial allocations set forth in IV.A and B.

B. The 200 additional tourist bonus units for "Special Projects" will be converted from the residential bonus pool and will be available only when matched by a transfer (1:1 ratio) from sensitive land that has been restored.


III. OUTSIDE COMMUNITY PLAN ALLOCATIONS: The Outside Community Plan Program and allocations will be extended to 2007.

IV. DISTRIBUTION OF ALLOCATIONS: The additional 400,000 sq. ft. of commercial allocations and 200 tourist bonus units will be distributed as follows:

A. 100,000 sq. ft. for Community Plans and Outside Community Plans. This allocation is governed by the existing allocation rules in Chapter 33 and the adopted community plans.

1. Beginning in 1997, 50,000 sq. ft. of allocation will be given to local jurisdictions to re-supply adopted community plan areas. Each jurisdiction will receive 10,000 sq. ft. to distribute to all community plans for which the irrevocable commitments have been met and outside community plan areas. Allocations not allocated by December 31, 1998 shall be transferred to the Special Project pool.

2. In 1999, the remaining 50,000 sq. ft. will be distributed by TRPA based on a ranking comparison of the accomplishment of environmental improvements set forth in the community plans of that jurisdiction.

<table>
<thead>
<tr>
<th>Ranking</th>
<th>Allocation</th>
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<tbody>
<tr>
<td>1.</td>
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<td>2.</td>
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<td>3.</td>
<td>8,000</td>
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<td>4.</td>
<td>5,000</td>
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<tr>
<td>5.</td>
<td>2,000</td>
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</table>
B. **150,000 sq. ft. and 100 Bonus Units for Special Projects.** The majority of the commercial allocations and all of the additional tourist bonus units will be given to a special projects pool administered by TRPA.

C. **150,000 sq. ft. and 100 Bonus Tourist Units Reserved.** These allocations are reserved for future distribution based on the success of the above allocation program.

V. **SPECIAL PROJECTS:** The Special Project Program goal is to promote major projects that result in the construction of threshold related environmental improvements, promote transfer of development that result in environmental benefits, and rehabilitate substandard development. This program will utilize the following concepts:

A. **Eligibility:** It will be open to major projects (includes assessment districts) in all jurisdictions within community plan areas and adopted master plan areas.

B. **Evaluation Criteria:** Projects will be judged (and conditioned) on construction of actual environmental projects that:
   1. Assist in the attainment of the environmental threshold carrying capacities by constructing projects such as the ones listed in the TRPA Environmental Improvement Program (or equal or superior type projects).
   2. Are beyond the normal project and mitigation requirements of TRPA.
   3. Encourage the transfer of development from sensitive areas.

C. **Public Assistance:** Public-private partnerships are encouraged. Public assistance through redevelopment agencies, Tahoe Conservancy, local governments, and other such means can be considered in evaluating the proposed projects. Public projects that would happen any way will not be counted for credit.

D. **Maximum Amount:** The maximum amount of any project may acquire is 50,000 sq. ft. of commercial allocation and 100 tourist bonus units.

E. **Time Limit:** Initial awards of allocations will expire in one year unless extended by TRPA upon a demonstration of adequate progress.

F. **Applications:** In July of each year (if allocations remain), TRPA will consider applications for the allocations. TRPA shall give appropriate notice of the availability of the allocations.
   1. Applications will include a project prospectus that includes site plans and elevations and preliminary environmental documentation.
   2. Notification will include the general criteria by which the projects will be judged.

VI. **CONVERSION OF USE:** TRPA will permit conversion of existing tourist units to residential units and existing residential units to tourist units on a one unit for one unit basis. There can be no adverse impact on affordable housing resulting from the conversion. These conversions will be limited to special circumstances such as:
A. Transfers: Transfers from sensitive lands to nonsensitive lands with complete retirement and restoration of the parcel.

B. Conversions: Conversions from nonconforming use to conforming use with construction that meets standards for new development.

VII. DEVELOPED SENSITIVE LANDS: TRPA will develop special criteria for unit of use transfers or allocations to be developed, i.e. covered, sensitive lands.

A. Commercial Allocations: Allocations may be permitted in sensitive lands if:

1. matched by transfer of existing floor area from a like sensitive land on a one sq. ft. of transfer to two sq. ft. of allocation basis;
2. In Community Plans where at least one SEZ restoration project has been completed and the local jurisdiction has submitted a CIP list pursuant to the residential allocation system.

B. Transfers: Existing units of use may be transferred to sensitive lands if:

1. There is 25 percent reduction in land coverage onsite and no expansion in vehicle trips, parking, cubic volume of structures or other impacts; or
2. The transfer is from sensitive lands to like sensitive lands inside Community Plan areas with a reduction in land coverage on or offsite equal to:
   - 300 sq. ft. coverage per unit; or
   - 1 sq. ft. of coverage per 1 sq. ft. of floor area; or
3. The transfer of commercial floor area from nonsensitive lands to sensitive lands results in a restoration of like sensitive lands on a ratio of 1 sq. ft. of floor area requires removal and restoration of 2 sq. ft. of land coverage.

VII. INDUSTRIAL STORAGE PROVISIONS: TRPA will develop provisions to encourage location of, relocation to, and retention of storage/industrial facilities in seven Community Plan or Plan Area Statement designated industrial incentive areas. The floor area for commercial uses shall be calculated at half of the requirements of Chapter 33. Projects in these incentive areas with areawide BMPs in place will only require half the normal amount required through allocation or transfer. However, if any floor area is transferred out of the incentive area, regardless if areawide BMPs are in place, it will count at half the normal amount.

Local governments and TRPA at public hearings will consider designation of industrial incentive areas such as: Meyers Community Plan Industrial Area, South Wye Community Plan Industrial Area, Tahoe Vista Community Plan National Avenue, Kings Beach Industrial Community Plan, Ponderosa Community Plan, and Kingsbury Community Plan Shady Lane.
IX. **Banking:** TRPA should allow the banking of environmental credits with bonuses for tear downs. Environmental improvements occurring on a parcel that are not otherwise required by mitigation or by law may be documented in a project file for consideration in approval of future projects on the parcel.

X. **Incentives:** Create incentives to develop in community plan areas (like the South Lake Tahoe enterprise zones). TRPA will develop streamlined procedures inside community plan areas and give priority to processing community plan projects. Also TRPA will develop mitigation fee accounts based on completed mitigation projects in lieu of the requirement to do actual projects.

XI. **Streamlining:** Reduce processing cost and speed up the processing time.
PROPOSED 1997-2001 RESIDENTIAL ALLOCATION SYSTEM

I. ALLOCATIONS: The existing allocations for the Region (300 per year) will be continued for the next five years. Starting in 1998 the individual jurisdiction’s allocations may be adjusted based on audits.

   A. The local jurisdictions will continue to distribute the allocations.

   B. The initial distribution of allocations for 1997 will be based on the current distribution of allocations.

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<th>Jurisdiction</th>
<th>Allocations</th>
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<td>Douglas</td>
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<td>El Dorado</td>
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<td>City of SLT</td>
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   C. There will be no carry-over from the previous allocation system, except as noted for the allocation pool.

II. GOALS: The allocation system will promote environmental improvements, transfers of development from sensitive lands, and MOU compliance.

III. PERFORMANCE REVIEW: In October of 1997, TRPA shall review the local jurisdiction progress on all the items in V. Review Criteria except V.A.2. For V.A.2, a review committee of local jurisdiction and TRPA representatives will commence the review in October of 1998 and for each two year period there after. The committee will review the performance of the permit issuing authorities (local jurisdictions and TRPA). TRPA Governing Board will then consider, in a November public hearing, allocations for the following year. The allocation review will be coordinated with IPES review criteria. For items where the local jurisdiction does not have an MOU, TRPA performance will be judged.

IV. LIMIT ON ADJUSTMENT: The annual audit/review will limit annual changes in allocations to 10 percent of the initial allocation.
V. REVIEW CRITERIA: The annual review will be based on the following environmental performance criteria:

A. Compliance

1. Permit Tracking: Prior to November 1, 1997, there will be a requirement to implement a direct “real time” reporting system to TRPA featuring computer issued permits that require permit information inputs before the acceptance of an application and the issuance of the permit. Delays caused by TRPA shall not require a reduction in allocations for participating jurisdictions. Failure by the local jurisdiction with an MOU (or TRPA for jurisdictions without an MOU) may result in up to a 10 percent reduction for the entire allocation period and a five percent (non-cumulative) reduction for each year after that entity fails to comply.

2. Permit Monitoring: Starting November 1, 1998, there will be an audit (10 percent random sampling) of permits issued by TRPA and local jurisdictions that addresses IPES criteria, permit review, and field inspections. A rating of less than satisfactory compliance for the local jurisdiction with an MOU (or TRPA for jurisdictions without a MOU) on the audit may result in up to a five percent a year reduction for the next two years. A rating of satisfactory or better may maintain or restore allocations permitted under this section.

B. Water Quality Improvements

1. Water Quality CIP: Prior to October 1, 1997, each local jurisdiction will be required to have a five year CIP list found to be consistent with the EIP Priority List and the 1996 Water Quality Threshold Interim Target. This will be updated each year and will be the same list used for mitigation fee releases. Failure by the local jurisdiction to submit a five year CIP list by October of 1997 may result in up to a 10 percent reduction in allocations for the entire allocation period. For each year thereafter of noncompliance, there maybe up to a five percent reduction (non-cumulative) for the following year. Attainment of CIP performance targets may result in up to a 5 percent bonus allocation (if available) for the following year.

2. Maintenance: Each local jurisdiction will demonstrate that adequate funding has been included in their budget for maintenance of their BMP facilities. Failure to achieve the target maintenance budget may result in up to a five percent reduction in allocations for the following year. Achievement of the budgeted amount or more will maintain or restore allocations permitted under this section.

C. Monitoring

1. WQ Monitoring: Each jurisdiction will contribute $85 for each allocation issued for the IPES water quality monitoring program. Failure to comply may result in up to a five percent reduction (non-cumulative) in the following year.
VI. **BMP RETROFIT PROGRAM:** The BMP Retrofit Program allocation criteria will be developed in partnership with the local jurisdictions.

A. Prior to Jan. 1, 1998, each local jurisdiction will join a cooperative program and provide special permitting procedures that streamline BMP implementation.

B. TRPA shall pursue a 208 Plan amendment to permit an additional 200 sq.ft. of land coverage on residential parcels:
   1. if the coverage is placed in land capability 4-7 or IPES 726+ classified lands;
   2. if a qualified exempt form is submitted to TRPA for minor structural (coverage for non-occupancy structures) or major structural/permit for all others;
   3. if RCD or TRPA has verified the site has BMPs; and
   4. if a fee is paid to retire hard coverage equivalent to the additional land coverage. TRPA will require the coverage be retired prior to payment of the fee.

VII. **ALLOCATION POOL:** Provisions will be made to adjust the allocation distribution to utilize unused allocations. The allocation pool is administered by TRPA as follows:

A. Allocations in the pool are supplied to the pool by:
   1. Adding the unused allocations each year.
   2. Adding the allocations through the audit process due to noncompliance.
   3. Adding 100 carry-over allocations*.

B. Allocations in the pool are distributed:
   1. To individuals in any jurisdiction that retire a sensitive parcel. If this is successful TRPA will drop the ten percent sensitive parcel allocation requirement.
   2. To jurisdictions that perform well on the audits.

* The 100 carry-over allocations are a “loan” to start the pool. As the pool is supplied by A.1 and A.2, the loan allocations will be phased out.
MARCH 30, 1997

PROPOSED AMENDMENTS

REGIONAL PLAN FOR THE LAKE TAHOE BASIN
GOALS AND POLICIES
TAHOE REGIONAL PLANNING AGENCY
September 17, 1986
GOAL #2 MANAGE THE GROWTH OF DEVELOPMENT CONSISTENT WITH PROGRESS TOWARD MEETING ENVIRONMENTAL THRESHOLDS.

POLICIES

1. IN 1992 AND EVERY FIVE YEARS THEREAFTER, TRPA SHALL CONDUCT AN INDEPTH REEVALUATION OF THIS PLAN IN COMPARISON WITH PROGRESS TOWARD MEETING THE ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES.

It is the intent of this Plan to comply with the directives of the Compact and to be responsive to new evidence and changing conditions. Therefore, periodic reevaluation is required. If progress toward the environmental goals set forth in the Monitoring and Evaluation Subelement is other than anticipated by this Plan, TRPA shall make adjustments in one or more of the following areas: (1) rate of growth; (2) types of development permitted; (3) development limitations; (4) capital improvement programs; (5) enforcement programs; (6) financial programs; and (7) any other appropriate element of the Plan. These reevaluations shall be conducted pursuant to established procedures and criteria set forth in this Plan and the implementing ordinances. This review shall ensure that the Regional Plan, and all of its associated parts, are proceeding in conformance with the directives of the Compact.

