10.8.11.8 PLAN AREA STATEMENT AND PLAN AREA MAP AMENDMENT

The amendment of a plan area statement or plan area map shall be in accordance with the following procedures:

10.8.11.8.1 Plan Amendments

Modification of plan area boundaries, special area boundaries, plan area name and number, Land Use Classification, Management Strategy, Special Designations, Planning Statement, Special Policies, and Additional Recreation Development shall be by plan amendment. TRPA shall modify the plan area maps and statements pursuant to this subsection 11.8.1, and subsections 11.8.2 and 11.8.3, to reflect current data.

10.8.211.8.2. Amendment by Ordinance

Modification of Permissible Uses, Maximum Densities, and assigned Maximum Community Noise Equivalent Levels shall be by ordinance.

10.8.311.8.3. Amendment by Resolution

Modification of Description, Planning Considerations, and Improvement Programs shall be by resolution.

10.8.411.8.4. Findings for Plan Area Amendments

Prior to adopting any plan area amendment, TRPA shall find:

A. General

The amendment is substantially consistent with the plan area designation criteria in subsections 11.6.2 and 11.6.3; and

B. Expansion of Urban Plan Area Boundary or Addition of Residential, Tourist, Commercial, or Public Service Uses to Non-urban Plan Area

If the amendment is to expand an existing urban plan area boundary or to add residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area, TRPA shall find that the amendment will make the plan area statement consistent with an adopted policy or standard of the Regional Plan, and that the amendment will satisfy one or more of the following criteria:

1. The amendment corrects an error that occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or

2. The amendment enables TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 16: Regional Plan and Environmental Threshold Review indicators; or

3. The amendment is needed to protect public health and safety and there is no reasonable alternative.
C. Addition of Multiple-Family as Permissible Use

1. If the amendment proposes to add multiple-family as a permissible use to a plan area or for one or more parcels, except as provided for in subparagraph 3 below, the plan area or affected parcel shall be found suitable for transit-oriented development (TOD). When determining TOD suitability, TRPA shall find that the site contains the following features, or functional equivalents, that facilitate TOD in a manner that is equal or superior to the listed features:

   a. Access to operational transit within one-half mile a ten-minute walk;

   b. Neighborhood services within one-half mile a ten-minute walk, (e.g., grocery/drug stores, medical services, retail stores, and laundry facilities);

   c. Good pedestrian and bike connections;

   d. Opportunities for residential infill (at densities greater than eight units per acre) or infill with mixed uses; and

   e. Adequate public facilities, adequate to service increased demand from the addition of multi-family units (e.g., public schools, urban or developed recreation sites, government services, and post offices).

2. In order for TRPA to find a proposal is the functional equivalent of one of the factors listed in 11.8.4.C.1 or 11.8.4.C.3.a, the proposal must be found to facilitate TOD in a manner that is equal or superior to that feature.

3. If the amendment is to add multiple-family dwellings as a permissible use to a plan area or for one or more parcels and would result in deed-restricted affordable housing units, the plan area or affected parcel shall be found suitable for transit-oriented development (TOD). When determining TOD suitability, TRPA shall find that the following factors are satisfied when determining TOD suitability:

   a. Access to operational transit within a ten-minute walk one-half mile, or a functional equivalent as provided for in 2 above; and

   b. Neighborhood services; or

   c. Public facilities.
CHAPTER 31: DENSITY  
31.5 Calculation of Maximum Density  
31.5.2 Mixed Uses

B. Maximum Density for Mixed-Use Categories  
Depending upon the category of the mixed uses, as determined from Table 31.5.2-1, maximum density shall be calculated as follows:

1. **Category A**  
In Category A, a single-family dwelling or summer home shall be treated as equivalent to another residential unit, tourist unit, or campsite. Maximum densities for all other residential units, tourist accommodation units, or campsites shall be in accordance with Table 31.3.2-1. Conversion factors set forth in subsection 31.3.3 shall be applied as appropriate.

2. **Category B**  
In Category B, the maximum density shall be calculated as a proportional share of the maximum densities for the combined uses, rounded to the next lowest whole number.

### CATEGORY B: EXAMPLE DENSITY CALCULATIONS

**Example 1**  
A proposed project that contains an equal number of multi-family dwellings and other tourist accommodation units without kitchens.

On a hypothetical two-acre project, a maximum 55 units would be allowed.

**Example 2**  
A proposed project will contain 2/3 multi-family dwellings and 1/3 other tourist units without kitchens.

On a hypothetical two-acre project, a maximum of 47 units would be allowed.

3. **Category C**  
In Category C, if ten percent or more of the other tourist units have kitchens, the maximum density is 15 units per acre. If less than ten percent of the other tourist units have kitchens, then the maximum density is 40 units per acre.
4. **Category D**  
In Category D, the maximum residential density is one unit per project area, provided that residential units are allowed by the plan area statement or community plan, except for mixed-use project proposing to subdivide multi-family units, which is subject to Category E below.

5. **Category E**  
In Category E, the maximum density for a multi-family dwelling, multi-person dwelling, or other tourist accommodation use shall be the maximum density for the given residential or tourist accommodation use, as determined by Table 31.3.2-1, multiplied by the ratio of the floor area of that use to the total floor area in the project area (see Examples 1 and 2), subject to the exceptions below.

   a. If another use with which the residential or tourist accommodation use is to be combined does not lend itself to a calculation of floor area, such as a park or golf course, then the maximum residential or tourist accommodation density shall be calculated as for Category F, below.

   b. If multi-person dwellings are proposed in the primary campus area of an accredited college located in the Lake Tahoe Basin, then the maximum density for the project area shall be that prescribed by the applicable plan area statement or community plan.
A. There is an adequate water supply within an existing water right recognized under the laws of the state in which the use is to occur; or

B. Adequate water rights recognized under the laws of the state in which the use is to occur are furnished with the development.

**32.4.2 Water Supply**

Additional development requiring water shall not be approved unless there are distribution and storage or pumping systems to deliver an adequate quantity and quality of water to the development for domestic consumption and fire protection. A service connection to a water system or an approved well system shall be sufficient for domestic consumption.

### A. Fire Flow Requirements

Fire flow standards shall be determined by the applicable local fire district and in compliance with the adopted fire code standards. The applicable local, state, federal, or utility district standards shall determine adequate fire flow standards. If no such standards exist, the standards in Table 32.4.2-1 shall apply:

#### TABLE 32.4.2-1: MINIMUM FIRE FLOW REQUIREMENTS

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Fire Flow (gallons per minute at 20 psi residual pressure)</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Conservation and Recreation Plan Areas (minimum)</td>
<td>250 gpm</td>
<td>2 Hours</td>
</tr>
<tr>
<td>II. Residential Plan Areas (single-family only)</td>
<td>500 - 750 gpm</td>
<td>2 Hours</td>
</tr>
<tr>
<td>III. Residential Plan Areas (multi-residential)</td>
<td>750 - 1000 gpm</td>
<td>2 Hours</td>
</tr>
<tr>
<td>IV. Tourist Plan Areas</td>
<td>1000 - 1500 gpm</td>
<td>2 Hours</td>
</tr>
<tr>
<td>V. Commercial/Public Service Plan Areas A) Hotel - Casino Areas</td>
<td>3500 - 6000 gpm</td>
<td>3 to 6 Hours</td>
</tr>
<tr>
<td>B) Institutional (Hospitals, Schools)</td>
<td>2000 - 3000 gpm</td>
<td>3 Hours</td>
</tr>
</tbody>
</table>

### B. Waiver

If the above minimum fire flow requirements cannot be met, TRPA may waive the requirements for land uses I and II in Table 32.4.2-1, if TRPA finds that an alternative fire protection design that adequately complies with the intent of the adopted fire code, has been approved by the applicable fire agency.67

existing conditions are equal or superior to the following:

The fire department qualifies as a recognized city, county, or special district fire department;

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67 Text added in response to IM PS-1, 1b and 2. Text is subject to review by fire agencies.
Areas are within a five-mile response (road) distance of the closest engine (pumper) company, and within an eight-mile distance of the balance of any apparatus units required under subparagraph 8.b below; 

For more than one unit of apparatus, all assigned apparatus is radio-equipped; 

For more than one unit of apparatus, there are not less than five persons responding on first alarm; 

There is additional staffing, as necessary, to meet the conditions of subparagraphs 7 and 8.b below; 

At least one unit of apparatus is a pumper constructed and equipped in accordance with the intent of the Standard No. 19 of the National Fire Protective Association; 

The department demonstrates a capability to effectively develop and continuously apply water for not less than 20 minutes at a rate of not less than 200 gpm commencing with the initial evolutions of the first due company; and 

Apparatus: 

For areas adequately served by fire flows (available throughout the year) of not less than 200 gpm, a single pumper may suffice; or 

For all other areas, there are not less than two units and all units are suitable for the intended service.

