MEMORANDUM

Date: March 1, 2012
To: TRPA Regional Plan Update (RPU) Committee
From: TRPA Staff
Subject: Recommendations for March 7, 8 and 9 RPU Committee meetings

Summary:

This Staff Summary addresses:
1. Action Sheets & Minutes;
2. Continued items from the February 21 meeting; and
3. Code amendments that were developed in coordination with the Technical Working Group.

Enclosed material includes:
1. Meeting minutes and an action sheet from the February 21 meeting;
2. Portions of the Goal and Policy Plan that have been updated to reflect actions on
   February 21, along with draft material for continued items; and
3. Draft code amendments that were not distributed on February 24.

Action Sheets and Minutes:

Staff recommends the RPU Committee approve the enclosed minutes and action sheets.

Continued Items from Prior Meetings:

Four topics in the Goal and Policy Plan have not been acted upon by the RPU Committee and
should be finalized:

1. Policy ME-3.1 (a) of the Implementation Element was continued during the February 21 meeting. Laurel Ames requested additional details in the policy related to scientific monitoring and did not have recommended language available at the February 21 meeting.
2. Map 1 – Regional Land Use Map was continued during the February 21 meeting. City of South Lake Tahoe representatives expressed concern about two of the map corrections that staff made to more accurately reflect adopted Plan Area Statements. Staff met with City representatives and now understand that the map corrections are acceptable. The two areas in question will continue to be designated for residential and public uses in approved Plan Area Statements despite being designated for more intensive uses in the City Master Plan. TRPA land use changes are expected to be proposed with Area Plans. As suggested at the RPU Committee meeting, staff also modified the map notes to further clarify that all existing Plan Area Statement provisions remain in place except the five specific changes that are listed on the map.

3. An index of major issues with references to applicable Policies has been prepared for Committee review. The index is organized based on chapters of the Development Code so it can also be used as a Development Code reference sheet.

4. Staff double-checked the list of RPU Committee endorsements and identified three endorsed implementation measures that called for an ongoing work program, but were inadvertently omitted from Attachment 1 to the Regional Plan – Preliminary List of Priority Projects. Topics include evaluation criteria for wet season grading, a wood stove replacement program and a fertilizer information campaign. Staff recommends two additional topics for inclusion on the list: the Certified Contraction Program, which was endorsed on February 21 and amendments to the Rules of Procedure, which are discussed below.

Staff also made a number of grammatical corrections to endorsed goals and policies in accordance with prior Committee direction to do so.

**Development Code Amendments:**

**Background/Introduction:**

Staff met extensively with members of the Technical Working Group to develop and review code amendments that implement the endorsed Goals and Policies.

The Technical Working Group includes four planning professionals, one from each State and one from a local jurisdiction in each State. TRPA staff participated along with Matt Goebel and Paul Anthony from Clarion Associates (the TRPA code consultants).

The scope of work was limited to drafting code amendments in accordance with Policy endorsements that have been made by the RPU Committee.

Representatives include:
1. Charlie Donahue, Nevada Division of State Lands Deputy Administrator - representing the State of Nevada
2. Dan Siegel, California Deputy Attorney General - representing the State of California
3. Brandy McMahon, Douglas County Senior Planner – representing Local Jurisdictions in Nevada
4. Steve Buelna, Placer County Supervising Planner and Hilary Roverud, South Lake Tahoe Director of Development Services (alternating) – representing Local Jurisdictions in California

Dan Siegel decided to not participate in the meetings, citing disagreement with Policy endorsements. The other representatives have participated fully in all meetings and have endorsed the draft code amendments.

It is important to recognize that the working group adhered to the limited scope of work that was established by the RPU Committee. Policy recommendations and changes to code sections not directly related to endorsed policy changes were effectively “off the table” during the process.