2. A MAXIMUM OF 2,000 ADDITIONAL RESIDENTIAL UNITS MAY BE AUTHORIZED TO RECEIVE PERMITS FOR CONSTRUCTION DURING THE FIRST SIX YEARS OF THE PLAN, EXCEPT THAT THIS LIMITATION SHALL NOT APPLY TO AFFORDABLE HOUSING UNITS AS DESCRIBED IN THE HOUSING SUBELEMENT. SUBJECT TO THE PROVISIONS BELOW, ANY ALLOCATIONS WHICH ARE NOT UTILIZED MAY BE REALLOCATED BY THE LOCAL JURISDICTION. THE ALLOCATION OF THESE PERMITS SHALL BE MADE AS FOLLOWS:
### FIGURE 6

**ALLOCATION TABLE**

**ADDITIONAL RESIDENTIAL DWELLING UNIT ALLOCATION**

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A. In the event South Tahoe Public Utility District (STPUD) has the ability to serve new development in years 1989, 1990 and 1991, the amounts to be allocated to the STPUD service area during those years are shown with asterisks on Figure 6. In the event disposal capacity is lacking, a portion of the amount available shall be allocated to other jurisdictions, as shown in square brackets. The remaining portion of the El Dorado allocation may be allocated outside of the STPUD service area in the TTSA portion of El Dorado, or in other areas for which sewer capacity exists in El Dorado County. In addition, a program to recognize the imbalance in allocations to the STPUD service area shall be developed for the year 1992 and beyond, if sewage capacity becomes available.

B. Local jurisdictions shall set their own priorities within the categories of residential units listed in the allocation table (Figure 6) except that in the category of New/Reissued Allocations, the reissued allocations shall have priority over the new allocations. Any allocations which are not utilized may be reallocated by the local jurisdiction.

C. The categories in the residential allocation table are defined as follows:

1. New Allocations -- are allocations which are to be assigned to properties that currently do not have allocations and do not fall into the categories below.

2. 1983 Allocations -- are allocations which shall be assigned to properties which received a 1983 single family building allocation from the City of South Lake Tahoe, El Dorado County, or Placer County.

3. Reissued Allocations -- are allocations that shall be assigned to properties which fall into the following special classes:

   (a) Parcels with Placer County permits which were extended by ordinance to August 1, 1986, have expired CTRPA/TRPA permits and have not commenced construction.

   (b) Parcels with a local county building permit which were issued prior to December 19, 1980, have been continuously renewed, and have not commenced construction.

   The provision for reissued allocations ((a) and (b) above) shall expire December 31, 1989.

4. Case-By-Case Approvals -- are allocations which shall be assigned to Nevada properties which received a conditional approval for a single-family residence under the case-by-case review procedure prior to August 27, 1983, but did not receive a TRPA permit prior to May 1, 1984.
5. Prior Approvals (4-7) -- are allocations which shall be assigned to properties located in land capability districts 4 - 7 which received a TRPA conditional approval for a single-family residence prior to August 27, 1983, but which did not receive a TRPA permit before May 1, 1984.

D. California jurisdictions shall be authorized to issue all the 1983 allocations when notified by TRPA. As applications are processed and permits issued by TRPA, conditions shall be imposed so that no more than 50 percent of the allocations issued are authorized to start construction in those jurisdictions in either of the first two years.

E. Nevada jurisdictions shall be authorized to issue all the case-by-case allocations when notified by TRPA. As permits are issued by TRPA, conditions shall be imposed so that no more than one-third of the permits issued are to be authorized to start construction in those jurisdictions in either of the first two years.

F. A total of 1,600 additional multi-residential units shall be available for the 20 year life of this Plan as bonus units in conjunction with transfer of development rights or other Agency incentive programs designed to attain the goals and objectives of this Plan. Except for affordable housing as defined in the Housing Subelement, these multi-density residential units shall be included in the allocation limitations above (see Land Use Subelement, Goal #2, Policy 5).

G. Unused allocations may be added to a jurisdiction's successive years allocations, through 1991. A residential development policy beyond year 1991 shall be considered at an appropriate time in the future.

3. A MAXIMUM OF 200 ADDITIONAL TOURIST ACCOMMODATION UNITS MAY BE PERMITTED DURING THE FIRST TEN YEARS OF THE PLAN AND AS EXTENDED FOR AN ADDITIONAL TEN YEARS. (SEE POLICY #9 FOR ADDITIONAL TOURIST ACCOMMODATION UNIT_ALLOCATIONS.)

(See Goal #3, Policy 2 of the Development and Implementations Priorities Subelement.)

4. A MAXIMUM OF 400,000 SQUARE FEET OF ADDITIONAL GROSS COMMERCIAL FLOOR AREA MAY BE PERMITTED DURING THE FIRST TEN YEARS OF THE PLAN AND AS EXTENDED FOR AN ADDITIONAL TEN YEARS. (SEE POLICY #8_for ADDITIONAL COMMERCIAL FLOOR AREA_ALLOCATIONS.) DEVELOPMENT OF ADDITIONAL COMMERCIAL FLOOR AREA SHALL BE ALLOCATED AS FOLLOWS:

Commercial development poses a particularly difficult problem in terms of demands on transportation systems. Controlling the rate of new commercial development will minimize these impacts and provide an opportunity for transportation systems to keep pace.

OF THE 360,000 SQUARE FEET, 25 PERCENT SHALL BE RETAINED BY TRPA FOR LATER DISTRIBUTION TO COMMUNITY PLANS. OF THAT 25 PERCENT, 36,000 SQUARE FEET MAY BE ALLOCATED BY TRPA TO PROJECTS WITHIN CPs BEFORE THE CP IS APPROVED ADOPTED. SUCH PROJECTS SHALL BE SUBJECT TO THE RULES THAT APPLY OUTSIDE CP AREAS. THE REMAINING 15 PERCENT SHALL BE ALLOCATED BY TRPA PURSUANT TO THE PROVISIONS GOVERNING THE CP PROCESS. (SEE GOAL #2, POLICY 6, OF THE LAND USE SUB-ELEMENT.)

The rate of development within a CP shall be set forth in a schedule in the approved adopted CP. The schedule shall be correlated with schedules for the accomplishment of other CP programs such as transportation improvements and watershed restoration work. If those are behind schedule, adjustments in CP growth rates shall be required.

B. THE AMOUNT OF ADDITIONAL COMMERCIAL FLOOR AREA ALLOWED OUTSIDE COMMUNITY PLANS SHALL BE NO MORE THAN 40,000 SQUARE FEET FOR THE FIRST TEN YEARS OF THE REGIONAL PLAN AND SHALL BE ALLOCATED TO INDIVIDUAL PROJECTS BY TRPA. TRPA MAY, BY ORDINANCE, ALLOW REASSIGNMENT OF THIS COMMERCIAL FLOOR AREA TO COMMUNITY PLAN AREAS IN CONJUNCTION WITH ADOPTION OR AMENDMENT OF COMMUNITY PLANS.

The amount of commercial development outside CPs shall be checked at two-year intervals to determine if the rate at which projects are being approved exceeds the projected 4,000 square feet a year rate by more than 25 percent. If this rate exceeds 25 percent, the aad residence shall be delayed until the development rate returns to the amount established by the ordinance.

C. THE TERM "ADDITIONAL COMMERCIAL FLOOR AREA" SHALL NOT INCLUDE TOURIST ACCOMMODATION AREA, OR OUTDOOR RECREATION FLOOR AREA, OR THEIR ACCESSORY USES, AS DEFINED BY ORDINANCE. ADDITIONAL COMMERCIAL FLOOR AREA SHALL NOT INCLUDE AREA ADDED IN MINOR REMODELING OF EXISTING COMMERCIAL FACILITIES SO LONG AS NO CHANGE IN USE OCCURS, THERE IS NO ADDED TRAFFIC AS A RESULT, THE INCREASE IS NO MORE THAN 500 SQUARE FEET OR FIVE PERCENT OF THE EXISTING FACILITY, WHICHEVER IS LESS, AND THE APPROPRIATE COVERAGE RULES APPLY. THE EXCEPTION FOR MINOR REMODELING IS LIMITED TO ONE PROJECT FOR A FACILITY IN A TEN YEAR PERIOD.
D. STRUCTURES HOUSING GAMING SHALL BE CONSIDERED SEPARATELY UNDER THE PROVISIONS SET FORTH IN THE COMPACT.

5. THE DEVELOPMENT OF ADDITIONAL OUTDOOR RECREATIONAL USES SHALL BE PURSUANT TO SHORT- AND LONG-RANGE PROGRAMS. CRITERIA FOR INCLUSION IN THESE PROGRAMS SHALL BE DEVELOPED BY ORDINANCE.


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City of South Lake Tahoe ......................... 38
Placer County ................................... 88
Washoe County .................................. 59
Douglas County .................................. 23

Allocation Pool Loan ............................. 100

8. A maximum of 400,000 square feet of additional gross commercial floor area may be permitted during the second ten years of the plan development of additional commercial floor area shall be allocated as follows:

The commercial floor area allocations for the second ten years of the Regional Plan shall focus on the implementation of projects listed in the Environmental Improvement Program and promotion of the transfer and rehabilitation of substandard development.

A. A maximum of 100,000 square feet of commercial floor area may be permitted in adopted community plans. A portion of this allocation may also be permitted outside community plans when used to replace commercial allocations used in the first ten years for outside community plans and if it is linked to environmental improvements.

B. A maximum of 150,000 sq. ft. may be allocated to special projects in community plan areas or adopted master plan areas. These projects shall be evaluated on their implementation of environmental improvement projects.

C. A reserve of 150,000 square feet of commercial floor shall be withheld for future distribution by TRPA based on the success of 8.A and 8.B above. The release of the reserve shall be considered upon the completion of the 2001 threshold evaluation or upon the use of all of commercial floor area of 8.A or 8.B above.

9. A maximum of 200 additional tourist accommodation units may be permitted during the second ten years of the plan for special projects that retire tourist units from sensitive lands. One hundred of these units shall be reserved until the completion of the 2001 threshold evaluation or upon use of the first one hundred.

GOAL #3 ENCOURAGE CONSOLIDATION OF DEVELOPMENT THROUGH SEPARATE TRANSFER OF DEVELOPMENT RIGHTS AND TRANSFER OF LAND COVERAGE PROGRAMS.
POLICIES

1. TRANSFERS OF RESIDENTIAL DEVELOPMENT RIGHTS TO PARCELS IN AREAS DESIGNATED AS RECEIVING AREAS IN PLAN AREA STATEMENTS MAY BE PERMITTED. THE NUMBER OF DEVELOPMENT RIGHTS THAT MAY BE TRANSFERRED IS LIMITED TO ONE UNIT FOR UNDEVELOPED PARCELS, OR TO THE NUMBER OF RESIDENTIAL UNITS EXISTING ON A DEVELOPED PARCEL.

A. RESIDENTIAL DEVELOPMENT RIGHTS MAY BE TRANSFERRED WITH APPROVAL OF TRPA. RESIDENTIAL DEVELOPMENT RIGHTS TRANSFERRED FROM UNDEVELOPED PARCELS MAY ONLY BE EXERCISED ON A RECEIVING PARCEL, UPON RECEIVING A RESIDENTIAL ALLOCATION IN ACCORDANCE WITH THE PROVISIONS REGARDING THOSE ALLOCATIONS.

B. AS PROVIDED IN GOAL #2 OF THIS SUBELEMENT AND GOAL #2 OF THE LAND USE SUBELEMENT, UP TO 1/600 BONUS UNITS MAY BE GRANTED TO PARCELS FOR MULTI-RESIDENTIAL UNITS IN CONJUNCTION WITH TRANSFER OF DEVELOPMENT RIGHTS FROM OTHER PARCELS OR OTHER AGENCY INCENTIVE PROGRAMS. ORDINANCES SHALL ESTABLISH DETAILED PROVISIONS WHICH SHALL PROVIDE FOR BONUSES OF VARYING AMOUNTS IN RELATION TO A RIGHT TRANSFERRED OR IMPLEMENTATION OF AN AGENCY INCENTIVE PROGRAM, DEPENDING ON THE PUBLIC BENEFITS BEING PROVIDED BY THE PROJECT. MORE BONUSES SHALL BE GRANTED FOR PROJECTS WITHIN COMMUNITY PLANS THAN FOR THOSE OUTSIDE CPs. OTHER BENEFITS TO CONSIDER SHALL INCLUDE THE EXTENT OF COVERAGE PLANNED, TRANSPORTATION IMPROVEMENTS, WATER QUALITY IMPROVEMENTS, AND SCENIC IMPROVEMENTS. MORE BONUSES SHALL BE GRANTED FOR PROJECTS DESIGNED TO HOUSE LOCAL RESIDENTS AT MEDIAN INCOME OR BELOW.

2. TRANSFERS OF EXISTING TOURIST ACCOMMODATION UNITS INTO DESIGNATED AREAS MAY BE PERMITTED.

A. EXISTING TOURIST ACCOMMODATION UNITS MAY BE TRANSFERRED TO DESIGNATED AREAS, IN CONJUNCTION WITH TRPA APPROVAL OF A PROJECT. THE BUILDINGS SHALL BE REMOVED AND THE SITE RESTORED, EXCEPT IN SPECIAL CIRCUMSTANCES OF PUBLIC BENEFIT AS SET FORTH BY ORDINANCE.