30.5.32.5 WASTE WATER TREATMENT SERVICE

Except as provided in Chapter 60: Water Quality, all projects described in Section 32.2 that generate wastewater shall be served by facilities for the treatment and export of wastewater from the Lake Tahoe Basin. To be considered “served,” a service connection shall be required to transport wastewater from the parcel to a treatment plant.

30.6.32.6 ELECTRICAL SERVICE

All projects described in Section 32.2 shall be served by facilities to provide adequate electrical supply. Such facilities shall include lines to supply electrical power to the parcel and only require a service connection to institute service.
34.4.36.4. SCENIC QUALITY IMPROVEMENT PROGRAM

Additional design guidelines applicable to specific areas shall be set forth in a document called the Scenic Quality Improvement Program. Provisions of that program shall be required by TRPA, as appropriate, as conditions of project approval.

34.5.36.5. SITE DESIGN STANDARDS

34.5.1.36.5.1. General Standards

A. Existing natural features outside of the building site shall be retained and incorporated into the site design to the greatest extent feasible. Projects shall be designed to avoid disturbance to rock outcrops and stream environment zones and to minimize vegetation removal and maintain the natural slope of the project site and be consistent with Section 36.12.

B. Projects shall be designed to use existing disturbed areas rather than undisturbed areas for the siting of all improvements except when:

1. The disturbed area is precluded from development by setbacks or other such limitations;
2. The disturbed lands are classified as sensitive lands and alternative sites classified as nonsensitive lands exist on the parcel;
3. The use of the disturbed lands would require more total disturbance than use of undisturbed lands;
4. Avoidance of other development impacts are of more importance than the preservation of undisturbed areas; and/or
5. The degree of existing disturbance is minor and the area shall be restored as part of the project.

34.5.2.36.5.2. Standards for Commercial, Tourist Accommodation, Public Service, and Multi-Residential Projects

In addition to the other standards in this section, the standards for commercial, tourist accommodation, public service, and multi-residential projects shall be:

A. Onsite parking areas shall be provided with landscaped perimeters. Onsite parking areas greater than one-quarter acre in size shall be provided with landscaped islands designed in accordance with TRPA’s Design Review Guidelines;

B. A pedestrian circulation system shall be incorporated into the site plan to assure that pedestrians can move safely and easily both on the site and between properties and activities within the neighborhood year round;
CHAPTER 36: DESIGN STANDARDS
36.5 Site Design Standards
36.5.3 Standards for Snow Storage

C. Adequate access shall be provided for emergency vehicles and for those persons attempting to render emergency services;

D. Screening of service yards, maintenance yards, warehousing, outdoor storage and trash and refuse collection areas shall be accomplished by the use of walls, fencing, landscape plantings, or some combination thereof. Screening shall be effective in both winter and summer; and

E. Service yards, maintenance yards, warehousing, and outdoor storage areas shall be located in areas that are not highly visible from major transportation corridors, scenic turnouts, public recreation areas, or the waters of lakes in the region.

36.5.3. Standards for Snow Storage

The standards for snow storage shall be:

A. Parking areas shall be sloped at least two percent to prevent ponding and icing; and

B. Commercial, tourist accommodation, public service, recreation and multi-residential projects shall provide, within the project area, snow storage areas of a size adequate to store snow removed from parking, driveway and pedestrian access areas or have arrangements by means of recorded easements or equivalent arrangements to remove and store accumulated snow offsite.

36.5.4. Setback Standards

The setback standards shall be:

A. For parcels abutting roadways rated in TRPA's Scenic Resources Inventory, the minimum building setback from the right-of-way of such roadways shall be 20 feet.

1. Decks (except decks for off street parking), stairs, canopies, building, or roof overhangs shall not intrude into the 20-foot setback established in this subparagraph.

2. TRPA may approve building setbacks less than 20 feet if the reduced setback is approved by the appropriate local jurisdiction and TRPA finds that the project shall not cause a decrease in the numerical ratings assigned to the roadway unit, including the scenic quality rating of the individual resources within each unit, as recorded in the 1982 Scenic Resources Inventory and shown in Tables 13-3 and 13-8 of the Study Report for the Establishment of Environmental Threshold Carrying Capacities, October 1982. The criteria for rating scenic quality as identified in the study report cited herein shall be used to determine if a project will cause a decrease in the numerical rating.
CHAPTER 36: DESIGN STANDARDS
36.6 Building Design Standards
36.5.5 Bicycle and Pedestrian Facility Maintenance Plan

B. Buildings, other structures, and land coverage shall be set back from SEZs in accordance with Chapter 53: Individual Parcel Evaluation System.

C. Other setback requirements are set forth in Section 33.3: Grading Standards.

36.5.5. Bicycle and Pedestrian Facility Maintenance Plan

Transfer for Multi-Residential Facilities of Five Units or More, Public Service Facilities, and Recreation Facilities in Community Plan, Town Centers, Regional Centers, and the High Density Tourist District.69

34.6.36.6. BUILDING DESIGN STANDARDS

34.6.1 General Standards

A. Screening Elements
The architectural design of a project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, electrical transformer pads and vaults, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings, or the ground.

B. Roof Finishes and Colors
Roofs, including mechanical equipment and skylights, shall be constructed of non-glare finishes and earthtone colors that minimize reflectivity. For this subparagraph, non-glare earthtone colors are defined as Munsell® Colors set forth in Appendix G, TRPA Approved Earhtone Colors, of the Design Review Guidelines, that have a value and chroma of 0-4 or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G.

C. Color of Structures
1. For all structures visible from the Scenic Threshold Travel Routes and from Public Recreation Area and Bicycle Trails identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation, subdued colors of earthtone ranges shall be used for the primary color of structures.

2. Colors shall be within a range of natural colors that blend, rather than contrast, with the existing backdrop vegetation and soils color.

3. For this subparagraph, earthtone colors shall be medium to dark and shall meet the Munsell® Colors set forth in Appendix G, TRPA Approved Earhtone Colors, of the Design Review Guidelines or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G.

4. TRPA may grant exceptions to this provision pursuant to Section 67.7, for scenic roadway corridors designated as urban, for unique situations such as site characteristics, or as set forth in subparagraph 83.11.1. Structures in the shoreland that were constructed prior to January 1, 1950, may maintain their historic colors when doing exempt maintenance and repair.

69 Text added to implement the second bullet of IM T-2.
CHAPTER 35: CHAPTER 37: HEIGHT

35.1.37.1 PURPOSE

This chapter establishes height standards to ensure attractive and visually compatible development as required under Goal 2, Policy 1.B, of the Community Design Subelement, Land Use Element, of the Goals and Policies. “Visual compatibility” is determined by compliance with the requirements of this chapter.

35.2.37.2 APPLICABILITY

Except for structures located lakeward of high water, which are regulated under the Shorezone division of this Code (Chapters 80 through 86), and signs, which are regulated under Chapter 38: Signs, all buildings and other structures shall comply with the height standards set forth in this chapter.

35.3.37.3 DEFINITIONS

For purposes of this chapter, the following terms are defined:

35.3.1.37.3.1 Height

The height of a building is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and the elevation of the coping of the highest flat roof, the highest point of a mansard roof or the ridge of the highest hip, gable, gambrel, shed or other pitched roof, whichever is highest (see Figure 37.3.1-A below). The maximum height of a structure other than a building is the difference between the point of lowest natural ground elevation along the exterior foundation of the structure and the elevation of the highest point of the structure.

Figure 37.3.1-A: Measurement of Height
35.3.2. Natural Ground Elevation

The natural ground elevation is the elevation of the existing ground surface prior to any disturbance of the site resulting from construction of the proposed improvements.

35.3.3. Percent Cross Slope Retained Across Building Site

The percent cross slope shall be the gradient, in percent, of the terrain measured perpendicular to the contours through the middle of the building site (see Figure 37.3.3-A). The building site shall include all that area counted as land coverage associated with each detached building. The cross slope shall be considered retained across the building site only if TRPA finds that the building complies with the limitations on excavation set forth in subsection 33.3.6. Percentages of cross slope shall be rounded to the nearest even percentage.

Figure 37.3.3-A: Measurement of Height
### 37.4 Height Standards for Buildings

#### 37.4.1 Maximum Heights for Buildings

Except as provided in Section 37.5, the maximum heights for buildings are set forth in the following table.

