REGIONAL PLAN FOR THE LAKE TAHOE BASIN

CODE OF ORDINANCES
RULES OF PROCEDURE

Adopted by the Governing Board May 27, 1987

Tahoe Regional Planning Agency
Updated Through April 2011
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Chapter 1
INTRODUCTION TO CODE OF ORDINANCES

Chapter Contents

1.0 Purpose
1.1 Applicability
1.2 Short Title
1.3 Use Of Terms
1.4 General Provisions
1.5 208 Plan
1.6 Interpretation And Severability
1.7 Administrative Fees

1.0 Purpose: This chapter sets forth the background of the Code of Ordinances ("Code") and the scope of the Code's application to the Tahoe Region.

1.1 Applicability: The Code establishes the minimum standards applicable throughout the Tahoe Region. Any political subdivision or public agency may adopt and enforce an equal or higher requirement applicable to the same subject or regulation in its territory. All projects and activities shall comply with the provisions of the Code.

1.2 Short Title: The Code of Ordinances may be cited and referred to as the "Code."

1.3 Use Of Terms: The word "shall" is mandatory and not permissive.

1.4 General Provisions: The Code represents the coordination of a series of documents relating to land use regulation and environmental protection in the Tahoe Region. The documents are the Tahoe Regional Planning Compact, as amended ("Compact"), the environmental threshold carrying capacities adopted in Resolution 82-11, the Goals and Policies Plan, the Plan Area Statements and Maps, and other TRPA plans and programs.

1.4.A Tahoe Regional Planning Compact As Amended:

(1) The Compact represents an endeavor by the States of California and Nevada, approved by Congress, to address numerous pressing environmental and other problems facing the Tahoe Region. Originally enacted in 1969 (P.L. 91-148, 83 Stat. 360), the Compact was amended in 1980 (P.L. 96-551, 94 Stat. 3233). The factual background against which the amended Compact was adopted is set forth in Article I(a) where it is declared, among other things, that:

"(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region."
(2) The public and private interests and investments in the region are substantial.

(3) The region exhibits unique environmental and ecological values which are irreplaceable.

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific natural and public health values provided by the Lake Tahoe Basin.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.

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

(2) Article I(b) of the Compact provides:

"In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities."
1.4.B Environmental Threshold Carrying Capacities: Article V(b) of the Compact requires TRPA to adopt environmental threshold carrying capacities for the Tahoe Region. Article II (i) of the Compact defines "environmental threshold carrying capacity" as "an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region." Thresholds are required to address matters such as air quality, water quality, soil conservation, vegetation preservation and noise. After preparation and review of a study report for establishment of environmental thresholds, as well as an environmental impact statement, the TRPA Governing Board enacted Resolution No. 82-11 on August 26, 1982, adopting environmental threshold carrying capacities for the Tahoe Region.

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

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

1.5 208 Plan: The portions of the Code inconsistent with the existing Lake Tahoe Basin Water Quality Management Plan (208 Plan) shall not be implemented until the necessary amendments to the 208 Plan are certified by the States of California and Nevada and the Environmental Protection Agency (EPA).

1.6 Interpretation And Severability: The provisions of the Code and the Goals and Policies effectuated and implemented by the Code shall be liberally construed to effect their purposes. If any section, clause, provision or portion of the Code, or of the Goals and Policies is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Code or the Goals and Policies, as the case may be, shall not be affected. For this purpose, the provisions of the Goals and Policies are declared respectively severable and the provisions of the Code also are declared severable.
1.7 **Administrative Fees**: All fees authorized and collected pursuant to this Code, and held by TRPA in trust for mitigation purposes, shall be subject to an administrative fee for mitigation fund management. Such administrative fee shall be levied each month by collecting a fixed percentage of the monthly interest generated by each mitigation account. The percentage shall be established by Governing Board resolution, and shall be based on the administrative costs to TRPA for managing the mitigation funds. The provisions in this section shall apply to all such mitigation funds, and shall supersede any limitation in this Code on the use of such interest. §

§ Amended 01/28/98, Section 1.7
Chapter 2
DEFINITIONS

Chapter Contents
2.0 Purpose
2.1 Applicability
2.2 Definitions

2.0 Purpose: This chapter defines the terms used in the Code.

2.1 Applicability: This chapter shall be used in interpreting the Code and other TRPA plans and documents.

2.2 Definitions: The following terms are defined as set forth below.

Abandoned Road: A road not accessible to traffic due to permanent physical barriers or a road that is posted or designated for closure.

Accessory Uses: See Subsection 18.2.A and Section 51.3. For the definition of what accessory uses are exempt from the commercial floor area allocation see Subparagraph 33.3.A(1).

Activity: Any conduct, active or passive, which may have an impact on the land, air, water, space or other natural resource of the Region.

Adaptive Management: The process of implementing policy (and management) decisions as scientifically driven management experiments and/or monitoring programs that test predictions and assumptions in management plans, and using the resulting information to improve the plans. §

Additional Development: Development which did not exist, or was not approved, on the effective date of the Regional Plan. Relocation or reconstruction of development is not additional development.

Adjacent Parcels: Parcels near or close to each other but separated by a right-of-way in such a manner that if the right-of-way was removed, the boundaries would touch.

Advisory Planning Commission (APC): The Advisory Planning Commission of the Agency as defined in Article III(h) of the Compact.

Affordable Housing: Residential housing, deed restricted to be used exclusively for lower-income households (income not in excess of 80 percent of the respective county's median income) and for very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income

§ Amended 1/28/2004
limits published annually by the Department of Housing and Urban Development. For multi-person dwellings, the affordable housing determination shall be made using each resident’s income and not the collective income of the dwelling.

Agency: The Tahoe Regional Planning Agency, including the Governing Board and staff.

Agency of Jurisdiction: As used in Chapter 16, government agency with responsibility for managing land, such as the Forest Service, the state parks departments, City of South Lake Tahoe, and California Tahoe Conservancy.

Airfields, Landing Strips and Heliports: See Chapter 18.

Allocation: An apportionment of additional development opportunity for residential, commercial, tourist accommodation, and certain recreational projects.

Allowable Land Coverage: See Section 20.3.

Alluvial Soil Type: All of the following soil types as defined in the United States Department of Agriculture Soil Survey for Lake Tahoe, as identified on Agency maps, or as determined by the Agency to be present in an area: Loam Alluvial land (Lo), Elmira loamy coarse sand, wet variant (Ev), Celio gravelly loamy coarse sand (Co), Marsh (Mh), Gravelly alluvial land (Gr), Fill land (Fd), Seeped soils, and Beaches (Be).

Amusement and Recreational Services: See Chapter 18.


Apartment: A residential complex of two or more residential units under single ownership, usually, but not always, sharing the same structure, water distribution system, sewer collection system, parking facilities, open space and recreational amenities.

Approved Plant Species: Plants designated by TRPA as acceptable species for use in landscaping and revegetation. Such species are usually, but not always, indigenous to the Region. See also Plant List.

Appurtenant Structure: A fixed structure customarily associated with and attached to a main structure.

Aquatic Invasive Species: A nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural or recreational activities dependent on such waters, as identified in the Lake Tahoe Region Aquatic Invasive Species Management Plan. Aquatic Invasive Species include but are not limited to: zebra mussel (Dreissena polymorpha), quagga mussel (Dreissena bugensis), Eurasian water milfoil (Myriophyllum spicatum L.), curly leaf pond weed (Potamogeton crispus L.), and large mouth bass (Micropterus salmoides).

Area of Wave Run-Up: The area landward of the shoreline that is subjected to wave run-up during high water conditions and an extreme wind event. An extreme wind event is an 80 miles per hour onshore wind of one hour duration.

§ Amended 9/25/1996
§§ Amended 6/27/2001
§§§ Amended 4/28/2011
Artificial Beach Replenishment: The importation of materials to maintain an existing beach or to create a new beach.

Artificial Islands: Islands created by man which provide additional land area in a lake or other body of water.

Auto Repair and Service: See Chapter 18.

Backshore: See Section 55.2.

Backshore Stability: See Chapter 50.

Bailey Coefficients: The allowable percentages of land coverage assigned to land capability districts, e.g. 1 percent in Land Capability Districts 1 and 2; 5 percent in Land Capability District 3; 20 percent in Land Capability District 4; 25 percent in Land Capability District 5; and 30 percent in Land Capability Districts 6 and 7.


Barrier Beach: An area of shorezone characterized by sandy soil separating a marsh-like lowland from a lake.

Barrier Wall: A wall separating lake waters from the shore.

Base Coverage: See Subsection 20.3.A.

Basement: The bottom floor of a building, the excavation for which any portion is greater than five feet below natural grade, measured at the location where the bottom of the excavation meets the foundation wall, exclusive of footing excavation.

Basic Services: See Chapter 27.

Basin: The Tahoe Basin. See also Region.

Batch Plant: See Chapter 18.

Bathing Facilities: A shower or bathtub.

Beach Recreation: See Chapter 18.

Beach Recreation (Dispersed): Recreation activities associated with a beach that do not require developed support facilities such as road access, picnic sites, or concessions. Dispersed beach recreation usually includes the use of undeveloped shorelines by sunbathers and swimmers where access is limited to foot trails. Dispersed recreation may be supported by sanitation facilities.

Beach Recreation (Intensive): Recreation activities associated with a beach and supported by developed support facilities such as sanitation facilities, parking, picnic

§ Amended 5/25/1988
§§ Amended 5/28/1997
sites, and nearshore facilities such as multiple-use piers and buoys.

**Bed and Breakfast Facilities:** See Chapter 18.

**Best Available Control Technology:** An emission limitation which will achieve the most stringent emission limitation that is achieved in practice by that source.

**Best Available Retrofit Control Technology:** An emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each source.

**Best Management Practices:** Alternative structural and nonstructural practices proven effective in erosion control and management of surface runoff in Lake Tahoe Region.

**Biofuel Facilities:** Facilities that combust or gasify forest and other plant materials in a manner that, in combination with other systems, generates electrical energy for use or distribution or generates heat for distribution within a building or facility. Any heating unit that meets the definition of a woodheater is not considered a biofuel facility.

**Blight:** See Chapter 15.

**BMPs:** See Best Management Practices.

**Boat Launching Facility:** See Chapter 18.

**Boat Lift:** A mechanical device whose function is to raise and lower water craft in and out of a body of water for temporary storage. Also includes low level boat lift, boat hoist, and boat saddle.

**Boat Ramp:** A ramp allowing boats to be launched into, or retrieved from, the water.

**Body of Water:** An area of water, of natural or artificial creation, including but not limited to lakes, harbors, man-made lagoons, reservoirs, ponds and rivers.

**Bonus Unit:** An additional residential or tourist accommodation unit obtained pursuant to Chapter 35.

**Breakwater:** A man-made structure which diminishes the force of waves.

**Bridge Span:** A bridge that extends over a particular obstacle to avoid or minimize disturbance to the land or water area over which it passes. The bridge span measurement is the distance between the bridge abutments, excluding the bridge supports between abutments.

**Broadcasting Studios:** See Chapter 18.

**Building:** Any structure designed or used for the support, shelter, or enclosure of persons, animals, or property of any kind.

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††† Amended 5/24/1989
§ Amended 5/24/1989
† Amended 10/22/2003
†† Amended 8/22/1990
**Building Envelope:** The area allotted for development of units in a planned individual unit development.

**Building Frontage:** The two-dimensional surface area of a building found within the perimeter bounded by the finished grade line, the cornice line, and exterior side walls in one plane not including intermediate walls perpendicular to such surface area and containing a door or other entrance open to the public which faces a street.\(^9\)

**Building Materials and Hardware:** See Chapter 18.

**Building Season:** See Grading Season.

**Building Sign:** Any sign attached to and supported by a wall of a building, or the wall of a structure, including a mansard roof. Any permanent sign placed on or behind glass or within a building and located in such a manner as to have an obvious intent to capture interest of those outside the building, shall be considered a building sign and shall be treated in the same manner.\(^9\)

**Building Site:** The portion of a parcel designated for development.

**Buoy:** A float anchored to a lake bottom which serves as a boat mooring, navigation guide, hazard warning, or similar use.

**Burn Prescription:** A plan for open burning pursuant to state or federal standards.

**Business Support Services:** See Chapter 18.

**Bypass Dredging:** Rearranging earthen material within the same body of water without removing the material from the body of water.

**Canopy:** The more or less continuous cover of branches and foliage formed by the crown of adjacent trees and other woody growth. A manmade structure consisting of a suspended covering or roof or similar structure.\(^6\)

**Carrying Capacity:** See Environmental Threshold Carrying Capacities.

**Carrying Capacity (Grazing):** Level or measurement of grazing based on animal unit months (AUM) that a given range can support without adverse impacts.

**Cellar:** See Basement.

**Cemeteries:** See Chapter 18.

**Central Furnace:** A self-contained space heater providing for circulation of heated air at pressures other than atmospheric through ducts more than 25 cm (10 inches) in length.\(^6\)

**Change in Operation:** See Chapter 93.

**Change In Use:** Conversion of a primary use from one use category to another use

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\(^9\) Amended 9/27/1989  
\(^6\) Amended 9/25/1991  
\(^6\) Amended 5/24/1989
category as listed in the Table of Primary Uses in Chapter 18 (e.g., service station to professional office).

**Child Care Nurseries:** Facilities designed or used for the care for six or more children, with or without compensation.

**Christmas Tree Cultivation:** The planned growth management of trees for sale as Christmas trees.

**Churches:** See Chapter 18.

**Clearing:** See Grading.

**Coal:** Solid fossil fuels classified as anthracite, bituminous, sub bituminous, or lignite by A.S.T.M. Designation D-388-66.

**Coarse Woody Debris — sound and rotting logs that provide habitat for plants, animals and insects, stabilize soils, and are a source of organic nutrients for soil development. Material is generally greater than 10 centimeters (4 inches) in diameter.** §

**Coefficients:** See Bailey Coefficients.

**Collection Stations:** See Chapter 18.

**Collective Household:** A group of at least two, but not more than six, persons who are unrelated by blood, marriage or adoption, living together as an independent housekeeping unit.

**Collector:** Device or area that uses the sun’s energy to heat domestic water or to heat, cool, or light a living space, including but not limited to space and domestic water heating and cooling system. See also Solar Collector.

**Combustion Appliance:** A device or appliance which produces heat by internal combustion of fuel including without limitation, oil, gas, kerosene, coal, wood, or propane. §§

**Commencement of Construction:** See Chapter 4.

**Commercial:** The retail or wholesale sale or rental of any article, substance, commodity or service.

**Commercial and Public Service Area:** See Subsection 13.B.5.

**Commercial Facilities:** A structure designed or used for the support, shelter or enclosure of persons, animals or property of any kind, for commercial uses.

**Commercial Floor Area:** See Chapter 33.

**Community Noise Equivalent Level (CNEL):** A measure of noise which is the logarithmic average of single noise event values as measured by a noise monitor.

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§ Amended 5/23/2001
§§ Amended 5/24/1989
Community Plan: See Chapter 14.


Condominium: An interest in real property defined or recognized under applicable (California or Nevada) state law as a condominium.

Condominium Conversion: A change in the form of ownership of improved property whereby persons obtain ownership interests in and to, or rights of occupancy of, individual units thereof, including but not limited to, condominiums, community apartments, stock cooperatives and any other similar change in the form of ownership of real property.

Conservation Areas: See Subsection 13.5.B.

Construction: The creation, building, assembly, disassembly, demolition, modification, or reconstruction of a structure.

Construction Equipment Storage: See Chapter 51.

Construction Site Boundary: A line on final construction drawings identifying the limits of the area of disturbance surrounding a project.

Contiguous Parcels: Parcels whose boundaries touch along one or more sides.


Conversion of Use: See definition for Change in Use.

Cooking Facilities: Any area within a structure that contains the following: a gas or electric range, stove top and/or oven (not including a microwave oven), a refrigerator in excess of 5 cubic feet in size, and a standard-sized kitchen sink.\(^\text{§}\)

Coverage: See Land Coverage

Coverage Coefficients: See Bailey Coefficients.

Critical Habitat: See Subsection 78.2.C.

Cross Country Skiing Courses: See Chapter 18.

Cultural Facilities: See Chapter 18.

Day: Day shall be a calendar day unless designated as a working day.

Day-care Centers: See Chapter 18.

Day-use Areas: See Chapter 18.

dBA: A measurement of sound intensity in decibels using the "A" weighted scale.

\(^\text{§}\) Amended 5/28/1997
dbh: Diameter at breast height, the diameter of a tree measured at four and one half (4½) feet above the ground on the high side of the tree. A circumference of nineteen (19) inches at breast height may be considered as the equivalent of six (6) inches dbh.

Dead Tree: For any coniferous species, a tree which is totally lacking needles, or totally lacking green limbs or needles throughout the crown. For any deciduous species, a tree determined to be physiologically dead by a Qualified Forester.

Decorative Gas Appliance: A gas or propane fueled combustion appliance certified under ANSI standard Z21.50.⁶

Defensible Space Assessor: A person who works for an organization that is operating under a TRPA MOU, which has been approved by TRPA, who has successfully completed a Defensible Space Certification Program for Lake Tahoe and evaluates structures for defensible space. Annual renewal of this certification is required.⁸

Denuded Area: An area of land from which substantially all vegetation has been removed.

Derelict: An abandoned structure or other development. Abandonment is determined without regard to intent to abandon. Evidence of abandonment includes lack of maintenance, access, utility connections, habitability or ability to function in the applicable use category.⁹

Desilting Basins: An area used to store water runoff so that suspended sediment is allowed to fall and accumulate at the bottom of the basin.

Develop: The act of creating, establishing, constructing, or altering any project or other activity.

Developed Campgrounds: See Chapter 18.

Developed Outdoor Recreation: See Recreation (Developed).

Developed Recreation: See Recreation (Developed).

Development Right: The right to potential residential use which is attached to certain parcels in the Region in accordance with Section 21.6. A development right is not a vested right.⁹⁹⁹⁹

Diligent Pursuit: See Chapter 4.

Directional Sign: Any sign which is used solely for the purpose of traffic or pedestrian direction or safety, and placed on the property to which or on which the public is directed, and which contains no advertising copy.⁹⁹⁹⁹⁹

Discharge-Direct: The release of certain substances into a body of water or ground water.

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⁶ Amended 5/24/1989
⁸ Amended 1/23/2008
⁹ Amended 9/25/1991
⁹⁹⁹ Amended 5/25/1988
⁹⁹⁹⁹⁹ Amended 9/27/1989
Discharge-Indirect: The release of certain substances into a body of water by the passage of the substances over the earth.

Diseased Trees: Trees affected with plant pathogens including, without limitation, mistletoe, stalactiform rust and Fomes annosus.

Dispersed Outdoor Recreation: See Chapter 18. See also Recreation (Dispersed).

Disturbance Zone: The zone around a nest site or animal use area for animals which are highly vulnerable to disturbance.

Disturbed Areas: An area where soil, vegetation, or another natural feature of a site has been removed or substantially altered.

Domestic Animal Raising: See Chapter 18.

Drainage Way: A man-made depression in the earth's surface in which surface waters collect or flow as a result of rain or melting snow but which is empty at other times.

Dredging: Removing or rearranging earthen materials which are lakeward of the high water line.

Dripline: The area immediately beneath rooftop eaves or other surfaces from which runoff falls, or an area delineated by projection of the periphery of the crown area of a tree down to the ground surface.

Driveway: See Chapter 24.

Early Successional Stage Vegetation Management: See Chapter 18.

Eastside Forest Type – Eastside forest type are those forests east of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps 12.C.6).


Edge Zone: The zone where two different plant communities meet or merge.

Effective Date of the Regional Plan: The July 1, 1987 date established by Ordinance 87-9 as the effective date of the Regional Plan. Unless the context indicates otherwise, the calculation of time periods begins from the effective date of the Regional Plan.

Emergency: A situation or circumstance which poses immediate danger to life, property or the environment and demands immediate action to effectuate compliance with the Compact, or the Regional Plan, Code and Rules of Procedure.

Emission: The act of passing into the atmosphere an air contaminant or gas stream containing an air contaminant. Also, an air contaminant that passes into the atmosphere.

Employee Housing: See Chapter 18.

§§ Amended 6/22/1994

Environmental Check List: The TRPA checklist adopted pursuant to the Rules of Procedure and used to evaluate environmental impacts, also known as an initial environmental checklist.