B. AS PROVIDED IN GOAL #2 OF THIS SUBELEMENT AND GOAL #2 OF THE LAND USE SUBELEMENT, UP TO 200 ADDITIONAL UNITS MAY BE GRANTED AS BONUS UNITS IN THE FIRST TEN YEARS OF THE PLAN IN CONJUNCTION WITH TRANSFER OF DEVELOPMENT RIGHTS. ORDINANCES SHALL ESTABLISH DETAILED PROVISIONS WHICH SHALL ALLOW BONUSES OF VARYING AMOUNTS IN RELATION TO A UNIT TRANSFERRED, DEPENDING ON THE PUBLIC BENEFITS BEING PROVIDED BY THE PROJECT. NO BONUSES SHALL BE ALLOWED FOR PROJECTS OUTSIDE APPROVED CPs. BENEFITS TO CONSIDER SHALL INCLUDE EXTENT OF COVERAGE PLANNED, TRANSPORTATION IMPROVEMENTS, WATER QUALITY IMPROVEMENTS, SCENIC IMPROVEMENTS, AND ACCESSORY SERVICES PROVIDED.

3. LAND COVERAGE MAY BE TRANSFERRED AS SET FORTH IN GOAL #3, POLICY 2, OF THE LAND USE SUBELEMENT, WITHIN THE RELATED HYDROLOGIC AREA, PROVIDED THE COVERAGE LIMITS SET FORTH IN THE LAND USE SUBELEMENT ARE NOT EXCEEDED.
The transfer of land coverage may be implemented by parcel consolidation, parcel retirement, land coverage banking systems or other mechanisms approved by the TRPA.

A. COVERAGE UTILIZED AS MITIGATION FOR EXCESS COVERAGE ON COMMERCIAL AND TOURIST ACCOMMODATION PROJECTS SHALL BE EXISTING HARD COVERAGE AS DEFINED BY ORDINANCE, EXCEPT WHERE THE GOVERNING BOARD FINDS THAT THERE IS AN INADEQUATE SUPPLY OF HARD COVERAGE AT A REASONABLE COST IN THE RELATED HYDROLOGIC AREA. IN THAT EVENT, THE BOARD MAY AUTHORIZE AN INCREASE IN THE SUPPLY OF COVERAGE FOR TRANSFER IN THE FOLLOWING ORDER OF PRIORITY: (1) INCLUDING EXISTING SOFT COVERAGE OR DISTURBED AREAS WITHIN THE DEFINITION OF COVERAGE; (2) INCLUDING POTENTIAL COVERAGE; AND (3) REDEFINING THE HYDROLOGIC BOUNDARIES IN THAT AREA. POTENTIAL COVERAGE SHALL BE DEFINED AS BASE COVERAGE.

B. COVERAGE TRANSFERRED OR USED AS MITIGATION TO ACCOMMODATE RESIDENTIAL PROJECTS, OUTDOOR RECREATION PROJECTS, PUBLIC SERVICE PROJECTS, REGIONAL PUBLIC FACILITIES, AND PUBLIC HEALTH AND SAFETY FACILITIES MAY BE EITHER EXISTING OR POTENTIAL COVERAGE. POTENTIAL COVERAGE SHALL BE DEFINED AS BASE COVERAGE.

C. LINEAR PUBLIC FACILITIES PROJECTS, WHEN TRANSFERRING OR MITIGATING COVERAGE OVER BASE COVERAGE, SHALL HAVE THE OPTION OF TRANSFERRING HARD OR SOFT COVERAGE IN ACCORDANCE WITH THESE PROVISIONS.

D. TRPA, IN COOPERATION WITH OTHER AGENCIES, SHALL ESTABLISH A LAND COVERAGE BANKING SYSTEM.

TRPA, to the extent possible, shall utilize a land coverage banking system to facilitate the elimination of excess land coverage and to provide transfer mechanisms. TRPA shall certify appropriate entities to acquire land coverage and implement restoration programs pursuant to this policy.

E. COVERAGE TRANSFERS SHALL BE AT A RATIO OF 1:1 OR GREATER. EACH SQUARE FOOT OF COVERAGE ADDED BY TRANSFER SHALL REQUIRE REMOVAL OF ONE SQUARE FOOT OF COVERAGE, EXCEPT FOR THE SPECIAL PROVISION FOR ADDITIONAL COMMERCIAL COVERAGE OVER 50 PERCENT, AS SET FORTH IN THE LAND USE SUBELEMENT GOAL #3, POLICY 2.B AND OTHER RATIOS AS SET BY THIS PLAN.

F. COVERAGE TRANSFERRED FOR A SINGLE-FAMILY HOUSE SHALL BE FROM A PARCEL EQUAL TO, OR MORE ENVIRONMENTALLY SENSITIVE THAN, THE RECEIVING PARCEL.

G. IN THE CASE OF INDIVIDUAL PARCELS CONTAINING A STREAM ENVIRONMENT ZONE (SEZ), THE AMOUNT OF COVERAGE ATTRIBUTABLE TO THE SEZ PORTION OF THE PARCEL MAY BE TRANSFERRED TO THE NON-SEZ PORTION OF THE PARCEL OR MAY BE UTILIZED IN THE SEZ PURSUANT TO THE ACCESS PROVISION SET FORTH IN GOAL #1, POLICY 5, OF THE STREAM ENVIRONMENT ZONE SUBELEMENT.
4. THE RESIDENTIAL PERMIT ALLOCATION SYSTEM SHALL PERMIT THE TRANSFER OF BUILDING ALLOCATIONS FROM PARCELS LOCATED ON SENSITIVE LANDS TO MORE SUITABLE PARCELS.

As part of the permit allocation system, TRPA shall permit the transfer of building allocations from parcels in stream environment zones, Land Capability Districts 1 - 3, lands determined to be sensitive under IPES, or Class 1 - 4 shorezones, to parcels outside of these areas. However, no allocations shall be transferred to any parcel that is below the level defining the IPES top rank on January 1, 1989 unless the number of vacant parcels in the top rank is less than one-half the total inventory in that jurisdiction. Recipients of allocations may transfer across jurisdictional boundaries so long as the jurisdiction to which allocations are transferred has capacity to serve the additional development, both jurisdictions approve the transfer, and the receiving parcel is in land capability districts 4 - 7 or has an IPES rating above the January, 1989 level. Such inter-jurisdictional transfers shall be counted against the number of permits allocated to the jurisdiction from which the allocations are transferred.

5. BEFORE TRANSFER OF ANY DEVELOPMENT RIGHT OR LAND COVERAGE UNDER THIS GOAL IS EFFECTIVE, THE TRANSFEROR LOT SHALL BE APPROPRIATELY RESTRICTED OR RETIRED. IN THE CASE WHERE AN ALLOCATION HAS BEEN TRANSFERRED, OR ALL THE DEVELOPMENT RIGHTS OR COVERAGE HAS BEEN TRANSFERRRED OFF A PARCEL DEEMED INAPPROPRIATE FOR FUTURE DEVELOPMENT, THE ENTIRE PARCEL SHALL BE RETIRED.

In restricting or retiring a parcel, the implementing ordinances shall consider the retirement of all bonded indebtedness, site restoration, removal of future development potential, disclosure statements, public notice or recordation, and other requirements TRPA deems necessary. All transfers shall be approved by the affected jurisdictions.

6. TRANSFERS 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, PACT). EQUIVALENT USES SHALL BE DEFINED BY ORDINANCE. DEVELOPMENT IMPACTS DUE TO THE RESULTING PROJECTS SHALL BE ADDRESSED AS PART OF THE PROJECT REVIEW PROCESS.
MARCH 30, 1997

PROPOSED AMENDMENTS

REGIONAL PLAN FOR THE LAKE TAHOE BASIN
CODE OF ORDINANCES

Adopted by the Governing Board
May 27, 1987
Tahoe Regional Planning Agency
CHAPTER 13

PLAN AREA STATEMENTS AND PLAN AREA MAPS

Chapter Contents

13.0 Purpose
13.1 Applicability
13.2 Establishment Of Plan Areas And Plan Area Statements
13.3 Relationship To Goals And Policies And The Code
13.4 Relationship To Community Plans
13.5 Content Of Plan Area Statements
13.6 Plan Area Maps
13.7 Plan Area Statement And Plan Area Map Amendment

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, without 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:
Amended 3/25/96,
Subsections 13.5.C(1) and (7)

(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 approved adopted pursuant to Chapter 14 and incentives pursuant to Chapter 33. The final boundaries of community plans shall be as prescribed by the approvals.

(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 incentives pursuant to Chapters 33 and 35.

(6) **Multi-Residential Incentive Programs:** Plan areas with the multi-residential incentive program designation are eligible for the multi-residential incentive program pursuant to Chapter 35.

(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.
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 **Residential Bonus Units:** The total number of residential bonus units available for residential incentive programs in the plan area shall be specified.

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 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:

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.

3. If the amendment is to add multiple-family as a permissible use to a plan area or for one or more parcels, the plan area or affected parcel must be found suitable for transit-oriented development (TOD). Factors in determining suitability for TOD may include but are not limited...
to areas that have transit and neighborhood services within 10 minute walks, good pedestrian and bike connections, opportunities for residential infill (at densities greater than 8 units per acre) or infill with mixed uses, and adequate public facilities.
CHAPTER 33
ALLOCATION OF DEVELOPMENT

Chapter Contents
33.0 Purpose
33.1 Applicability
33.2 Allocation Of Additional Residential Units
33.3 Allocation Of Additional Commercial Floor Area
33.4 Allocation Of Additional Tourist Accommodation Units
33.5 Regulation Of Additional Public Service Facilities
33.6 Regulation Of Additional Recreation Facilities
33.7 Election Of Conversion Of Use
33.8 Other Permits

33.0 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, through issuance of allocations, distributes, in an orderly fashion, growth and development within the confines of attainment and maintenance of the environmental thresholds. An allocation issued pursuant to this chapter does not give the recipient thereof a right to develop a project.

33.1 Applicability: No person shall construct a project or commence a use or activity, which requires an allocation unless an allocation is obtained in accordance with this chapter; the parcel is eligible to use an allocation; and the project is approved by TRPA. For purposes of this chapter, where the term "existing" is used it shall not include structures or facilities that have become derelict. (See Chapter 2.)

33.2 Allocation Of Additional Residential Units: TRPA shall allocate the development of additional residential units as follows:

33.2.A Requirement Of Allocation: No person shall construct a project or commence a use, which creates one or more additional residential units, without first receiving an allocation approved by TRPA. This requirement does not apply to affordable housing units approved after January 1, 1986, but shall apply to conversions of such affordable housing to nonaffordable status. In order to construct the project or commence the use, to which the allocation or the exemption therefrom pertains, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.
1) **Applicable Residential Uses**: The following residential uses referred to in Chapter 18 contain residential units: secondary residences; employee housing; mobile home dwellings; multiple family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single family dwellings; and summer homes.

2) **Definition Of "Additional Residential Unit"**: Residential unit is defined in Chapter 2. 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:

(a) The reconstruction or replacement, on the same parcel, of a residential unit legally existing on or approved before January 1, 1986;

(b) The reconstruction or replacement, on the same parcel, of a residential unit which was allocated and approved pursuant to this Code;

(c) Legally established additions and accessory uses to an existing residential structures, that do not create additional residential dwelling units;

(d) A residential unit constructed on a foundation, the use of which is authorized by Chapter 11.

(e) The relocation of residential units legally existing on January 1, 1986, other than mobile home dwellings, through a transfer approved by TRPA;

(f) 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; or

(g) An existing, legally established mobile home pad with water, sewer and electrical services, whether or not a mobile home is located thereon.
(3) Maximum Number Of Units And Distribution Of Allocations Among Jurisdictions: From January 1, 1997 to December 31, 2001, a maximum of 1,500 additional residential units may be authorized to receive permits for construction. The allocation and distribution of allocations each year shall not exceed the following, except for assignment of allocations from the allocation pool administered by TRPA:

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| Initial Allocation Pool | 100

(a) A total of 1,500 additional multi-residential development rights shall be available for the 20-year life of this Plan as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of this Plan. Multi-residential units shall be subject to the foregoing allocation limitations.

(b) Unused allocations from years previous to 1997 shall not be added to a jurisdiction’s successive year’s allocations. Unused allocations from 1997 and beyond shall be assigned to the allocation pool.
(c) Allocations assigned to the City of South Lake Tahoe and the STPUD service area within El Dorado County may be assigned to parcels within either jurisdiction provided the sending jurisdiction approves the reassignment. Such reassignment shall not be considered an allocation transfer.

(d) 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.

(e) 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.

(4) Allocation Pool: At the beginning of each year, unused allocations or allocations deducted from a jurisdiction shall be assigned to an allocation pool administered by TRPA.

(a) TRPA shall initially supply the pool with 100 allocations. The initial allocations shall be replaced by unused allocations as specified above.

(b) TRPA may assign allocations to parcels throughout the Region providing the recipient retires a sensitive parcel within the Region.

(c) TRPA may assign allocations to jurisdictions that qualify for additional allocations pursuant to the performance review pursuant to Subparagraph 33.2.B(5).

33.2.B 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.
(1) **Distribution of Annual Allocations System**: Distribution of allocations for 1993 and beyond shall be by a method or system which permits the participation of parcels with scores below the numerical level defining the top rank in the applicable jurisdiction.