<table>
<thead>
<tr>
<th>Percent Slope Retained Across Building Site</th>
<th>Roof Pitch</th>
</tr>
</thead>
<tbody>
<tr>
<td>0:12</td>
<td>1:12 2:12 3:12 4:12 5:12 6:12 7:12 8:12 9:12 ≥10:12</td>
</tr>
<tr>
<td>0</td>
<td>24'-0&quot; 25'-2&quot; 26'-5&quot; 27'-7&quot; 28'-9&quot; 30'-0&quot; 31'-2&quot; 32'-5&quot; 33'-7&quot; 34'-9&quot; 36'-0&quot;</td>
</tr>
<tr>
<td>2</td>
<td>24'-0&quot; 25'-8&quot; 26'-11&quot; 28'-1&quot; 29'-3&quot; 30'-6&quot; 31'-8&quot; 32'-11&quot; 34'-1&quot; 35'-3&quot; 36'-6&quot;</td>
</tr>
<tr>
<td>4</td>
<td>25'-0&quot; 26'-2&quot; 27'-5&quot; 28'-7&quot; 29'-9&quot; 31'-0&quot; 32'-2&quot; 33'-5&quot; 34'-7&quot; 35'-9&quot; 37'-0&quot;</td>
</tr>
<tr>
<td>6</td>
<td>25'-6&quot; 26'-8&quot; 27'-11&quot; 29'-1&quot; 30'-3&quot; 31'-6&quot; 32'-8&quot; 33'-11&quot; 35'-1&quot; 36'-3&quot; 37'-6&quot;</td>
</tr>
<tr>
<td>8</td>
<td>26'-0&quot; 27'-2&quot; 28'-5&quot; 29'-7&quot; 30'-9&quot; 32'-0&quot; 33'-2&quot; 34'-5&quot; 35'-7&quot; 36'-9&quot; 38'-0&quot;</td>
</tr>
<tr>
<td>10</td>
<td>26'-6&quot; 27'-8&quot; 28'-11&quot; 30'-1&quot; 31'-3&quot; 32'-6&quot; 33'-8&quot; 34'-11&quot; 36'-1&quot; 37'-3&quot; 38'-6&quot;</td>
</tr>
<tr>
<td>12</td>
<td>27'-0&quot; 28'-2&quot; 29'-5&quot; 30'-7&quot; 31'-9&quot; 33'-0&quot; 34'-2&quot; 35'-5&quot; 36'-7&quot; 37'-9&quot; 39'-0&quot;</td>
</tr>
<tr>
<td>14</td>
<td>27'-6&quot; 28'-8&quot; 29'-11&quot; 31'-1&quot; 32'-3&quot; 33'-6&quot; 34'-8&quot; 35'-11&quot; 37'-1&quot; 38'-3&quot; 39'-6&quot;</td>
</tr>
<tr>
<td>16</td>
<td>28'-0&quot; 29'-2&quot; 30'-5&quot; 31'-7&quot; 32'-9&quot; 34'-0&quot; 35'-2&quot; 36'-5&quot; 37'-7&quot; 38'-9&quot; 40'-0&quot;</td>
</tr>
<tr>
<td>18</td>
<td>28'-6&quot; 29'-8&quot; 30'-11&quot; 32'-1&quot; 33'-3&quot; 34'-6&quot; 35'-8&quot; 36'-11&quot; 38'-1&quot; 39'-3&quot; 40'-6&quot;</td>
</tr>
<tr>
<td>20</td>
<td>29'-0&quot; 30'-2&quot; 31'-5&quot; 32'-7&quot; 33'-9&quot; 35'-0&quot; 36'-2&quot; 37'-5&quot; 38'-7&quot; 39'-9&quot; 41'-0&quot;</td>
</tr>
<tr>
<td>22</td>
<td>29'-6&quot; 30'-8&quot; 31'-11&quot; 33'-1&quot; 34'-3&quot; 35'-6&quot; 36'-8&quot; 37'-11&quot; 39'-1&quot; 40'-3&quot; 41'-6&quot;</td>
</tr>
<tr>
<td>≥24</td>
<td>30'-0&quot; 31'-2&quot; 32'-5&quot; 33'-7&quot; 34'-9&quot; 36'-0&quot; 37'-2&quot; 38'-5&quot; 39'-7&quot; 40'-9&quot; 42'-0&quot;</td>
</tr>
</tbody>
</table>

**Note:** Cells shaded in grey are considered “additional height” and subject to additional approval criteria in Sec. 37.4 through 37.7.

#### Example: Calculation of Height from Table 37.4.1-1

A house with:

- Percent slope retained across building site (subsection 37.3.3) = 16%, and
- Proposed roof pitch = 10:12,

Can have a maximum height = 40'
CHAPTER 37: HEIGHT
37.4 Height Standards for Buildings
37.4.2 Maximum Height for Buildings on Slopes

37.4.2 Maximum Height for Buildings on Slopes

For a building located on a sloping site with a percent cross slope retained across the building site of 10% or greater, the maximum height shall be determined as follows:

A. For purposes of measuring height, the building may be divided into up to three distinct, attached segments (e.g., steps or terraces);

B. Each segment of the building shall comply with the base maximum height permitted by Table 37.4.1-1, including any additional height approved under Section 37.5, as measured from the lowest point of natural grade of each segment; and

C. The total maximum height of the building as measured from the lowest point of the structure to the highest point on the structure shall not exceed 150% of the average maximum height of each of the building segments.

37.4.2.37.4.3 Exceptions

Notwithstanding the maximum height limits in subsection 37.4.1, the following projections and appurtenances may extend above the height limits of Table 37.4.1-1, subject to the standards provided.

A. Chimneys and Other Rooftop Appurtenances
Chimneys, flues, vents, antennas, and similar appurtenances may be erected to a height ten percent greater than the otherwise permissible maximum height of a building, or a height of six feet, whichever is less.

B. Flagpoles
One flagpole per building may be permitted as an appurtenant structure, not to exceed 15 percent of the otherwise permissible maximum building height, or 30 feet, whichever is less, provided that:

1. The flagpole shall be of a dark color and shall not have a shiny reflective finish, and
2. The flagpole shall be used for non-commercial displays only; and
3. For purposes of this subsection, structures housing gaming referenced in Article VI(e) of the Compact shall be deemed to comply with site development provisions related to height.
CHAPTER 37: HEIGHT
37.5 Additional Height for Certain Buildings
37.5.1 Approval of Building Heights Greater Than 26 Feet

37.5.2.3 Figure 37.4.2-A: Example Chimney Exception Measurement

37.5.3 Figure 37.4.2-B: Example Flagpole Exception Measurement

35.5.3 ADDITIONAL HEIGHT FOR CERTAIN BUILDINGS

TRPA may approve building heights greater than those set forth in Section 37.4 in accordance with the following provisions and provided that TRPA makes the applicable findings in Section 37.7.

35.5.1-37.5.1. Approval of Building Heights Greater Than 26 Feet

Building heights greater than 26 feet may be approved if the project is in compliance with the standards in Section 66.1: Scenic Quality Standards, and TRPA makes the findings specified below. If, in any case, the TRPA is unable to make the required findings, maximum building height shall be limited to that height for which the required findings can be made.

A. Additional Height for Roof Pitch of Up to 5:12

Building height greater than 26 feet, up to the maximums set forth in Table 37.4.4-1 for a roof pitch of 5:12, may be approved if TRPA makes finding 1 as set forth in Section 37.7.

B. Additional Height for Roof Pitch Greater Than 5:12

Building height greater than set forth in Table 37.4.4-1 for a roof pitch of greater than 5:12 may be approved for residential buildings if TRPA makes findings 1, 2, and 8 as set forth in Section 37.7, and for other buildings if TRPA makes findings 1, 2, 3, and 8 as set forth in Section 37.7.

35.5.2-37.5.2. Additional Building Height for Public Service, Tourist Accommodation, and Certain Recreation Buildings

TRPA may approve building heights greater than those set forth in Section 37.4 for buildings whose primary use is public service, tourist accommodation, or certain recreation uses as follows:
A. **Additional Building Height With Required Findings**

The maximum heights specified in Table 37.4.1-1 may be increased by up to four feet, but not to exceed a maximum height of 38 feet, provided TRPA makes the following findings in Section 37.7:

1. For tourist accommodation buildings: findings 1, 2, and 3;
2. For public service buildings: findings 1, 2, 3, and 4; and
3. For certain recreation uses, including downhill ski facilities, cross country skiing facilities, or recreation uses whose primary recreation use is participant sports facilities, recreation centers, or sport assembly: findings 1, 2, 3, 4, and 7.

B. **Additional Building Height for Reduced Land Coverage**

The maximum building heights specified in Table 37.4.1-1 may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 30: Land Coverage. The maximum building heights may be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable land coverage, or existing land coverage, whichever is greater, up to a limit of four additional feet, but not to exceed a maximum height of 42 feet, if TRPA makes findings 1, 2, 3, and 5 in Section 37.7.

C. **Additional Building Height for Public Service and Certain Recreation Buildings That Are Not Visible From Lake Tahoe and That Are Not Located Within or Are Not Visible From Designated Scenic Highway Corridors**

The maximum building heights specified in Table 37.4.1-1 may be increased by up to eight feet, but not to exceed a maximum of 42 feet, if the building will not be visible from Lake Tahoe and the building is not located within a TRPA-designated scenic highway corridor pursuant to Chapter 67: Historic Resource Protection, provided TRPA makes findings 1, 3, 4, 7, and 8 in Section 37.7. An additional two feet, not to exceed a maximum of 42 feet, may be earned if the building meets the criteria and findings set forth above and is not visible from a TRPA-designated scenic highway corridor pursuant to Chapter 67.