Environmental Threshold Carrying Capacities: Environmental standards necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise. Such standards were adopted on August 26, 1982 and are set forth in TRPA Resolution 82-11.

Erosion: See Chapter 18.

Erosion Control: Structural or nonstructural techniques applied to a particular site or area to prevent or minimize erosion.

Escape Cover: Habitat that animals use to escape from predators.

Estimated Cost of Construction: See Section 20.5.

Excavation: The digging out of earthen materials. See also Grading.

Executive Director: The executive officer of TRPA.

Exempt: See Section 4.2.

Exhaust Emissions: The products of combustion emitted into the ambient air from any opening downstream of the exhaust ports of an engine.

Existing: Legally present or approved on the effective date of the Regional Plan or subsequently legally constructed, commenced or approved pursuant to necessary permits. Derelict structures are not considered existing for purposes of Chapters 33, 34 and 35 nor are projects whose approvals have expired. §

Exotic Animals: Animals, other than household pets and other domestic animals such as farm animals, which do not occur naturally in the Lake Tahoe Basin. Exotic animals do not include established nonnative fish or game birds but do include mammals, birds, reptiles, and fish not indigenous to North America or the Sierra Mountain Range.

Expansion: An increase in size or extent of an existing structure or use that results in additional commercial floor area, additional residential units, additional tourist accommodation units, additional PAOTs, additional land coverage, vehicle trips, or other capacities regulated by this Code.

Facility: A stationary man-made feature that is attached directly or indirectly to the lands or waters of the Region.

Family: One person, or more persons, occupying premises and living as a single non-

§ Amended 9/25/1991
profit housekeeping unit, as distinguished from a group occupying a hotel, club, motel or like establishment.

Farm/Ranch Structures: See Chapter 18.

Fawning Habitat: The area normally used by deer for the birth and rearing of young.

Feasible: Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Feller-Buncher: A machine that fells and gathers trees. Feller-bunchers fell and bunch trees mechanically with hydraulically-driven chain saws, circular saws, or shears. The feller-buncher bundles trees for a grapple skidder or cable skidder to pick up.

Fertilizer: Inorganic, organic, or synthetic composition that is used to supply artificial amounts of nutrients for the purpose of increasing soil or plant productivity.

Fertilizer Management Program: Guidelines that outline the appropriate use of fertilizer.

Fill: Any rock, soil, gravel, sand, or other material deposited by man. See also Grading.

Final Action: A decision by TRPA to approve, to require modification, or to reject a proposal considered by TRPA.

Final Map: A map of a subdivision placed on record as a final subdivision map in the recorder's office of a local government.

Financial Services: See Chapter 18.

Findings: A written statement supported by substantial evidence in the record of the ultimate facts and the rationale supporting a conclusion that applicable Code or Compact requirements are met.

Finish Grade: The final grade of the construction site which conforms to the approved plan.

Finish Grading: Smoothing of an earthen surface to bring it to final grade.


Firebreaks: An area cleared of vegetation to act as a gap between continuous combustible materials.

Fireplace: An open structure, usually masonry, for containment of a fire. See also Wood Heater.

Fireplace Inserts: See Inserts.

First Order Stream: A natural depression that conveys surface water to major or minor streams or other receiving waters. A first order stream is a mappable, unbranched tributary. It may not normally contain flowing water and may flow only during storms or

§ Amended 1/28/2004
snowmelt periods. Examples include swales, ravines, draws, natural ditches, and hollows.

**Fish and Wildlife Management Projects:** Structural or non-structural projects that enhance or create habitat for fish or wildlife.

**Fish Habitat:** The combination of qualities that creates suitable conditions for the growth, reproduction, and production of fish. Specifically refers to the environmental characteristics necessary for food, water, cover, and reproduction needs.

**Fisheries:** Pertains to the growth, reproduction, and production of fish present in the waters within the Lake Tahoe Basin.

**Floating Docks or Platforms:** Structures designed to float on a water surface which are attached either to the shoreline or to a lake bottom.

**Floating Breakwaters:** Structures designed to float on a water surface which are attached either to a shoreline or to a lake bottom. Their purpose is to suppress wave action.

**Flood Plain:** An area adjoining a water course, lake or other body of water, that has been or may be covered by flood water.

**Food and Beverage Retail Sales:** See Chapter 18.

**Food and Kindred Products:** See Chapter 18.

**Food Habitat:** An area where environmental conditions are favorable for supplying food to a particular species.

**Forage Carrying Capacity:** A standard necessary to maintain a level of palatable vegetation.

**Foreshore:** The zone of a lake level fluctuation which is the area between the high and low water level. (For Lake Tahoe, the elevations are 6229.1 feet Lake Tahoe Datum and 6223.0 feet Lake Tahoe Datum, respectively.)

**Forest Management Burning:** The use of open fires, as a forest management practice, to accomplish a variety of objectives, including, without limitation, fuels treatment, early successional stage management and silvicultural practices.

**Forest Pest:** An animal or insect causing a threat to a forest stand or tree.

**Forwarder:** An all-terrain vehicle designed to efficiently move (forward) bunched trees or logs over relatively long distances from the stump to the road.\(^\S\)

**Foundation:** The structural support system of a building or other structure.

**Fracture:** A break in the topography or land form.

**Freestanding Sign:** Any type of sign which is permanently supported in a fixed location by a structure of poles, uprights, or braces in or on the ground; or which is placed upon a

\(^\S\) Amended 1/28/2004
planter, pedestal, retaining wall, or other structure and not supported by a building.\(^\S\)

**Fuel and Ice Dealers:** See Chapter 18.

**Fuel Treatment:** See Chapter 18.

**Furniture, Home Furnishings and Equipment:** See Chapter 18.

**Gaming - Nonrestricted (Nevada only):** See Chapter 18.

**General Merchandise Stores:** See Chapter 18.

**Geomorphic Unit:** A particular type of landform as described in the Bailey Report.

**Golf Courses:** See Chapter 18.

**Governing Board:** The Governing Body of the TRPA as defined in Article III of the Compact.

**Government Offices:** See Chapter 18.

**Grading:** Cutting through or otherwise disturbing the layers of the soil mantle so as to change the existing landform, including, but not limited to, disturbing the soil mantle for construction of a driveway, parking area, utility line, building or other structure. Also includes filling, excavation and clearing.

**Grading Season:** The period each year during which grading is permitted commencing May 1 and ending October 15.

**Grazing:** See Chapter 18.

**Groin:** See Jetty.

**Group Facilities:** See Chapter 18.

**Handbook of BMPs:** The document which sets forth the Best Management Practices.

**Harbor:** A shorezone area that is protected from wave forces and deep enough to provide for the anchorage or moorage of a boat.

**Harvester:** A machine that fells, delimbs, bucks, and tops trees using a specially designed attachment called a “harvester head”. The harvester head is typically attached to the boom of a custom-built rubber-tired carrier having three or four axles (six to eight wheels). The harvester will fell a tree, and as it limbs the tree, place all of the limbs from the tree directly in front of the harvester. When the machine moves through the woods it rides on the limbs of the harvested trees. This action reduces soil compaction, decreases fire-related problems with slash, and helps to decompose the slash more quickly.\(^\S\S\)

**Hazardous Tree:** A tree identified as dangerous, immediately or in the near future, to lives or property.

\(^\S\) Amended 9/27/1989
\(^\S\S\) Amended 1/28/2004
Head of Livestock: One horse, mule, sheep, cow, steer, or other four legged grazing animal.

Health Care Services: See Chapter 18.

Healthy Trees: Trees which are not diseased or infested.

Height of Sign: "Height of sign," for a freestanding sign, means the vertical distance measured from the curb grade of the nearest street to the highest point of the sign or sign structure; and for a building sign, the vertical distance measured from the building grade to the highest point of the sign or sign structure. §

Helipad: For the landing of or take off of helicopters. A helipad does not have fueling, maintenance or other support activities associated with its operation.

Heliport: An area of land, water or a structure, intended or used for the landing or take-off of helicopters. A heliport has fueling, repair or support activities associated with its operation.

Helispot: An area of land, water or a structure, used for the landing or take-off of a helicopter for an emergency, or for a predetermined limited basis.

High Water Elevation: The established upper elevation limit of the surface of a body of water. (For Lake Tahoe, the high water elevation is 6225.1 Feet Lake Tahoe Datum.)

Historic Resources: Structures, buildings, sites, districts or objects having historic, prehistoric, archaeological or paleontological significance.

Home Occupations: See Chapter 4.

Hospitals: See Chapter 18.

Hotel, Motel and Other Transient Dwelling Units: See Chapter 18.

Impervious Coverage: See Land Coverage.

Indirect Discharge: See Discharge - Indirect.

Indirect Source: A facility, building, structure, installation, real property, road or highway which generates or may generate, mobile sources of air pollution or serves as a trip end. Indirect sources include, but are not limited to: parking facilities, airports, and retail facilities.

Industrial Services: See Chapter 18.

Infiltration Facility: A device used to percolate runoff into the soil, includes without limitation, a rock-filled trench or basin.


Initial IPES Line: The line between parcel scores deemed non-sensitive and sensitive under IPES pursuant to Subsection 37.8.B., as established in 1989. The initial IPES line

§ Amended 9/27/1989
established a score of 726 or better as non-sensitive and a score of 725 or less as sensitive. §

**Innovative Techniques:** Newly introduced, but not well-established, silvicultural and harvesting techniques that are designed to be low impact on the environment. §§

**Innovative Technology Vehicles:** Motorized vehicles used in vegetation management (including tree removal) operations that have been designed so as to minimize impacts to soils and vegetation. Innovative technology vehicles should be able to be operated in a manner than minimizes disruption of the soil surface (soil detachment), soil compaction, and damage to vegetation. Depending on specific site conditions (e.g., soil type, soil conditions, slope) and the method of operation, the use of low-ground pressure logging vehicles such as certain harvesters and forwarders may qualify as “innovative technology” vehicles. §§

**Insect and Disease Suppression:** See Chapter 18.

**Insert:** An air-tight design placed inside a masonry fireplace which provides greater heating efficiency.

**Inspection and Maintenance Program:** A program to reduce emissions from in-use vehicles through identifying vehicles that need emissions control related maintenance and requiring that maintenance be performed.

**Instream Flow:** The rate and volume of water passing through a stream channel.

**Instream Flow Diversions:** The removal of water from a stream channel so as to divert the flow of water or to partially or totally reduce the flow of stream water below the point of diversion.

**Instream Value:** The ecological or other value integrally linked to the flow of a stream at a given volume and rate.

**Intensification of Impacts:** Any action relating to an existing use or structure which significantly increases adverse environmental impacts for the categories set forth on the TRPA Environmental Checklist.

**Intensification of Use:** Any action relating to an existing use which impacts on the extent of nonconformity with provisions of the Code, including, but not limited to, coverage, noise, increases in-vehicle trips, and design standards.

**Intermittent Stream:** A stream which only flows at certain times of the year. For example, when it receives water from springs or from a surface source such as melting snow.

**Invasive Species:** The term refers to species, both aquatic and terrestrial, that establish and reproduce rapidly outside of their native range and may threaten the diversity or abundance of native species through competition for resources, predation, parasitism, hybridization with native populations, introduction of pathogens, or physical or chemical alteration of the invaded habitat. Through their impacts on natural ecosystems, agricultural and other developed lands, water delivery and flood protection systems,

§ Amended 6/22/1994
§§ Amended 1/28/2004
§ Amended 5/28/2008
invasive species may also negatively affect human health and/or the economy.

**Jetty**: A man-made barrier in the water which is usually but not always perpendicular to a shoreline.

**Kitchen**: A room with cooking facilities. §§

**Kitchen Facilities**: See cooking facilities. §§

**Kitchen Unit**: A unit with cooking facilities. §§

**Lagoons (man-made)**: A body or channel of water created by man, but not including existing marinas or modifications thereto.

**Lake**: Unless otherwise indicated, each of the lakes in the Tahoe Region.

**Lake Tahoe Datum**: Elevation Lake Tahoe Datum equals elevation United States Geological Survey plus 1.14 feet.

**Lakeward**: In the direction of a lake or other body of water as applicable.

**Lakezone**: The zone including that area of a lake located beyond the lakeward limits of the nearshore.

**Land Bank**: An entity designated by TRPA to perform the functions set forth in Section 38.8.

**Land Capability District**: A soils unit designated on the adopted TRPA land capability map and denominated by a numerical rating of one through seven, e.g. Land Capability District 1. The system was devised by Dr. Robert G. Bailey for the U. S. Forest Service and is detailed in the Bailey Report.

**Land Coverage**: 1) A man-made structure, improvement or covering, either created before February 10, 1972 or created after February 10, 1972 pursuant to either TRPA Ordinance No. 4, as amended, or other TRPA approval, that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement or covering. Such structures, improvements and coverings include but are not limited to roofs, decks, surfaces that are paved with asphalt, concrete or stone, roads, streets, sidewalks, driveways, parking lots, tennis courts, patios; and 2) lands so used before February 10, 1972, for such uses as for the parking of cars and heavy and repeated pedestrian traffic that the soil is compacted so as to prevent substantial infiltration. A structure, improvement or covering shall not be considered as land coverage if it permits at least 75 percent of normal precipitation directly to reach the ground and permits growth of vegetation on the approved species list. Common terms related to land coverage are:

1) **Hard Coverage**--man-made structures as defined above.

2) **Soft Coverage**--compacted areas without structures as defined above.

See also **Potential Land Coverage**.

**Land Disturbance**: Disruption of land that includes alteration of soil, vegetation, surface

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§§ Amended 5/28/1997
hydrology, or subsurface hydrology on a temporary or permanent basis, through action including, but not limited to, grading.§

Landing: A centrally located log collection area to which logs are skidded or yarded load for shipment.

Landscaping: The decoration of an area with plants and other vegetation.

**Late Seral (successional)/Old Growth:** Coniferous forest stands that contain a relative greater density of large and/or old trees, typically in an advanced stage of community succession. Old-growth communities vary in structural character (number of canopy layers, size of snags, and size of coarse woody debris) due to tree species composition, disturbance regime, and the edaphic site qualities (defined by site specific substrate, precipitation and solar radiation index).§§

Laundries and Dry Cleaning Plants: See Chapter 18.

Lawn: An area planted with grass species, usually closely mowed.

**Level of Service:** For an intersection or roadway segment, the level of service is the delay to motorized vehicles and the volume/capacity ratio and is expressed by a series of letter grades from A (low v/c ratio and delay) through E (high v/c ratio and delay) and F (blocked).

**Limited-use Roads:** A class of roads, other than dedicated public roads, for which the primary use is timber harvest operations.

**Linear Public Facilities:** Public service facilities which are linear in nature such as roads, streets, trails, utility transmission and distribution facilities and other similar right-of-ways. Also includes accessory uses to such facilities, including without limitation pump houses, lift stations, substations, and access right-of-ways.

Littoral Parcel: A parcel of land adjoining or abutting the high water elevation of a lake.

Littoral Processes: See Chapter 50.

Livestock: Domestic animals, such as cattle or sheep, raised and used for commercial purposes.

**Livestock Containment Facilities:** Structures built or used to hold livestock, includes but not limited to, corrals.

Living Area: The enclosed areas of a structure not accessible to motor vehicles. Total living area for a residential structure shall be calculated by adding the living area for each story of the structure. §

**Local Assembly and Entertainment:** See Chapter 18.

**Local Government Neighborhood Compatibility Requirements:** Requirements implemented and enforced by a local government through a cooperative agreement with

§ Amended 5/28/1997
§§ Amended 5/23/2001
§ Amended 5/28/1997
TRPA that regulates vacation rentals to insure neighborhood compatibility that includes, but is not limited to mitigating the potential adverse impacts related to refuse/garbage, parking, occupancy, noise, lighting and signage. §§

Local Post Office: See Chapter 18.


Lock-off unit: A lock-off unit is a tourist accommodation unit within a residential design timeshare use which exists within a split-use unit and consists of one or more bedrooms (or sleeping quarters) and baths, but does not contain kitchen facilities. A lock-off unit is created by "locking-off" the kitchen and one or more baths and bedrooms (or other sleeping quarters) in the split-use unit thereby creating a hotel-type tourist accommodation unit which may be rented or leased separately from the remainder of the split-use unit. A lock-off unit constitutes one tourist accommodation unit of the two tourist accommodation units which constitute, or are required for, a split-use unit, except as set forth in Chapter 15. §§§

Log Culverts: Logs placed in a stream to facilitate crossing by equipment.

Lop and Scatter: A slash treatment method where limbs and tops of felled, dead or damaged trees are cut into short lengths and scattered throughout an area without any concentration. The method requires that no portion of the slash shall be more than twenty inches above the ground and that all unmerchantable chunks are scattered.

Lot: See Parcel.

Low Level Boat Lift: A device with forks attached to a pier that reaches under a boat to lift it from the water for temporary storage.

Low Water Elevation: The established lower surface elevation for fluctuation within a body of water. (For Lake Tahoe, the low water elevation is 6223.0 Feet Lake Tahoe Datum.)

Mail Order and Vending: See Chapter 18.

Maintenance: Maintenance is the ordinary maintenance and repair, which is the upkeep, or preservation of the condition of a sign in order to keep the existing sign components, including color, safe, neat and orderly in condition and appearance and to prevent corrosion or deterioration caused by weather, age or other conditions. Maintenance does not include any changes to the sign area which result in a different message, color scheme, or graphic design, or any changes in the external dimensions of the sign or structure. §

Maintenance Dredging: The dredging of areas that previously have been dredged to maintain legally established lake bottom elevations, and dimensions. TRPA shall determine legally established elevations and dimensions based on previous permits, plans, physical evidence, or other such documentation. §§
Major Arterial: U.S. Highway 50; S.R. 89, California; S.R. 28, Nevada and California; S.R. 267, California; S.R. 431, Mt. Rose, Nevada; S.R. 207 Kingsbury Grade, Nevada; Loop Road (Lake Parkway, Montreal Road from the state line to Park Avenue, Park Avenue from Montreal Road to Pine Boulevard, and Pine Boulevard to the state line); Ski Run; Pioneer Trail; Al Tahoe Boulevard; Lake Tahoe Boulevard; Fallen Leaf Lake Road; Tahoe Keys Boulevard; Lake Shore and Country Club Drive, Incline Village Nevada; Sierra Boulevard; Black Bart; Venice Boulevard; and Village Boulevard.

Major Stream: A continuously flowing water body and its associated topography. A major stream is usually identified as a permanent stream on a U.S. Geological Survey (USGS) topographic map, 7.5-minute series and are classified by TRPA as third or higher order streams.

Major Structural Repair: See Chapter 52.

Major Use Classifications: The six use classifications listed in the Table of Primary Uses in Section 18.3, being; I. Residential; II. Tourist Accommodation; III. Commercial; IV. Public Service; V. Recreation; and VI. Resource Management.

Marinas: See Chapter 18.

Marine Railway Systems: A boat ramp designed to use a railed vehicle to launch and retrieve watercraft.

Master Plan: See Chapter 16.

Materially Damaged: Materially damaged shall be any of the following activities or alterations to a live tree six inches d.b.h. or larger; (1) topping; (2) the removal of live limbs within the upper two thirds of the total tree height; (3) girdling; (4) the application of chemicals harmful to the tree; (5) purposefully exposing the cambium layer; or (6) other damage to the tree that will potentially result in its death or disfigurement, or in a significant increase in its susceptibility to insects or disease.

Membership Organizations: See Chapter 18.

Minimum Stocking Level: See Chapter 71.

Minor Structural Repair: See Chapter 52.

Mitigation (onsite): Mitigation measures, such as the removal of land coverage, applied in the project area of the project being mitigated.

Mitigation (offsite): Mitigation measures applied outside the project area of the project being mitigated.


Moderate Income Housing: Residential housing, deed restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county’s median income. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county’s median income will be determined according to the
income limits published annually by the Department of Housing and Urban Development.  

**Modification**: Changes in the form or substance of a structure or activity.

**Modified Stationary Source**: Any physical change, change in method of operation of, or addition to, an existing stationary source, or any change in hours of operation, process, or production rate, except that routine maintenance or repair shall not be considered to be a physical change. A reconstructed source shall be treated as a new stationary source. Unless previously limited by a permit condition, a replacement of a piece of equipment with an identical piece of equipment with emissions less than or equal to those from the original piece of equipment shall not be considered a modified stationary source.