After reviewing much of the development code in detail, working group representatives made it clear that their endorsement of the specific code changes does not equate to endorsement of many longstanding code provisions that are not part of the amendment package. There was general agreement that continued updates to portions of the Development Code following adoption of the updated Regional Plan are appropriate.

Overall, the group felt that some chapters of the existing Development Code are unnecessarily complex, difficult to understand, and duplicative / inconsistent with Local Government standards. Staff generally supports a continuing code improvement effort.

**Recommended Amendments:**

Code amendments were prepared in six (6) bundles of related materials. These include:

1. Area Plans
2. Transfer of Development and Bonus Units
3. Land Coverage
4. Other Development Standards
5. Definitions
6. Procedures

The Area Plan is a complete new Chapter 13 (replacing Redevelopment Plans). Other bundles include only the pages that are being amended or are directly related to amended provisions.

The first three bundles were distributed on February 24, 2012 and are not distributed again with the enclosed materials. After distribution, the group identified one amendment to the
Transfer of Development bundle and one amendment to the Land Coverage bundle, as summarized on Exhibit A.

Recommended amendments for the “Assorted Development Standards” and “Definitions” bundles are enclosed, along with a matrix for each bundle identifying how the code amendments relate to each endorsed Policy and Implementation Measure.

The working group agreed that the amendments to the “Rules of Procedures” are not time sensitive should be processed separately from the Regional Plan update. The changes are generally organizational in nature, although modifications to compliance provisions are also included. The bundle is nearly 100 pages in length and was determined to contain too much information to include in the RPU package given its length and lesser priority. Instead, the topic is recommended for inclusion in Attachment 1 of the Regional Plan – Preliminary List of Priority Projects.

In preparing code amendments, the technical working group identified several topics that would best be implemented with minor edits to endorsed Policies in the Regional Plan. These are noted on Exhibit B.

Lastly, amendments will need to made to Chapter 50 (Allocation of Development) and Chapter 52 (Bonus Unit Incentive Program) to reflect future releases of allocations and bonus units. Because none of the alternatives related to allocations and bonus units have been endorsed by the Committee, staff recommends that a “placeholder” notification with the range of alternatives be included in the public review package of code amendments, as noted in Exhibit C. This is consistent with information in the Implementation Element.

If you have any questions regarding this staff summary, please contact Arlo Stockham, at (775) 589-5236 or astockham@trpa.org.
Exhibit A
Amendments to Transfer of Development and Land Coverage code bundles
(Amendments are noted in purple strikethrough and underline text)

1. The provision addressing new size limitations for transfer of each TAU was initially drafted in the definition bundle. The topic is better addressed as a new subsection K within Section 51.5.2 (Requirements) the Transfer of Development Chapter:

K. For tourist accommodation unit (TAU) transfers, the receiving unit may not exceed 1,200 square feet for each sending unit, except that the receiving units may be 1,800 square feet for each sending unit if the units make up less than 20 percent of the floor area of the project.

2. Code modifications inadvertently eliminated an existing code provision related to coverage transfer ratios for certain uses in community plans and town centers. To more accurately reflect existing and endorsed policies, the group recommends amending Subsection 30.4.4.A.2 of the Land Coverage Chapter to include a new subparagraph c:

c. Transfer for Multi-Residential Facilities of Five Units or More, Public Service Facilities, and Recreation Facilities
   Land coverage shall be transferred at a ratio of 1:1, until the total land coverage reaches the maximum allowed.
Policies related to Area Plans:

1. Policy LU-4.6 should be amended to clarify that conforming Area Plans are a component of the Regional Plan. This is inferred, but not specifically stated in the Goals and Policies. Staff recommends that Policy LU-4.6 be amended as noted below in purple text:

**LU-4.6 IN ORDER TO BE RESPONSIVE TO THE UNIQUE NEEDS AND OPPORTUNITIES OF COMMUNITIES OF THE REGION, LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS ARE ENCOURAGED TO PREPARE CONFORMING AREA PLANS THAT SUPERSEDE EXISTING PLAN AREA STATEMENTS AND COMMUNITY PLANS OR OTHER TRPA REGULATIONS FOR AREAS WITHIN THEIR JURISDICTION. AREA PLANS SHALL BE PREPARED IN COORDINATION WITH LOCAL RESIDENTS, OTHER STAKEHOLDERS AND TRPA STAFF, AND SHALL BE CONSISTENT WITH THE REGIONAL GOAL AND POLICY PLAN AND APPLICABLE ORDINANCES. AFTER BEING FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AREA PLANS SHALL BECOME A COMPONENT OF THE REGIONAL PLAN**

2. Policy LU-4.12 should be amended to specify which minor improvements within the High Density Tourist District, Shorezone and Conservation District may be exempted from TRPA review under a conforming Area Plan. When this policy was endorsed, staff indicated that this delineation was planned to be addressed by excluding minor improvements in the definition of “Development”. Because amending the “Develop/Development” definition could create unintended consequences for other code provisions, code was drafted to delineate minor improvements within the Area Plan provision (Section 13.7.3). Policy LU-4.12 should be amended to reflect this approach. Staff recommends that activities that are currently approved administratively by TRPA (ie., without review by Hearing Officer or Governing Board) be the same activities that could be subject to approval by other governments under conforming Area Plans. The following amendment to Policy LU-4.12 is recommended. The amendment to subsection 3 also corrects a reference to “local governments…” to reflect that Area Plan provisions also apply to other agencies.

**LU-4.12 ONCE AN AREA PLAN, AND ZONING AND DEVELOPMENT CODES WITHIN THE PLAN, HAVE BEEN FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS MAY ASSUME DEVELOPMENT REVIEW AUTHORITY BY MEMORANDA OF UNDERSTANDING WITH TRPA, SUBJECT TO THE FOLLOWING LIMITATIONS:**

1. The TRPA Governing Board shall annually review a sample of permits issued within each Area Plan, and shall certify that the Area Plans are being implemented in Conformance with the Regional Plan. If the TRPA Governing Board finds that development that has been permitted within an Area Plan does not comply with the conforming Area Plan, TRPA may retract delegation of certain permitting authority and implement the conforming Area Plan.
2. Approval of projects within Area Plans shall require TRPA review and approval if the project includes any of the following criteria, except for minor improvements as further specified in the Code of Ordinances:
   a. All development within the High Density Tourist District;
   b. All development within the Shorezone of Lake Tahoe;
   c. All development within the Conservation District.
   d. All development meeting criteria on the following table:

<table>
<thead>
<tr>
<th></th>
<th>Regional Center</th>
<th>Town Center</th>
<th>Not In Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>200,000 sq. ft.</td>
<td>100,000 sq. ft.</td>
<td>50,000 sq. ft.</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>100,000 sq. ft.</td>
<td>50,000 sq. ft.</td>
<td>25,000 sq. ft.</td>
</tr>
</tbody>
</table>

3. All of the local governments ongoing TRPA development monitoring and reporting requirements are met.

Policies related to Development Transfers: No Policy changes are recommended.

Policies related to Coverage:

1. Policy LU-2.13(H) should be amended to remove references to BMPs installation because it is redundant to the requirement that “the new site is developed in accordance with all other TRPA Policies and Ordinances”. Specifying BMP installation but not the other applicable ordinances could be interpreted to place less importance on other applicable Policies and Ordinances. The amended policy is noted under #2 below.

2. Policy LU-2.13(H) also indicates that the sending site should be “restored to a natural condition and retired”. Because the code of ordinances defines “Restoration” in a manner that is appropriate for Regional Plan Policies, staff recommends that the various qualifiers related to “restoration” in all applicable Policies be deleted. This recommendation also applies to Policies WQ-3.2, R-1.4 and DP-3.2 and DP-3.3, as noted below.