(a) TRPA shall reserve 10 percent of each jurisdiction's annual allocations for distribution to parcels below the 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 the case may be, provides an equal or superior opportunity for participation of parcels below the IPES line.

(b) Allocations distributed by TRPA under this subsection may either be transferred or returned to TRPA for reissuance to the jurisdiction of origin.

(c) A complete application for transfer of a reserved allocation shall be filed no later than June 1 of the year it was distributed.

(d) Upon transfer of a reserved allocation, a complete application for an additional residential unit shall be filed no later than December 31, 1994. Failure to submit a complete application for a transfer by June 1, 1994 or to file a complete application for a new residential unit by December 31, 1994 shall result in the forfeiture of the allocation to the jurisdiction of origin.

(2) **Distribution of the Allocation Pool**: TRPA shall distribute allocations from the allocation pool as follows:

(a) Owners of eligible parcels may apply to TRPA on a first-come, first-serve basis for available allocations in the allocation pool.

(b) TRPA may assign available allocations in the allocation pool to the counties and city based on the results of the performance review as set forth in Subparagraph (5) below.
(23) **Distribution Requirements:** Distribution of allocations, within the limits set in Subsection 33.2.A and consistent with subparagraph (1) above, 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.

(a) Each county and the city shall notify TRPA, in writing, of its election to distribute allocations for a given year or years. Notification must be received by TRPA no later than December 31 of the preceding year. The Governing Board may waive this deadline for good cause.

(b) 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 residential allocations for that year, whichever is later.

(c) Allocations which are carried over from previous years shall be delivered to the counties and city within 15 days of a determination by TRPA that the allocations are unused and may be reissued.

(d) Delivery of allocations shall be accomplished by providing each county and city with the number of allocation forms which corresponds to the allocations available to each county and city in that year. The counties and city shall determine the receiving parcels pursuant to their respective allocation systems and shall indicate the assessor’s parcel number (APN) of the receiving parcel on the allocation form. The counties and city shall provide TRPA with a list of assessor parcel numbers which 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.

(e) TRPA shall number each allocation as follows:

(i) The first set of letters shall signify the county or city of origin (e.g., WA, DG, PL, EL, SLT);
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and 33.2.B(4)a

(ii) The first set of numbers shall signify the year of issuance (e.g., 87, 88, 89, 90, 91);
(iii) The second set of letters shall signify the type of allocation (e.g., O for original, R for reissued, LS for litigation settlement, AP, allocation pool);
(iv) The second set of numbers shall signify the sequence of the allocation (e.g., for Douglas County the sequence will be 1 through 23).

(Example PL - 87 - R - 56
County-Year-Type-Number)

(f) The counties and city shall notify each owner of a parcel receiving an allocation.

(g) In the event an allocation is returned or forfeited for any reason, the county or city shall notify TRPA by returning the original allocation form and requesting a reissued allocation for assignment to another parcel. If the original allocation form cannot be returned to TRPA, the county or city shall notify TRPA of the reason therefor, and the allocation shall be cancelled by depositing in the U. S. Mail, first class, postage prepaid, a notice of cancellation addressed to the last known address of the owner of the receiving parcel.

(34) 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 34. Distribution of, and other transactions concerning allocations, shall be tracked, accounted for and otherwise treated in accordance with Chapter 38.

(a) Upon receipt of the allocation form 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. Failure to either file a complete application or complete a
transfer by the deadlines set in subparagraphs (b) and (c) below, shall result in the forfeiture of the allocation to the county, TRPA, or city of origin.

(b) Except as set forth in Section 33.2.C, Multi-Residential Allocations, and subparagraph (d), below, complete applications for construction of additional residential units shall be filed with TRPA no later than December 31 of the year in which the allocation was distributed.

(c) Transfer of allocations shall be complete no later than December 31, of the year in which the allocation was distributed. Transfers of allocations shall be deemed complete when the applicant has received a TRPA notice of eligibility for the transfer and the original allocation form has been signed by the owners of the transferor and transferee parcels, the county or city which issued the allocation, and TRPA. The signatures of the receiving and sending county or city shall be required for intercounty transfers.

(d) Upon transfer of an allocation, a complete application for an additional residential unit shall be filed no later than June 1 of the year after the issuance of the allocation. Failure to file a complete application by June 1 shall result in the forfeiture of the allocation to the city or county of origin.

(e) All unused and deducted allocations as of January 1 of each year shall be assigned to the allocation pool.

(45) Performance Review: Starting October 1, 1997, a performance review committee shall review the performance of the counties, City, and TRPA on the criteria in subparagraphs (a) and (b) below starting October 1, 1998, and every two years thereafter a review committee shall review the performance of the counties, City, and TRPA on subparagraphs (a), and (b) below. TRPA Governing Board at a public hearing in November following the review shall establish the annual allocations for the period under consideration by resolution. The annual adjustment shall not exceed ten
percent of the 1997 maximum annual allocations for that jurisdiction. The review committee shall consist of representatives of the participating counties, City and TRPA and shall develop review criteria consistent with the guidelines below:

(a) Compliance Review Guidelines. The Compliance Review Guidelines are:

(i) Permit Tracking: Prior to November 1, 1997, all permit issuing authorities shall implement a real time permit reporting system to the TRPA TEGIS system. The real time system shall require permit information pursuant to Chapter 38 to be inputted prior to acceptance of applications and issuance of permits as applicable. Failure to comply may result in up to a ten percent reduction in allocations for each year of the five year allocation period.

(ii) Permit Monitoring: Starting January 1, 1998, TRPA shall conduct a representative sample audit of residential permits issued by the counties, City, and TRPA. The review committee shall consider the IPES criteria and the MOU review criteria when establishing the review criteria. A score of less than passing by the permit issuing authority should result in a reduction in future year allocations for that jurisdiction. A score greater than passing should result in the restoration of allocations deducted. For jurisdictions which do not have a residential MOU, TRPA's performance score shall be utilized to evaluate the allocations for that jurisdiction.

(b) Water Quality Improvements Guidelines. The Water Quality Improvement Guidelines are:

(i) Water Quality CIP: Prior to October 1, 1997 each county and city shall submit a five-year water quality CIP list which is consistent with the EIP project list and the 1996 Water Quality Threshold Interim Target. This CIP list shall be updated and
submitted to TRPA following the performance review. Failure to submit a CIP list in 1997 may result in a deduction up to ten percent of the maximum annual allocation for each year of the five-year allocation period. Achievement of a yearly CIP performance target may result in assignment of allocation from the allocation pool in an amount up to ten percent of the maximum, if available. Assignments of allocations from the pool are limited by availability of allocations in the pool.

(ii) Each county and the City shall demonstrate that an adequate amount of money has been included in their budget for maintenance of their water quality facilities. Failure to achieve the target maintenance budget may result in up to a five percent reduction for each year in nonattainment.

§6 Monitoring Requirement: Each jurisdiction shall contribute $85 for each allocation issued for the permit and water quality monitoring program.

33.2.C Multi-Residential Allocations: A portion of the residential allocations set forth in Subparagraph 33.2.A(3) may be reserved for multi-residential use. These reserved allocations shall be used for the Multi-residential Incentive Program established in Chapter 35 and in connection with transfer of development rights pursuant to Chapter 34.

(1) Reservation Pool: On a yearly 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 such jurisdiction. Allocations assigned to the pool shall be within the limitations of the Allocation Table set forth in Subparagraph 33.2.A(3). Unused allocations may be carried over to the next year's pool.

(2) Allocations For Multi-Residential Projects: Except for allocations obtained by transfer pursuant to Chapter 34, or obtained directly as provided in Subsection 33.2.B, 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 are available from the
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 35.

33.3 Allocation Of Additional Commercial Floor Area: TRPA shall allocate the development of additional commercial floor area as follows:

33.3.A Requirement Of Allocation: No person shall construct a project or commence a use, which creates additional commercial floor area, without first receiving an allocation approved by TRPA. 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.

(1) Applicable Commercial Uses: The commercial uses set forth in Chapter 18 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 as to which TRPA makes the following findings shall be deemed not to contain additional commercial floor area:

(a) The accessory use meets all criteria specified by Chapter 18 for an accessory use; and

(b) The accessory use is designed to serve the noncommercial primary use, as determined by reference to the following criteria:

(i) There is no separate entrance for the accessory use;

(ii) The accessory use is compatible with the size and patronage of the primary use;

(iii) The accessory use does not rely on separate parking;

(iv) The accessory use is not separately advertised;

(v) The use season of the accessory use corresponds to that of the primary use;

(vi) The accessory use does not generate additional vehicle trips; and
(vii) In applicable instances, the accessory use is principally for service or repair rather than sales.

The following are examples of accessory uses of a commercial nature not subject to the allocation of additional commercial floor area: 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.

(2) "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.

(a) Additional commercial floor area includes, but is not limited to, the following:

(i) The construction of commercial floor area, which did not exist before January 1, 1987; or
(ii) Conversion of legally existing or approved floor area from noncommercial use to commercial use.
(iii) The construction of, or conversion to, floor area that is primarily utilized for commercial enterprise regardless if it is classified as public service or is publicly owned, except when such floor area is for an accessory use excluded in Subsections 33.3.A(1)(a) and (b) or such floor area is excluded by Subsection 33.3.A(2)(b).

(b) Additional commercial floor area excludes the following:

(i) Changes in commercial use per se, not involving any increase in commercial floor area;
(ii) 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 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, the exempt addition or expansion is not applied for or built in conjunction with any other addition or expansion, there is no change in use, any increase in traffic is insignificant as defined in Chapter 93, the exempt addition or expansion occurs within a single project area and the exempt addition or expansion does not occur within the same project area more frequently than once every ten years;

(iii) The relocation, replacement or reconstruction on the same parcel of commercial floor area, which either existed as of January 1, 1987, or which contains floor area allocated and approved pursuant to this Code;

(iv) The replacement, reconstruction or relocation of commercial floor area legally existing as of January 1, 1987, pursuant to a TRPA-approved redevelopment plan;

(v) The TRPA-approved transfer of legally existing commercial floor area; or

(vi) 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.

(3) **Allocations to Sensitive Lands:** Allocations of commercial floor area to projects located in land capability districts 1, 2, 3, or SEZ shall not be permitted unless it is found that:

(a) The allocation is matched by a transfer from like sensitive lands at a ratio of one square foot of commercial floor area allocation to two square feet of transferred commercial floor area; or,

(b) The parcel receiving the allocation is in an adopted community plan area where one or more SEZ restoration projects have been completed and the local jurisdiction has submitted a CIP list pursuant to the residential allocation requirements in Subparagraph 33.2.B(5).
33.3.B  **Definition And Calculation Of Commercial Floor Area:**
Square footage of commercial floor area shall be calculated by reference to 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, which are designated for commercial use under a permit, shall be considered commercial floor area. Square footage for the following shall not constitute commercial square footage:

1. Parking areas, driveways, parking structures, outside stairways and walkways;
2. Accessory uses determined by TRPA not to contain additional commercial floor area pursuant to Subparagraph 33.3.A(1);
3. Temporary projects pursuant to Chapter 7.
4. 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.
5. For a warehouse which does not constitute a warehouse facility, the ground floor shall be considered a commercial area provided the warehouse building is used exclusively for warehousing, which may include office space for the conduct of the facility's business.
6. 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 best management practices. Transfers of commercial floor area out of a preferred industrial area shall be reduced in half. Transfers and relocations of commercial floor area within a preferred industrial area shall be on a one-to-one ratio.

33.3.C  **Maximum Amount And Distribution Of Allocations For Additional Commercial Floor Area For Years 1987 To 1996 And As Extended To 2006:** 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 (d3) below. The allocation and distribution of this floor area shall be as follows:
Within Community Plans: From January 1, 1987 to December 31, 1996, except as set forth in subparagraph (d3) below, the maximum amount of additional commercial floor area allocated to community plan areas is 371,340 square feet.

(a) Administration: The 371,340 square feet of additional commercial floor area shall be allocated by TRPA, distributing 281,340 square feet initially to the local jurisdictions. The 281,340 square feet shall be assigned to community plans pursuant to (i) 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 (ii) 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 281,340 square feet among local jurisdictions, is reflected in the following table.

COMMERCIAL FLOOR AREA ALLOCATIONS WITHIN COMMUNITY PLAN AREAS ("CP"")

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Initial Allocation To CPS (75%)</th>
<th>Bonus CPS (15%)</th>
<th>Before CP Adoption (10%)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>So. Lake Tahoe/</td>
<td>79,100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>El Dorado County</td>
<td>112,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Placer County</td>
<td>55,990</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washoe County</td>
<td>33,750</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Square Feet</td>
<td>281,340</td>
<td>54,000</td>
<td>36,000</td>
<td>371,340</td>
</tr>
</tbody>
</table>

(i) 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 in the first column.

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 Subsection 33.3.C(1)(a). This distribution shall reward those community plans which 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.

(b) Before Adoption Of A Proposed Community
Plan: Projects having an aggregate commercial floor area not exceeding the 36,000 square feet set forth in (a) of subparagraph 33.3.(C)(1) 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 follows:

South Lake Tahoe/El Dorado County 10,008 sq. ft.
Placer County 14,976 sq. ft.
Washoe County 6,516 sq. ft.
Douglas County 4,500 sq. ft.
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 to 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) **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.