**Montane Zone**: The montane zone is all lands below 7,000 feet elevation.

**Mooring Buoy**: See Buoy.

**Multi-Person Dwelling**: See Chapter 18.

**Multi-Residential**: Residential development at a greater density than one unit per parcel.

**Multi-Residential Facilities**: Residential uses, with 2 or more units per structure, that meet the Transit Oriented Development standards set forth in Subparagraph 13.7.D(3)(a)-(e) or the functional equivalent as defined in Subsection 13.7.D(4).

**Multiple Family Dwelling**: See Chapter 18.

**Multiple-Use Facility**: A shorezone facility, usually but not always a pier, which is used by the public, homeowners association, or two or more littoral parcel owners, and is recognized by TRPA as multiple-use pursuant to Subsection 54.8.D.

**Native Plants**: Plants indigenous or occurring naturally in the Lake Tahoe Basin. See also Plant List.

**Navigational Structure**: A structure or device maintained solely as an aid to boat navigation.

**Near Natural State**: Approximating natural conditions.

**Nearshore**: The zone extending from the low water elevation of Lake Tahoe (6223.0 feet Lake Tahoe Datum) to a lake bottom elevation of 6193.0 Feet Lake Tahoe Datum, but in any case, a minimum lateral distance of 350 feet measured from the shoreline. In other lakes, the nearshore extends to a depth of 25 feet below the low water elevation.

**Nesting Habitat**: The area normally used by a species of bird for the nesting and rearing of young.

**Nonconforming Sign**: A sign that is legally existing or approved as of the effective date of

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§ Amended 4/28/2004
§§ Amended 5/24/1989
§§§ Amended 5/23/2001
§§§§ Amended 7/23/2008

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TRPA Code of Ordinances
CHAPTER 2 - DEFINITIONS

2-20
Chapter 26, which does not comply with the applicable standards set forth therein.\textsuperscript{§}

**Nonconforming Use**: See Subsection 18.1.C and, for uses within the shorezone, see Subsection 51.1.D.

**Non-attainment Area**: An area not in attainment of federal primary air quality standards as designated by the Environmental Protection Agency.

**Non-combustion Heaters**: Electric heaters.

**Non-native Species**: Animals, other than domestic animals and household pets, which do not occur naturally in the Lake Tahoe Basin or which have been artificially introduced or established by man.

**Non-sensitive Lands**: Lands identified as Land Capability Districts 4, 5, 6, or 7, and which are not stream environment zones or within the back shore.

**Non-structural Fish Habitat Management**: See Chapter 18.

**Non-structural Wildlife Habitat Management**: See Chapter 18.

**Nursery**: See Chapter 18.

**Nursery Habitat**: The area where juvenile fish seek food and cover.

**Nursing and Personal Care**: See Chapter 18.

**Off-road Vehicle Courses**: See Chapter 18.

**One Hundred (100) Year Floodplain**: The area which would be inundated by a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.

**Open Burning**: A fire which emits the products of combustion into the atmosphere without passing through a stack or chimney.

**Open Space**: See Chapter 18.

**Optimum Stocking Level**: The number of trees on a given area which maximizes the growth rate and overall health of a stand of trees.

**Organized Recreation Camps**: Land or premises containing structures designed to be used for organized camping.

**Ornamental Vegetation**: The landscaping of property with shrubs, trees, and other vegetative ground cover not native to the Tahoe Region.

**Outdoor Recreation Concessions**: See Chapter 18.

**Outdoor Retail Sales**: See Chapter 18.

**Overhang**: The portion of a structure that is cantilevered so as to not require a structural

\textsuperscript{§} Amended 9/27/1989
member attached to the ground, or is a deck with no structure underneath supported by posts. For a building or deck, the overhang is that portion of the structure extending beyond a continuous foundation wall. §

Over-Snow Removal: Removal of trees from a project site using yarding equipment capable of traveling over snow without disturbing the soil or vegetation beneath.

Oversteepened Cut Slopes: Slopes steeper than 2:1.

PAOT (People At One Time): The number of people that a recreation use can accommodate at a given time. A measure of recreation capacity.

Parcel: An area of land or in the case of a condominium, separate space, whose boundaries have been established by some legal instrument such as a recorded map or recorded deed and which is recognized as a separate legal entity for purposes of transfer of title.

Parcel Map: A map required by state law for the division of land into parcels.


Particulate Matter: Material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

Pedestrian-Oriented Sign: A permanent, non-illuminated sign with an area less than five square feet on any one side, and not over ten feet above ground level. §§

Perching Site: A tree, cliff, or other high platform, used by raptors for resting, sitting, or viewing.

Perennial Stream: A stream with flowing water year-round.

Permissible Use: Allowed uses or special uses approved by the Governing Board. See also accessory uses, Section 18.2, and accessory structures, Section 51.3.

Person: An individual, partnership, corporation, business association, joint venture, group of individuals, or governmental entity.

Person-Trip: A one-direction movement of an individual person which begins and ends at a trip end.

Personal Services: See Chapter 18.

Pier: A fixed or floating structure extending from the backshore to beyond the line marking the high water elevation of a lake.

Pierhead Line: A line established on the adopted shorezone maps of TRPA.

Pipelines and Power Transmission: See Chapter 18.

Plant List: The Recommended Native and Adapted Species List adopted by TRPA.

§ Amended 9/25/1991
§§ Amended 9/27/1989
Political Sign: A sign advertising a candidate for public office, proposition, or other issue to be voted on by the electorate.

Portable Sign: Any sign not permanently affixed to the ground or a building. §

Potential Land Coverage: The land coverage allowed as base coverage in Chapter 20 but which does not physically exist.

Power Generating: See Chapter 18.

Prescribed Fire Management: See Chapter 18.

Previous Operation: See Chapter 93.

Prime Fish Habitat: In Lake Tahoe the zone of water, and substrate less than 30 feet deep where suitable habitat exists for purposes of spawning, feeding, or escape cover, or as designated on TRPA Prime Fish Habitat Maps.


Privately Owned Assembly and Entertainment: See Chapter 18.

Problem Assessment: A comprehensive identification and evaluation of a significant degradation of the environment prepared by TRPA and used as the basis for action plans provided for in Chapter 9.

Professional Office: See Chapter 18.

Prohibited Use: See Subsection 18.1.D and, for uses within the shorezone, see Subsection 51.1.C.

Project: An activity undertaken by any person, including any public agency, that may substantially affect the land, water, air, space or any other natural resources of the Region. See also Chapter 4.

Project Area: See Subparagraph 20.3.D(1).

Project Cost: The fair market value of materials and services used in constructing and implementing a project.

Projecting Sign: A sign other than a building sign which projects from and is supported by a wall of a building, and is not parallel to the plane of the wall. §

Protective Structure: A structure placed in a body of water or the area of wave run-up, to prevent erosion.

Public Athletic Fields: Play fields constructed and operated by or for schools and government agencies primarily for team sport usage, such as baseball, football and soccer. Public athletic fields are typically open for public use for at least 120 days between May 01 and October 31. Golf courses, landscaping, lawns, meadows, ski runs, and similar open space are not considered public athletic fields.

§ Amended 9/27/1989
§ Amended 9/27/1989
Public Service: Public service shall be public or quasi-public uses or activities pertaining to communication, transportation, utilities, government, religion, public assembly, education, health and welfare, or cultural and civic support. It does not include such uses or activities that are primarily involved in commercial enterprises.

Public Utility Centers: See Chapter 18.

Publicly Owned Assembly and Entertainment: See Chapter 18.

Qualified Exempt: See Section 4.3.

Qualified Forester: A person who 1) is a Registered Professional Forester (RPF); or 2) holds a Bachelor of Science degree, with a major in Forestry, Renewable Natural Resources, or closely related field, and has had a minimum of three years' verifiable experience in forestry-related work.

Quasi-Public: Having the purpose of providing a public service as a utility and under regulation of state, local, or federal law, such as a telephone company, electric power company, TV cable company and natural gas supplier, or provide services for the public health and welfare or for educational or cultural purposes, on a voluntary or non-profit basis.

Range Pasture Management: See Chapter 18.

Range Professional: A person either meeting the requirements for the Federal Rangeland Management Series (GS-454) of the U.S. Office of Personnel Management, licensed as a Certified Rangeland Manager under the California Professional Foresters Licensing Act (PFLA), or the Certified Range Management Consultants. (CRMC) certification program provided by the Society for Range Management. 

Reasonable Further Progress: Annual incremental reductions in emissions of the applicable air pollutant which are sufficient to provide for attainment of the applicable national air quality standard by the dates established under the Clean Air Act, as amended in 1977.

Receiving Parcel: Parcel to which coverage, an allocation or other development is transferred.

Reconstruction: The total replacement of a structure or a portion thereof.

Recreation Areas: See Subsection 13.5.B.

Recreation Centers: See Chapter 18.

Recreation (Developed): Involves outdoor activities which are enhanced by the use of man-made facilities, including, but not limited to, campgrounds, marinas, and ski areas.

Recreation (Dispersed): Involves such activities as hiking, jogging, primitive camping, nature study, fishing, cross country skiing, rafting/ kayaking, and swimming. Does not usually involve the use of developed facilities.

Recreation (Urban): Involves indoor and outdoor activities primarily designed for use by

§§ Amended 1/27/1999
the residents of the Region, including, but not limited to, athletic fields and neighborhood parks.

Recreation Vehicle Parks: See Chapter 18.

Recreational Boating: See Chapter 51.

Recreational Fires: Fires used in connection with a recreational activity, including, but not limited to, campfires and barbecues.

Recycling and Scrap: See Chapter 18.

Redevelopment: See Chapter 15.

Reforestation: See Chapter 18.

Regeneration Harvest: See Chapter 18.

Region: All that area described in Article II(a) of the Tahoe Regional Planning Compact. See also Basin.

Regional Public Health and Safety Facilities: See Chapter 18.

Rehabilitation: Upgrading existing facilities by repair, reconstruction, or modification.

Reinforcement: The provision of telephone capacity for existing or projected telephone communication service along existing or approved transmission or distribution routes.


Remedial Vegetation Plan: See Chapter 74.

Repair: To put back in good condition after damage, decay or wear. (See Chapters 4 and 52.)

Repair Services: See Chapter 18.

Residential: Uses, facilities and activities primarily pertaining to the occupation of buildings for living, cooking, and sleeping by the owner as a permanent or second home, by renters on a monthly or longer term basis, or by renters of a vacation rental that meets the Local Government Neighborhood Compatibility Requirements. §

Residential Area: See Subsection 13.5.B.

Residential Care: See Chapter 18.

Residential Development Right: See Development Right.

Residential Unit: One or more rooms containing one or more bedrooms, with not more than one kitchen, designed to be occupied permanently as an independent housekeeping unit by one family or one collective household with facilities for living, cooking, sleeping and eating.

§ Amended 3/24/2004
Resource Management: Uses, facilities, and activities pertaining to the utilization, management, or conservation of natural resources.

Restricted Gaming (Nevada Only): Operation of not more than 15 slot machines pursuant to Nevada law as an accessory use to a commercial or tourist accommodation primary use.

Revegetation: Establishment of vegetation on disturbed areas.

Riding and Hiking Trails: See Chapter 18.

Riparian Plant Community: A plant association identified by the presence of vegetation that requires free or unbound water or conditions more moist than normal in the area. Such communities include, but are not limited to, deciduous trees (alder, aspen, cottonwood, willow), hydrophytes, meadow vegetation, riparian shrub, and lodgepole pine.

Road: A smooth or paved surface designed for travel by motor vehicles.

Rock Cribbing: An enclosure of wood, steel, or other material containing unconsolidated rock.

Roof Sign: A sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure. Signs standing out horizontally from a mansard roof, are considered wall signs, however, they may not extend vertically above the top of the mansard. §§

Runoff Control: See Chapter 18.


Sales Lots: See Chapter 18.

Salvage Operations: See Chapter 51.

Sanitation Salvage Cut: See Chapter 18.

Scenic BMPs: Scenic Best Management Practices (BMPs) are mitigation measures that reduce the visual impact of structures to promote threshold attainment. This includes the use of landscaping, building design, glass treatment, articulation, color, texture, screening, and other such techniques. §

Scenic Highway and Corridor: Roadway which has been determined to have outstanding scenic value. The scenic corridor includes the roadway right-of-way and extends 100 feet perpendicularly from the edge of the right-of-way boundary.

Schools - Business and Vocational: See Chapter 18.

Schools - College: See Chapter 18.

§§ Amended 9/27/1989
§ Amended 11/20/2002
Schools - Kindergarten to Secondary: See Chapter 18.

Schools - Pre-schools: See Chapter 18.

Seaplane Operations: See Chapter 51.

Seasonal Efficiency: The efficiency, as certified by the California Energy Commission under the provisions of California Administrative Code, Title 20, Chapter 2, Subchapter 4, Article 4, Sections 1603 and 1607, (Appliance Efficiency Standards).

Seasonal High Water Table: The highest level of soil saturated with water during a one year period, usually but not always found in the spring months.

Second Order Stream: A stream formed by the confluence of two or more first order streams.


Section: Unless the context indicates otherwise, the portion of a chapter, denominated by the chapter number and one additional number (e.g., Chapter 33, Section 33.1), and which includes any subsections and subparagraphs thereof.

Seeped Soils: Soils having the characteristics of a high water table.

Selection Cut: See Chapter 18.

Sending Parcel: The parcel from which coverage, an allocation or other development is transferred.

Sensitive Lands: Lands identified as Land Capability Districts 1, 2, or 3, stream environment zones, or lands within the backshore.

Sensitive Plant Management: See Chapter 18.

Sensitive Plant Species: Plants that are extremely scarce and considered vulnerable to local extirpation or extinction.

Service Capacity: The ability to accommodate units of traffic, energy, sewer, water or people engaged in the activity for which the facility was intended, or other similar units of measure.

Service Connection: The connection of utility, such as gas, water, electricity or telephone, to a structure.

Service Stations: See Chapter 18.

Setback: An area established adjacent to the shorezone interface or riparian vegetation to provide a natural buffer between development and sensitive or ecologically significant areas.

SEZ: See Stream Environment Zone.

SEZ Vegetation: Species of a plant community indigenous to the Lake Tahoe Region.
which are commonly associated with the landscape position and land form, soil type, hydrology, elevation, and climate of an SEZ type, such as a wet meadow, mesic meadow, or stream. The plant communities include primary and secondary indicator species listed in Section 37.3. §

Shoreland: The distance from the highwater line of Lake Tahoe to the most landward boundary of the littoral parcel, or 300 feet landward, whichever is lesser. In the case where the littoral parcel is a narrow parcel not qualifying for a development right, such as a road right-of-way or a dedicated beach access parcel, the most landward boundary of the adjoining parcel to the littoral parcel or 300 feet shall apply. In the case where a littoral parcel is split by a right-of-way but is considered one project area, the most landward boundary of the project area or 300 feet, whichever is less, shall apply. §§

Shoreline: The highest line normally covered by waters of a lake or body of water. (For Lake Tahoe, the shoreline elevation is 6229.1 feet Lake Tahoe Datum.)

Shoreline Protective Structure: Walls, earthen banks, bulkheads, revetments, or other devices designed to prevent direct erosion or flooding of the backshore by reinforcing the interface between land and water.

Shorezone: The area including the nearshore, foreshore, and backshore.

Shorezone Tolerance District: See Chapter 53.

Sign: Any character, letter, figure, symbol, design, model or device or combination of these used to attract attention or convey a message and which is visible from a street, public recreation area, bicycle trail, or from Lake Tahoe. The term includes banners, pennants, streamers, moving mechanisms, and lights. §§§

Sign Area: The area of a sign shall include the sum of all display areas within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram, rectangle, triangle, circle, or semicircle of the smallest size sufficient to cover the entire area of the sign and computing the area of the parallelogram, rectangle, or triangle. The structure supporting a sign is not included in determining the area of the sign with the following exceptions: the area of signs installed in sign cans shall include the outside dimensions of the can itself; and, internally illuminated awnings containing signage shall include as sign area the 2-dimensional plane of any portion of the awning which is internally illuminated. Any two-sided sign where the sides are no more than 36 inches apart, or the interior angle between the two sides of faces is 45 degrees or less, and which are visually identical shall only count one of the two sides as sign area. See figures below. §

![Sign Area Diagram]

![Counting Sign Area Diagram]
Significant Spawning Habitat: In Lake Tahoe, areas designated on TRPA's Prime Fish Habitat Map as "Spawning Habitat" and, through field examination, confirmed to consist of substrate predominantly comprised of small rock, cobble, gravel, or any combination thereof.

Significant Soil Disturbance: Damage to soil structure, chemistry and biota through compaction, burning, removal or topsoil, soil contamination or other activities, to the degree that there may be reduced vegetation growth, increased surface runoff or erosion. Soil compaction and other disturbance potential can vary depending upon soil type, rooting depth, soil moisture content, surface litter thickness and compaction forces. §§

Significant Vegetation Damage: Damage to non-target vegetation such that a vegetation type or plant community does not recover its previous or better water quality and habitat functions and values by the end of the next growing season following tree removal activity. Vegetation damage shall be evaluated through an approved monitoring program containing specific monitoring criteria. § §

Silviculture: The science of forestry; the growing of trees.


Single Family House: A detached structure which contains one residential unit.

Single-use Pier: A facility in the shorezone used and maintained by the owner of one littoral parcel, his family and guests.

Ski Areas: See Skiing Facilities in Chapter 18.

Skidding: Skidding is the act of dragging a tree or log along the ground or snow by cable systems or by mobile equipment. See also Chapter 71.

Skid Trails: A rough pathway on which logs are skidded.

Skiing Facilities: See Chapter 18.

Small Scale Manufacturing: See Chapter 18.

Snag – a standing dead tree in some stage of decay that may have biological and structural attributes usable by wildlife. Hard snags are essentially composed of sound wood, especially on the outside and occur in decay classes 2 through 5. Soft snags are in advanced decay and occur in decay classes 6 through 9. (Source: Maser, C. and J. M. Trappe. 1984. The seen and unseen world of the fallen tree. USDA, Forest Service. Gen. Tech. Rep. PNW–164). §

Snow Mobile Courses: See Chapter 18.

Social Service Organizations: See Chapter 18.


§§ Amended 1/28/2004
§ Amended 5/23/2001
Soil: The unconsolidated mineral or organic material on the immediate surface of the earth that serves as the natural medium for the growth of land plants, detention of sediment and biogeochemical cycling. 

Spawning Habitat: An area that attracts, or is capable of attracting, fish for reasons of producing and fertilizing eggs. Spawning areas are typically comprised of rock, cobble, or rubble.

Special Cut: See Chapter 18.

Special Interest Species: Animal species for which environmental thresholds have been established.

Specific Plan: A comprehensive long-range program for the further development of a facility or area. See Chapter 16.

Specific Program: A program adopted by ordinance which provides for discontinuance or modification of a use or structure. See Chapters 18, 51, and 52.

Split-use unit: A split-use unit is a tourist accommodation unit within a residential design timeshare use which has at least one bedroom and two bathrooms and is constructed such that one or more bedrooms are capable of being rented or leased as a hotel-type tourist accommodation unit separately from the bath and kitchen facilities. A split-use unit constitutes two tourist accommodation units except as set forth in Chapter 15. See Lock-off unit.

Spoil Material: Any earthen material that remains after a grading or dredging activity.

Sport Assembly: See Chapter 18.

Stationary Source: A building, structure, facility, or installation which emits or may emit an air pollutant. Building, structure, or facility includes all pollutant emitting activities which: belong to the same industrial grouping, are located on one or more contiguous or adjacent proper ties, and are under the same or common ownership, operation, or control which are owned or operated by entities which are under common control. Installation includes any operation, article, machine, equipment or other contrivance which emits or may emit an air pollutant.

Step Foundations: Foundations designed to incrementally rise in height in order to conform to the natural ground.

Storage Yards: See Chapter 18.