Definition of Restoration/Restored:

**Restoration, or Restored**

In the context of natural areas, the reestablishment of the primary natural characteristics and functions of the soil, hydrology, vegetation, and other natural features of the natural habitat

**Portion of Policy LU-2.13:**

H. Notwithstanding subsections A-G above, when existing development is relocated to Town Centers, Regional Centers or the High Density Tourist District
District and the prior site is restored to a natural condition and retired, non-conforming coverage may be maintained with the relocation as long as the new site is developed in accordance with all other TRPA Policies and Ordinances, including, but not limited to, the installation of BMPs.

WQ-3.2. RESTORE AT LEAST 80 PERCENT OF THE DISTURBED LANDS WITHIN THE REGION (FROM THE 1983 BASELINE; EXCLUDING HARD COVERAGE).

It is the Agency's intent to have at least 80 percent of these lands restored to a natural state, or to a near natural state by application and maintenance of the Best Management Practices.

DP-3.2. TRANSFERS OF EXISTING TOURIST ACCOMMODATION UNITS INTO DESIGNATED AREAS SHALL BE ENCOURAGED IN ACCORDANCE WITH REGIONAL PLAN POLICIES AND IMPLEMENTING ORDINANCES MAY BE PERMITTED.

A. Existing tourist accommodation units may be transferred to designated areas with approval of TRPA in conjunction with TRPA approval of a project. For bonus Tourist Accommodation Units to be awarded, buildings containing Tourist Accommodation Units to be transferred from the sending parcel shall be removed and the site shall be restored to a natural or near natural condition. The buildings shall be removed and the site restored, except in special circumstances of public benefits as set forth by ordinance.

B. As provided in Goal #2 of this subelement and Goal #2 of the land Use Subelement, up to 400 aAdditional tourist accommodation units may be granted as bonus units in conjunction with transfer of development. 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 prioritized allowed for projects development within outside adopted CPs community plans, Town Centers, the Regional Center and the High Density Tourist District. Benefits to consider shall include extent of coverage planned, transportation improvements, water quality improvements, scenic improvements, availability of essential services, and accessory services provided.

DP-3.3. TRANSFERS OF EXISTING COMMERCIAL FLOOR AREA INTO DESIGNATED AREAS SHALL BE ENCOURAGED IN ACCORDANCE WITH REGIONAL PLAN POLICIES AND IMPLEMENTING ORDINANCES.

A. Existing commercial floor area may be transferred to designated areas with approval of TRPA. For bonus Commercial Floor Area to be awarded, buildings containing Commercial Floor Area to be transferred from the sending parcel shall be removed and the site shall be restored to a natural or near natural condition.

B. Additional commercial floor area may be granted in conjunction with transfer of development. Ordinances shall establish detailed provisions which shall allow additional commercial floor area of varying amounts in relation to a unit transferred, depending on the public benefits being provided by the project. Additional commercial floor area
shall be prioritized for projects within community plans, Town Centers, the Regional Center and the High Density Tourist District. Benefits to consider shall include extent of coverage planned, transportation improvements, water quality improvements, scenic improvements, and accessory services provided. TRPA shall reserve a portion of available commercial floor area to encourage development transfers.

Policies related to Other Development Standards:

1. Policy CD-2.1.B(1) should be amended to better reflect longstanding codes related to height. A numeric height limit of 32 feet was added to this Policy. Code establishes a more complex range of maximum building heights between 24 and 42 feet, depending on ground slope and roof pitch. Height is measured from the lowest ground point to highest roof point. Staff recommends amended text in Policy CD-2.1.B(1) to be consistent with Code.