(d) **Allocation:** From January 1, 1987 to December 31, 1995, the maximum amount of additional commercial floor area allocated to areas outside community plan boundaries is 40,000 square feet.

(2) **Outside Community Plans:** From January 1, 1987 to December 31, 1995, the maximum amount of additional commercial floor area allocated to areas outside community plan boundaries is 40,000 square feet.

(a) **Administration:** 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 28,660 square feet shall be apportioned to the local jurisdiction as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Lake Tahoe</td>
<td>7,020 sq. ft.</td>
</tr>
<tr>
<td>El Dorado County</td>
<td>16,640 sq. ft.</td>
</tr>
<tr>
<td>Placer County</td>
<td>0 sq. ft.</td>
</tr>
<tr>
<td>Washoe County</td>
<td>5,000 sq. ft.</td>
</tr>
<tr>
<td>Douglas County</td>
<td>5,000 sq. ft.</td>
</tr>
</tbody>
</table>
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Subsections 33.3.C(2)(a), 33.3.C(3), and 33.3.D

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 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.

Thereafter, at the rate of 4,000 square feet per year, after January 1, 1997, and at no more than 4,000 square feet per year thereafter, TRPA shall determine whether the yearly rate of approval of commercial projects is consistent with 5,000 square feet of project-related use per year. If the rate has exceeded 4,000 square feet per year, TRPA shall be delayed, otherwise restricted, until the rate of approval is reduced to an annual rate of 4,000 square feet per year.

(b) Limitations: No single commercial project shall be allocated more than 4,500 square feet in a ten year period of the 40,000 square feet for use within the project area.

(3) Allocation Time Limit Extension: The allocation time limits specified in subparagraphs (1) and (2) above shall be extended to December 31, 2006.

33.3.D Maximum Amount And Distribution Of Allocations For Additional Commercial Floor Area For Years 1997 to 2007: A maximum of 400,000 square feet of additional commercial floor area may be permitted from January 1, 1997, to December 31, 2006. The allocation and distribution of this floor area shall be as follows:

(1) Within Community Plans: A maximum of 100,000 square feet of commercial floor area may be permitted in an adopted community plan for which all irrevocable commitments 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:
(a) 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 allocated by December 31, 1998 shall be reassigned to the Special Project allocation.

(b) 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 community plans of that jurisdiction. The performance review committee (referred to in subparagraph 33.2.B.(5) shall recommend the ranking to TRPA by October 31, 1998. The apportionment shall be as follows:

<table>
<thead>
<tr>
<th>Ranking</th>
<th>Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20,000</td>
</tr>
<tr>
<td>2</td>
<td>15,000</td>
</tr>
<tr>
<td>3</td>
<td>8,000</td>
</tr>
<tr>
<td>4</td>
<td>5,000</td>
</tr>
<tr>
<td>5</td>
<td>2,000</td>
</tr>
</tbody>
</table>

(2) Outside Community Plans: Allocations permitted in (1) above may be allocated outside community plans subject to the limitations Subsection 33.3.C.(2) and the local jurisdiction has adopted an commercial allocation system that assists in implementing Environmental Improvement Program projects for outside CP area.

(3) Special Projects: A maximum of 150,000 square feet of commercial floor area may be permitted in adopted community plans or TRPA master plans for which all irrevocable commitments have been made. TRPA shall administer the special project allocations. The distribution of this floor area shall be as follows:

(a) Goal: The program goal is to promote major projects that result in the construction of threshold-related environmental improvements to promote transfer of development that results in environmental benefits, and to rehabilitate substandard development.

(b) Eligibility: All projects in community plan areas and adopted TRPA master plan areas are eligible for special project allocations.
(c) Evaluation Criteria: Special projects shall be evaluated and conditioned upon their implementation of environmental projects or transfers of development out of sensitive lands. These projects shall:

(i) Assist in the attainment of the environmental thresholds constructing projects listed in the TRPA Environmental Improvement Program, and

(ii) Provide environmental benefits or mitigation in excess of TRPA's project and mitigation requirements.

(d) Public Assistance: Public and private partnerships are encouraged. Public assistance through redevelopment agencies, conservancies, local governments, and other such means may be considered in evaluating the special project.

(e) Maximum Amount: The maximum allocation that may be approved for a project area within a calendar year is 50,000 square feet of floor area.

(f) Time Limit: Initial assignments of allocations shall expire in one year unless they are extended by TRPA upon a showing of adequate progress toward a project approval.

(g) Applications: In July of each year, TRPA shall consider applications for available special project allocations. Applications shall include a project prospectus that includes site plans and elevations and preliminary environmental documentation. (h) Notifications: TRPA shall give adequate notice to the general public 90 days in advance of any action assigning allocations. Notifications will include the general criteria by which the project will be evaluated.

(4) Reserve: A maximum of 150,000 square feet of commercial floor area allocations shall be reserved for future distribution. The distribution of the 150,000 square feet reserve shall be considered as part of the 2001 Threshold Evaluation or upon approval of all the commercial floor area allocations for community plans or special projects.
Administration Of Allocations For Additional Commercial Floor Area: For purposes of Subsection 33.3.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 commercial floor area establishes the year to which the allocation is attributed.

(1) 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.

(2) 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.

(3) 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, as to the status of the allocation of commercial floor area.

33.4 Allocation Of Additional Tourist Accommodation Units: TRPA shall allocate the development of additional tourist accommodation units as follows:

33.4.A Requirement Of Allocation: No person shall construct a project or commence a use, which creates additional tourist accommodation units, without first receiving an allocation approved by TRPA. In order to construct the project or commence the use, to which the allocation pertains, the recipient of the allocation must comply with all other applicable provisions of this Code.

(1) Applicable Tourist Accommodation Uses: The tourist accommodation uses set forth in Chapter 18 contain tourist accommodation units.

(2) Definition Of "Additional" Tourist Accommodation Units: A tourist accommodation unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987 in accordance with Section 33.4. The conversion of an existing nontourist accommodation use to a tourist accommodation use
constituting a tourist accommodation unit is an additional tourist accommodation unit requiring an allocation under this chapter. The following are not "additional" tourist accommodation units:

(a) The reconstruction or replacement, on the same parcel, of a tourist accommodation unit legally existing or approved on January 1, 1987;

(b) The reconstruction or replacement, on the same parcel, of a tourist accommodation unit, which was legally allocated and approved pursuant to this Code;

(c) Modifications to legally existing tourist accommodation structures and accessory uses thereto;

(d) The relocation of a legally existing tourist accommodation unit, through a transfer approved by TRPA, pursuant to Chapter 34; or

(e) The conversion of legally existing multifamily 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.

(3) Maximum Number And Distribution Of Allocations For Additional Tourist Accommodation Units: A maximum of 200 additional tourist accommodation units may be approved for construction through December 31, 2006, except for the first 100 units approved. The allocation and distribution of 100 units shall be limited to special projects and shall only be available when matched by a transfer of an existing unit from restored sensitive lands that is restored. The assignment and distribution of 100 units shall be determined after the completion of the 2001 Threshold Evaluation or upon use of the first 100 units above. The allocation and distribution of the other 200 units shall be limited to areas of adopted community plans in conjunction with transfer of existing tourist accommodation development pursuant to Chapter 34. TRPA shall allocate the 200 units, as bonus units, to projects within adopted community plans in accordance with Chapter 35. Distribution of units within the area of the community plan shall be pursuant to the provisions of the adopted community plan and the following criteria:
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(a) The additional concentration of tourist accommodation units is consistent with the TRPA Transportation Plan and would better promote transit and pedestrian forms of transportation;
(b) The additional units are 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, are sufficient to accommodate the additional units; and
(d) A demonstration of need for additional units is shown pursuant to Chapter 14.

(4) Allocation/Unit/Extension/For/Community Plan/Adopted/To/December/31/1996/By/Authority/For/Additional/Unit/Allocation/Time/Initiated/Until/Per/Extended/To/December/31/1999.

33.4.B Administration Of Allocations For Additional Tourist Accommodation Units: For purposes of Subparagraph 33.4.A(3) 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 establishes the year to which the allocation is attributed.

(1) 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.

(2) 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.

(3) 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, as to the status of the allocation of tourist accommodation units.

33 - 23
33.6 Regulation Of Additional Recreation Facilities: TRPA shall regulate the rate and distribution of additional recreation as follows:

33.6.A Required Findings for Approval of Additional Recreation Facilities: Approval of additional recreation facilities shall only be permitted for projects, which the sponsoring entity demonstrates, and TRPA finds that:

(1) There is a need for the project;
(2) The project complies with the Goals and Policies, the applicable plan area statements, and this Code;
(3) The project is consistent with TRPA 20-year targets for outdoor recreation, which are 6,114 people at one time ("PAOT") in overnight facilities, 6,761 PAOT in summer day-use facilities, and 12,400 PAOT in winter day-use facilities, as well as the allocations set forth in the plan area statements, or the pools of reserved PAOT capacity;
(4) The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 as they are applicable to the project's recreational service capacity; and,
(5) If the project requires PAOT allocations it is consistent with the TRPA Environmental Improvement Program.

33.6.B Definition Of "Additional Recreation": Recreation is 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 vehicle trips that requires a traffic analysis pursuant to Subsection 33.3.B., or increased floor space of five percent, or 500 square feet, or would increase PAOT capacity. (See Subsection 13.5.L.) The conversion of an existing non-recreational use to a use constituting a recreation facility is additional recreation subject to this chapter. The following are not "additional" recreation facilities:

(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 accessory uses thereto, that do not create additional service capacity;
(3) Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 34; or
(4) Dispersed recreation.
33.6A RECREATION/FACILITIES: No person shall construct a project to dominate or use, which creates additional recreation capacity, to change the recreation plan, or to change the recreation plan.

1. [Applicable/Recreation/Uses] The recreation uses set forth in Chapter 18, are eligible for inclusion in the use of additional recreation.

2. Definition/OF/Additional Recreation: Recreation is considered additional if it increases the vehicle trip generation that requires traffic analysis pursuant to Subsection 913.10 or increases the total space off-street percent or 50% square feet or would increase the parking capacity. See Subsection 1115.15.

3. Conversion of an existing non-recreational use to a use or a use of conditioning a recreation facility. See additional recreation subject to this chapter. The following are not additional recreation facilities:

   a. The recreation/subject to replacement or the sale/purchase of the facility. Legal/Existing. or approved before January 1, 1987.

   b. Modifications to legally existing recreation and accessory uses that do not create additional service capacity.

   c. Recreation/subject to legally existing recreation facilities through a recreation, approved by TRPA/subject to chapter 14.

   d. Dispersed recreation.

4. Preparation: OF/Inclusion: OF/ Site: Projects shall include the recreation/subject to the TRPA/board and shall adopt and amend the嵇/End

   a. Projects included on the list shall be conducted in order which the operating entity demonstrates and TRPA finds that.
33.6 BC Allocation of Additional Recreation PAOTs: No person shall construct a project or commence a use which 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.

(1) Applicable Recreation Uses: The following recreation uses are subject to PAOT allocation consistent with the PAOT standards set forth in subparagraph 33.6.B(2).

(a) Summer Day Use: Additional summer day use capacity shall be subject to PAOT allocations as follows:

(i) Uses subject to summer day use PAOT allocation include marinas, and boat launching facilities, rural sports, golf courses, visitor information centers, and off-road vehicle courses.
(ii) 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 shall be subject to summer day use PAOT allocation.

(iii) Shorezone uses subject to summer day use PAOT allocation include tour boat operation and those portions of beach recreation, commercial boating, or water-oriented outdoor recreation concessions which TRPA determines to provide additional outdoor recreation capacity.

(b) Winter Day Use: Additional winter day use capacity shall be subject to PAOT allocation as follows:

(i) Uses subject to winter day use allocation include all downhill ski facilities.

(c) Overnight Use: Additional overnight use capacity shall be subject to PAOT allocation as follows:

(i) Uses subject to overnight PAOT allocation include developed campgrounds, group facilities, and recreational vehicle parks.

(2) Definition of Additional PAOTs: A PAOT is 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 13.5.I.). The conversion of an existing recreation use not requiring PAOTs to a use which does constitute additional PAOTs. The following are not "additional" PAOTs:

(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 accessory uses thereto, that do not create additional service capacity;
(c) Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 34; or
(d) Dispersed recreation.
Allocations: A maximum amount of recreational PAOT capacity is targeted and permitted for development from January 1, 1987 to December 31, 2006. TRPA shall keep a cumulative accounting of recreation allocation in people at one time (PAOT) as applicable.

(a) General: PAOT capacity shall apply to the primary recreational use of a facility.

(i) 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.

(ii) 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.

(iii) 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, as to the status of the allocations of PAOTs.

(iv) 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.

(b) Summer Day Use: Summer day use capacity shall be allocated and distributed as follows:

(i) 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.

(ii) PAOT allocation for expansion of marinas and boat launching facilities shall require approval of a master plan except as noted in Section 16.1.
(iii) PAOTs may be assigned to a plan area statement for future allocation.