Stream Environment Zone: Generally an area which owes its biological and physical characteristics to the presence of surface or ground water. The precise definition is an area determined to be an SEZ by application of the criteria set forth in TRPA's Water Quality Management Plan for the Lake Tahoe Region, Volume III, SEZ Protection and Restoration Program, dated November, 1988. The criteria for identifying SEZs in Section

§§ Amended 1/28/2004
§ Amended 12/20/1995
§§ Amended 5/24/1989
37.3 shall be used for purposes of implementing IPES.\\n\\nStream Environment Zone Restoration: See Chapter 18.\\n
Street: A public or private way open to general public use, including all classes of roadways and parking lots, but excluding alleys and driveways.\\n
Structure: Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground. This includes such things as roads, trails, and earthworks.\\n
Structural Diversity: Diversity in a forest stand resulting from layering or tiering of the canopy.\\n
Structural Fish Habitat Management: See Chapter 18.\\n
Structural Wildlife Habitat Management: See Chapter 18.\\n
Structural Repairs: Repairs to those elements of a structure that affect the bearing capacity of the structure including without limitation, pier pilings, bracing and supports, bearing walls, rafters, foundations and base materials under asphalt or concrete).\\n
Structure Housing Gaming: A building or buildings joined together in some definite manner, containing gaming, as defined in Article VI of the Compact.\\n
Study Area: See Chapter 14.\\n
Sub-alpine Zone: The sub-alpine zone is all lands above 8,500 feet elevation.\\n
Subdivision: A subdivision is the act or product of dividing, by a legal instrument such as a recorded deed or map, land, airspace, structures, boat slips or other property into two or more entities, and which entities are recognized, under the law of either state, as separate legal entities for purposes of transfer of title. Subdivisions include but are not limited to divisions of real property, improved or unimproved, for the purpose of use, sale, lease or financing, immediate or future, into two or more condominiums, community apartments, stock cooperatives, lots or parcels.\\n
Subparagraph: The portion of a subsection denominated by numerals or letters enclosed, or followed by, parentheses. (e.g., Chapter 33, Section 33.1., Subsection 33.1.A, Subparagraph 33.1.A.(1)), and which includes any further subparts thereof.\\n
Subsection: Unless the context indicates otherwise, the portion of a section denominated by a capital letter. (e.g., Chapter 33, Section 33.1, Subsection 33.1.A.), and which includes any subparagraphs thereof.\\n
Substrate: The bottom materials of a lake or stream.

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\textsuperscript{555} Amended 6/28/1989
\textsuperscript{555}§ Amended 6/22/1994
\textsuperscript{555} Amended 5/23/2001
\textsuperscript{555}§§§ Amended 11/28/1990
Summer Home: See Chapter 18.

Superstructure: A structure within the foreshore or nearshore, other than a handrail, davit, or flagpole but including boathouses, which projects above high water or ground elevation more than five feet.

Surface Water: Water produced by rainfall, melting snow or a spring falling upon, arising from and naturally spreading over land.

Surface Water Conveyance: A man-made drainage way.

Temporary Erosion Control: Temporary devices installed on a site to contain runoff and control erosion from a site.

Temporary Activity: A temporary activity is an organized event or a commercial activity which does not occur more than four times in a calendar year and which does not exceed fourteen consecutive days in duration. Activities which are within the scope of a primary use, are conducted with in the project area, and which would not otherwise require TRPA review and approval, are not deemed temporary activities. Examples of such activities are: a golf tournament at a golf course, or a ski race at a ski area.

Temporary Erosion Control: Temporary devices installed on a site to contain runoff and control erosion from a site.

Temporary Project: A temporary project is a temporary use, activity or structure. 

Temporary Roads: A class of non-public roads that are used during forest product harvesting, usually for one or two seasons only, and which thereafter are retired from use and restored and revegetated so as to prevent erosion.

Temporary Structure: A temporary structure is a structure which is approved for a limited time as set forth in Chapter 7. 

Temporary Use: A temporary use is a primary use which does not exceed a period of twelve months.

Tentative Map: A subdivision map made for the purpose of showing the design and improvement of a proposed subdivision, and the existing conditions in and around it, which need not be based upon an accurate or final survey of the property.

Thinning: See Chapter 18.

Threshold: See Environmental Threshold Carrying Capacity.

Timber Harvesting: Tree harvesting operations where the primary purpose is the production of raw material for the forest products industry, or for silvicultural purposes, including Christmas tree harvest.

Timber Harvest Plan: A plan describing the methods to be used in a particular timber harvest.

Timber Stand Improvement: See Chapter 18.

Timeshare (Hotel/Motel Design): See Chapter 18.

§ Amended 3/23/1988
§§ Amended 3/23/1988

Third Order Stream: A stream formed by the confluence of two or more second order streams.

Tour Boat Operations: See Chapter 51.

Tourist Accommodation: Uses, facilities, and activities primarily pertaining to the occupation of buildings for eating, sleeping, and living on a temporary basis by persons whose permanent residence is elsewhere.

Tourist Accommodation Unit: One bedroom, or a group of two or more rooms with a bedroom, with or without cooking facilities, primarily designed to be rented by the day or week and occupied on a temporary basis.

Toxic or Hazardous Waste: Any hazardous product which when disposed of improperly can cause damage to human health or the environment. Examples of hazardous wastes include hazardous wastes generated in quantities which are regulated by state or federal laws and hazardous wastes generated in small quantities by households and small businesses, which include automotive lubricants and cleaners, paint preservatives and strippers, stain removers, pesticides, and many other products which may be poisonous, flammable, corrosive, reactive, explosive, or cancer causing. The definition includes any hazardous wastes defined by local, state, or federal agencies with jurisdiction in the Tahoe Region; and when two or more definitions exist, TRPA will apply the more inclusive definition. §

Transit Stations and Terminals: See Chapter 18.

Transmission and Receiving Facilities: See Chapter 18.

Transportation Routes: See Chapter 18.


Tree Removal: The cutting down, killing or damaging materially, a tree.

Trip Assignment Pattern: An estimate of the paths used by vehicle trips to and from a location.

Trip End: A trip origin or trip destination. Trip ends, for a location, are the summation of origins and destinations.

Trip Generation Rate: The number of motorized vehicle trip ends for a location.

TRPA: Tahoe Regional Planning Agency, including the Governing Board and staff.

TRPA Permit: A written statement by TRPA of project approval.

UBC: The Uniform Building Code, as it is amended from time to time.

Uncommon Plant Communities: Plant communities for which environmental thresholds have been established, and other plant communities designated as uncommon and unique.

§ Amended 3/28/1990
Upper Montane Zone: The upper montane zone is lands between 8,500 feet and 7,000 feet elevation.

Uncommon Plant Community Management: See Chapter 18.

Undeveloped Campgrounds: See Chapter 18.

Unserviceable: See Subsection 52.2.F

Unused Allocation: A residential allocation which does not mature into actual construction, including without limitation, forfeited allocations, and case-by-case or prior approvals which expire without construction or where the parcel is sold or donated to an appropriate public entity.

Urban Area: Urban areas are those areas designated as residential, tourist, or commercial/public service by the plan area statements.

Urban Interface (also referred to as the Wildland Urban Interface and the Urban Wildland Interface): All undeveloped lands within a 1,250 foot (0.5km) zone immediately adjacent to TRPA residential, commercial, public service plan area boundaries.

Urban Recreation: See Recreation (Urban).

Utility: A public or quasi-public entity which provides gas, water, electricity, cable TV, telephone or similar services.

Vacant Parcel: A parcel which is undeveloped or unimproved and has no established use.

Vacation Rental: A residential unit rented for periods of 30 days or less.

Vegetation: A collective term for plants.


Vehicle Emissions Standard: A specific emission limit allowed for a class of vehicles. The standard is normally expressed in terms of maximum allowable concentrations of pollutants (e.g., parts per million).

Vehicle Miles Traveled (VMT): The total miles traveled by a motorized vehicle, or a number of motorized vehicles, within a specific area or over a specified period of time.

Vehicle Storage and Parking: See Chapter 18.

Vehicle Trip: See Chapter 93.

Vehicle Trip Generation: Residential or tourist accommodation trip generation is the total number of vehicle trips anticipated from persons occupying such units. For commercial and other uses, trip generation is the total number of vehicle trips to and from the project site.

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§§ Amended 5/23/2001
§ Amended 12/21/1994
§§ Amended 1/28/2004
§§§ Amended 3/24/2004

TRPA Code of Ordinances
CHAPTER 2 - DEFINITIONS
2-34
Visitor Information Centers: See Chapter 18.

Wall-Mounted Sign: See Building Sign and Projecting Sign.\textsuperscript{6,6,6,6}

Warehousing: See Chapter 18.

Water Borne Transit: See Chapter 51.

Water Breaks: A ditch, dike or dip, or a combination thereof, constructed across tractor roads, skid trails, and roads to divert water flow.

Water Crossing or Diversion Structure: A structure designed to alter or cross any stream, river or other body of water.

Watercourse: A man-made stream of water or a natural stream such as a river, creek, or rivulet.

Watercraft: A waterborne vessel of any type or size including, but not limited to, boats, barges, ferries, yachts, houseboats, floating homes, kayaks, rafts, canoes, personal watercraft, pleasure craft, marine craft, amphibious vehicles.\textsuperscript{6,6,6,6,6}

Water-Dependent: A use, activity, or facility, that by its very character must be located adjacent to or over water.

Water Heater: A device that heats water at a thermostatically controlled temperature for delivery on demand.

Water-oriented Outdoor Recreation Concessions: See Chapter 51.

Water Purveyor: A private, public or quasi-public water company, water district, or similar entity, legally empowered to supply or provide water for domestic or other uses.

Water Quality Control Facilities: Facilities required for the attainment and maintenance of water quality and related thresholds, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs and facilities.\textsuperscript{6}

Westside Forest Type: Westside forest type are those forests west of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps 12.C.6).\textsuperscript{6,6,6}

Wet Bar: A single bar-sized sink and a refrigerator no greater than 5 cubic feet in size with minimal cabinets and counters. A wet bar shall not include a gas or electric range, stove top and/or oven (not including a microwave oven), a refrigerator in excess of 5 cubic feet in size, or a standard-sized kitchen sink.\textsuperscript{6,6,6,6,6,6,6,6}

\textsuperscript{6} Amended 8/23/1989
\textsuperscript{6,6} Amended 5/23/2001
\textsuperscript{6,6,6} Amended 5/28/1997
\textsuperscript{6,6,6,6} Amended 9/27/1989
\textsuperscript{6,6,6,6,6} Amended 4/28/2011
Wetlands: Low lying areas where the water table stands near or above the land surface for a portion of the year. These areas are characterized by poor drainage, standing water and hydrophytes and include but are not limited to those areas identified in the land capability classification system as Class 1B lands.

Wholesale and Distribution: See Chapter 18.

Wood Heater: A wood fired appliance, which includes, but is not limited to, a freestanding conventional masonry or prefabricated zero clearance fireplace, any similar fireplace whose operation requires it to be built into the structure as a component of the building, franklin stove, air tight stove, fireplace insert, or any other stove or appliance designed to burn solid fuel for heating and/or enjoyment purposes.

Woodstove: See woodheater.

Working Days: Regular TRPA business days excluding weekends and holidays.

208 Plan: Lake Tahoe Basin Water Quality Management Plan as adopted by TRPA.
Chapter 3
SPECIAL PROVISIONS GOVERNING CERTAIN PROJECTS, USES AND ACTIVITIES

Chapter Contents

3.0 Purpose
3.1 Applicability
3.2 Prior Conditions Of Approval
3.3 Foundations With Expired TRPA Approvals

3.0 Purpose: This chapter sets forth the relationship between the Code and previously approved projects, activities and uses.

3.1 Applicability: The provisions of this Code also apply to all projects and activities approved by TRPA, prior to the effective date of the Regional Plan, July 1, 1987. Subject to the allocation limits and other provisions set forth in Chapter 33, projects approved by TRPA prior to the effective date of the Regional Plan, July 1, 1987, which are not complete, shall be permitted to proceed in accordance with the terms and conditions of the TRPA approval as set forth in section 3.2.

3.2 Prior Conditions Of Approval: Activities and projects approved by TRPA prior to the effective date of the Regional Plan shall be permitted to proceed in accordance with the prior conditions of approval subject to the following provisions:

(1) Article VI(p) of the Compact governing the expiration of project approvals.

(2) The allocation limits and other applicable provisions of Chapter 33.

(3) Code provisions concerning the installation of BMPs, woodstoves and heaters.

3.3 Foundations With Expired TRPA Approvals: Single family house foundations constructed pursuant to a TRPA approval which expired prior to February 28, 1987, or constructed pursuant to city or county permits prior to December 19, 1980 which did not require TRPA review, may be completed only in accordance with Chapter 11. Other foundations for which a TRPA approval was not granted, or which has expired prior to the effective date of the Regional Plan, may be completed only in accordance with Chapter 11.
Chapter 4
PROJECT REVIEW AND EXEMPT ACTIVITIES

Chapter Contents

4.0 Purpose
4.1 Applicability
4.2 List Of Exempt Activities
4.3 List Of Qualified Exempt Activities
4.4 Activities Reviewed By Local Government
4.5 Memoranda of Understanding
4.6 Loss Of Exemption
4.7 Projects
4.8 Special Provisions
4.9 Expiration Of TRPA Approvals

4.0 Purpose: This chapter implements Article VI(a) of the Compact requires TRPA to prescribe, by ordinance, those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the Tahoe Region and therefore will be exempt from its review and approval. This chapter also implements Compact provisions relating to projects and permits.

4.1 Applicability: Special provisions for activities in the shorezone and for signs are set forth in Chapters 26 and 52. This chapter sets forth which activities may have a substantial effect on the land, air, water, space and any other natural resource and therefore are projects subject to TRPA review and approval. This chapter also sets forth which activities will not have a substantial effect on the land, air, water, space and any other natural resource in the Region and therefore are exempt from TRPA review and approval. Exemption of activities from TRPA review and approval shall not be construed to exempt such activities from applicable provisions of the Code.

4.2 List Of Exempt Activities: The following activities are not subject to review and approval by TRPA provided they do not result in the creation of additional land coverage or relocation of land coverage, comply with Sections 30.6, 30.9 and 30.10 and meet all restrictions set forth below.§

4.2.A General Activities: The following general activities are exempt:

(1) Interior remodeling provided there is no change or intensification of use and no increase in density; and interior structural remodeling of commercial or tourist accommodation structures that is less than $40,000 in value.§§

§ Amended 11/20/02
§§ Amended 11/19/03
(2) Ordinary maintenance and repair, which is the upkeep, or preservation of the condition of property and includes: painting; re-roofing with non metallic material; replacement of windows, siding, doors, construction of overlays upon existing paved surfaces, air conditioning, sewer, water and electrical equipment, and other fixtures. For structures visible from the Scenic Threshold Travel Routes and from the Public Recreation Areas and Bicycle Trails identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation, painting and siding shall be consistent with Subparagraph 30.6.A(3).§

(3) Repair or replacement of existing fences not located in SEZs or bodies of water.

(4) Excavation, filling or backfilling for a volume not in excess of three cubic yards provided the activity is completed within a 48 hour period and the excavation site is stabilized to prevent erosion. This exemption shall not be construed to exempt a series of excavations, which, when viewed as a whole, would constitute a project.

(5) Removal of dead trees, up to but not including snags larger than 30 inches in westside forest types and snags larger than 24 inches in eastside forest types, on parcels of any size, and removal of dead limbs, and removal of live limbs not resulting in material damage to a tree. Protection of snags suitable for wildlife habitat shall be in accordance with the standards in Subsection 78.2.D.§§

(6) Seasonal lighting displays which are displayed between Thanksgiving and March 1 of the following year.

(7) Demolition of structures, improvements, or facilities, less than 50 years of age, provided any associated excavation and backfill is exempt pursuant to Subparagraph 4 above. To obtain credit for coverage or existing development TRPA approval is required.

(8) As of August 1, 1997, additional or new landscaping and gardening in stream environment zones and the backshore are not exempt. Landscaping and gardening provided any associated excavation or backfill, if any, is exempt pursuant to subparagraph (4) above and the landscaping is in accordance with Chapter 74, the BMP Handbook, and Code Subsection 81.7.A requirements for fertilizer use and the TRPA plant list. §§§

§ Amended 11/20/02
§§ Amended 5/23/01
§§§ Amended 12/18/02
(9) A home occupation customarily conducted entirely within a dwelling by the residents thereof, provided the occupation is clearly incidental and secondary to the use of the dwelling for residential purposes, and provided there is or are:

(a) No sales of products not produced on the premises, unless the sales are done by written order with no commodities or displays on the premises.

(b) No employment of more than one person other than the residents of the dwelling;

(c) No signs or structures advertising the occupation;

(d) No outside storage of materials or supplies incidental to the home occupation; and

(e) No more than one home occupation is carried on in a dwelling.

For guidance, the following uses are examples of home occupations: consultative professional occupations, whose function is one of rendering a service; a secondary business office; the making of clothing; the giving of music lessons; the creation of crafts.

(10) Construction of new residential fences, provided the fence is not more than six feet high, does not obstruct the public's view of Lake Tahoe and is not located in an SEZ or body of water.

(11) Parcel consolidations, provided deed restrictions permanently consolidating the parcels are recorded by the affected owners.

(12) Replacement of combustion heaters (water or space) and woodstoves with units on TRPA's list of approved combustion heaters.

(13) Removal of trees 14 inches d.b.h. or less are exempt except as provided in Section 71.3 and Subparagraph 74.2.A (3). Cutting, moving, removing, killing or materially damaging up to 100 live trees greater than fourteen inches d.b.h. and up to 30 inches d.b.h. in Westside forest types and 24 inches d.b.h. in eastside forest types, per year within a project area provided all live trees to be removed are marked and a tree removal permit is issued pursuant to a memorandum of understanding between a qualified agency and TRPA, and the tree removal does not constitute substantial tree removal as defined in Subsection 71.4.I. The memorandum of understanding shall be consistent with the standards in Chapter 71. §§

§ Amended 7/28/04 and 1/28/08
§§ Amended 5/23/01
§§§ Amended 11/18/09

REPLACED MARCH 2012
4.2.B Mail Delivery Activities: The following mail delivery activities are exempt:

(1) Mail delivery receptacles which are designed and installed in accordance with design standards which are part of a TRPA-approved area wide mail delivery program.

(2) Mail delivery receptacles and support structures which comply with the following standards:

   (a) One mail box for each parcel or project area which:
       (i) complies with all U.S. Postal Service standards;
       (ii) is located in such a manner and place that can be accessed by mail delivery vehicles such that the vehicles will not cause compaction or disturbance of previously uncompacted or undisturbed road or driveway shoulders or aprons; and
       (iii) if located within a scenic highway corridor pursuant to Section 30.13, is colored using dark shades of earthtone colors and matte finish.

   (b) One set of cluster boxes where the number of boxes is equal to the number of parcels or project areas being served which:
       (i) meets the design and scenic standards listed in 4.2.B(2)(a)(i) through (iii), above.

4.2.C Temporary Activities: The following temporary activities are exempt.

(1) A temporary activity which:

   (a) Does not cause parking on unpaved areas;
   (b) Does not create or relocate land coverage or disturbance;
   (c) Does not require closure of a traffic lane or intersection of a state or federal high way for more than one hour, or the closure of U.S. 50 at any point between the South Wye and Kingsbury Grade for any period of time;
   (d) Does not create noise in excess of the limits in Chapter 23;
   (e) Does not exceed fourteen consecutive days in duration and will not occur more than four times in a calendar year; and
   (f) If the temporary activity, other than the parking, is located on unpaved areas, the temporary activity does not occur on an unpaved area which has been used for temporary projects more than four times in the past calendar year.

(2) Temporary activities in TRPA-approved special event areas in accordance with the TRPA approval.
 Temporary activities which are reviewed and approved by a local government, the Forest Service, or a state agency pursuant to a memorandum of understanding with TRPA consistent with Chapter 7.

4.3 List of Qualified Exempt Activities: The following activities are not subject to review and approval by TRPA provided the applicant certifies on a TRPA qualified exempt form that the activity fits within one or more of the following categories and the activity does not result in the creation of additional land coverage or relocation of existing land coverage and complies with all restrictions set forth below. The statement shall be filed with TRPA at least three working days before the activity commences, except as required for demolition activities in Subparagraph 4.3.A(7) below, and shall be made under penalty of perjury. §

4.3.A General Activities: The following activities are qualified exempt:

(1) Structural repair of existing structures, less than $21,000 per year provided there is no excavation, filling or backfilling in excess of that exempted by paragraph (5) below, no increase in the dimensions of a structure, no intensification or change in use, no increase in commercial floor area, and no increase in density. This amount shall be calculated on an objective market valuation of the materials involved.