D. **Additional Building Height for Certain Recreation Buildings Within Adopted Ski Area Master Plans**

The maximum building heights specified in Table 37.4.1-1 may be increased if the buildings are identified in an adopted ski area master plan, are not visible from Lake Tahoe, are not located within or visible from designated scenic highway corridors and designated bikeways and recreation sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings 1, 3, 4, 7, and 8 in Section 37.7. Additional height shall be calculated as follows:

1. The maximum height in Table 37.4.1-1 may be increased by up to 14 feet, but not to exceed a total building height of 56 feet, provided that the project proponent demonstrates that expected snow depths in the area of the building site make the additional height necessary for the function of the building. The amount of additional height shall not exceed the ten-year average snow depth as reported by the National
CHAPTER 37: HEIGHT
37.5 Additional Height for Certain Buildings
37.5.3 Additional Building Height for Tourist Accommodation Buildings Within Community Plan Areas

Resource Conservation Service (NRCS) for that area or as reported by the applicant using a similar method as the NRCS; and

2. An additional ten feet, not to exceed a total building height of 56 feet, may be earned if the project proponent demonstrates additional height is needed to maintain roof pitch in excess of 4:12.

E. **Additional Building Height for Public Service Buildings**
The maximum building heights specified in Table 37.4.1-1 may be increased if the buildings are classified as “Schools” or “Regional Public Health and Safety Facilities – Solid Waste Transfer Stations” that TRPA finds to be regionally serving, pursuant to Chapter 21: *Permissible Uses*, and the buildings are not visible from Lake Tahoe and are not located within or are not visible from designated scenic highway corridors and designated Class I or II bikeways and recreations sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings 1, 3, 4, 7, 8, and 10 in Section 37.7. Additional height shall be calculated as follows:

1. The maximum height in Table 37.4.1-1 may be increased by up to 14 feet, but not to exceed a total building height of 56 feet, provided that the project proponent demonstrates that the additional height is necessary for the proper function of the building; and

2. Additional height beyond that set forth in 1 above may be earned up to a maximum total building height of 56 feet, provided that the new structure incorporates community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with the Design Review Guidelines.

F. **Additional Building Height for Essential Public Safety Buildings**
The maximum building heights specified in Table 37.4.1-1 may be increased by up to 14 feet if the building meets the definition of "Public Safety Facility, Essential" in Ch. 90: *Definitions*, is not covered by subparagraph 37.5.2.E above, and provided TRPA makes findings 3, 4, and 7 in Section 37.7.

37.5.3 Additional Building Height for Tourist Accommodation Buildings Within Community Plan Areas
In addition to the provisions set forth in subsection 37.5.2, TRPA may approve building heights greater than those set forth in Section 37.4 for buildings whose primary use is tourist accommodation and that are located within an approved community plan as set forth in Chapter 12: *Community Plans*. The maximum heights specified in Table 37.4.1-1 may be increased up to a maximum height of 48 feet in accordance with the following provisions, if TRPA makes findings 1, 2, 3, and 6 in Section 37.7.

A. **Additional Building Height for View Corridor**
For each 100-foot wide view corridor, or increment thereof in excess of 100 feet, provided, TRPA may approve up to nine additional feet in building height, up to a total of 12 feet in height greater than the maximum set forth in Table 37.4.1-1.

B. **Additional Building Height for Increased Setback**
For each 100 feet, or increment thereof in excess of 100 feet, of permanent setback from the high water line of Lake Tahoe provided as part of a project in
TRPA shall allocate the development of additional commercial floor area as follows:

### Requirement of Allocation

No person shall construct a project or commence a use that creates additional commercial floor area without first receiving an allocation approved by TRPA. 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.

#### Applicable Commercial Uses

The commercial uses identified in Chapter 21: Permissible Uses, contain commercial floor area. The allocation of additional commercial floor area pursuant to this chapter also applies to commercial activities that are not primary commercial uses, except that accessory uses shall be deemed not to contain additional commercial floor area provided that TRPA makes the following findings:

1. The accessory use meets all criteria specified by Chapter 21 for an accessory use; and
2. The accessory use is designed to serve the noncommercial primary use, as determined by reference to the following criteria:
   a. **There is no separate entrance for the accessory use**, except separate entrances may be established for the relocation of existing accessory commercial uses (uses legally established prior to January 1, 2013) to street level;\(^{70}\)
   b. The accessory use is compatible with the size and patronage of the primary use;
   c. The accessory use does not rely on separate parking;
   d. **The accessory use is not separately advertised**, except one 20 square foot projecting or building sign may be constructed with the relocation of existing accessory commercial uses (uses legally established prior to January 1, 2013) to street level;\(^{71}\)
   e. The use season of the accessory use corresponds to that of the primary use; and
   f. In applicable instances, the accessory use is principally for service or repair rather than sales.

#### Examples

Examples of accessory uses of a commercial nature not subject to the allocation of additional commercial floor area include, but are not limited to: ski rental shops in ski areas; gift shops in airports; tackle shops used by patrons of marinas; newsstands in motels; pro shops at golf courses; and cafeterias in hospitals.

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\(^{70}\) Text added based on approval by RPU Committee on February 21, 2012.

\(^{71}\) Text added based on approval by RPU Committee on February 21, 2012.
CHAPTER 58: WATER QUALITY

58.1.60.1 WATER QUALITY CONTROL

58.1.60.1.1. Purpose
This section implements the Water Quality Subelement, Land Use Element, of the Goals and Policies. This section also implements, in part, TRPA’s programs to attain and maintain federal, state, and local water quality standards under Article V(d) of the Compact.

58.1.60.1.2. Applicability
This section sets forth standards for the discharge of runoff water from parcels and regulates the discharge of domestic, municipal, or industrial wastewaters. These standards and prohibitions apply to discharges to both surface waters and ground waters.

58.1.60.1.3. Discharge Limits
Discharges shall not exceed the following standards:

A. Surface Runoff
Pollutant concentrations in surface runoff shall not exceed the readings in Table 60.1.3-1 at the 90th percentile.

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Maximum Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dissolved Inorganic Nitrogen as N</td>
<td>0.5 mg/l</td>
</tr>
<tr>
<td>Dissolved Phosphorus as P</td>
<td>0.1 mg/l</td>
</tr>
<tr>
<td>Dissolved Iron as Fe</td>
<td>0.5 mg/l</td>
</tr>
<tr>
<td>Grease and Oil</td>
<td>2.0 mg/l</td>
</tr>
<tr>
<td>Suspended Sediment</td>
<td>250 mg/l</td>
</tr>
</tbody>
</table>

1. If the constituent levels of water entering a site from upstream areas are of a superior or equal quality to the above, those waters shall meet the quality level listed in Table 60.1.3-1 prior to discharge from the site.

2. If the constituent levels of waters entering a site do not meet the quality levels in Table 60.1.3-1, there shall be no increase in the concentrations of these constituents in water discharged from the site, based on a 24-hour average.

B. Discharges to Ground Waters
Waters infiltrated into soils shall not exceed the maximum constituent levels in Table 60.1.3-2.
TABLE 60.1.3-2: DISCHARGES TO GROUND WATERS

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Maximum Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Nitrogen as N</td>
<td>5 mg/l</td>
</tr>
<tr>
<td>Total Phosphate as P</td>
<td>1 mg/l</td>
</tr>
<tr>
<td>Iron as Fe</td>
<td>4 mg/l</td>
</tr>
<tr>
<td>Turbidity</td>
<td>200 NTU</td>
</tr>
<tr>
<td>Grease and Oil</td>
<td>40 mg/l</td>
</tr>
</tbody>
</table>

Where there is a direct hydrologic connection between ground and surface waters, discharges to groundwater shall meet the standards for surface runoff. A direct hydrologic connection shall be presumed to exist wherever, by virtue of proximity to a surface water body, nature of soils, or slope or gradient, the residence time of runoff water discharged into the ground is too short to remove pollutants from the runoff. Sediment traps, consistent with the *Handbook of Best Management Practices*, shall be used to protect infiltration devices from excessive levels of siltation.

C. **Prohibition of Wastewater Discharge**

The discharge of domestic, municipal, or industrial wastewater to Lake Tahoe, its tributaries, the ground waters of the Tahoe region, or the Truckee River within the Tahoe region, is prohibited, except for existing discharges under alternative plans for wastewater disposal authorized by state law and approved by the state agency of appropriate jurisdiction, and for catastrophic fire protection of the STPUD Luther Pass Pump Station as detailed in subparagraph 4 below. California and Nevada prohibit wastewater discharge through the enactment of the Porter-Cologne Act, and the Executive Order by the Governor of Nevada dated January 27, 1971.

1. **Holding Tanks and Other No-Discharge Systems**

To avoid a discharge of wastewater that is prohibited, holding tanks or other no-discharge systems may be approved in the following instances:

a. As a temporary measure associated with a temporary use, including but not limited to, sporting events, community events, and construction; or

b. As a permanent measure associated with remote public or private recreation sites, including but not limited to, trailheads, and undeveloped walk-in campgrounds, and summer home tracts where connection to a sewer system is not feasible or would create excessive adverse environmental impacts.