   1) Outside Town Centers, building height shall be limited to two stories (24-42 feet) (32 feet). Within Town Centers, building height may be allowed up to four stories (56 feet) as part of an Area Plan that has been found in conformance with the Regional Plan. Within Regional Centers, building height may be allowed up to six stories (95 feet) as part of an Area Plan that has been found in conformance with the Regional Plan. Within the High Density Tourist District, building height may be allowed up to 197 feet as part of an Area Plan that has been found in conformance with the Regional Plan. Except that provisions for additional height requirements may be provided for unique situations such as lighting towers, ski towers, buildings within Ski Area Master Plans, steep sites, redevelopment projects, and tourist accommodation facilities, affordable housing, and essential public safety facilities.

2. A new Policy T-10.7 should be added to identify Level of Service (LOS) Criteria for Regional Highways in the Regional Plan. When the RPU Committee reviewed the Transportation Element, an Implementation Measure was endorsed to identify Levels of Service in the Code of Ordinances. However, during code development and after reviewing applicable codes and systems, it is recommended that the Level of Service standards remain in the Regional Transportation Plan and the Regional Goal and Policy Plan rather than code. Code currently has provisions referencing and requiring consistency with the policy documents, so code amendments are not necessary. The recommended Level of Service standards have been in place for many years, but the opportunities for exceptions with the provision of multi-modal facilities is new. This recommended text is the same text that the RPU Committee previously endorsed for the Code of Ordinances.

   **T-10.7F. Level of service (LOS) criteria for the Region’s highway system and**
Signalized intersections during peak periods shall be:

- Level of service "C" on rural recreational/scenic roads.
- Level of service "D" on rural developed area roads.
- Level of service "D" on urban developed area roads.
- Level of service "D" for signalized intersections.
- Level of service "E" may be acceptable during peak periods in urban areas, not to exceed four hours per day.

These vehicle LOS standards may be exceeded when provisions for multi-modal amenities and/or services (such as transit, bicycling, and walking facilities) are adequate to provide mobility for users.
**Notice:**
Chapter 50 (Allocation of Development) and Chapter 52 (Bonus Unit Incentive Program) will be updated to reflect future releases of development allocations in accordance with one alternative or a variation of one of the alternatives noted on the following table. A preferred alternative has not been selected for the Allocation table.

<table>
<thead>
<tr>
<th>ALLOCATION AND DEVELOPMENT RIGHTS ACCOUNTING</th>
<th>USED FROM 1987-2011*</th>
<th>REMAINING FROM 1987 PLAN</th>
<th>ADDITIONAL PROPOSED IN THE REGIONAL PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>ALT. 1</td>
<td>ALT. 2</td>
</tr>
<tr>
<td>Residential Allocations</td>
<td>6475</td>
<td>0</td>
<td>2600</td>
</tr>
<tr>
<td>Residential Bonus Units</td>
<td>739</td>
<td>661</td>
<td>600</td>
</tr>
<tr>
<td>Tourist Bonus Units</td>
<td>146</td>
<td>254</td>
<td>0</td>
</tr>
<tr>
<td>Commercial Floor Area (Total)</td>
<td>575,237</td>
<td>224,763</td>
<td>200,000</td>
</tr>
<tr>
<td>Placer County</td>
<td>128,623</td>
<td>72,609</td>
<td></td>
</tr>
<tr>
<td>Washoe County</td>
<td>87,906</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>Douglas County</td>
<td>45,300</td>
<td>36,250</td>
<td></td>
</tr>
<tr>
<td>El Dorado County</td>
<td>15,250</td>
<td>36,150</td>
<td></td>
</tr>
<tr>
<td>City of South Lake Tahoe</td>
<td>77,042</td>
<td>52,986</td>
<td></td>
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<tr>
<td>TRPA Pool</td>
<td>221,116</td>
<td>24,768</td>
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</tbody>
</table>

*Note: 158,816 sq. ft. of Commercial Floor Area, 245 Residential Bonus Units and 90 Tourist Bonus Units have been reserved or allocated to projects (e.g., Community Enhancement Projects) that have not been permitted or permitted but the projects have not been acknowledged.