(2) Structural modifications to existing structures required to comply with local building department and/or Uniform Building Code (UBC) standards, provided documentation by the local building department is submitted to TRPA, the modification is the minimum necessary, there is no excavation, filling or backfilling in excess of that exempted by paragraph (5) below, no increase in the dimensions of a structure visible from any TRPA designated scenic threshold travel route, no height created greater than that allowed by Table A of Chapter 22 of the TRPA Code, no intensification or change in use, no increase in commercial floor.

(3) Structural remodeling or additions to existing structures provided there is, no excavation and backfilling in excess of that exempted by paragraph (5) below, no increase in the dimensions of a structure visible from any TRPA designated scenic threshold travel route, no height created greater than that allowed by Table A of Chapter 22 of the TRPA Code, no intensification or change in use, no increase in commercial floor area, no increase in density, no increase in existing hard coverage, a BMP retrofit plan and compliance schedule as set forth in Chapter 25 is submitted to TRPA, all excess coverage mitigation requirements, if any, are satisfied in accordance with Chapter 20, and there is existing paved access and parking.

§ Amended 11/20/02
§§§ Amended 08/22/05
§§ Amended 11/19/03
(3) Replacement of an existing mobile home in a legally-established mobile home space, which does not result in a change in use or additional land coverage.

(4) Excavation, filling or backfilling for an area not in excess of seven cubic yards is exempt provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, or on parcels with IPES scores above the line, and the excavation site is stabilized within 48 hours to prevent erosion. This exemption shall not be construed to exempt a series of excavations which, when viewed as a whole, would constitute a project.

(5) Demolition of structures, improvements or facilities, 50 years or greater in age, provided the structure, improvement, or facility is not designated, or pending for designation, on the Historic Resource Map, and a statement is filed pursuant to Section 4.3 at least three working days in advance of the activity. To obtain credit for coverage or existing development, TRPA approval is required.

(6) Changes in operation resulting in generation of less than 100 additional vehicle trips, in connection with a commercial, recreation or public service use, provided there is no change from one major use classification to another and the resulting use is an allowed use and the applicant pays an air quality mitigation fee in accordance with subparagraph 93.3.D.

(7) An outdoor retail sales use associated with a holiday, season such as Christmas tree and pumpkin patch sales, provided the use does not cause parking on unpaved areas, does not operate for more than six consecutive weeks in a twelve month period, and is located in a plan area designated commercial, public service or tourist.

(8) Timber harvesting for the removal of dead, dying, and diseased trees (salvage cuts) under 30 inches d.b.h. in westside forest types and 24 inches d.b.h. in eastside forest types, on parcels of 20 acres or less in size, that are not part of a larger parcel of land in the same ownership provided that:

(a) A Tahoe Basin Tree Removal Permit, that expires twelve months after issuance, has been issued for trees marked pursuant to the memorandum of understanding between the appropriate state forestry agency and TRPA;

§ Amended 7/28/04
§§ Amended 5/23/01
(b) Dying trees are defined as those determined to be dead within one year by a qualified forester authorized to issue a Tahoe Basin Tree Removal Permit by the Memoranda of Understanding between TRPA and the Nevada Division of Forestry and the California Department of Forestry and Fire Protection;

c) A pre-operations field inspection is completed by TRPA, which is attended by a representative from the appropriate state forestry agency, property owner or authorized representative, and the licensed timber operator;

d) Grading is not in excess of seven cubic yards for activities occurring between May 1 and October 15, or not in excess of three cubic yards for activities occurring between October 15 and May 1, and is limited to land capability districts 3, 4, 5, 6, 7;

e) All slash shall be treated by chipping, piling for burning, or hauled away within 15 days following cutting and any burning of piled slash shall be completed within 30 days during permissible burn periods or no later than May 1 of the following year;

(f) Soil erosion protection and stabilization of disturbed areas shall be done concurrently with logging operations, with full completion no later than 48 hours following the end of cutting; and

g) There are no watercourse or stream environment zone crossings except for existing bridges and culverts.

(9)§ Replacement of an existing roof with a metal roof that is composed of non-glare earhtone colors. For this subparagraph, non-glare earhtone 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§§. The applicant shall submit color and material samples to TRPA with their Qualified Exempt form.

4.4 Activities Reviewed By Local Government: The following activities are reviewed and approved in accordance with the TRPA Regional Plan and Code of Ordinances by a local government pursuant to a memorandum of understanding and are therefore exempt from TRPA review and approval:

4.4.A. Residential Activities Within the City of South Lake Tahoe (CSLT): As set forth in Appendix L, dated January 1995, to this Chapter.

§ Amended 11/20/02
§§ Amended 1/22/03
4.4.B Temporary Activities Within the City of South Lake Tahoe (CSLT): As set forth in the Memorandum of Understanding regarding exemption of temporary activities from TRPA review and approval between the CSLT and TRPA dated June 30, 1988, as may be amended by resolution of the Governing Board.

4.4.C Sign Activities Within the City of South Lake Tahoe (CSLT): As set forth in the Memorandum of Understanding regarding exemption of sign activities from TRPA review and approval between the CSLT and TRPA dated June 1, 1994 and set forth in Appendix CC of this Chapter.


4.4.E Residential Activities Within El Dorado County: As set forth in Appendix W to this Chapter.

4.4.F Sign Activities Within the Placer County Portion of the Region: As set forth in the Memorandum of Understanding regarding exemption of sign activities from TRPA review and approval between Placer County and TRPA dated December 17, 1997 and set forth in Appendix DD of this Chapter.

4.4.G Residential Activities Within Washoe County: As set forth in Appendix EE, dated October 1995, of this Chapter.

4.4.H Activities Reviewed by El Dorado County: As set forth in Appendix JJ dated April, 1999 of this Chapter. [Amended June 27, 1999]

4.4.I Small Commercial and Related Activities by the City of South Lake Tahoe (CSLT): As set forth in Appendix KK, dated May, 1999, of this Chapter. [Amended July 25, 1999]

4.4.J Various Activities Within Placer County: As set forth in Appendix LL, dated April 3, 2000, of this Chapter. [Amended April 26, 2000]

4.5 Memoranda of Understanding: Those activities of public and quasi-public entities as set forth in the following memoranda of understanding (MOUs) between TRPA and such entities are exempt:

4.5.A MOU with California Tahoe Conservancy: As set forth in Appendix B to this Chapter. [Amended September 26, 1999]

4.5.B MOU with Nevada Division of State Parks: As set forth in Appendix C to this Chapter. [Amended September 27, 2000]

4.5.C MOU with California Department of Parks and Recreation: As set forth in Appendix D to this Chapter. [Amended May 23, 1999]

4.5.D MOU with the United States Forest Service: As set forth in Appendix E to this Chapter.

4.5.E MOU with Pacific Bell: As set forth in Appendix F of this Chapter.
4.5.F MOU with California Department of Transportation: As set forth in Appendix G of this chapter.

4.5.G MOU with Nevada Department of Transportation: As set forth in Appendix H of this Chapter.

4.5.H MOU with Tahoe City Public Utility District: As set forth in Appendix I of this Chapter.

4.5.I MOU with South Tahoe Public Utility District: As set forth in Appendix J of this chapter.

4.5.J MOU with Incline Village General Improvement District: As set forth in Appendix K of this Chapter.

4.5.K MOU with Sierra Pacific Power Company: As set forth in Appendix M of this Chapter. [Amended May 23, 1999]

4.5.L MOU with Douglas County: As set forth in Appendix N of this Chapter. [Amended August 22, 2001]

4.5.M MOU with North Tahoe Public Utility District (NTPUD): As set forth in Appendix O of this Chapter.

4.5.N MOU with Tahoe-Douglas District: As set forth in Appendix P of this Chapter.

4.5.O MOU with TCI Cablevision: As set forth in Appendix Q of this Chapter.

4.5.P MOU with Tahoe Truckee Unified School District: As set forth in Appendix S of this Chapter.

4.5.Q MOU with Southwest Gas Corporation: As set forth in Appendix T of this Chapter.

4.5.R MOU with WP Natural Gas: As set forth in Appendix U of this Chapter.

4.5.S MOU with Douglas County Sewer Improvement District: As set forth in Appendix V of this Chapter.

4.5.T MOU with Nevada Bell: As set forth in Appendix X of this Chapter.

4.5.U MOU with Nevada Division of State Lands: As set forth in Appendix Y of this Chapter. [Amended June 28, 2000]

4.5.V MOU with El Dorado County: As set forth in Appendix Z, of this Chapter.

4.5.W MOU with Kingsbury General Improvement District: As set forth in Appendix AA of this Chapter.

4.5.X MOU with Lahontan Regional Water Quality Control Board: As set forth in Appendix BB of this Chapter. [Amended May 23, 1999]§

§ Amended 4/23/03
4.5.Y MOU with Contel/GTE: As set forth in Appendix FF of this Chapter.

4.5.Z MOU with Fulton Water Company: As set forth in Appendix GG of this chapter.

4.5.AA MOU with Tahoe Park Water Company: As set forth in Appendix HH of this chapter. [Amended May 23, 1999]

4.5.BB MOU with McKinney Water District: As set forth in Appendix II of this chapter. [Amended May 23, 1999]

4.5.CC MOU with City of South Lake Tahoe: As set forth in Appendix MM of this chapter. §

4.5.DD MOU with Lukins Brothers Water Company, Inc.: As set forth in Appendix NN of this chapter. §§

4.5.EE MOU with Round Hill General Improvement District: As set forth in Appendix OO of this Chapter. §§§

4.6 Loss Of Exemption: An exempt activity shall be considered a project if TRPA finds that the activity may have a substantial effect on the land, air, water, space, or any other natural resources in the Region.

4.7 Projects: An activity which is not exempt from TRPA review and approval pursuant to Sections 4.2 through 4.9, inclusive, is a project subject to TRPA review and approval.

4.7.A Project Review: Projects shall be reviewed by TRPA in accordance with TRPA's Rules of Procedure and pursuant to the applicable Code provisions. Projects approved by TRPA shall be issued permits in accordance with the Rules of Procedure.

4.7.B Governing Board Action: Categories of projects and matters listed in Appendix A or as otherwise required by law shall require Governing Board or Hearings Officer approval. The Governing Board hereby delegates to the Executive Director, through the Hearings Officer, review and final action on the projects and matters not listed in Appendix A requiring Hearings Officer approval. Applicants for projects delegated to the Hearings Officer in Appendix A, shall have the right to bypass the Hearings Officer process and seek full Governing Board review of their project. Final review, action and approval on all other projects and matters are delegated to the Executive Director. §§§§

4.7.C Unusual Circumstances: The Executive Director may determine that a project or matter not listed on Appendix A, because of unusual circumstances, warrants Governing Board review and action and may schedule the project for Governing Board consideration.

§ Amended 2/28/2001
§§ Amended 4/24/2002
§§§ Amended 7/24/2002
§§§§ Amended 2/25/1998
4.7.D **Appeals:** The final action of the Executive Director may be appealed to the Governing Board pursuant to TRPA's Rules of Procedure. Final Action of the Governing Board may be appealed\(^\S\) to a court of competent jurisdiction pursuant to Article VI (j) of the Compact.

4.8 **Special Provisions:** The following special provisions apply to certain projects:

4.8.A **Emergency Projects:** Emergency projects shall be reviewed and acted upon in accordance with the Rules of Procedure.

4.8.B **Structures That Do Not Comply With Site Development Provisions:** Repair or remodeling, and reconstruction, modification or expansion, of structures that do not comply with site development provisions (Chapters 20-30), may be approved provided TRPA finds that:

1. The structure is not subject to a specific program of removal or modification pursuant to the site development provisions or other implementing programs of TRPA, or that the structure shall comply with the requirements of the applicable programs;

2. The repair or remodeling, reconstruction, modification, or expansion does not increase the extent to which the structure does not comply with the site development provisions; and

3. Any expansion complies with all applicable site development provisions.

4.8.C **Buildings Damaged Or Destroyed By Fire Or Other Similar Calamity:** Buildings damaged or destroyed by fire or other similar calamity may be repaired or rebuilt, except as prescribed by Chapter 28 in areas of identified avalanche or mass instability danger, and except as set forth in Chapters 50-56, inclusive, in the shorezone, with no requirement for excess coverage mitigation or height reduction, by fee or otherwise. Repair or reconstruction shall be in substantial conformance with the original structure, with no increase in floor area, land coverage, height, or volume.

   1. **Application:** A complete application, as defined in the Rules of Procedure, shall be submitted to TRPA within eighteen months of the damage or destruction resulting from the calamity. Structures for which applications are not timely filed shall be considered derelict and not as existing structures.

   2. **Findings:** TRPA may approve such projects provided TRPA finds that:

      a. The repair or reconstruction does not increase the extent to which the structure does not comply with the site development provisions; and

      b. There is no increase in height, floor area, land coverage, or volume of the structure.

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\(^\S\) Amended 08/27/2008
4.9 **Expiration Of TRPA Approvals:** Approval by TRPA of any project expires three years after the date the approval is granted by TRPA, as defined in TRPA's Rules of Procedure, or December 19, 1980, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced.

4.9.A **Operation Of Law:** Expiration of TRPA approvals shall be by operation of law. Failure to give notice of expiration shall not affect the applicability of this provision.

4.9.B **Commencement Of Construction:** Commencement of construction shall be the pouring of concrete for a foundation, or work of a similar nature upon the permitted structure. Commencement of construction does not include grading, plan preparation, installation of utilities or landscaping.

4.9.C **Diligent Pursuit:** Diligent pursuit is defined as follows:

1. Diligent pursuit shall be defined by the condition of approval relating to completion of the project. Project approvals shall state the time for completion of the project.

2. For projects approved without a condition of approval relating to completion of the project, diligent pursuit shall be defined as reasonable onsite progress toward completion of the project each building season beginning with the building season in which construction is commenced. Failure to accomplish onsite progress toward completion in any building season after construction has commenced and the three year approval period has passed shall result in expiration of the approval for failure to diligently pursue construction. Failure to give notice of such expiration shall not affect the applicability of this section.

4.9.D **Single Family Homes:** Construction of new single family homes shall be completed within two years from the date of the TRPA pregrading inspection. The two year period may be extended once for up to one year provided the request is made in writing prior to the expiration of the two year period, a security is posted to ensure completion or abatement of the project and TRPA makes either of the following findings:

1. The project was diligently pursued, as defined in subparagraph 4.9.C(2), during each building season (May 1 - October 15) since commencement of construction.

2. That events beyond the control of the permittee, which may include engineering problems, labor disputes, natural disasters or weather problems, have prevented diligent pursuit of the project.
4.9.E Other Projects: Construction of projects other than new single family homes shall be complete by the date set forth in the conditions of approval. Extension of a completion schedule for a project other than a single family home may be granted provided the request is made in writing prior to the expiration of the completion schedule, a security is posted to ensure completion or abatement of the project and TRPA makes either of the following findings:

(1) The project was diligently pursued, as defined in subparagraph 4.9.C(2), during each building season (May 1 - October 15) since commencement of construction.

(2) That events beyond the control of the permittee, which may include engineering problems, labor disputes, natural disasters or weather problems, have prevented diligent pursuit of the project.

4.9.F Completion Of Project: Completion of a building shall be defined as a fully enclosed structure with all permanent drainage improvements, slope stabilization, and revegetation installed. Completion of projects which do not consist of a building or buildings, shall be defined as commencement of the use or activity permitted and installation of all permanent drainage improvements, slope stabilization and revegetation.
Chapter 4
APPENDIX A

PROJECTS AND MATTERS TO BE APPROVED BY GOVERNING BOARD OR HEARINGS OFFICER

I. GENERAL

Governing Board Review
1. EIS certification (Chapter 5)\(^2\)
2. Projects for which an EIS has, or will be prepared, when requested by the Governing Board during scoping of the Draft EIS, or during subsequent public hearings for the EIS, or at the discretion of the Executive Director\(^2\)
3. Plan amendments, ordinances and resolutions
4. Community Plans, including preliminary plan or work program, redevelopment, master or special plans
5. Problem assessments and remedial action plans, excluding voluntary problem assessments and remedial action plans (Chapter 9)
6. Increases in supply of land coverage (Chapter 20)\(^1\)
7. Delegation Memoranda of Understanding (except for those executed pursuant to Subsection 71.1.A)\(^2\)
8. Substantial harvest or tree removal plans (71.4.I) except for fuels management projects (71.5.C)\(^2\)
9. Mitigation fund expenditures and projects (Chapter 82 and 93)
10. Permit revocations (Chapter 8)\(^1\)
11. Designated historic resource determinations (Chapter 29)
12. Projects resulting in a significant increase in traffic when the project causes level of service (LOS) to worsen by one letter grade at an intersection, or results in any additional delay at an intersection already rated at LOS “F” (Chapter 93)\(^2\)
13. Allocation systems (Chapter 33)
14. Establishing the level defining the top ranked parcels pursuant to Subsection 37.8.B, lowering the line defining the top ranked parcels pursuant to Subsection 37.8.C and determining allowable base land coverage pursuant to Subsection 37.11.A.
15. Findings of the demonstration of commitment for affordable housing pursuant to Subsection 43.4.F.\(^1\)

\(^2\) Amended 06/22/2005
\(^1\) Amended 07/28/2004
16. Special project allocations (Subsection 33.3.D (3))

Hearings officer
1. Special uses, including changes, expansions or intensifications of existing uses (Chapter 18)
2. Additional height for eligible structures, in special heights districts for adopted community and redevelopment plan areas (Subsection 22.4.D)¹
3. Additions, reconstruction, or demolition of eligible or designated historic resources (Chapter 29)²
4. Modification to SEZs, excluding modifications for residential projects in accordance with Subsection 20.4.B(1) and involving erosion control and other environmentally oriented projects and facilities in accordance with Subsection 20.4.B(4)
5. Land capability challenges and man-modified challenges, except land capability challenges pursuant to Subsection 20.2.D submitted under the special provisions for designated land banks (Chapter 20 and 53)
6. Additional coverage in excess of 1,000 square feet in land capability districts 1-3
7. Projects resulting in a significant increase in traffic that do not require Governing Board review (Chapter 93)²

II. RESIDENTIAL PROJECTS INVOLVING

Governing Board Review
1. Allocation of ten or more residential bonus units to affordable or moderate-income housing.²
2. Mobile home developments involving the creation or elimination of ten or more mobile homes, including conversions to other uses.²

Hearings Officer
1. Multi-residential and employee housing greater than four units²
2. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensification of existing uses
3. Allocation of more than two, but less than ten, residential bonus units to affordable or moderate-income housing²

¹ Amended 06/22/2005
² Replaced March 2012
III. COMMERCIAL PROJECTS INVOLVING

Governing Board
1. Allocations or transfer of floor area, 3,000 or more square feet

Hearings Officer
1. Allocations or transfer of floor area less than 3,000 square feet

IV. PUBLIC SERVICE PROJECTS INVOLVING

Governing Board
1. New facilities or additions involving over 3,000 square feet of floor area or 3,500 square feet of new land coverage
2. Airport Expansion

V. RECREATION PROJECTS INVOLVING:

Governing Board
1. New facilities or additions involving more than 3,000 square feet of building floor area or 3,500 square feet of land coverage (except recreational trails, which may be allowed greater land coverage)
2. New recreational trails (hiking and/or bicycle) exceeding one mile in length, or shorter trails that create new land coverage on low capability land or pass through sensitive wildlife habitat
3. Projects requiring an allocation of PAOTs from the overnight pool of 1,000 PAOTs

Hearings Officer
1. New recreational trails (hiking and/or biking) that are between 1,000 feet and one mile in length, provided the new land coverage is all on high capability land and the trails do not pass through sensitive wildlife habitat

VI. SHOREZONE PROJECTS INVOLVING

Governing Board
1. Tour boat operations (new or expansion)
2. Waterborne transit (new or expansion)
3. Seaplane operation (new or expansion)
4. Marinas (new or expansion)
5. Boat launching facilities (new or expansion)
6. Recognition of multiple-use facilities (Chapter 54)

1 Amended 06/22/2005
7. Expansion requiring a deviation of development standards, except low level boatlift additions and reconfigurations of existing structures to increase conformance

Hearings Officer
1. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensifications of existing uses
2. New structures (except those identified for Governing Board review)
Appendix B

MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
CALIFORNIA TAHOE CONSERVANCY

This Memorandum of Understanding is entered into this 30th day of August, 1988, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and the CALIFORNIA TAHOE CONSERVANCY (CTC), by and through its Chief Executive Officer.