2. **Accidental Releases of Sewage**

To help prevent accidental releases of sewage, all sewage collection and treatment districts shall prepare and submit a report to TRPA within 120 days of a determination by the district that any unit treatment process, or major component of its collection system serving the Tahoe region, has reached 85 percent of its design capacity. Such report shall identify...
what measures, if any, will be needed to accommodate projected population increases consistent with the Regional Plan, including capital improvements, operational changes, changes in discharge permits, and changes in financial programs.

3. **Sewage Exfiltration**
   In conjunction with TRPA project approvals for all agencies that collect or transport sewage, TRPA shall require that such agencies have in place and vigorously implement plans for detecting and correcting sewage exfiltration problems in their collection and transport facilities.

4. **Recycled Wastewater Use for Catastrophic Fire Protection of the STPUD Luther Pass Pump Station**
   This exception allows for the use of recycled STPUD export line wastewater in emergency conditions as a last resort to prevent severe harm to life, property, and the environment and to protect the Luther Pass Pump Station public facilities from destruction by catastrophic wildfire in accordance with applicable state laws and all other conditions specified under Section 13952.1 of the California Water Code (September 2000).—Such emergency condition of catastrophic wildfire and authorization for recycled wastewater use to prevent the imminent destruction of the STPUD Luther Pass Pump Station shall be made and certified by the fire incident commander and reported to the TRPA Emergency Response Coordinator.

D. **Prohibition of Toxic or Hazardous Waste Discharge**
   The discharge of toxic or hazardous waste to Lake Tahoe, other lakes in the region, their tributaries, the ground waters of the Tahoe region, the lands of the Tahoe region, or the Truckee River within the Tahoe region is prohibited.

E. **Prohibition of Certain Watercraft**
   Commencing June 1, 1999, the launching, mooring, or operation of all two-stroke engine powered watercraft within the region is prohibited, except:

1. Any two-stroke engine powered watercraft whose fuel is directly injected into the cylinder shall be exempt from the prohibition;

2. Injected into the crankcase prior to entering the cylinder and the fuel injection engine was purchased before January 27, 1999, shall be prohibited commencing October 1, 2001;

3. Any watercraft powered by a two-stroke engine whose engine is certified as meeting the U.S. EPA 2006 standard or the CARB 2001 standard shall be exempt from the prohibition;

4. Sailboats utilizing two-stroke engines as auxiliary power shall be prohibited commencing October 1, 2001;

5. Any watercraft powered by a two-stroke engine rated at ten horsepower or less shall be prohibited commencing October 1, 1999; or

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72 Text added in response to Implementation Measure WQ-2.
1. **Commercial Uses**
   Retail or entertainment facilities, greater than one acre, and storage yards.

2. **Recreation Uses**
   Downhill ski areas, marinas, and golf courses.

3. **Public Service Uses**
   Transportation routes, and corporation yards.

**58.4.5.60.4.5 Priority for Installation of Retrofitting Measures**

Schedules for BMP compliance shall include the measures proposed for each year and the estimated cost for those measures. The estimated cost shall be based on unit costs established by TRPA. Unless otherwise approved by TRPA, a schedule that phases BMP compliance shall implement the BMP measures in the following order:

A. Pave legally established roads, driveways, and parking areas;
B. Install drainage conveyances;
C. Install walkways and stabilize cut and fill slopes;
D. Vegetate denuded areas; and
E. Treat surface runoff from land coverage.

**58.4.6.60.4.6 Standard BMP Requirements**

Pursuant to subsection 60.4.3, standard conditions of approval for projects shall meet the requirements provided below.

A. **Runoff Water**
   Runoff water from impervious surfaces shall meet the discharge standards of Section 60.1 and shall be controlled as provided below.

   1. **Infiltration Requirements**
      Except as provided in subsection 60.4.8, infiltration facilities to discharge runoff to groundwater shall be required. Infiltration facilities shall be designed to accommodate the volume from a 20-year, one-hour storm. An average intensity of one inch per hour shall be used for this calculation. Infiltration facilities shall be designed utilizing the methodology set forth in the BMP Handbook. The bottom of infiltration trenches or dry wells shall be a minimum of one foot above the seasonal high water table. If TRPA finds that the runoff from impervious surfaces from a 20-year, one-hour storm will infiltrate naturally on the parcel, TRPA may waive the requirement to install infiltration facilities.

   2. **Excess Runoff**
      Runoff in excess of that infiltrated pursuant to paragraph 1 above shall be controlled in accordance with the methods and design standards in the Handbook.
B. **Cut and Fill Slopes**
Cuts and fills with slopes greater than 2:1 shall be stabilized with methods consistent with the BMPs.

C. **Denuded Areas**
All denuded areas, including slopes less than 2:1, shall be vegetated with approved species listed in the Handbook.

D. **Drainage Conveyances**
Drainage conveyances through a parcel shall be designed for at least a 10-year, 24-hour storm. Storm drain culverts and drain channels shall be designed by a qualified professional. Drainage conveyances through a SEZ shall be designed for a minimum of a 50-year storm.

E. **Roads, Driveways, and Parking Areas**
All roads, driveways, and parking areas proposed for year-round use shall be paved in accordance with Chapter 34: *Driveway and Parking Standards*.

F. **Protection of BMPs**
After installation, all BMPs shall be provided with adequate protection to prevent damage from vehicles.

G. **Consistency with Defensible Space Requirements**
In addition to subsections A – F above, water quality BMPs shall be installed and maintained consistent with the defensible space requirements of the applicable fire agency.

60.4.7. **Additional Requirements**
In addition to the standard requirements of subsection 60.4.6, project conditions of approval shall list any other appropriate required BMPs to meet minimum discharge standards. Construction in stream environment zones or Land Capability Districts 1 through 3, inclusive, normally shall require special conditions of approval because of the sensitivity of those areas to disturbance.

60.4.8. **Special Circumstances**
Where special circumstances occur, alternative BMPs may be approved to meet water quality standards. Special circumstances may include, but not be limited to, streets, highways, bike trails, existence of high ground water table, unusual upstream or downstream flow conditions, and presence of unusual concentrations of pollutants.

60.4.9. **Maintenance of BMPs**
BMPs shall be maintained to ensure their continued effectiveness.

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73 Text added in response to Implementation Measure WQ-3.
botany, restoration, soil science, or similar scientific disciples and are qualified to evaluate and prevent negative impacts to SEZ’s and water quality. If TRPA delegates these review and permitting functions, these agencies will also be responsible for ensuring compliance with all other provisions of the Compact, Regional Plan, and Code of Ordinances.

59.1.4.61.1.4. Old Growth Enhancement and Protection

The standards in this subsection shall govern forest management activities and projects.

A. Standards for Conservation and Recreation Lands or SEZs

Within lands classified by TRPA as conservation or recreation land use or SEZs, any live, dead, or dying tree larger than 30 inches diameter at breast height (dbh) in westside forest types shall not be cut, and any live, dead or dying tree larger than 24 inches diameter at breast height in eastside forest types shall not be cut, except as provided below.

1. Unreasonably Contribute to Fire Hazard

Trees and snags larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut in urban interface areas if TRPA determines that they would unreasonably contribute to fuel conditions that would pose a fire threat or hinder defense from fire in an urbanized area. Within the urban interface areas, fire management strategies favoring the retention of healthy trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types trees shall be fully considered. Urban interface areas are defined as all undeveloped lands within a 1,250 foot zone immediately adjacent to TRPA residential, commercial, or public service plan area boundaries.

2. Unacceptable Risk to Structures or Areas of High Use

A tree larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be felled, treated, or removed if TRPA and the land manager determine the tree pose an unacceptable risk to occupied or substantial structures or areas of high human use. Examples of areas of high human use are campgrounds, parking lots, ski trails, and developed beaches. Where a land manager determines that a tree constitutes a physical emergency (e.g., imminent threat of falling on occupied or substantial structures, or people), the land manager may remove the tree but must provide photographic documentation and any applicable paperwork and fees to TRPA within ten working days of removal of the hazardous tree.

3. Diseased or Infested Trees

Where immediate treatment and removal is warranted to help control an outbreak of pests or disease, severely insect-infested or diseased trees larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be removed. Trees to be felled, treated, or removed require TRPA review on a tree by tree basis, within 30 working days of written notification by the land manager.
4. **Adverse Impacts to Stream or River**
   Trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types that are likely to cause significant adverse impacts to a stream or river may be felled, treated, or removed. This determination shall be made by a qualified interdisciplinary team and approved by TRPA. The marking of these trees shall be done by TRPA.

5. **Ecosystem Management Goals**
   In limited cases, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut if a management prescription clearly demonstrates that the identified trees need to be cut for ecosystem management goals consistent with TRPA goals and policies, such as aspen stand regeneration or achieving desired species composition. The project and prescription must be developed and reviewed by a qualified interdisciplinary team, be part of a public review process, and only the trees necessary to achieve ecosystem objectives at a specific site shall be removed. Each tree larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types shall be approved by TRPA. The marking of these trees shall be done by TRPA.