(c) Winter Day Use: Additional winter day use capacity shall be allocated and distributed as follows:

(i) 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.

(ii) Expansion of use in downhill ski areas requires the adoption of a master plan pursuant to Chapter 16.

(d) Overnight Use: Additional overnight use capacity shall be allocated and distributed as follows:

(i) 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 33.6.A and 33.6.B(3)(d)(ii) and which 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.

(ii) To be eligible for overnight PAOT allocation from the pool, the project area must 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.

(4) 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 33.6.A, but shall not be subject to PAOT allocations.
Amended 3/28/97,
Subsection 33.7

33.7 Election of Conversion of Use: Existing residential units may be converted to tourist accommodation units and existing tourist accommodation units may be converted to residential units, under the following conditions:

33.7.A Conversion to Residential Use: Where a tourist accommodation unit was converted to a residential unit prior to January 1, 1987 and the residential use existed on the effective date of the Regional Plan, the owner may elect to treas the unit as either a residential or a tourist accommodation unit. The election shall be in writing and approved by TRPA. An election may be made only once.

33.7.B Conversion to Commercial Use: Where a tourist accommodation unit was converted to a commercial floor area prior to January 1, 1987 and the commercial use existed on the effective date of the Regional Plan, the owner may elect to treas the unit as either a tourist accommodation unit or commercial floor area. The election shall be in writing and approved by TRPA. An election may be made only once.

33.7.C Partial Conversion: In the event of a partial conversion of a tourist accommodation unit, an election in accordance with Section 33.7.A and 33.7.B shall not result in the creation of both a residential and tourist accommodation unit. The election shall be made only in accordance with Section 33.7.B. If the tourist accommodation unit is not a separate building from the existing residential buildings, the election shall be made only in accordance with Section 33.7.C.
33.7.A Transfer From Sensitive Lands: Conversion is permissible where a tourist or residential unit is transferred from a parcel classified as land capability districts 1, 2, or 3 and all the sensitive lands on the parcel are restored.

33.7.B Removal of a Nonconforming Use: Conversion of a tourist or residential unit is permissible if the conversion results in the elimination of a nonconforming use on the parcel on which the unit being converted is located. The converted use shall meet all standards for new construction.

33.8 Other Permits: Issuance of a permit by a county or city building department, of 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, including, but not limited to, a permit for a foundation, grading, clearing or removal of vegetation, is prohibited unless the permit is issued in conjunction with a TRPA approval, in accordance with this chapter.
CHAPTER 34
TRANSFER OF DEVELOPMENT

Chapter Contents
34.0 Purpose
34.1 Applicability
34.2 Transfer Of Residential Development Right
34.3 Transfer Of Residential Allocations
34.4 Transfer Or Releasement Of Existing Development
34.5 Restriction Or Retirement Of Parcels
34.6 Basic Service Requirements

34.0 Purpose: This chapter sets forth the provisions for the transfer of residential development rights, residential allocations, and existing development, from one parcel to another as provided in the Goals and Policies, Development and Implementation Priorities Subelement, Implementation Element, Goal #3, Policies 1 - 5. The transfer of land coverage is addressed in Chapter 20.

34.1 Applicability: This chapter applies to the transfer of residential development rights, residential allocations, and existing development. All such transfers require TRPA approval. Transfer of a residential development right or residential allocation does not constitute a project approval. Transfers of existing development can occur only in conjunction with a project approval.

34.2 Transfer Of Residential Development Right: A residential development right, as defined in Chapters 2 and 21, may be transferred to another parcel pursuant to the following provisions:

34.2.A Vacant Parcel: The parcel from which the development right is transferred shall be vacant and have a residential development right.

34.2.B Parcel Retirement Restriction: The parcel from which the development right is transferred is restricted pursuant to Section 34.5 at the time of transfer.

34.2.C Receiving Area: The parcel receiving the development right shall be in a plan area or adopted community plan, where residential uses are permissible and shall meet the following criteria:

34 - 1
(1) **Parcels Eligible To Receive One Or More Development Rights:** 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, or

(2) **Parcels Eligible To Receive One Development Right:**

(a) One development right 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 may be transferred to a parcel that was not assigned a development right provided the parcel has a building site in Land Capability Districts 4, 5, 6 or 7, or, if applicable, is in the initial TDP rank under IPES.

34.2.D **Density:** The transfer complies with the density of use provisions for the receiving parcel.

34.2.E **Local Approval:** For inter-county transfer, the approval of affected local governments shall be obtained.

34.3 **Transfer of Residential Allocations:** If, pursuant to Chapter 33, a parcel is assigned a residential allocation, the allocation may be transferred to another parcel, pursuant to the following provisions and the provisions of Section 36.4 if applicable.

34.3.A **Parcel Classification:** The allocation transfer is from a parcel determined to be in, or substantially in, Land Capability Districts 1a, 1b, 1c, 2 or 3; shorezone tolerance districts 1, 2, 3, or 4; below the initial TDP rank 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.

34.3.B **Building Site:** The receiving parcel has 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 34.3.C below.
34.3.C **IPES Limitation:** No allocation shall not be transferred to any parcel that is below the initial level, defining the state's/area's/region's/county's IPES line 726 unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than 1/2 the total inventory in that jurisdiction.

34.3.D **Permissible Use:** The receiving parcel is in a plan area or adopted community plan where residential uses are a permissible use of the receiving parcel.

34.3.E **One Transfer:** Subject to the limits in Chapter 33, an allocation may be transferred only one time and shall continue to count against the jurisdiction to which it was originally issued.

34.3.F **Local Approval:** For inter-county transfers, the approval of affected local governments shall be obtained.

34.3.G **Parcel Retention/Restriction:** The sending parcel shall be restricted pursuant to Section 34.5 at the time the allocation is transferred.

34.4 **Transfer of Existing Development:** Certain elements of existing development may be transferred or reclassified from one parcel to another, if the receiving parcel is in a plan area or adopted community plan area 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 is exempt from the applicable allocation system.

34.4.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 e.g., residential, tourist accommodation, commercial, public-service and recreation. The amount of use transferred shall be measured in appropriate units of use, e.g. residential units, tourist accommodation units, commercial floor area, and PAOTS.

2. **Land Coverage:** Existing land coverage may be transferred pursuant to Chapter 20.

34.4.B **Requirements:** Transfers of existing development may be permitted subject to the following requirements:

**Amended 3/31/97**
(1) The transfer shall be limited to the units of use/land/coverage existing on the parcel from which the development is to be removed;

(2) The use transferred is a permissible use on the receiving parcel as set forth in the plan area statement or adopted community plan;

(3) The receiving parcel transfer complies with the site development provisions established by this Code and the plan area statements for the receiving parcel;

(4) The findings required for a special use in Chapter 18 are made if the use transferred is a special use in the receiving area;

(5) The approval of affected local governments shall be obtained;

(6) The parcel, or the portion of the parcel, from which the existing development is transferred shall be restricted except pursuant to Section 34.5. no later than the time of commencement of construction of the related project;

(7) All facilities, including building and structures, are found to be appropriate for removal considering conformance with TRPA plans and the Code, such as the provisions for historical structures, and affordable housing;

(8) The receiving parcel has 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 except if it is found that:

(i) There is a 25 percent reduction in existing land coverage with restoration on the receiving parcel and there is no increase in vehicle trips, parking, cubic volume of the structures, or adverse impacts, or

(ii) The transfer of commercial or tourist units of use is from sensitive to like sensitive lands inside community plan areas and a reduction of land coverage with restoration occurs at the receiving site or sending site equal to 300 square feet per tourist unit transferred or one square foot per one square foot of commercial floor area transferred, or

(iii) The transfer of commercial floor area from nonsensitive lands results in a reduction of land coverage with restoration on the receiving site or like sensitive lands in the watershed on a ratio of 1 square foot of transferred floor area results in the reduction in two square feet of land coverage, and,
(9) No allocates 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 1/2 the total inventory in that jurisdiction.

{10} Transfers in accordance with Section 36.4 shall not be subject to the limitation of IPES set forth in subparagraphs (8) and (9) above.

34.4.C Limitations: The following limitations apply to transfers of existing development:

(1) Units of use transferred shall have been legally established.
(2) Transfers of units of use shall not be permitted for development that has become derelict.

34.5 Restriction of Retirements of Parcels: Restriction of retirement of parcels, or portions of parcels, for the purposes set forth in this Code, shall comply with the following requirements:

34.5.A Land Coverage: Parcels from which land coverage has been transferred are subject to provisions of Chapter 20.

34.5.B Residential Allocation Transfer: Parcels from which residential allocations have been transferred shall be permanently retired/restricted from residential development.

(1) For parcels in private ownership, deed restrictions, or other covenants running with the land, permanently restricting 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 retired/restricted from residential development.

34.5.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.
34.5.D Payment Of Bonuses 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.

34.5.E Transfer Of All Existing Development From Sensitive Lands: Parcels in Land Capability Districts 1a, 1b, 1c, 2, or 3, or SEZs, from which all units of existing development have been transferred, shall be restored pursuant to Subsection 34.5.C and shall be permanently restricted to open space by a deed restriction, or other covenant running with land, recorded by the owner.

34.5.F Transfer Of Some Existing Development From Sensitive Lands: Parcels in Land Capability Districts 1a, 1b, 1c, 2, or 3, or SEZs, 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. 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 an adopted approved community plan.://

34.5.G Transfer Of Existing Development From Non-Sensitive Lands: 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 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:

34.5.H Development Rights Transfers On-From Sensitive Lands: Parcels in Land Capability Districts 1a, 1b, 1c, 2, or 3, or SEZs, from which all residential development rights 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, permanently removing the 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 retired removed.
34.5.I Development Rights Transfers From On-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 residential development rights have been transferred, shall be restricted from constructing new residential units to open space 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) and/or of Subsection 34.5.G above.

34.5.J Consolidation: Where appropriate, TRPA may approve a consolidation of parcels in lieu of a deed restriction, or in addition to a deed restriction, to accomplish the restriction of the parcel consistent with the above subsections and the transfer of a residential development right or residential allocation.

34.5.K Relation To Chapter 38: TRPA shall record the appropriate changes created by transfers in its records pursuant to Chapter 38.

34.5.L Sequential Transfers: Residential development rights, allocations, and coverage may be transferred independently provided that at such time as both a residential development right and allocation have been transferred from a parcel the parcel shall be permanently restricted to open space.

34.6--Basic--Service-Requirements--The basic service requirements of Chapter 27 are applicable to a receiving parcel: Approval of a transfer shall not be granted unless the receiving parcel meets those basic service requirements.
PROPOSED PLAN AREA AND COMMUNITY PLAN
AMENDMENTS TO REDUCE THE
RESIDENTIAL BONUS UNITS BY
200 UNITS IN ORDER TO INCREASE TOURIST
BONUS UNITS BY 200
## 96 Evaluation Plan Area/CP Amendments

### Residential Bonus Units Reduction for 200 Tourist Bonus Units

#### For Special Projects

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Units Lost with NS CPs: 85

| TOTAL   | 1600 | 1400 | 200 |

Changes in bold numbers
ATTACHMENT I-5
MARCH 30, 1997

PROPOSED PREFERRED INDUSTRIAL AREAS
ANALYSIS AND DISCUSSION OF THE PROPOSED
WATER QUALITY MITIGATION FEE INCREASE

The purpose of Chapter 82 of the TRPA Code of Ordinances is to implement the Goals and Policies, Goal #4, Policy 1, Development and Implementation Priorities Subelement, Implementation Element, and specifically the requirement that new residential, commercial, and public projects completely offset their water quality impacts. Policy 1 of Goal 4 states:

1. NEW RESIDENTIAL, COMMERCIAL, AND PUBLIC PROJECTS SHALL COMPLETELY OFFSET THEIR WATER QUALITY IMPACTS THROUGH ONE OF THE FOLLOWING METHODS:

A. IMPLEMENTING OFF-SITE EROSION AND RUNOFF CONTROL PROJECTS AS A CONDITION OF PROJECT APPROVAL AND SUBJECT TO AGENCY CONCURRENCE AS TO EFFECTIVENESS, OR

B. CONTRIBUTING TO A FUND ESTABLISHED BY THE AGENCY FOR IMPLEMENTING OFF-SITE EROSION AND RUNOFF CONTROL PROJECTS. THE AMOUNT OF SUCH CONTRIBUTIONS IS ESTABLISHED BY AGENCY ORDINANCE.

This policy continues the water quality mitigation funds established as part of TRPA's Lake Tahoe Basin Water Quality Management Plan. The fee schedules and distribution formula shall be reviewed and revised as part of the Agency's implementing ordinances and programs.

In addition to the above policy, Goal #1 of the Financing Subelement states:

IN COOPERATION WITH OTHER AGENCIES, PROVIDE FUNDS TO CARRY OUT THE CAPITAL IMPROVEMENTS PROGRAM AND OTHER PROGRAMS OF THE REGIONAL PLAN, PROVIDE FOR REVENUE SOURCES THAT DISTRIBUTE COSTS EQUITABLY AMONG THE USERS OF THE BASIN, MEET PERFORMANCE OBJECTIVES, AND ATTAIN ENVIRONMENTAL THRESHOLDS.