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

I. EXEMPT ACTIVITIES

The following activities on California Tahoe Conservancy land, in addition to those exempt pursuant to Section 4.2 of the TRPA Code, are not subject to review and approval by TRPA.

A. RECREATION ACTIVITIES
   1. Operation of recreation sites and facilities.
   2. Operation of visitor information and interpretive services.
   3. Landscaping and revegetation.

B. SIGNING
   1. Installation of signs not in excess of 25 square feet per parcel.

C. HISTORIC RESOURCES
   1. Inventory, protection, maintenance, and disposition of historic resources.

D. ROADS AND TRAILS
   1. Maintenance of existing roads, trails, bridges, and related structures.
E. STRUCTURES
1. Demolition of structures, improvements or facilities, provided the structure, improvement, or facility is not designated, or pending for designation, on the TRPA Historic Resource Map, as amended from time to time.
2. Structural repair or remodeling less than $5,000 per year which does not result in excavation or backfilling in excess of that described in TRPA Code, Subparagraphs 4.2.A(6) and 4.3.A(6), additional land coverage, an increase in the dimensions of a structure (including height), a change of use, an increase in commercial floor area, or an increase in density.

F. FISH AND WILDLIFE
1. Protection of wildlife habitat and fisheries, provided there is no modification of streams.
2. Establishment of wildlife viewing stations.

G. FIRE PROTECTION
1. Vegetation management for fire prevention purposes.

H. SCIENTIFIC RESEARCH AND MONITORING
1. Installation of instruments for scientific research and monitoring.

I. EROSION CONTROL AND RESTORATION ACTIVITIES
1. Installation of erosion control measures such as:
   a. Retaining walls not exceeding 60 feet in length
   b. Sediment basins not exceeding 150 square feet in size
   c. Swales
   d. Rock slope protection
   e. Rock-lined ditches
   f. Fences
   g. Willow wattling
2. Restoration of disturbed areas of one acre or less.

J. MISCELLANEOUS ACTIVITIES
1. Temporary activities, in accordance with Sections 7.5 and 7.6 of the Code, provided that the temporary activity does not create noise in excess of the noise limitations of Chapter 23 of the Code.
2. Land surveys, corner recovery, remonumentation and land-line posting.
3. Maintenance of existing dams provided there is no change in holding capacity.
4. Excavation and backfilling for an area not in excess of seven cubic yards, provided the activity occurs during the grading season (May 1, to October 15) in Land Capability Districts 4, 5, 6, and 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion.

III. QUALIFIED EXEMPT ACTIVITIES

The following activities on California Tahoe Conservancy land are not subject to review and approval by TRPA, provided CTC certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, and is in conformance with the applicable provisions of the TRPA Code. The statement shall be filed with TRPA at least one working day before the activity commences. The following activities are subject to the BMP retrofit requirements of Chapter 25 and are subject to the land coverage mitigation program in Section 20.5 of the Code. The following activities are in addition to those activities deemed "Qualified Exempt" pursuant to Section 4.3 of the TRPA Code.

A. RECREATION ACTIVITIES
   1. Replacement of fences, roads, and utilities in recreation sites provided the use is a permissible use pursuant to Chapter 18 of the Code, and the replacement does not result in an expansion under the Code.

B. ROADS AND TRAILS
   1. Reconstruction of roads, parking lots, trails, and bridges, as necessary to protect the environment or eliminate a safety hazard.

C. FISH AND WILDLIFE
   1. Fish and wildlife habitat enhancement activities provided they do not result in modification of a stream or lake.

D. FIRE PROTECTION
   1. Prescribed burning.

E. EROSION CONTROL AND RESTORATION ACTIVITIES
   1. Installation of erosion control measures such as: retaining walls exceeding 60 feet in length, or sediment basins exceeding 150 square feet, provided the erosion control measure is not visible from the shore of any lake, from any roadway for which a scenic threshold rating has been established, from class 1 bikepaths, or from a developed recreation site.
   2. Restoration of stream environment zones (SEZ).
   3. Restoration of disturbed areas exceeding one acre in size.
F. VEGETATION MANAGEMENT

1. The following activities are qualified exempt provided they do not constitute "substantial" tree removal as defined in Section 71.3.I of the Code, and provided the activity is performed under the supervision of a registered professional forester, or a forester employed by the California Department of Forestry (CDF) or the United States Forest Service (USFS). Such activities may include, but not be limited to:
   a. Timber stand improvement projects, pruning, thinning, removal of hazardous, dead, dying, or diseased trees, and disposal of wastes through the issuance of wood permits, chipping, slash burning, and scattering.
   b. Protection and enhancement of rare, endangered, threatened, sensitive, and special interest plant associations.
   c. Fuelwood sales and wood permits.
   d. Commercial timber sales consistent with Chapter 71 of the Code.

G. MISCELLANEOUS

1. Excavation and backfilling for an area not in excess of 50 cubic yards provided the activity occurs during the grading season (May 1 to October 15) in Land Capability Districts 4, 5, 6, or 7, and the excavation site is stabilized and revegetated within 72 hours to prevent erosion.

2. Installation of undergrounding of utilities for a distance of not more than 500 lineal feet provided the undergrounding does not occur in a SEZ.

3. Installation of overhead telephone lines, power lines under 10kv, and service connections under one mile in length if the service connection is located entirely on California Tahoe Conservancy land and is at least 100 feet from privately-owned land.

4. Installation of water lines for a distance of not more than 500 feet lineal feet, provided the water line is not located in a SEZ.

IV. TREATMENT AND ACCOUNTING OF COVERAGE FOR ACTIVITIES COVERED BY THIS MOU

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

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. The CTC shall report on the status of coverage or disturbed land which has been restored or retired during the reporting period, to the Executive Director of TRPA periodically in conjunction with the periodic reports required by Paragraph V.B.7 of the CTC/TRPA Land Coverage Banking MOU, dated February 18, 1988.
V. LOSS OF EXEMPTION
Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director of TRPA determines that, because of unusual circumstances, the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

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

CALIFORNIA TAHOE CONSERVANCY
DATED: September 19, 1988

Dennis Machida
Chief Executive Officer

TAHOE REGIONAL PLANNING AGENCY
DATED: August 30, 1988

William A. Morgan
Executive Director
Chapter 5
ENVIRONMENTAL DOCUMENTATION

Chapter Contents

5.0 Purpose
5.1 Applicability
5.2 Determination Of Need To Prepare EIS
5.3 Environmental Assessments
5.4 Availability Of Environmental Assessments
5.5 Activities And Projects Exempt From Preparation Of Environmental Impact Statement
5.6 Finding Of No Significant Effect
5.7 Mitigated Finding Of No Significant Effect
5.8 Environmental Impact Statement

5.0 Purpose: This chapter sets forth the provisions regarding environmental documentation.

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

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

5.2.A Initial Environmental Checklist: Applicants for projects, shall complete a TRPA initial environmental checklist (IEC), and shall submit the checklist as part of the project application.

(1) The applicant shall describe and evaluate the significance of all impacts receiving "yes" answers.

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

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

(1) The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.
The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

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

5.3 **Environmental Assessments:** If TRPA determines the IEC will not provide sufficient information to make the findings in Subsection 5.2.B, TRPA shall require the preparation of an environmental assessment in lieu of an initial environmental checklist.

5.3.A **Environmental Assessments:** Environmental assessments shall contain the following elements:

1. A brief discussion of the need for the project;
2. Alternatives to the proposed project;
3. A discussion of the environmental impacts of proposed project and the alternatives; and
4. A list of agencies and persons consulted.

5.3.B **Findings:** Based on the information contained in the environmental assessment, and other information known to TRPA, TRPA shall make one of the findings listed under Subsection 5.2.B and take the action prescribed in the applicable finding.

5.4 **Availability Of Environmental Assessments:** TRPA shall make environmental assessments available for public review not less than five working days before TRPA intends to take action on the project.

5.5 **Activities And Projects Exempt From Preparation Of Environmental Impact Statement:** Article VII(f) of the Compact, requires TRPA to adopt by ordinance a list of classes of projects which TRPA has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement.

5.5.A **Projects Exempt From Preparation Of Environmental Impact Statement:** The following projects are exempt from preparation of an EIS and other environmental documents:

1. Construction of single family houses and additions and accessory structures thereto, in compliance with the provisions of the Code.
2. Changes in use consisting of minor increases in vehicle trips (See Chapter 93).
Transfers of development rights and residential allocations (does not include construction of new units).

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

5.6 Finding Of No Significant Effect: If TRPA finds that a project or matter will not have a significant effect, no further environmental documentation shall be required.

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

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

5.8.A Preparation Of EIS: When preparing an EIS, TRPA shall:

1. Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment.

2. Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources.

3. Consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes.

4. Consult the public during the environmental impact statement process and solicit views during a public comment period not be less than 60 days.

5.8.B Contents Of EIS: An EIS shall include, at a minimum, the following:

1. Description of project.

2. The significant environmental impacts of the proposed project.

3. Any significant adverse environmental effects which cannot be avoided should the project be implemented.
(4) Alternatives to the proposed project.

(5) Mitigation measures which must be implemented to assure meeting standards of the region.

(6) The relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.

(7) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented.

(8) The growth-inducing impact of the proposed project.

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

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

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations such as economic, social or technical, make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.
Chapter 6
FINDINGS REQUIRED

Chapter Contents

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

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

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

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

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

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

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

6.3.A Findings Necessary To Approve Any Project: To approve any project, TRPA must find, in accordance with Sections 6.1 and 6.2, that:
(1) The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code and other TRPA plans and programs.

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

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

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

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

(a) Compliance measures (Section 32.5);

(b) Indicators (Section 32.3);

(c) Additional factors (Subsection 32.3.E); and

(d) Supplemental compliance measures (Subsection 32.2.H).

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

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

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

(5) For project-specific mitigation measures, relied upon to confirm the matters in Subparagraphs 6.3.A(2) and (3), TRPA shall identify an adequate means including setting a baseline status by which the mitigation measure's effectiveness will be evaluated.
(6) Other than recreation projects in the EIP, for a project, for which an environmental assessment or an environmental impact statement is prepared, and which will use additional water supply, additional sewage capacity, or will create additional vehicle miles of travel greater than forecast in the environmental assessment for the 1996 Evaluation Report, TRPA shall confirm that sufficient capacity remains in each of the foregoing capacities which are utilized by the project to permit development of recreation projects which are contained in the EIP.

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

6.5 Findings Necessary To Amend Or Adopt TRPA Ordinances, Rules Or Other TRPA Plans And Programs: To approve any amendment or adoption of the Code, Rules or other TRPA plans and programs which implement the Regional Plan, TRPA must find, in addition to the findings required pursuant to Section 6.3, and in accordance with Sections 6.1 and 6.2, that the Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.
Chapter 7
TEMPORARY USES, STRUCTURES, AND ACTIVITIES

Chapter Contents

7.0 Purpose
7.1 Applicability
7.2 General Standards
7.3 Temporary Uses
7.4 Temporary Structures
7.5 Temporary Activities within Community Plans or Special Event Areas
7.6 Standards for Temporary Activities
7.7 Seasonal Projects Distinguished
7.8 Existing Seasonal and Short-Term Projects

7.0 Purpose: This chapter sets forth the regulations governing temporary uses, structures and activities and procedures for review of such projects.

7.1 Applicability: This chapter applies to all temporary uses, structures and activities, collectively referred to as temporary projects.

7.2 General Standards: Temporary projects shall not result in impacts that continue beyond or occur after the period of approval. Approval of temporary projects shall be conditioned upon the posting of an appropriate security to ensure removal of temporary structures and implementation of mitigation measures and other conditions of approval. Temporary projects shall be exempt from the provisions of Chapter 33, scenic shoreland mitigation requirements of Chapter 30 for temporary buoy placement needed to temporarily replace boat slips in an existing marina during construction or dredging,§ and the mitigation fee requirements of Chapters 20, 56, 82 and 93. Prior to approval of a temporary project, site inspection shall be conducted to determine if the project area is capable of withstanding the impacts of the project and can be feasibly restored to its original condition or better. Temporary projects shall comply with applicable provisions of the Code unless specifically exempted.

7.3 Temporary Uses: TRPA may approve a temporary use for a period not to exceed six months and may approve one six-month extension. A temporary use shall be reviewed in accordance with the applicable plan area statement. A use not listed in a plan area statement shall be reviewed as a special use in accordance with Subsection 18.1.B.

7.4 Temporary Structures: Except as set forth in Subsections 7.4.B and 7.4.C, TRPA may approve a temporary structure for a period not to exceed six months and may approve one six-month extension.

§ Amended 08/22/05
7.4.A Review Standards: Temporary structures shall be exempt from the requirement in Chapter 25 to install permanent BMPs. A temporary structure associated with a temporary activity shall comply with the standards set forth in Section 7.6. In approving a temporary structure, TRPA shall determine the expiration date based upon the anticipated length of the associated use or activity.

7.4.B Temporary Classrooms: Temporary classrooms for public schools may be approved for a period not to exceed three years. Temporary classrooms approved for a period in excess of one year shall comply with the permanent BMP requirement of Chapter 25.

7.4.C Temporary Structures Associated With Construction: Temporary structures associated with the construction of a TRPA-approved project may be approved for a period consistent with the construction schedule of the project.

7.5 Temporary Activities within Community Plans or Special Event Areas: A temporary activity in a community plan area or TRPA-approved special event area shall comply with the following standards:

7.5.A Community Plan Area: An adopted community plan may set plan standards for temporary activities which are equal or superior to the standards in Section 7.6. Upon adoption of the community plan, the community plan standards for temporary activities, if any, shall supersede the standards in this chapter.

7.5.B Interim Community Plan Standards: Until adoption of a community plan with temporary activity standards, or if the adopted community plan does not include such standards, the provisions of Section 7.6 shall apply to temporary activities in community plan areas.

7.5.C Special Event Areas: TRPA may approve special event areas as designated sites for temporary activities. A special event area shall be reviewed as a special use in accordance with Subsection 18.1.B.

1. Temporary activities may occur in the special event area without further TRPA review consistent with the project approval for the special event area.

2. A community plan shall consider designation of a special event area within the community plan boundaries. A special event area project may be approved by TRPA in conjunction with adoption of a community plan.

7.6 Standards For Temporary Activities: Except as otherwise provided in Section 7.5, temporary activities shall comply with the following standards:

7.6.A Land Coverage: A temporary activity may create temporary land coverage and disturbance subject to following conditions:

1. The temporary coverage or disturbance shall be the minimum necessary for the activity;
(2) The activity shall not include grading or vegetation removal which requires a TRPA permit;

(3) No coverage or disturbance, except as exempted from TRPA review in Chapter 4, shall be permitted in land capability districts 1a, 1b(SEZ), 1c, 2, 3 or the backshore unless the land to be covered or disturbed is presently disturbed and there is no feasible alternative which reduces the impacts of continued disturbance.

(4) Temporary coverage shall be removed, disturbed areas associated with the activity shall be revegetated and other required mitigation measures shall be implemented upon completion of the activity.

7.6.B Parking: If there is good cause to question the sufficiency of parking for the temporary activity, the applicant may be required to submit a parking analysis and plan pursuant to Chapter 24. A parking plan shall include an identification of available parking, a proposed parking plan and identification of impacts which may result from the plan and mitigation measures necessary to offset such impacts, and a program to ensure implementation of the plan and mitigation measures.

(1) Parking for temporary activities may be approved for unpaved, offsite or onstreet areas, subject to the conditions of Section 7.6.A, where applicable.

7.6.C BMPs: Temporary activities shall comply with the requirement for installation of temporary BMPs in Chapter 25. If the temporary activity causes or perpetuates land disturbance, the applicant may be required to implement permanent BMPs on all or a portion of the project area.

7.6.D Outdoor Advertising: Temporary activities shall comply with the standards for temporary signs set forth in Chapter 26 or the interim standards in Ordinance 87-8, as applicable.

7.6.E Noise: Temporary activities shall be exempt from the noise limitations set forth in Chapter 23. Notwithstanding the foregoing, prior to approving a temporary activity which may exceed such limitations, TRPA shall provide notice and an opportunity to be heard TRPA may approve such temporary activities provided it finds that:

(1) The activity is not injurious or disturbing to the health, safety and general welfare of persons or property in the neighborhood, and the general welfare of the Region, and that the applicant will take reasonable steps to protect against such injury, and

(2) That the activity is in a plan area designated commercial, public service or tourist, is limited to no more than ten hours duration and is between the hours of 8:00 a.m. to 10:00 p.m., or that the activity is a race or exhibition, is limited to no more than six hours' duration and is conducted during daylight hours.
7.6.F **Traffic Mitigation**: For a temporary activity that includes the closure of a traffic lane or intersection of a state or federal highway for more than one hour, or the closure of U.S. 50 at any point between the South Wye and Kingsbury Grade for any period of time, the applicant shall submit a traffic analysis pursuant to Subsection 93.3.B. Other temporary activities are exempt from the requirements of Chapter 93.

7.6.G **Existing Temporary Activities**: A temporary activity which was permitted and did occur on or after July 1, 1986, may be repeated in accordance with the terms of the previous permit, if any, without further TRPA review until July 1, 1990 or until expiration of the permit, whichever is earlier.

7.7 **Seasonal Projects Distinguished**: Except as set forth above, uses and structures which exist annually for more than 14 consecutive days shall not be considered temporary projects.

7.8 **Existing Seasonal and Short-Term Projects**: Existing short-term or seasonal uses and structures shall be permitted to continue for the duration of the applicable permit.
Chapter 8
COMPLIANCE

Chapter Contents

8.0 Purpose
8.1 Applicability
8.2 Project Inspections
8.3 Noncompliance
8.4 Permit Suspension
8.5 Penalties
8.6 Reserved
8.7 Reserved
8.8 Securities
8.9 Judicial Relief
8.10 Correct Information/Names and Originals Required

8.0 Purpose: This chapter provides enforcement mechanisms concerning project applications, project approvals, conditions of approval, provisions of the Compact, Goals and Policies, and the Code of Ordinances.

8.1 Applicability: This chapter applies to all projects and activities. As used in this chapter, the term "provisions of law" means provisions of the Compact, Goals and Policies, and Code.

8.2 Project Inspections: Projects approved by TRPA shall be subject to inspections by TRPA at any reasonable time. The permittee shall be responsible for making the project area accessible for inspection purposes. TRPA shall not be liable for any expense incurred by the permittee as a result of TRPA inspections.

8.2.A Required Inspections: TRPA shall conduct the following inspections, as appropriate:

(1) For projects which require grading, TRPA shall conduct a pregrading inspection to determine if the permittee has satisfied pregrading conditions of approval, including installation of temporary erosion control and vegetation protection, and construction site boundary fencing. Other than actions to satisfy pregrading conditions of approval, no grading or construction shall be undertaken in the project area by the permittee until TRPA has notified the permittee that, based on the pregrading inspection, TRPA has verified that the pregrading conditions of approval have been satisfied.

(2) For all projects, TRPA may conduct inspections as necessary to assure that the permittee has complied with the project approval and provisions of law.
(3) Prior to issuance of a local certificate of occupancy, the scheduled date of project completion, or project completion, whichever is earliest, TRPA shall conduct a final project inspection to ensure that all conditions of project approval shall be satisfied. Section 8.8 sets forth provisions regarding release of securities at the time of final project inspection. With the cooperation of local jurisdictions, a certificate of occupancy may be withheld until applicable conditions are satisfied.

8.2.B Other Inspections: In addition to the above inspections, TRPA may require, or make, other inspections of any project or activity to determine compliance with provisions of law or conditions of approval. If a grading and construction schedule is required (see Chapter 62), TRPA shall conduct the inspections set forth in the approved schedule.

8.2.C Permittee Inspection Requests: The permittee shall notify TRPA, by telephone, in person, or in writing, when the project is ready for required inspections. TRPA shall conduct these inspections expeditiously. Notification of readiness for inspection should be given at least two days in advance of the desired date for inspection. Inspections may be delayed by TRPA when the project area is covered with snow and if such conditions prevent proper inspection. The permittee shall be responsible for providing access to, and the means for, conducting the inspection.

8.2.D Inspection Records: TRPA shall maintain a record of all inspections made. The record shall include the date, time, place, and scope and results of the inspection, the reason for the inspection, and the name of the person who conducted the inspection.

8.2.E Inspection Card: TRPA may post an inspection card within the construction site boundary and require the permittee to maintain the card until the final inspection. The inspection card shall state the date and comment on any inspection made, and be initialed by the TRPA employee making the inspection.