6. **Ski Areas Master Plans**
   In ski areas with existing TRPA-approved master plans, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed for facilities that are consistent with that master plan. For activities that are consistent with a TRPA-approved master plan, trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.

7. **EIP Projects**
   Trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.

8. **Extreme Fuel Loading**
   In case of extreme fuel loading some snags larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types may be cut if the removal is consistent with subsection 62.3.4: Snags and Coarse Woody Debris.

9. **Large Public Utilities Projects**
   Trees larger than 30 inches dbh in westside forest types and larger than 24 inches dbh in eastside forest types may be removed for large public utilities projects if TRPA finds there is no other reasonable alternative.

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74 Text added based on approval by RPU Committee on February 21, 2012.
J. Historic Resource Protection
   1. Operations shall incorporate measures to protect historic resources in accordance with Chapter 67: Historic Resource Protection. All historic resources located within the project area shall be flagged and avoided. Flagging shall be removed at the time of completion of operations.
   2. If there is a discovery of a historic resource during vegetation management activities, all work shall cease in the vicinity of the discovery until significance is determined. Work may resume upon approval of a resource protection plan.

K. Wildlife, Habitat, and Sensitive Plants
   1. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods in accordance with Chapter 62: Wildlife Resources.
   2. Snags shall be retained in accordance with subsection 62.3.4.
   3. Discovery of a TRPA-designated sensitive species or species of interest, or the location of a nest or den of one of those species, shall be immediately reported to TRPA. Any nests, dens, or plant locations shall be protected in accordance with TRPA regulations. All work within the project area shall cease until TRPA identifies under what conditions the project may continue.

59.1.7-61.1.7. Reasons for Tree Removal
Except for trees identified for retention under subsection 61.1.4, tree removal shall incorporate measures and prescriptions that promote a range of threshold standards and SEZs pursuant to subparagraph 61.1.6.C. Trees may be removed for the reasons provided below.

A. Hazardous Tree Removal
To protect lives and property, trees reported by a qualified forester to be hazardous to property or lives may be removed upon approval by TRPA. Other vegetation shall be protected during removal operations to prevent their injury.

B. Emergency Tree Removal
When a tree constitutes a physical emergency (e.g., imminent threat of falling on occupied or substantial structures or people), the tree may be removed, but the land owner or manager shall provide photographic documentation and all applicable paperwork and fees to TRPA within ten working days of removal of the hazardous tree.

C. Dead, Dying, or Diseased Tree Removal
To enhance forest health, dying, or diseased trees may be removed upon approval by TRPA. Dead trees less than or equal to 30 inches in westside forest types and less than or equal to 24 inches in eastside forest types may be removed without TRPA approval pursuant to subsection 2.3.2.E.

D. Fire Hazard Tree Removal
Trees identified and marked by a qualified forester as a fire hazard may be removed upon approval by TRPA or pursuant to a TRPA MOU Authorization.
Trees identified and marked by a defensible space assessor for defensible space purposes associated with a building or structure may be removed upon approval by TRPA or pursuant to a TRPA MOU Authorization. Fuel reduction projects shall consider multiple threshold objectives. As an alternative to tree removal, the defensible space assessor may approve the limbing of trees that are determined to be a fire hazard, consistent with defensible space requirement of the applicable fire agency. 75 (See Chapter 90 for definition of “fuels management.”)

**E. Tree Removal for Early Successional Stage Vegetation Management**

Tree removal may be permitted when it has been determined by TRPA that it is appropriate to convert an area to, and/or maintain an area in, an early successional stage vegetation type. (See Chapter 90 for definition of “early successional stage vegetation management.”) Where revegetation is required to stabilize soils and/or replace removed vegetation, the applicant shall provide a revegetation plan in accordance with subsection 61.4.5.

**F. Tree Removal for Enhancement of Forest Health and Diversity**

Tree removal may be permitted where the species or structural diversity of an area is not in accordance with management objectives. TRPA shall apply the criteria below in reviewing tree removal to enhance forest health and diversity.

1. A management plan that demonstrates the need for the project and the means of accomplishing the objectives listed below shall be prepared by a qualified forester.

   a. Removal of trees shall not result in less than minimum stocking levels required by the applicable state or federal forestry agency.

   b. If improved structural diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of younger-aged trees, or be accompanied by a report from a qualified forester that states the reasons why a reforestation plan is not necessary to achieve structural diversity objectives.

   c. If improved species diversity is the objective, removal of trees shall be linked to a reforestation program that provides for the establishment of native species other than the local dominant, or be accompanied by a report from a qualified forester that states the reasons why a reforestation plan is not necessary to achieve species diversity objectives.

   d. On parcels of three acres or less, the tree removal permit may serve as the management plan.

2. The site proposed for tree removal for forest diversity shall be within a contiguous area of at least three acres in which a single tree species of similar age class dominates. There is no minimum acreage when removing trees for forest health or for successional management of stream environment zones.

75 Text added in response to Implementation Measure VEG-6.
4. A list of the applicable standards of TRPA and other government agencies with jurisdiction over the burn, and a discussion of how the proposed prescription complies with those standards;

5. A detailed description of the proposed burning operation, including a description of all safety procedures that will be used to prevent wildfire;

6. A certification by a qualified expert experienced in the use of fire for vegetation management that the burn prescription complies with this section; and that the expert shall oversee the conduct of the burn to ensure that the prescription is followed; and

7. Other information that TRPA may require.

**VEGETATION PROTECTION AND MANAGEMENT**

**Purpose**

In accordance with the Vegetation Conservation Element of the Regional Plan Goals and Policies, this section 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, and 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, and water quality.

**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.

**Protection of Stream Environment Zones**

A. General Requirement

   Unless excepted in B below, no project or activity shall be undertaken in an SEZ (Land Capability District 1b) that converts SEZ vegetation to a non-native or artificial state or that negatively impacts SEZ vegetation through action including, but not limited to, reducing biomass, removing vegetation, or altering vegetation composition.

B. Exceptions

   The activities below are exceptions to the general requirement in A above.

   1. Manipulation or management of SEZ vegetation may be permitted in accordance with the Code for purposes of SEZ vegetation health or wildlife or fish habitat improvements, and after approval of a vegetation management plan pursuant to subparagraph 61.3.5.B, or as provided in
CHAPTER 61: VEGETATION AND FOREST HEALTH

61.3 Vegetation Protection and Management

61.3.4 Remedial Vegetation Management

Section 30.5, subsection 30.4.5, subparagraph 30.4.7.C.3, or Section 63.3, or Sections 61.1 or 61.2.76

2. Maintenance of landscaping that was installed prior to the creation of TRPA, or installed for the purpose of scenic quality pursuant to Chapter 36: Design Standards, or pursuant to a TRPA permit, or under a TRPA exemption prior to August 1, 1997, provided that fertilizer use is restricted in accordance with the BMP Handbook and described in subparagraph 60.1.8.A, unless a remedial action pursuant to subsection 61.3.4 has been taken by TRPA.

3. Removal of vegetation may be permitted pursuant to subparagraphs 2.3.2.E, or 2.3.7.A.7, Section 33.6, Chapter 64: Livestock Grazing, or under defensible-space guidelines approved by TRPA.

59.3.4-61.3.4. Remedial Vegetation Management

TRPA and resource 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. Requests by TRPA to prepare and implement a remedial vegetation management plan for a specified area shall follow the procedures set forth in Section 1.1: Remedial Action Plans.

59.3.5-61.3.5. 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.

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 Section 61.4); and

4. An implementation schedule, including a monitoring program to report progress on monitoring of vegetation.

B. Plan Approval

TRPA may approve a remedial vegetation management plan provided the plan is necessary to achieve, and can reasonably be expected to achieve, the purposes set forth in subsection 61.3.4.

76 Text added in response to proposed changes to the Goals and Policies, SEZ 1.5.
hour, and water heaters with a rated heat input of 75,000 btu or greater, shall be reviewed under the standards contained in subsection 65.1.6.

2. **List of Approved Heaters**
   TRPA shall maintain a list of gas heaters that are in compliance with the air quality standards in subparagraph 65.1.4.A.1. The list shall include the names and model numbers of the heaters. A heater certified by the South Coast Air Quality Management District of California under SCHEMED Rules 1111 and 1121 shall be considered in compliance with subparagraph 65.1.4.A.1.

3. **Exemptions**
   The requirements of subparagraph 65.1.4.A shall not apply to the following:
   b. Gas central furnaces installed in mobile homes or gas heaters installed in recreational vehicles; and
   c. Wall mounted gas heaters, other than water heaters, that are not central furnaces as defined in Chapter 90: Definitions.

B. **Wood Heaters**
   The sale of wood heaters which do not meet the emission standards of this subsection is prohibited in the Tahoe region. New or replacement wood heaters to be installed in the region shall meet the requirements of this subsection. Coal shall not be used as a fuel source.