Background: Mitigation of development impacts is often financed through impact fees imposed at the time of project approval and permit issuance. The implementing agencies have only limited ability to provide funds for capital improvements at this time, and the foreseeable future. Since many people throughout the Region, the nation, and the world enjoy the amenities of the Tahoe Region, the Regional Plan calls for a financial approach that spreads the costs of protecting environmental quality among property owners, businesses, overnight and day visitors, transportation system users, and local, state, and federal governments. On April 23, 1992, the TRPA Governing Board adopted Ordinance 92-7 amending Chapter 82, Subsection 82.3. This ordinance allowed the water quality mitigation fee to be increased from $0.29 per square foot of impervious land coverage to the current rate of $1.25 per square foot. The formula used to calculate this fee was derived at that time.
Discussion:

Calculation of Water Quality Mitigation Fee

Mitigation Fee = (Acquisition Factor) \( \frac{(\text{CIP Cost} + \text{SEZ Cost} + \text{O&M Costs})}{(\text{Coverage in Acres}) \text{ (square feet/acre)}} \)

Mitigation Fee = \( (1.15) \frac{(8245,000,000) + (87,000,000) + (14,000,000)}{(6843) \text{ (43560)}} \) = $1.34

where: acquisition factor = the cost of acquiring easements and rights-of-ways to perform the work;

CIP and SEZ costs = what remains to be spent to implement all water quality improvement projects;

O&M costs = operation and maintenance costs associated with the improvements; and,

Coverage in acres = new impervious coverage projected under a buildout scenario

The formula is calculated by adding the costs remaining for full implementation of the CIP and SEZ Programs, plus operation and maintenance for the constructed projects. This total is multiplied by a factor of 1.15 to account for costs associated with acquiring easements and rights-of-ways to perform the needed work. This number is divided by the amount of impervious coverage that will be created under a full build-out scenario. The resulting number results in a cost per square foot.

Summary

It is estimated that it will cost $346,000,000 to fully implement the CIP and SEZ components of the Regional Plan to attain and maintain the environmental thresholds related to water quality. The implementing agencies have limited funds to provide for capital improvements. TRPA will continue to take a leadership role in developing new sources of funding for the Lake Tahoe Basin. The water quality mitigation fee has proven to be an essential funding tool to assist with the development and implementation of water quality projects.
CHAPTER 82
WATER QUALITY MITIGATION

Chapter Contents

82.0 Purpose
82.1 Applicability
82.2 Required Offsets
82.3 Fee Schedule
82.4 Exemptions
82.5 Use And Distribution Of Mitigation Funds
82.6 Stream Zone Restoration Program
82.7 Water Quality Revolving Fund

82.0 Purpose: The purpose of this chapter is to implement the Goals and Policies, Goal #4, Policy 1, Development and Implementation Priorities Subelement, Implementation Element, and specifically the requirement that new residential, commercial, and public projects completely offset their water quality impacts.

82.1 Applicability: The provisions of this chapter are applicable to all projects and activities which result in the creation of additional impervious coverage.

82.2 Required Offsets: All projects and activities which result in the creation of additional impervious coverage shall completely offset the potential water quality impacts of the project through one, or a combination, of the following methods:

82.2.A Mitigation Projects: Implementation of offsite water quality control projects or stream environment zone restoration projects as a condition of project approval, and pursuant to TRPA guidance on identification, design, and effectiveness of offsite mitigation projects. Applicants who wish to exercise this option shall include plans for the offsite mitigation project with their application. TRPA shall approve the offsite mitigation plans in conjunction with the approval of the project. Before issuing an approval, TRPA shall find that the offsite mitigation proposal completely offsets the expected impacts of the project.

82.2.B Water Quality Mitigation Fund: Contribution to a water quality mitigation fund established by TRPA for implementing offsetting programs. The amount of contribution is established in Section 82.3.
82.3 Fee Schedule: A fee shall be assessed for each square foot of additional land coverage created. The current fee of $1.25 per square foot shall be increased to $1.34 per square foot effective January 1, 1993.

82.3.A Mitigation Fee Credit: If a project approval expires and the project is not complete, then a water quality mitigation fee credit may be given for a subsequent similar project approval. This subsection shall not be construed to require a refund of a water quality mitigation fee. Credit shall be given if the following requirements are met:

1. The prior project approval was granted within the same project area as the project approval for which a credit is sought;
2. The applicant provides sufficient evidence of the payment of a water quality mitigation fee or implementation of a TRPA approved water quality mitigation project; and
3. A water quality mitigation fee or project is required as part of the project approval for which a credit is sought.

82.3.B Mitigation Fee Refunds: Water quality mitigation fees may be refunded, under certain conditions, in accordance with TRPA's Rules of Procedure.

82.4 Exemptions: The following projects and activities which create impervious coverage shall be exempt from water quality mitigation requirements:

82.4.A Transfer: Impervious coverage permitted as a result of transfer of coverage.

82.4.B 208 Projects: Capital improvement projects for erosion and runoff control and stream environment zone protection and restoration projects as described in TRPA's Water Quality Management Plan for the Lake Tahoe Region.

82.4.C Limited Exception For Additional or Transferred Development Within Adopted Community Plans: Additional or transferred development located within an adopted community plan, the water quality impacts of which were evaluated in the EIS for the community plan and mitigated by the provisions of the community plan, shall be exempt from the requirement of Section 82.2 provided TRPA finds that the implementation element of the community plan, as a whole, meets the standards of Section 82.2.
82.5 Use And Distribution Of Mitigation Funds: TRPA shall deposit water quality mitigation funds in a trust account. Interest accruing to the trust account shall remain in the account until used on water quality mitigation projects or water quality planning. TRPA shall keep track of the amount of funds collected for each local jurisdiction and shall disburse funds to the local jurisdictions, upon their request, for expenditure within the jurisdiction of origin, provided TRPA finds that the expenditure is consistent with TRPA's Water Quality Management Plan. Accrued interest may be used for water quality planning in the Region. TRPA shall encourage the local jurisdictions to use funds as expeditiously as possible.

82.6 Stream Zone Restoration Program: To provide financial resources for implementation of the stream environment zone restoration program, at least 25 percent of the water quality mitigation funds collected for each local jurisdiction shall be used for stream environment zone restoration projects included in the TRPA's Water Quality Management Plan. This jurisdictional set-aside shall be individually evaluated and may be waived if TRPA determines that there are no more SZZ restoration projects left to do in a given jurisdiction.

82.7 Water Quality Revolving Fund: TRPA shall establish a separate fund, to be known as the Water Quality Revolving Fund, for the purpose of depositing funds received through grants, fines, and voluntary contributions. TRPA may make grants from this fund to local governments and other public entities for abatement and control of water quality problems, by the same procedures as set forth in Section 82.5.
CHAPTER 31
ENVIRONMENTAL IMPROVEMENT PROGRAM

Chapter Contents

31.0 Purpose
31.1 Applicability
31.2 Definition Of Environmental Improvement Program (EIP)
31.3 Development And Administration Of The EIP
31.4 EIP Relationship To Other Plan Provisions
31.5 Linked Project Status

31.0 Purpose: Consistent with the Implementation Subelement of the Regional Plan Goals and Policies, the Environmental Improvement Program (EIP) is designed to attain, maintain, or surpass multiple environmental threshold standards through an integrated approach. This chapter relates to projects, programs, and studies identified by TRPA that address the attainment, maintenance, or surpassing of the environmental thresholds. This chapter defines the program and addresses the role development projects and land use activities play in the implementation of threshold related improvements.

31.1 Applicability: This chapter applies to all projects and activities in the Region. All projects and activities that contribute, through their construction, to the attainment, maintenance, or surpassing of threshold standards shall be included in the EIP. Development projects, at a minimum, must be neutral in regards to threshold impact or contribute to the attainment of the adopted environmental threshold standards.

31.2 Definition Of Environmental Improvement Program (EIP): The EIP is a process where identification and implementation of threshold improvements are made. Tools used in the process include the Code of Ordinances, capital improvement planning, programs, studies, a monitoring and tracking system, and a finance plan.

The capital improvement component of the EIP identifies physical project needs related to the adopted thresholds in the Goals and Policies. Other needs are identified as continuing programs, which typically require resources beyond a physical improvement project or require a long period of time to implement, and studies that are needed to improve knowledge regarding threshold attainment.
31.3 Development And Administration Of The EIP: TRPA will maintain a master list of threshold attainment related projects, programs, and studies from which priorities can be derived, and implementation plans prepared. TRPA will also develop a finance plan to implement and guide the EIP.

31.3.A Preparation Of The EIP List: TRPA, in consultation with all appropriate public and private implementation entities, shall prepare a priority list of all projects, studies, and programs which are anticipated or needed to be completed over the life of the Regional Plan for progressive threshold attainment. At a minimum, TRPA shall update the list annually.

(1) Eligibility For Inclusion On The EIP List: Projects, programs, and studies on the list shall be those for which is demonstrated and TRPA finds that:

(a) The project, program, or study is needed for the attainment or maintenance of environmental thresholds;
(b) The project, program, or study complies with the Goals and Policies, the applicable plan area statement, and this Code;
(c) The project, program, or study is consistent with the priorities and schedule of the EIP; and
(d) The project, program, or study meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 in regards to consistency with threshold attainment.

(2) Five Year Priority List: TRPA shall establish and maintain a five year list of priority projects, studies and programs. This list shall be based on evaluations of progress toward threshold attainment, funding availability, and feasibility of implementation.

(3) Amendment Of The EIP List: TRPA may amend the list of projects, programs, and studies with additions or substitutes provided that TRPA finds:

(a) The findings in subsection 31.3.A(1) are met for additions and for substitutes; and
(b) The project, program, or study is of equal or superior value to the one for which it is being removed.
31.5.B **Finance Plan:** TRPA shall prepare a finance plan for the EIP that addresses all threshold categories. It shall include short-term financing of the five year priority list and long-term financing for threshold attainment. It shall be used to guide the implementation of the EIP and be updated annually.

33.4 **EIP Relationship To Other Plan Provisions:** The projects, studies, and programs listed in the EIP shall be consistent with applicable provisions of the Regional Plan.

31.4.A **Mitigation Fees:** Priority for the release of mitigation fees collected under the requirements of Chapters 56, 82, 93, or 95, to local governments by TRPA, shall be given to EIP projects or related improvement needs. The list may also be used by TRPA and local governments for securing the release of mitigation fees as cited in subsection 31.5.

31.4.B **Residential Allocations:** Pursuant to Subparagraph 33.2.B(5), the number of residential allocations assigned to local government for distribution shall be contingent upon the development and implementation of an annual five year water quality capital improvement project list that is consistent with the EIP. The improvement list shall be submitted to TRPA annually for review and approval.

31.4.C **Commercial Special Project Allocations:** Pursuant to Subparagraph 33.3.D(3), a project must be identified in the EIP to qualify as a special project that qualifies for commercial allocation.

31.4.D **Relationship To State Transportation Department Responsibilities:** In the case of the state transportation departments the development of a five year water quality improvement list and performance shall be related to the implementation of their respective obligations under the Water Quality Improvement Plan for Lake Tahoe (under Section 208 of the Clean Water Act).

31.4.E **Relationship to 208 Plan Capital Improvement Program and the Regional Transportation Plan/Air Quality Plan:** Projects, studies, and programs listed in the EIP shall be considered as part of the capital improvement programs for the 208 Water Quality Plan and the Regional Transportation Plan/Air Quality Plan.
31.5 **Linked Project Status:** The TRPA Governing Board may, when requested by application or agency staff, upon making appropriate findings as described in this section, and after a public hearing, refer a project proposal to a special category herein defined as "Linked Project Status".

Assignment to this category by the Board allows the applicant and agency staff to engage in negotiations for approval of a development project that would encompass, or be linked to, a project boundary beyond the proposed parcel, and accomplishment of one or more EIP improvement projects.

31.5.A **Designation Parameters:** Assignment of a project to this category starts a maximum two year time period for the applicant and staff to complete the approval. Lack of completion during this time frame will void approval of the project on the special projects list unless an extension of time is approved by the Board.

1. **Criteria:** A development project may qualify as a candidate for linked project status if:

   (a) The development project is linked to accomplishment of one or more EIP projects, but is not an EIP project itself;
   
   (b) Mitigation for the development project goes beyond that required on the subject parcel;
   
   (c) There is more than one stakeholder required to accomplish the EIP improvements;
   
   (d) Accomplishment of the EIP project(s) may require an agreement between TRPA and implementation partners;
   
   (e) A combination of public and private funds may be required to accomplish the affected EIP projects; and
   
   (f) Status designation is justified as the best approach to EIP implementation and can be granted by TRPA’s Governing Board.

31.5.B **Acceptance Of Pre-development Agreement:** Acceptance of the pre-development agreement by the Board, including preliminary acceptance of any necessary regulatory modifications. Completion of this step does not indicate Board acceptance of the necessary changes, but rather an indication of willingness to consider formal regulatory revisions to be brought forward as an element of the next step.
31.5.C Findings for Linked Project Designation: TRPA shall make the following findings prior to acceptance of a pre-development agreement.

(1) Applicant acknowledges in writing there is no certainty a project will be developed as a result of being given linked project status, and agrees to follow all TRPA rules and regulations if the submittal identified in Section 31.6 is approved by the TRPA Governing Board.