8.3 Noncompliance: In the event a person fails to comply with provisions of law or conditions of project approval, TRPA may take either or both of the following actions:

8.3.A Correction Notice: TRPA may issue a correction notice for any project or activity in violation of provisions of law or the conditions of project approval. The correction notice shall describe the action which shall be taken to effect compliance. Notice pursuant to TRPA's Rules of Procedure shall be given. The correction notice shall require compliance with its term by a date certain and state that failure to comply shall result in issuance of a cease and desist order, revocation of the permit, if applicable, or other enforcement action.
8.3.B Cease And Desist Orders: TRPA may issue a cease and desist order for any project or activity in violation of provisions of law or conditions of project approval. The cease and desist order shall describe the action which shall be taken before the cease and desist order will be withdrawn. Notice pursuant to TRPA's Rules of Procedure shall be given. The order shall require compliance with its terms by a date certain and state that failure to comply shall result in revocation of the permit, if applicable, or other enforcement action.

8.4 Permit Suspension And Revocation: In the event that the permittee fails to comply with the terms of a correction notice or cease and desist order, TRPA may proceed to suspend or revoke the permit. TRPA shall provide notice and an opportunity to be heard on the suspension or revocation to the permittee pursuant to its Rules of Procedure. Upon revocation of a permit, the permittee shall have no further rights under the permit. Upon suspension of a permit, the matter shall be scheduled for the next Governing Board meeting for which notice can be given pursuant to the Rules of Procedure.

8.5 Penalties: TRPA may establish a monetary penalty for the resolution of a compliance matter. TRPA also may adopt, by resolution, a schedule of such monetary penalties.

8.6 (Reserved)

8.7 (Reserved)

8.8 Securities: As a condition of approval, permittees may be required to post a security with TRPA to ensure compliance with certain conditions of approval. The approval shall state which conditions are the subject of the security.

8.8.A Types Of Securities: Acceptable types of securities are:

(1) Cash;
(2) Assignment of a personal savings account;
(3) Letter of credit;
(4) Hold on a personal savings account or certificate of deposit;
(5) Certificate of deposit; or
(6) Faithful performance bond.

8.8.B Calculation of Security: Securities shall be calculated as follows:

(1) Except as provided in this chapter, a security shall be posted in an amount equal to 110 percent of the cost of the approved BMPs and other erosion control and water quality improvements required as a condition of approval, pursuant to a schedule established by resolution of the TRPA.
(2) TRPA may require other project conditions of approval to be secured by the posting of a security in an amount to be determined by TRPA.


(1) Projects in the TRPA Water Quality Capital Improvements Program;

(2) Projects in the TRPA Stream Restoration Program;

(3) Projects in the TRPA Regional Transportation Plan for the Lake Tahoe Basin;

(4) BMP retrofitting of the project area outside the construction site boundary which is to be accomplished following the completion of the project pursuant to Subsection 25.2.B;

(5) Projects which do not require or include BMPs or other erosion control and water quality improvements; or

(6) Performance of the conditions of approval required to be secured is assured through an equivalent alternative mechanism

8.8.D Forfeiture Of Security: Securities may be forfeited in either of the following ways:

(1) Non-compliance: TRPA shall monitor compliance with secured conditions of approval pursuant to Section 8.2. A security, or portion thereof, shall be forfeited if TRPA finds that a secured condition of approval has not been timely complied with, and that the security, or a portion thereof, is necessary to achieve compliance. After notice and an opportunity to be heard is given to the permittee pursuant to the Rules of Procedure, TRPA may use the security to accomplish the condition of approval which was found to be not in compliance. Any portion of the security not used by TRPA shall remain posted until release pursuant to Subsection 8.8.E.

(2) Abandonment of Cash Securities: Securities posted in cash may be forfeited after TRPA has mailed a check for the security amount, or sent the appropriate IRS form to allow the release of a check, to the person who posted the cash security (of a completed project), and received one of the following responses: a) the check or IRS form was returned with no forwarding address, b) the person who posted the cash security did not respond to the request to complete and return the IRS form necessary to release the check; c) the person who posted the cash security did not cash the check within one year of receipt, or; d) the person who posted the cash security refused to claim the security. Prior to forfeiture of a cash security, TRPA shall publish a notice of forfeiture, which notice shall name the person who posted the security. The notice shall be published one time in a newspaper of

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general circulation in the Tahoe Region. If the person who posted the cash security does not claim the security within one year after the publication of the notice, the cash security shall be deemed abandoned and forfeited to a fund designated by the Governing Board.

8.8.E Release Of Security: A security shall be released to the permittee by TRPA after a final inspection, provided that all conditions of approval have been satisfied. Where revegetation is a condition of approval, a portion of the security shall be retained until the vegetation is established.

8.9 Judicial Relief: Nothing in this chapter shall be construed to prevent TRPA from filing a legal action in an appropriate court and pursuing judicial relief, including, but not limited to, injunctive relief, declaratory relief, or civil penalties as provided for in Article VI(l).

8.10 Correct Information/Names and Originals Required: All applications, authorizations, and other documents filed with TRPA by applicants or their agents, shall be truthful and accurate. No applicant or agent shall sign a false or incorrect name, or shall forge another's name. No applicant or agent shall knowingly, intentionally, or recklessly provide any untrue information on an application, authorization, or other document. Each false, untrue name or forged name on any application, authorization or other document filed with TRPA shall be a separate violation of this Code. Each piece of false information provided knowingly, intentionally, or recklessly on an application, authorization or other document filed with TRPA shall be a separate violation of this Code.

All applications, authorizations and other documents filed with TRPA by applicants or their agents shall be originals. However, photocopies or facsimiles of such applications, authorizations, or other documents may be submitted (along with the requisite filing fee) as long as the originals are received by TRPA within fourteen (14) days of filing such photocopies or facsimiles. If the originals are not received within fourteen (14) days of filing the photocopies or facsimiles, the application, authorization, or other document shall be deemed in complete and shall not be processed until the original is received.
Chapter 9
REMEDIAL ACTION PLANS

Chapter Contents

9.0 Purpose
9.1 Applicability
9.2 Environmental Problem Assessment
9.3 Contents Of Remedial Action Plans
9.4 Preparation Of Voluntary Remedial Action Plan
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9.6 Approval of Action Plans
9.7 Failure To Deliver A Mandatory Action Plan
9.8 Compliance With Action Plans
9.9 Other Requirements, Permits, Or Procedures
9.10 Relationship to Chapter 8

9.0 Purpose: In conjunction with Chapter 8, this chapter provides procedures to prepare and enforce remedial action plans which correct environmental degradation.

9.1 Applicability: TRPA may request or require a remedial action plan after identifying a significant environmental problem as set forth in Section 9.2.

9.2 Environmental Problem Assessment: TRPA shall develop, adopt, and maintain problem assessments which identify existing situations which adversely impact attainment or maintenance of the thresholds or constitute violation of a threshold, the Goals and Policies, or the Code. The problem assessments shall identify affected property owners, abatement measures, estimated costs, and sources of funding for implementation of abatement measures.

9.2.A Consultation: In development of problem assessments, TRPA shall consult with affected local governments and state and federal agencies.

9.3 Contents Of Remedial Action Plans: After adoption of a problem assessment, TRPA may either request or direct the preparation of a remedial action plan. TRPA may either assist in, or take responsibility for, the preparation of a remedial action plan. Remedial action plans shall include provisions for, and methods of, problem abatement, implementation schedules, and cost estimates.

9.3.A Action Plan Guidance: TRPA may assist persons preparing an action plan with respect to plan contents, technical requirements for abatement practices, and other matters.
9.4 Preparation Of Voluntary Remedial Action Plan: At any time, a person may prepare a remedial action plan and submit it to TRPA for review and approval. In the event TRPA adopts a problem assessment, TRPA may advise the responsible person and either request the preparation and submittal of an action plan or prepare an action plan itself. A request to prepare a remedial action plan shall include a response date. Notice of a request shall be given in accordance with TRPA's Rules of Procedure. TRPA shall emphasize consultation with the person involved to achieve preparation of a voluntary remedial action plan.

9.5 Preparation of A Mandatory Action Plan: In the event TRPA adopts a problem assessment, TRPA may advise the responsible person and require the preparation of a mandatory action plan. Notice of the requirement to prepare shall be given in accordance with TRPA's Rules of Procedure

9.6 Approval Of Action Plans: Upon submittal of a remedial action plan, TRPA shall review and take action to approve, require modification, or reject the proposed plan. In the event of a rejection, TRPA shall prepare and approve an appropriate action plan.

9.7 Failure To Deliver A Mandatory Action Plan: Failure to prepare a mandatory action plan constitutes a violation of the Code. If a person fails or refuses to prepare and submit a mandatory action plan to TRPA within the time limits set by TRPA, TRPA may enforce the terms of this chapter pursuant to Chapter 8 and the Rules of Procedure.

9.8 Compliance With Action Plans: A person shall comply with all provisions of an approved action plan including, but not limited to, the schedule for implementation in the plan. TRPA shall monitor implementation of action plans and may provide technical assistance and guidance on implementation.

9.9 Other Requirements, Permits, Or Procedures: Approval of an action plan by TRPA shall be subject to other applicable chapters of the Code. An action plan shall be processed by TRPA as a project, pursuant to its applicable Rules of Procedure.

9.10 Relationship to Chapter 8: Nothing in this chapter shall be construed to limit TRPA's ability to enforce compliance with the Compact, the Goals and Policies, or the Code pursuant to Chapter 8.
Chapter 11
FOUNDATIONS

Chapter Contents

11.0 Purpose
11.1 Applicability
11.2 Definitions
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11.4 Notice To Owners
11.5 Procedure
11.6 Conditions Of Permit
11.7 Modifications To Original Plans
11.8 Abatement Of Foundations
11.9 Appeals
11.10 Provision For Duplexes, Triplexes and Fourplexes
11.11 Provision for Commercial and Multi-residential Foundations

11.0 Purpose: This chapter sets forth the provisions relating to completion of structures which do not have current TRPA approvals.

11.1 Applicability: This chapter applies to foundations of structures as set forth below and as this chapter may be amended from time to time.

11.2 Definitions: The definitions are:

11.2.A Foundation: Foundation is the structural system, including footings, designed to accommodate all superimposed live, dead and other loads of the project.

11.2.B Residential Foundation: Residential foundation is a foundation for a detached single family residence.

11.2.C Complete Construction: Complete construction is a fully enclosed structure and roof, installation of all permanent drainage improvements and slope stabilizations, and revegetation of the site.

11.2.D Duplex, Triplex or Fourplex Foundation: A duplex, triplex or fourplex foundation is a foundation for a residential project of two, three or four attached residential units, respectively.

11.2.E Multi-residential Foundation: A multi-residential foundation is a foundation for a residential project of five or more residential units.
11.2.F Commercial Foundation: A commercial foundation is a foundation for a commercial project. Commercial uses are defined in Chapter 18 of the Code.

11.3 One Year Period For Application For Exemption From Residential Allocation System: Beginning on the effective date of this ordinance, and ending one year from that date, owners of residential foundations without current TRPA approval, built on or after January 1, 1976, may apply to TRPA to continue and complete construction on the residence without a new residential allocation. Construction permitted by this ordinance shall be subject to the conditions set forth in Section 11.6.

11.3.A Exemptions: This ordinance shall not apply to:

(1) Approved After February 28, 1987: Residential foundations approved on or after the effective date of this ordinance, February 28, 1987.

(2) Approvals Valid On February 28, 1987: Residential foundations whose TRPA approvals have not expired as of the effective date of this ordinance, February 28, 1987.

11.3.B Abatement: Any residential foundation for which an application for exemption has not been filed or which has not received a new residential allocation, within the time set by this ordinance, shall be subject to abatement by the appropriate governmental agency as further described in Section 11.8 of this ordinance.

11.4 Notice To Owners: TRPA, in cooperation with the city and county governments, shall provide notice of the provisions of this ordinance to owners of property that may be affected by the ordinance as follows:

11.4.A Notice Posted: Notice shall be posted at least once a month during the one year application period in at least two public locations in the Tahoe region in each city and county.

11.4.B Noticed Published: Notice shall be published for one week each month during the one year application period in at least one newspaper of general circulation in the Tahoe region.

11.4.C Additional Notice: Additional notice shall be given by deposit of a notice in the United States mail, postage prepaid first class, addressed to the last known address for the owner of the property as shown on the assessor's tax roll. It is the intent of the Governing Board that the notice provided for in this Subsection shall be given expeditiously.

11.4.D Failure To Notice: Failure to give the notice provided for in Subsection 11.4.C, or failure to receive actual notice, shall not affect the applicability of this ordinance.

11.5 Procedure: The applicant shall file a complete application with TRPA no later than 5:00 p.m. on February 29, 1988, the date one year from the effective date of this ordinance.
11.5.A  **Complete Application**: A complete application shall include:

1. A completed TRPA residential foundation exemption form. The form shall be devised by the Executive Director.
2. Proof of a construction date of the foundation.
3. A filing fee of $250.00.
4. Final construction plans.

11.5.B  **Presumption**: Foundations shall be presumed to have been built prior to January 1, 1976, unless the applicant provides documentation or other credible evidence that the foundation was built on or after January 1, 1976.

11.5.C  **Notice Of Qualification Of Exemption**: Upon receipt of items (1), (2) and (3) in Subsection 11.5.A, and a determination by the Executive Director that the Sub section has been complied with, the Executive Director shall issue a notice of qualification of exemption. The notice shall state that it is subject to the condition that a complete application, as defined in Subsection 11.5.A, shall be filed no later than February 29, 1988, one year from the effective date of this ordinance.

11.5.D  **Permit**: Upon acceptance of a complete application and a determination that the residential foundation is qualified for an exemption under the terms of this ordinance, the Executive Director shall issue a permit, in compliance with the terms of this ordinance, for recommencement of construction. Permits shall be mailed or delivered to the applicant no later than the fifth working day following issuance. Copies of permits issued shall be sent to the appropriate county or city. The permit shall state:

1. The conditions of the permit.
2. The date the residence must be completed.
3. That the permittee is responsible for any and all conditions of the permits.
4. That no construction shall commence until all preconstruction conditions of approval are satisfied and until TRPA receives a copy of the permit upon which the permittee(s) has acknowledged receipt of a copy of the permit and acceptance of the contents of the permit.

11.5.E  **Transfer of Ownership**: In case of transfer of ownership of a parcel identified as having an exempt foundation, the transfer of the notice of qualification or permit shall not be effective until the new owner advises TRPA of the transfer of ownership and acknowledges receipt of the notice or permit and acceptance of the contents.
11.5.F Notice of Denial: Notice of denial of a notice of qualification or permit shall be mailed to the last known address of the applicant and to the affected county or city. Notice shall be effective on the date of deposit of the notice in the United States mail, postage prepaid first class. The notice shall state the reasons for denial of the notice of qualification or permit.

11.5.G Other Permits: Upon receipt of a permit, the applicant shall obtain a valid city or county building permit before recommencing construction on the project. Nothing in this ordinance shall be construed to affect any city's or county's discretion in the issuance of building permits or other matters related thereto.

11.6 Conditions Of Permit: All foundations determined to be exempt under this ordinance from the residential allocation system shall comply with the following standards and conditions:

11.6.A Original Plans: The construction shall be in accordance with the original building approval or permit, except for modifications that may be approved by TRPA pursuant to Subsections 11.6.C, 11.6.D and 11.6.E, below.

11.6.B Original Plans Unavailable: If no original plans are available, the allowable coverage shall be the Bailey coefficients, or the foundation perimeter plus the coverage necessary to provide access to the residence, whichever is greater.

11.6.C Construction Conditions: All construction shall be in accordance with TRPA's Design Review Guidelines, as deemed appropriate by TRPA under the circumstances. All construction shall also be subject to the Standard Conditions of Approval adopted by Resolution 86-8, except as those conditions may be modified by the terms of this ordinance.

11.6.D Energy Conservation And Heaters: All construction shall be subject to current TRPA standards for energy conservation, fireplaces, woodstoves, gas, space, and water heaters.

11.6.E Best Management Practices And Securities: All owners of exempt foundations shall be required to implement erosion and drainage control measures on the property in accordance with the Handbook of Best Management Practices, and shall post a security to insure implementation. Credit shall be given for any security currently on file with the TRPA for the residential project.

11.6.F Mitigation Fees: All construction shall be subject to current TRPA water and air quality mitigation fees. In the event an applicant has paid a TRPA water quality mitigation fee as part of the original approval, the amount previously paid shall be deducted from the current water quality fee for the project. This Subsection shall not be construed to require a refund in the event the current water quality fee is less than the previous water quality fee.
11.6.G Complete Construction: All construction shall be complete, as defined in Subsection 11.2.C, within two years from the date of issuance of the permit pursuant to Subsection 11.5.D.

11.6.H Extensions: The two year construction period may be extended once for up to one year, provided the request is made in writing prior to the expiration of the two year period and the Executive Director makes either of the following findings:

(1) The project was diligently pursued as evidenced by substantial construction of the residence during each building season (May 1 - October 15) since recommencement of construction pursuant to the notice of exemption.

(2) That events beyond the control of the permittee have prevented diligent pursuit of the project.

11.6.I Extension Of Security: The granting of a one year extension shall be conditioned upon the posting of a security to insure that the structure is completed.

11.6.J Notice Of Denial: Notice of denial of a request for an extension pursuant to Subsection 11.6.H, shall be mailed to the last known address of the applicant and to the affected city and county. Notice shall be effective on the date of deposit of the notice in the United States mail, postage prepaid first class. The notice shall state the reasons for denial of the request.

11.7 Modifications To Original Plans: Applicants wishing to modify the originally approved plans should submit modifications at the time of application for exemption.

11.7.A Complete Application: A complete application for modification shall include, in addition to the information and fees otherwise required by Subsections 11.5.A and 11.5.B, the following:

(1) A completed residential modification form, including original plans, if available and if necessary, and proposed plans for construction. The form shall be devised by the Executive Director.

11.7.B Modifications: Modifications to the structure or foundation may be permitted provided that the project's coverage, as modified, does not exceed the coverage originally approved, or the Bailey coefficients, whichever is greater. Nothing in this ordinance shall be construed to limit TRPA's discretion to approve or disapprove modifications.

11.8 Abatement of Foundations: Abatement of foundations shall be as follows:

11.8.A Presumptions: Owners of foundations who do not qualify for and obtain a permit, or who fail to comply with the conditions thereof, or who do not have a valid residential allocation, for whatever reason, are presumed to have a foundation which constitutes an attractive nuisance or hazard to the public, and shall be subject to abatement as provided below.
11.8.B Abatement: Abatement of such nuisance or hazard may be by:

1. Removal: Removal of the foundation or portions of the foundation (if necessary), regrading and recontouring, revegetation, and any other erosion control, slope stabilization, or drainage improvement deemed necessary by TRPA to control runoff in accordance with the adopted 208 Plan;

2. Burial: Where removal of the foundation is found to have more adverse environmental impacts than burial, and adjoining property owners have been given notice and opportunity to be heard, burial, regrading and recontouring, revegetation, and any other erosion control, slope stabilization, or drainage improvement deemed necessary by TRPA to control runoff in accordance with the adopted 208 Plan;

3. Civil Remedies: Pursuit of civil remedies as appropriate under the laws of the state in which the foundation is located or Article VI(1) of the Tahoe Regional Planning Compact;

4. Other Ordinances: Application of appropriate city or county ordinance provisions and the civil or criminal penalties provided for therein.

11.9 Appeals: Appeals shall be subject to the following provisions:

11.9.A Approvals: Approvals of notices of exemptions or permits may be appealed by filing a written notice or request for appeal with TRPA no later than fifteen (15) working days after the issuance of the notice or permit. An appeal shall not automatically stay the notice or permit appealed. The appellant may request, as part of the written notice of appeal, a stay of the notice or permit and any such request shall be by affidavit or under penalty of perjury, pending a hearing on the appeal before the Governing Board at its next regular meeting. The Chairman of the Governing Board shall review any request for a stay of a notice or permit and the evidence submitted therewith, and shall balance the equities and shall determine whether or not a stay of the notice or permit shall be issued. Appeals shall be scheduled for the next Governing Board meeting for which the Agency is able to give proper notice of the appeal.