1. **Emission Standards**
   Wood heaters installed in the region shall meet the following emission standards for total suspended particulates of smoke emissions:
   a. Catalytic wood heaters shall not cause emissions of greater than 4.1 grams per hour;
   b. Non-catalytic wood heaters shall not cause emissions of greater than 7.5 grams per hour; and
   c. Wood heaters certified to meet the above standards by the U.S. EPA under 40 CFR Part 60 or the Oregon Woodstove Certification Program, shall be deemed in compliance with the above standards. Pellet fueled wood heaters labeled as exempt from 40 CFR Part 60 shall be deemed in compliance with the above standards.

2. **Limitations**
   Wood heaters shall be sized appropriately for the space they are designed to serve. Multi-residential projects of five or more units, tourist accommodations, commercial, and recreation and public service projects shall be limited to one wood heater per project area.
CHAPTER 65: AIR QUALITY/TRANSPORTATION
65.1 Air Quality Control
65.1.5 Open Burning

3. **Wood Heater Retrofit Program**
   Prior to any sale, transfer or conveyance of any building, all existing wood heaters in the building, excluding legally existing open fireplaces that are not primary heat sources, shall be in conformance with the emission standards contained in subparagraph 65.1.4.B.1.

   a. Compliance with this section shall be evidenced by a statement of the seller made under penalty of perjury on a form provided by TRPA that all existing wood heaters in the building, excluding legally existing open fireplaces that are not primary heat sources, either conform to the emission standards in subparagraph 65.1.4.B.1 or have been replaced with conforming units, or that the structure does not contain any existing wood heaters. The statement shall be submitted to TRPA prior to the sale, transfer, or conveyance.

   b. A statement of wood heater conformance shall be required for any subsequent sales, transfers, or conveyances.

   c. An exemption to the wood stove disclosure requirements in Section 65.1.4.B.3.a and b shall be allowed for transfer instruments such as Trusts and Limited Liability Corporations and where wood stoves were replaced in conformance with the Wood Heater Retrofit Program adopted by TRPA in the 1987 Regional Plan (which became effective January 1, 1993).77

C. **Other Combustion Appliances**
   Combustion appliances not specifically limited by subparagraph 65.1.4.A or 65.1.4.B shall be reviewed under the standards contained in subsection 65.1.6.

65.1.5. Open Burning

The regulations set forth in this subsection shall supplement applicable federal, state, county, and local regulations. Open burning, for the purposes of this Code, shall not include recreational fires.

A. **Performance Standards**
   Open burning activities shall meet all standards and time requirements specified by local governmental agencies and applicable fire protection and air pollution control agencies.

B. **Specific Standards**
   Notwithstanding the provisions of subparagraph 65.1.5.A, the following specific standards shall apply to open burning in the Tahoe region:

   1. **Prescribed Burning**
      Prescribed burning may be permitted pursuant to the provisions of Section 61.2.

   2. **Disposal**
      Open burning for any purpose related to the disposal of petroleum wastes, tires, garbage, tar, wood waste, residential rubbish and any

77 Text added in response to Implementation Measure AQ-1.
3. **Hazard Reduction and Pest Control**
Open burning of cleared vegetation is prohibited except where otherwise authorized by a permit from a fire protection agency for purposes of hazard reduction or pest control. Permits issued shall be based on criteria established by TRPA and the region’s fire protection agencies.

4. **Wood Wastes**
The burning of cleared vegetation and other wood waste associated with construction activities is prohibited. Such wastes shall be removed to a place specified by TRPA.

5. **Practice Burns**
Practice burns conducted by fire control agencies or other entities shall comply with all applicable local, state, and federal laws.

### 65.1.6.65.1.6. New Stationary Source Review

Emissions from new stationary sources in the region shall be limited as follows:

**A. Environmental Assessment**

If the projected emissions from new stationary sources for the peak 24-hour period exceed any of the limits in Table 65.1.6-1, the applicant shall prepare an environmental assessment. Projected emissions for the peak 24-hour period shall be based on the design capacity. At a minimum, the environmental assessment shall determine the net emissions for the peak 24-hour period, the net emissions for a period not less than 90 days, and shall determine any impacts resulting from the net emissions. If the source exceeds the limits for carbon monoxide in Table 65.1.6-1, and the source is located in a TRPA, federal, or state designated non-attainment area for carbon monoxide, the environmental assessment shall also include ambient modeling.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Kilograms</th>
<th>Pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrogen oxides</td>
<td>3.0</td>
<td>6.6</td>
</tr>
<tr>
<td>Particulate matter less than 10 microns</td>
<td>2.0</td>
<td>4.4</td>
</tr>
<tr>
<td>Volatile organic compounds</td>
<td>8.0</td>
<td>17.6</td>
</tr>
<tr>
<td>Sulfur dioxide</td>
<td>3.0</td>
<td>6.6</td>
</tr>
<tr>
<td>Carbon monoxide</td>
<td>10.0</td>
<td>22.0</td>
</tr>
</tbody>
</table>

**B. Significant Environmental Impacts**

1. Any new stationary source of air pollution that produces emissions for the peak 24-hour period beyond any of the limits in Table 65.1.6-2 shall be considered to have a significant adverse environmental impact.
CHAPTER 65: AIR QUALITY/TRANSPORTATION
65.1 Air Quality Control
65.1.6 New Stationary Source Review

TABLE 65.1.6-2: SIGNIFICANT EMMISSION LIMIT FOR 24-HOUR PEAK PERIOD

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Kilograms</th>
<th>Pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrogen oxides</td>
<td>11.0</td>
<td>24.2</td>
</tr>
<tr>
<td>Particulate matter less than 10 microns</td>
<td>10.0</td>
<td>22.0</td>
</tr>
<tr>
<td>Volatile organic compounds</td>
<td>57.0</td>
<td>125.7</td>
</tr>
<tr>
<td>Sulfur dioxide</td>
<td>6.0</td>
<td>13.2</td>
</tr>
<tr>
<td>Carbon monoxide</td>
<td>100.0</td>
<td>220.5</td>
</tr>
</tbody>
</table>

2. Determination that a new stationary source has a significant adverse environmental impact may also be based on the environmental assessment prepared pursuant to subparagraph 65.1.6.A. New stationary sources that have a significant adverse environmental impact shall be prohibited.

C. Offsets Permitted
TRPA may require emission offsets as a condition of project approval to bring emissions within acceptable limits if TRPA finds that the proposed source, with offset, meets the criteria specified in subparagraph 65.1.6.B. To accomplish an emissions offset, existing emissions shall be permanently retired to offset the unacceptable emissions from the proposed source.

D. Best Available Control Technology (BACT)
Best Available Control Technology shall be required for all new stationary sources that are required to prepare an Environmental Assessment pursuant to subparagraph 65.1.6.A. At a minimum, required BACT measures shall meet or exceed applicable state or federal requirements.

E. Exemptions
The following activities are exempt from the prohibitions of subparagraph 65.1.6.B:

1. Emergency power generators;
2. Temporary uses and activities approved under Chapter 22: *Temporary Uses, Structures, and Activities*, unless they would have a significant adverse impact as determined by an environmental assessment; and
3. Biofuel facilities that meet the following standards:
   a. The facility shall be designed to reduce the amount of pile burning through diversion of in-basin material to the facility;
   b. There shall be a net reduction in volatile organic compounds, sulfur dioxide, and carbon monoxide on a per dry ton basis of biofuel as compared to the emissions that would be generated if material were burned in piles, and these pollutants shall meet the emission limits set forth in Table 65.1.6-2, using standard calculation methods;
   c. The facility shall not accept biofuel that is imported into the region;
d. Material for the biofuel facility shall come from the diversion of material intended for pile burning from forest treatment programs, and cumulative demand shall not exceed 19,000 tons per year;

e. There shall be a net reduction in nitrogen oxide emissions of greater than 40 percent as compared to the emissions that would be generated if material were burned in pile burning. The emissions calculations shall follow EPA methodologies;

f. There shall be a net reduction of 90 percent or greater in emissions of particulate matter less than 10 microns as compared to the emissions that would be generated if material were burned in pile burning. The emissions calculations shall follow EPA methodologies; and

g. Emissions generated by dual-fueled systems shall conform to subparagraphs 65.1.6.A through D when operating with fuels other than biofuels.

F. Biofuel Facilities
TRPA shall suspend acceptance of applications for biofuel facilities until further research demonstrates the safety and environmental compatibility of such facilities.  

65.1.7.65.1.7. Modified Stationary Source Review

Emissions from modified stationary sources in the region shall be limited as provided below.

A. Environmental Assessment
If the projected emissions from modified stationary sources for the peak 24-hour period exceed any of the limits in Table 65.1.6-1 above, the applicant shall prepare an environmental assessment. Projected emissions for the peak 24-hour period shall be based on the design capacity, or the allowed emissions if specified by a permit issued by the TRPA or other jurisdiction. At a minimum, the environmental assessment shall meet the criteria established in subparagraph 65.1.6.A.