(2) The project must be of substantial public benefit or use, and result in substantial threshold improvement beyond that which would be attained through typical project mitigation.

(3) The applicant must have submitted appropriate fees, consistent with current fee schedules for a completed project, and agrees to pay all added necessary fees for the negotiated project.

(4) At a minimum, any special project must attain at least twice as much mitigation as would be required under typical project mitigation.

(5) The project must have a high level of private funding in relation to public capital, and demonstrate the necessity of a partnership approach in order to accomplish a project with substantial threshold improvement beyond normal project mitigation.
CHAPTER 33 AMENDMENT
TO DELETE FIVE-YEAR PUBLIC SERVICE LIST

33.5 Regulation Of Additional Public Service Facilities: TRPA shall regulate the rate and distribution of additional public service development as follows:

33.5.A Required Findings for Approval of Additional Public Service Facilities: Approval of additional public service facilities shall only be permitted for projects which the sponsoring entity demonstrates, and TRPA finds that:

1. There is a need for the project;
2. The project complies with the Goals and Policies, applicable plan area statements, and this Code;
3. The project is consistent with the TRPA Environmental Improvement Program;
4. The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 as they are applicable to the project’s service capacity;
5. Where the proposed project is to be located within the boundaries of community plan area then, to the extent possible consistent with public health and safety, the project will be compatible with the applicable community plan; and
6. 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.

33.5.B Definition Of "Additional" Public Service Facilities: Public service facilities are 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 facility use to a use constituting a public facility is an additional public facility subject to this chapter. The following are not "additional" public service facilities:

1. The reconstruction or replacement, on the same parcel, of legally existing public service facilities;
2. Modifications to legally existing public service facilities and accessory uses thereto, that do not create additional service capacity;
3. Public or quasi-public utility service connections;
(4) Replacement or reinforcement of pipelines or transmission lines which results in no significant increase in service capacity; and

(5) Telephone lines, local distribution facilities and similar facilities.

33.5.A Requirement of Replacement Or/and/All Additional Public Service/Facilities /shall/ be/ considered/or/ a project/or/ a purpose/ or/ an addition/or/ additional public service facilities/unless/the project/or/ an addition/or/ additional public service facilities/unless/ the addition/or/ all additional public service facilities/unless/ if/ described/ by/ this/ subsection// In/ other/ words/ construct/the additional/or/ all additional public service facilities/unless/ the public service/facilities/ used/or/ activity/or/ the person proposing/ site/ shall/ comply/ with/ all other/ applicable provisions/or/ this/ code/or/ public service/facilities/ which/ are/ within/ a/ specific/or/ master/ plan/ adopted/or/ TRPA/ pursuant/or/ to/ Chapter 16/or/ any/ other/ this/ requirement.

(1) Applicable/or/ the public service/facilities/or/ the following/ public service/facilities/referred/or/ to/or/ in/ Chapter 16/or/ an/ additional/ or/ public service/facilities/or/ eligible/or/ inclusion/or/ the/ list/or/ additional public service/facilities/or/ a/ theatre/or/ convention/or/ and/or/ assembly/facilities/or/ government offices/or/ hospitals/or/ pipelines/or/ and/or/ power/ transmission/facilities/or/ power/generating/public service/health/or/ and/or/ safety/facilities/or/ public utility/or/ centers/or/ public utility/or/ government/ testing/or/ co/operation/or/ and/or/ assembly/facilities/or/ schools/or/ colleges/or/ only/or/ transit/or/ stations/or/ and/or/ terminals/or/ excluding/or/ the/or/ facilities/or/ transportation/ colleges/or/ and/or solid waste/ collection stations/or.

(2) Definition/ Of/ Additional Public Service Facilities/ are/ considered/or additional/or/ if/ they/or/ or/ be/ created/or/ pursuant/ to/or/ TRPA/ approval/OR/ Issued/or/ on/or/ after/ January 1, 1987/or/ the/ conversion/or/ as/or/ existing/or/ non- public facility/or/ the/or/ use/or/ with/or/ construction/or/ an/or/ additional public service facility/or/ subject/or/ to/or/ this/or/ Chapter 16/or/ the/ following/or/ not/or/ additional/or/ public service facilities/or.

(a) The/ restoration/or/ replacement/or/ of/or/ the same/or/ parcel/or/ legally/existing/or/ public service/facilities/or.

(b) Modifications/or/ to/or/ legally/existing/or/ public service/facilities/or/ and/or/ accessory/or/ uses/ thereof/or/ that/or/ do/or/ not/or/ create/or/ additional service/capacity/or.

(c) Public/or/ quasi-public/or/ utility/or/ service/ connections/or.
(d) Replacement or reinforcement of public infrastructure shall not significantly increase in service capacity and


(3) Preparation of the list // // // // TRPA // // // // consultation with all appropriate public service entities shall prepare a list including a description of all additional public service facilities included in the // // // // subparagraph (3) // (4) // which are anticipated for construction during the first five years // period of the Regional Plan. The list shall be updated and amended accordingly at the beginning of each calendar year // // // // relation to the governing board shall adopt and amend the list // // // // proposed projects // // // // criteria // // // // subparagraph (4) // (5) // including on the list shall be projects for which the // // // // entity // // // // demonstrated // // // // TRPA finds that:

(a) There is a need for the project
(b) The project complies with the goals and policies // // // // applicable to the area // // // // and this code
(c) The project is consistent with the TRPA capital improvement program
(e) Where the project was not adopted and action is // // // // required before the next annual // // // // update of the project related to an emergency involving the // // // // health // // // // general // // welfare // // // // project must be placed upon the list immediately
(f) Where the proposed project is to be located within the boundaries of the community plan // // // // to the extent possible consistent with public // // // // health // // // // general // // welfare // // // // project // // // // be // // // // compatible with the applicable community plan / and
(g) Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA // // // // sponsoring entity shall demonstrate that the need for this // // // // construction schedule outweighs the need for this partial completion of the community plan process
CHAPTER VI AMENDMENT
TO DELETE FIVE-YEAR PUBLIC SERVICE LIST

GOAL: To ensure the provision of services and facilities to meet the needs of the basin.
The agency shall prepare and update a list of all anticipated public service and/or facilities
for a continuous five-year period.

POLICIES

1. The TRPA and other appropriate entities will cooperate to prepare a list identifying all anticipated public service and facilities for the five-year period immediately following adoption of the regional plan. This list will be revised and updated annually, or as necessary to keep it current, and will at all times include all known projects thought to be necessary in the next five-year period.

An entity proposing a public service project should advise the TRPA of its proposal. The proposal must be submitted to the agency, which will determine whether to include the project on its public service five-year plan/list. The TRPA normally will deny or delay proceeding with a public service project if the project is not on that list. Before a project can be included on the list or for TRPA approval, whether included, or the list or not, the sponsoring entity shall demonstrate

/2/ The need for the project, its conformity with the project with the plan, and its consistency with the TRPA's capital improvement program. Where the proposed project is to be located within the boundaries of any community plan area, then to the extent possible, with public health and safety needs to the project will be compatible with the applicable community plan. Where a public service project is proposed for construction in a community plan area before the community plan has been approved by the TRPA, the sponsoring entity shall demonstrate its conformity with the need for the project, and the time to complete the project based on completion of the community plan process.

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CHAPTER 25 RELATIVE TO BMP RETROFIT PROGRAM

One recommendation of the 1996 Threshold Evaluation stipulated that the compliance dates for the BMP retrofit program should be changed so as to be more realistic with the number of parcels that must be addressed. Initial estimations indicated up to 30,000 parcels needed BMPs. Although TRPA initiated the BMP program three years ago, it has had limited success primarily due to funding and staff resource limitations. This has changed to some degree, but it will remain limited in scope.

The first compliance date for Priority 1 watersheds has passed and the second will occur this year. The third date is in 1999. BMP retrofit is important, but the dates were extremely optimistic. Staff will discuss proposed dates at the planning commission hearing. Currently, a time frame of three to five years is being considered, but firm proposals will be made at the Advisory Planning Commission’s meeting.
26.14 Existing Signs: An existing sign is a sign that is legally existing or approved on November 27, 1989.

26.14.A Conforming Sign: A sign that is existing as of the effective date of this Chapter, which complies with the standards set forth in this Chapter is a conforming sign.

26.14.B Nonconforming Sign: A sign that is existing as of the effective date of this Chapter, which does not comply with the applicable standards set forth in this Chapter is a nonconforming sign.

26.14.C Removal of Nonconforming Signs: Nonconforming signs shall be conformed brought into conformance with the applicable standards, if conformity conformance is possible, or removed as follows, including substitute standards for nonconforming signs within the Meyer community plan which may be in effect unless otherwise specified by the substitute sign standards.

1. Where the cost of conforming the sign is less than one hundred dollars or where the sign is valued at less than one hundred dollars, such sign shall be conformed or removed within one year after the effective date of this subpara-graph.

2. If a nonconforming sign is destroyed or damaged to an extent in excess of 50 percent of the sign value.

3. If the sign is relocated.

4. If the sign is altered structurally, or if the sign is altered structurally, or if the sign face is altered, except for conformance signs and maintenance.

5. If the business or use for which the nonconforming sign(s) was installed is expanded or modified, and if the value of the expansion or modification exceeds 50 percent of the value of the existing improvements. All improvements to a single business or use within any 12-month period shall be treated cumulatively in the administration of this subpara-graph.
(6) By the expiration date for any permit for a use authorized by TRPA, which requires Governing Board approval as set forth in Chapter 4, results in an increase of more than 100 additional daily vehicle trips, or has improvements with a total cost of $50,000 or greater, or by July 1, 2001, whichever occurs first, unless otherwise specified by substitute sign standards.

(7) Nonconforming signs which are visible in whole, or in part, from any scenic threshold roadway or shoreline travel route shall be made to conform to the standards set forth in this Chapter or shall be removed in accordance with the following schedule: no later than July 1, 2001, provided that written notice is given by TRPA no later than July 1, 2000, that a nonconforming sign exists, unless otherwise specified by substitute sign standards.

- Time/In/Which/Sign/Shall Value/Of/Sign/------//Date/Of/Be/Removed
- Oct/1997/8/31/000/------/October/1/1997
- Oct/1997/8/31/000/------/October/1/1997
- Oct/1997/8/31/000/------/October/1/1997

(8) On the happening of any of the events described in Subparagraphs (2), and (3), (4), and (5) above, the sign or signs shall be immediately brought into compliance with this chapter with a new permit secured therefor, or shall be removed.

(9) Sign value shall be determined based on an actual sales receipt for the sign, a cost estimate for the replacement cost provided by a qualified professional, or the replacement cost as determined in the current edition of the Signwriters Guide to Easier Pricing, whichever is greater.

(10) Exceptions to subparagraphs (1) through (8) of this subsection may be approved for existing signs provided the following findings can be made:

(a) The exception is in harmony with the purpose and intent of the sign ordinance;
(b) There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property that are not contemplated or provided for by this ordinance;
(c) The approval of the exception will not be materially detrimental to the public health, safety, and welfare;
(d) Alternative signage concepts that comply with the provision to which the exception is requested have been evaluated, and undue hardship would result if the strict adherence to the provision is required;
(e) A scenic quality analysis demonstrates that the exception, if approved, will be consistent with the threshold attainment findings listed in the Scenic Resources Management Package Final Environmental Impact Statement, 1989;
(f) The exception which is approved shall not increase the number, area, and height of the existing sign or signs for which the exception is requested; and
(g) The exception is the minimum departure from the standards.

26.14.D Maintenance And Repair of Nonconforming Signs: Nothing in section 26.14 shall be construed to relieve the owner or user of a nonconforming sign, or owner of the property on which such nonconforming sign is located, from maintaining the sign in a state of good repair; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming.
BACKGROUND DISCUSSION OF CHAPTER 26 AMENDMENTS

Enforcement of regulations on newly-placed illegal signs is improving, particularly on the part of local governments which implement substitute sign standards (e.g., City of South Lake Tahoe). The sign amortization program for non-conforming signs visible from threshold travel routes, however, is significantly behind schedule. A primary reason is its low priority in TRPA's program of work. Additionally, the sections of the ordinance requiring conformance based on physical changes to signs or sign location, which are implemented by both TRPA and local governments, have not produced as much conformity among existing signs as was expected. This is directly contributing to the lack of progress toward community design and scenic resources threshold attainment, particularly in urban areas. Each local government which as adopted substitute sign standards defers enforcement of the amortization process to TRPA to carry out. Signs are one of the easiest and most cost-effective elements of existing development to replace, provided staff resources are available to coordinate the program.

The amendments are designed to enhance attainment of the scenic resources and community design thresholds by requiring sign conformance with significant changes or expansion projects. Presently, Placer County uses similar mechanisms of sign changes and permit conditions in the Tahoe City Community Plan Area to improve signage. This month, they are proposing to implement them in the other four adopted Community Plan Areas in Placer County. The amortization program date for compliance would be pushed back to July 1, 2001. It would be accompanied by official written notice by TRPA one year prior to the date. The revised date would give TRPA and its partners additional time to develop an EIP program element to complete the program.