B. Significant Environmental Impacts
Modified stationary sources that would produce emissions for the peak 24-hour period beyond any of the limits in Table 65.1.6-2 above, and that would result in a net increase in emissions for that pollutant shall be considered to have a significant adverse environmental impact. Determination that a modified stationary source has a significant adverse environmental impact may also be based on the environmental assessment prepared pursuant to subsection 65.1.7.A. Modified stationary sources that have a significant adverse environmental impact shall be prohibited.

C. Modifications Allowed
Modification of existing stationary sources that have been previously permitted to produce emissions beyond any of the limits in Table 65.1.6-2 above, may be allowed if: there is no net increase in actual emissions for the peak 24-hour

78 Deletion and addition of text approved by RPU Committee.
CHAPTER 65: AIR QUALITY/TRANSPORTATION
65.2 Traffic and Air Quality Mitigation Program
65.2.6 Use and Distribution of Mitigation Funds

4. Changes in operation in an area with a monitored worsening in level of service of nearby streets or intersections.

65.2.6.65.2.6. Use and Distribution of Mitigation Funds

A. TRPA shall deposit air quality mitigation funds in a trust account. Interest accruing to the trust account shall remain in the account until used on air quality mitigation projects. TRPA shall keep track of the amount of funds collected for each local jurisdiction, with interest, and shall disburse funds to the local jurisdiction, or to the Tahoe Transportation District at the local jurisdiction’s request, for expenditure within the jurisdiction of origin, provided TRPA finds that the expenditure is consistent with TRPA’s Regional Transportation Plan or the 1992 Air Quality Plan. Pursuant to subparagraphs 65.2.4.C.2 and 65.2.5.C.2, certain funds may be identified for the construction of specific projects. By October 1 of each year, the recipient shall submit to TRPA an annual report of the funds expended as of June 30 each year.

B. As an alternative to distributing air quality mitigation funds to the jurisdiction of origin, a portion of the air quality mitigation funds may be distributed across jurisdictional boundaries to support projects of regional priority that are specifically identified in a regional capital improvement program developed in cooperation with local jurisdictions, such as the Five Year Environmental Improvement Program (EIP) Priority Project List.

65.2.7.65.2.7. Revision of Fee Schedules

TRPA shall review the fee schedules in accordance with subsection 10.7 in the Rules of Procedure.

65.2.8.65.2.8. Mitigation Credit

The two programs below address air quality mitigation credit.

A. Mitigation Fee Credit

If a project approval expires and the project is not complete, then an air quality mitigation fee credit may be given for a subsequent similar project approval. This subparagraph shall not be construed to require a refund of an air 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 an air quality mitigation fee; and

3. An air quality mitigation fee is required as part of the project approval for which a credit is sought.

B. Regional and Cumulative Mitigation Credit Programs

In those instances when a reduction in daily vehicle trip ends (DVTE) of 1,000 or greater will result from the implementation of an EIP program that is not associated with any required mitigation, TRPA may allow for a regional and

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79 Text added in response to IM AQ-2.
cumulative mitigation credit to be given to the participating entities. Credit shall be given based on the number of DVTE that will be reduced as a result of the proposed program. Credit cannot be awarded when the reduction in vehicle trips is a mitigation requirement pursuant to subparagraphs 65.2.4.C or 65.2.5.C above. Candidate credit recipients shall submit a plan to TRPA describing the proposed program, quantifying the reduction in DVTE, and specifying the areas where the credit can be used. The award of mitigation credit shall be reviewed and approved by TRPA, in consultation with the appropriate local jurisdiction and the Tahoe Transportation District, on an individual basis. Credit shall be awarded at such time that the proposed program is implemented. TRPA staff may reevaluate the 1,000 DVTE minimum requirement to determine if the level should be adjusted.

65.3. BICYCLE AND PEDESTRIAN FACILITIES

65.3.1. Purpose

The requirements in this section are intended to implement Map 5 of the Regional Plan (Bicycle and Pedestrian Facilities).

65.3.2. Applicability

A. All applicants for commercial, tourist, mixed-use, multi-family, public service, and recreation projects, including the construction, alteration, or improvement of roadways, on lands designated with bicycle and pedestrian network trail segments in the Bicycle and Pedestrian Plan shall be required to grant an easement for the bicycle and pedestrian facilities in any of the following situations listed below:

1. When there is new development of at least five residential or tourist units, or at least 10,000 square feet commercial floor area; or

2. When alterations to existing development are 35 percent or greater of the value of the total improvements on the site and the improvements are not exempt or qualified exempt in accordance with Section 2.3.

B. Instead of granting an easement, the land may be donated to a local government when the standards of Section 65.3.3 are met.

65.3.3. Standards

A. Applicable Agency or Local Government Standards

Easements for public bicycle or pedestrian facilities shall accommodate facilities that comply with the standards of the Agency.

B. Trail Alignment Location

1. Where feasible, alignment of bicycle or pedestrian trails that are shown adjacent to public rights-of-way on Map 5 of the Regional Plan (Bicycle and Pedestrian Facilities) shall be located in the public right-of-way, subject to approval from the applicable state transportation department.
2. Where it is not feasible to locate facilities in a public right-of-way, easement location should minimize impacts on private parcels to the extent feasible.

C. Adjustment to Code Requirements
TRPA, in reviewing project applications under this section, shall have the discretion to adjust or waive certain Code requirements to the minimum extent necessary, as determined by TRPA, to facilitate the efficient connection of new trails to existing and planned trail networks, while minimizing impacts of the easement on development and redevelopment projects. Adjustments may be authorized to site development standards (Chapters 30-39) as necessary to implement this subsection. Neither the land coverage nor the site area required for the bicycle or pedestrian improvement shall reduce the total land coverage or development potential otherwise allowed for the project area.

D. Reasonable Relationship to Anticipated Impacts
All easement dedications imposed on approved applications shall be reasonably related to the anticipated impacts of the proposed development or land use and to the purposes of this section. Any condition imposed shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts. Easements shall not be required if these determinations cannot be made.

E. Relationship to Other Code Requirements
1. Air Quality Mitigation
Any dedication made pursuant to this section may qualify toward required offsets of the air quality mitigation program (See Section 65.2.4.C).

2. Sidewalks
Sidewalks required by the Agency or a local government shall count towards any bicycle or pedestrian facility required by this section.

65.3.4. Prior to Issuance of Final Inspection
The easement dedication shall be finalized and recorded prior to final project inspection by TRPA per Section 5.3.

65.3.5. Use of Trail
Public use shall be allowed within the easement for bicycle and pedestrian facilities.

65.3.6. Trespass
Nothing in this section is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired.

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82 The implementation measure calls for "relief or waivers" from the dedication requirements. This is a general relief provision that provides a general of authority to modify certain code requirements.

83 Language added to address the legal requirements of a takings challenge under the federal (or state) Constitution.
65.4.67.4. DISCOVERY OF ELIGIBLE RESOURCES

Upon discovery of a site, object, district, structure, or other resource, potentially meeting the criteria of Section 67.6, TRPA shall consider the resource for designation as a historic resource and shall consult with the applicable state historic preservation officer (SHPO), and with the Washoe Tribe if it is a Washoe site. If the resource initially is determined to be eligible for designation as a historic resource by the SHPO, TRPA shall consider designation pursuant to Sections 67.6 and 67.5.

65.5.67.5. DESIGNATED HISTORIC RESOURCES

Designated historic resources shall be shown on the TRPA Historic Resource Map, except that locations of resources found by TRPA to be especially sensitive may be kept confidential in order to protect them from trespassers or vandalism. Such locations shall be recorded in confidential reports or maps of the TRPA. Resources shall be designated as historic according to the procedure provided below.

65.5.1.67.5.1. Nominations for Designations

Nominations for designations may be made by a TRPA, a state historic preservation officer, the property owner, the Washoe Tribe, or land management agency. The nomination shall be in the form of a report containing information necessary to evaluate the significance of the resource pursuant to Section 67.6. Nominations shall be reviewed by the applicable state's historic preservation office (SHPO). From the time a nomination report is filed with TRPA until a decision is made pursuant to subsection 67.5.2, the designation shall be considered pending. Notice of pending designations shall be given by publication and to affected property owners, in accordance with the Rules of Procedure.

65.5.2.67.5.2. Review and Approval

TRPA shall review the nomination reports along with the comments of the SHPO, the property owner, the Washoe Tribe, and other interested parties and determine if the resource, pursuant to Section 67.6, is sufficiently significant to be designated as a historic resource.

65.5.3.67.5.3. Withdrawal of Designation

The designation of a historic resource may be withdrawn by TRPA based on a request for withdrawal by TRPA, the SHPO, property owner, or land management agency if the resource is determined not to be significant and does not qualify for designation as a historic resource. TRPA shall consider the request in the same manner as for approval in subsection 67.5.2.

65.6.67.6. CRITERIA FOR ELIGIBILITY AS A HISTORIC RESOURCE

Sites, objects, structures, districts or other resources, eligible for designation as resources of historical, cultural, archeological, paleontological, or architectural significance locally, regionally, state-wide or nationally, shall meet at least one of the criteria provided below.