11.9.B Denials: A staff denial of a notice of exemption, permit or request for extension pursuant to Subsection 11.6.H, may be appealed to the Governing Board by filing a written notice of appeal with TRPA no later than fifteen (15) working days after the effective date of the notice of denial. Appeals shall be limited to determining compliance with the terms of this ordinance. Appeals shall be scheduled for the next Governing Board meeting for which the Agency is able to give proper notice of the appeal.

11.9.C Advisory Planning Commission: Appeals shall not be considered by the Advisory Planning Commission under Section 7.10 of the TRPA Rules and Regulations of Practice and Procedure.
11.10 Provision For Duplexes, Triplexes And Fourplexes: Beginning October 26, 1987, the effective date of this section, and ending one year from that date, on October 26, 1988, owners of foundations for residential duplexes, triplexes, and fourplexes, without current TRPA approval, built on or after January 1, 1976, may apply to TRPA to continue and complete construction on the duplex, triplex or fourplex without new residential allocations. All the provisions of this chapter shall apply to such applications and permits, except as set forth above in this section.

11.11 Provision for Commercial and Multi-residential Foundations: Beginning on the effective date of this section, which date is June 28, 1988, and ending one year from that date, owners of commercial or multi-residential foundations without current TRPA approval, which foundations were built on or after January 1, 1979, may apply to TRPA to continue and complete construction on the project without new allocations, subject to the conditions set forth below.

11.11.A Exemptions: This section shall not apply to:

(1) Commercial or multi-residential foundations approved on or after the effective date of this section; or

(2) Commercial or multi-residential foundations whose TRPA approval had not expired as of the effective date of this section; or

(3) Commercial or multi-residential foundations whose owners were advised by TRPA, prior to the expiration of the permit, that diligent pursuit requires substantial construction each building season once construction has commenced.

(4) Commercial or multi-residential projects which were the subject of litigation to which TRPA was a party.

(5) Commercial or multi-residential projects located in the South Tahoe Public Utility District service area.

11.11.B Hearing and Findings: Prior to approval of permits for commercial and multi-residential foundations under this section, the Governing Board shall hold a hearing with notice to affected property owners in accordance with TRPA's Rules of Procedure. TRPA shall not approve a permit unless TRPA finds that:

(1) The original project, plans for which are produced and included in the record, had received all required discretionary approvals; and

(2) The county or city permits for the original project were valid or renewed through at least May 1, 1984; and

(3) The proposed project substantially complies with Chapters 22, 24, 27, 30, 64 and 78; and

(4) The proposed project substantially complies with the interim standards of Section 4.20 or Ordinance 87-8; and
(5) The proposed uses are in compliance with Chapter 18 and the applicable plan area statement; and

(6) In the case of commercial projects, the proposed project area coverage complies with the Bailey coefficients or, if the project was previously approved in excess of the Bailey coefficients, that excess coverage shall be mitigated by a transfer of coverage in conformance with Chapter 20 and that in no event shall coverage exceed 70 percent; and

(7) In the case of multi-residential projects, the proposed project area coverage complies with the Bailey coefficients or, if the project was previously approved in excess of the Bailey coefficients, that excess coverage shall be mitigated by a transfer of coverage in conformance with Chapter 20 and that in no event will coverage exceed 50 percent; and

(8) The proposed project is located in land capability district 4, 5, 6 or 7 or that, if the project is not located in land capability district 4, 5, 6 or 7, the project shall be deemed existing development pursuant to Chapter 34 and shall be transferred to a project area in land capability district 4, 5, 6 or 7 and that the transfer shall be in compliance with Chapter 34 and the application for the transferred project shall be in compliance with the Regional Plan and ordinances; and

(9) The proposed project complies with the applicable provisions of Subsection 11.11.C; and

(10) The proposed project complies with Chapters 1 through 13, inclusive, 23, 25, 27, 62, 65, 75, 77, 81, 82, 91 and 93.

(11) There is a reasonable possibility, based on a factual summary prepared by the Executive Director with the assistance of Agency Counsel, that the applicant would prevail on a claim of vested rights. For purposes of this finding only, evidence of construction in each building season shall not be a prerequisite to making this finding. In making this finding the Board shall consider the following factors:

(a) Extent of construction;

(b) Expenditures in connection with the project;

(c) Extent of reliance on governmental communications; and

(d) Other relevant considerations as defined by applicable case law.

11.11.C Notice and Procedure: Notice of the provisions of this section shall be given as set forth below. The procedure for application and permit issuance, and related matters, shall be as set forth below:
(1) **Notice:** Notice shall be given to owners of property that may be affected by this section pursuant to Section 11.4.

(2) **Procedure:** The applicant shall file a complete application with TRPA no later than 5:00 p.m. on June 28, 1989, the date one year from the effective date of this section. A complete application shall include a completed TRPA commercial/multi residential exemption form as devised by the Executive Director, proof of a construction date of the foundation, a filing fee consistent with the adopted filing fee schedule, and original plans or, if modifications to the project are necessary to comply with Subsection 11.11.B, preliminary plans in conformance with the requirements for new multi-residential and commercial projects, as applicable.

(a) The provisions of Subsections 11.5.B, 11.5.C, 11.5.D, 11.5.E, 11.5.F and 11.5.G shall apply except that the date for filing a complete application in Subsection 11.5.C shall be June 28, 1989, the date one year from the effective date of this section.

(b) The provisions of Section 11.6 shall apply except as set forth below:

(i) Construction shall be complete, as defined by Subsection 11.2.C, within three years from the date of issuance of the permit.

(ii) One extension, of up to one year, to the three-year construction period may be granted provided the request is made in writing prior to the expiration of the three-year period and the Executive Director makes either of the two findings set forth in Subsection 4.12.E.

(c) Modification to original plans may be permitted as set forth in Section 11.7 if the project, as modified, will not result in an increase in the amount of commercial floor area or number of residential units over the original project unless the appropriate allocation is obtained pursuant to Chapter 33 and further provided that:

(i) TRPA makes the findings set forth in subparagraphs (3) through (10), inclusive, in Subsection 11.11.B and finds that the component of the project to be modified results in a net improvement in the environment with respect to that component; or

(ii) Except for the allocation requirements of Chapter 33, TRPA finds that the modified project complies with all provisions of the Regional Plan Package, including the Code.

(d) A complete application for transfer of existing development
pursuant to Subparagraph 11.11.B(8) shall be filed no later than July 27, 1996. Transfers of commercial floor area shall be restricted to receiving parcels within a community plan area identified in the plan area statements. Transferred commercial floor area shall be considered additional development for purposes of the mitigation requirements of Chapter 93.

(e) For purposes of Chapter 34, projects approved for construction shall be considered existing development and eligible for transfer in accordance with Chapter 34.

(3) **Abatement of Foundations**: Abatement of foundations shall be pursuant to Section 11.8.

(4) **Appeals**: Appeals shall be pursuant to Section 11.9.

(5) **Applications**: Applications may be lodged with TRPA 30 days prior to the effective date of this section. Lodging an application shall be at the risk of the applicant and shall not be construed to stop TRPA from amendment or revocation of this section prior to the effective date.

(6) In accepting and acknowledging the conditions of a permit issued pursuant to this section, the permittee shall waive, in writing, any claim of vested rights which may then exist such that any future claims with respect to the permitted project shall be limited to claims arising solely out of the permit issued pursuant to this section.
Chapter 12
TRPA REGIONAL PLAN MAPS

Chapter Contents

12.0 Purpose
12.1 Applicability
12.2 Establishment Of Official TRPA Maps
12.3 Map Amendment

12.0 Purpose: This chapter establishes a coordinated mapping system for the official TRPA maps. This chapter identifies the official maps and sets forth provisions for the adoption and amendment of maps.

12.1 Applicability: Any map referenced by this Code shall be an official TRPA map. TRPA shall not approve any project or implement any program that is inconsistent with an official TRPA map or GIS dataset, unless otherwise provided by this Code.

12.2 Establishment Of Official TRPA Maps: The maps listed below are established as the official TRPA maps. Official TRPA maps shall be certified by a signature block for the Chairman as official maps of the TRPA.

12.2.A Base Maps: The base map is a reference map for all the overlays and indicates the location of existing features, roads, parcels and other relevant information.

12.2.B Regional Plan Overlay Maps: The following series of overlay maps at a scale of 1" = 400’ and 1" = 2,000’ are the Regional Plan Overlay Maps.

(1) Plan Area Overlay: The plan area overlay maps relate to the Plan Area Statements and indicate plan area boundaries, special area boundaries, preliminary community plan boundaries, redevelopment and master plan boundaries, hydrologic related areas boundaries, and other relevant information.

(2) Land Capability Overlay: The land capability overlay maps indicate the boundaries of land capability districts, the boundaries of stream environment zones, the boundaries of shorezone tolerance districts, and other relevant information.
(3) **Historic Resources Overlay**: The historic resources overlay maps indicate the location of archaeological and historic sites determined to be significant by TRPA.

(4) **Prime Fish Habitat Overlay**: The prime fish habitat overlay maps identify the location of spawning areas and habitat of game and forage fish in Lake Tahoe. Spawning and habitat areas targeted for restoration are also identified.

(5) **Stream Habitat Quality Overlay**: The stream habitat quality overlay maps indicate the existing and potential quality (excellent, good, or marginal) of instream fish habitat.

(6) **Special Species Overlay**: The special species overlay maps indicate the location of habitat for threatened, endangered, rare and special interest species and where populations of sensitive or uncommon plants have been observed.

(7) **C.I.P. Overlay**: The capital improvement program overlay maps indicate the type and locations for stream environment zone, water quality and transportation improvements. [To be drafted pursuant to Subsection 12.2.D.]

(8) **Scenic Units Overlay**: The scenic units overlay maps indicate the location of the roadway units, the shoreline units, the recreation areas, and the bicycle trails established by the scenic thresholds. Scenic highway corridors, including specific urban, transition and natural corridor designations are also identified.

(9) **Transportation Corridors CNEL Overlay**: The CNEL corridor overlay maps indicate the location of special noise corridors for highways and the South Lake Tahoe Airport. [To be drafted from Noise Subelement of the Regional Plan for the Lake Tahoe Basin: Goals and Policies.]

12.2.C **Other Maps**: The following maps are official maps of the TRPA but shall not be included in the TRPA Regional Plan Overlay Maps:

(1) **IPES Maps**: The IPES working maps include the Need for Water Quality Improvements (2" = 1 mile), Proximity to Lake Tahoe (2,000 scale) and Rainfall Factor (R) Map (2" = 1 mile).

(2) **Geomorphic Unit Map**: The geomorphic unit map (1971) indicates the type and location of geomorphic units (Scale: 2" = 1 mile).

(3) **Natural Hazard Maps**: The natural hazard maps indicate locations of avalanche zones, earthquake zones and flooding zones (2,000 scale).

(4) **Pierhead Line Aerial Photographs**: Approximate scale 1" = 400'.

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**TRPA Code of Ordinances**

**CHAPTER 12 - TRPA REGIONAL PLANS MAPS**

12-2
(5) **Source Water Assessment Maps:** The Source Water Assessment Maps indicate the location of drinking water sources serving five (5) or more user service connections in the Region, protection zones around each source, and uses with a higher propensity to contaminate source water. Approximate scale 1” = 2,000’.§

(6) **Westside and Eastside Forest Type Maps:** The Westside and Eastside Forest Types Maps delineating the eastside forest types and westside forest types in the Region.§

12.2.D **Interim Maps:** The following maps are adopted Regional Plan Maps which have not been revised to fit into the Regional Plan Overlay Map system.

(1) **Water Quality Capital Improvements:** Volume IV of the 1988 Water Quality Management Plan for the Lake Tahoe Region, as it may be amended.

(2) **Transportation Capital Improvements:** Volume IV of the 1992 Regional Transportation Plan/Air Quality Plan, as it may be amended.

12.3 **Map Amendment:** Amendments to Regional Plan Overlay Maps shall be processed as plan amendments pursuant to TRPA’s Rules of Procedure. Amendments to the official maps identified in Subsection 12.2.C shall be processed as ordinance amendments. Base maps identified in Subsection 12.2.A shall be amended by resolution.

12.4 **Notice Of Map Amendments:** Amendments to the official TRPA maps which substantially impact properties shall require notice given to affected property owners as provided in TRPA’s Rules of Procedure.

§ Amended 12/15/99
§ Amended 5/23/01
Chapter 13
PLAN AREA STATEMENTS AND PLAN AREA MAPS

Chapter Contents

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

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

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

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

13.3 Relationship To Goals And Policies And The Code: The Goals and Policies and the Code shall apply to the Plan Area Statements. Plan area statements shall be consistent with the Code.

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

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

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

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

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

(a) **Land Conservation Areas**: Conservation areas are areas with value as primitive or natural areas, with strong environmental limitations on use, and with a potential for dispersed recreation or low intensity resource management. Conservation areas include:

(i) public lands already set aside for this purpose;

(ii) high-hazard lands, stream environment zones, and other fragile areas, without substantial existing improvements;

(iii) isolated areas which do not contain the necessary infrastructure for development;

(iv) areas capable of sustaining only passive recreation or non-intensive agriculture; or

(v) areas suitable for low-to-moderate resource management.

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

(i) areas of existing private and public recreation use;

(ii) designated local, state, and federal recreation areas;

(iii) areas without overriding environmental constraints on resource management or recreational purposes; or

(iv) areas with unique recreational resources which may service public needs, such as beaches and ski areas.
(c) **Residential Areas**: Residential areas are areas having potential to provide housing for the residents of the Region. In addition, the purpose of this classification is to identify density patterns related to both the physical and manmade characteristics of the land and to allow accessory and non residential uses that complement the residential neighborhood. These lands include:

(i) areas now developed for residential purposes;
(ii) areas of moderate-to-good land capability;
(iii) areas serviced by utilities; or
(iv) areas of centralized location in close proximity to commercial services and public facilities.

(d) **Commercial And Public Service Areas**: Commercial and public service areas are areas that have been designated to provide commercial and public services to the Region or have the potential to provide future commercial and public services. The purpose of this classification is to concentrate such services for public convenience, separate incompatible uses, and allow other non commercial uses if they are compatible with the purpose of this classification and other goals of the Regional Plan. These lands include:

(i) areas now developed for commercial or public service uses;
(ii) in the case of public services, lands designated for, or in, public ownership;
(iii) areas suitable to encourage the concentration of compatible services;
(iv) areas of good-to-moderate land capability; or
(v) areas with adequate public services and transportation linkages.
(e) **Tourist Areas**: Tourist areas are areas that have the potential to provide intensive tourist accommodations and services or intensive recreation. This land use classification also includes areas recognized by the Compact as suitable for gaming. These lands include:

(i) areas now developed with high concentrations of visitor accommodations and related uses;

(ii) lands on which gaming is a permitted and recognized use;

(iii) lands of good-to-moderate land capability; or

(iv) areas with adequate public services and transportation linkages.

(2) **Management Strategies**: The management strategies are:

(a) **Maximum Regulation**: The maximum regulation designation applies primarily to conservation areas. Areas with this designation shall be strictly regulated to ensure preservation and enhancement of the existing environment, with little or no additional development of residential, commercial, tourist, recreational or public service uses.

(b) **Development With Mitigation**: The development with mitigation designation is the predominant management strategy. Most areas of existing residential or recreational use carry this designation. Areas with this designation can accommodate additional development if the impacts are fully mitigated and the land is capable of withstanding the use. Both onsite and offsite mitigation of environmental impacts from development shall be required.

(c) **Redirection Of Development**: The redirection of development designation is designed primarily to improve environmental quality and community character by changing the direction of development or density through relocation of facilities and rehabilitation or restoration of existing structures and uses. The purpose of this designation is to reduce impervious coverage, restore natural environments, improve the efficiency of transportation systems, improve scenic quality and provide high quality facilities for residents and visitors alike. Local government participation in redevelopment of appropriate areas shall be encouraged.
13.5.C Special Designations: Eligibility for a specific planning program shall be limited to those plan area statements with the applicable special designations. Each plan area statement may include special designations for specific planning programs as follows:

(1) Preliminary Community Plan Areas: Preliminary boundaries for community plans are set forth on the plan area maps. The areas within preliminary boundaries are eligible for community plans adopted pursuant to Chapter 14 and incentives pursuant to Chapter 33. The final boundaries of community plans shall be as prescribed by the adoptions.

(2) Eligible For Redevelopment Plans: Plan areas designated as eligible for redevelopment plans may be considered for adoption of redevelopment plans pursuant to Chapter 15. Additional provisions prescribing eligibility for redevelopment plans are set forth in Chapter 15.

(3) Transfer Of Development Rights (TDR) Receiving Areas: The following designations determine which plan areas, or portions thereof, are receiving areas for transfer of the development specified in Chapter 34:

(a) Existing Development: The existing development designation determines which areas are eligible for the transfer of existing uses which are permissible uses in the plan area.

(b) Multi-Residential Units: The multi-residential unit designation determines which areas are eligible for the transfer of residential development rights.

(4) Scenic Restoration Areas: The scenic restoration area designation indicates one or more highway units or shoreline units in the plan area is not in compliance with the Scenic Threshold rating and this area is therefore subject to the scenic quality provisions of Chapter 30.

(5) Preferred Affordable Housing Areas: Plan areas with the preferred affordable housing area designation are preferred locations for affordable housing and are eligible for subdivision of post-1987 residential projects pursuant to Subsection 43.4.F. §

(6) (Deleted) §

(7) Preferred Industrial Areas: Plan areas with the preferred industrial area designation are eligible for the commercial allocation and transfer incentives pursuant to Chapters 33 and 34.

§ Amended 4/27/2005
13.5.D **Description**: Each plan area statement shall have a description of location, existing uses and existing environment of the plan area.

13.5.E **Planning Statement**: Each plan area statement shall have a planning statement which sets forth in a summary statement the general planning direction for the plan area.

13.5.F **Planning Considerations**: Each plan area statement shall list under Planning Considerations, the major planning issues and concerns specific to that area. TRPA shall take these considerations into account in all decisions affecting the plan area.

13.5.G **Special Policies**: Each plan area statement shall set forth any special policies addressing issues and concerns for the area that are not adequately addressed by the Goals and Policies.

13.5.H **Permissible Uses**: Pursuant to Chapters 18 and 51, each plan area statement shall list all allowable and special uses that may be permitted in the plan area. Uses may be designated for one or more special areas or shorezone tolerance districts as follows:

1. **General List**: The General List section provides a list of allowed and special uses which may be permitted throughout the land area of a plan area except as modified by subparagraph 13.5.H(2).

2. **Special Areas**: The Special Area section provides a list of one or more special areas within a plan area with a different list of allowed and special uses than the General List.

3. **Nearshore And Foreshore Of The Shorezone**: The Nearshore and Foreshore of the Shorezone section provides a list of allowed and special uses that may be permitted within the nearshore and foreshore of the shorezone tolerance districts.

13.5.I **Maximum Densities**: Pursuant to Chapter 21, each plan area statement shall designate the maximum densities of use which may be permitted within the plan area.

13.6.J **(Deleted)**

13.5.K **Maximum Community Noise Equivalent Level**: Each plan area statement shall specify the maximum community noise equivalent levels (CNEL) that are permissible within the plan area.

13.5.L **Additional Developed Outdoor Recreation**: Each plan area statement shall specify the amount of additional recreational capacity subject to the PAOT allocations pursuant to Subsection 33.6.B permissible within that plan area. Additional recreational capacity shall be measured in people at one time (PAOT). Additional recreational capacity beyond that amount specified in the plan area statements may be drawn from pools reserved for summer day uses or overnight uses. Such reserved

§ Amended 04/24/02
capacity shall be allocated upon permit approval by TRPA or may be allocated to a specific plan area pursuant to 13.7.A. Allocations shall be consistent with the targets for outdoor recreation set forth in 33.6.A. (4) (c). The pools of reserved recreation capacity shall consist of 1,000 overnight PAOT and 6,761 summer day use PAOT. Other recreation capacity may be specified as appropriate.

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

13.6 Plan Area Maps: Plan area boundaries and other relevant information shall be depicted on the Plan Area Maps. The Plan Area Maps shall consist of the base map and the plan area and land capability overlays, as described in Chapter 12.

13.6.A Plan Area Boundaries: When uncertainty exists with respect to the boundaries of any plan area or special area because of the scale of the maps, or for any other reasons which make exact boundary determination difficult or uncertain, the precise boundary line shall be established by using the following criteria:

1. Where plan area boundaries appear to follow the center or right-of-way lines of streets or highways, such lines shall be treated as the plan area boundaries.

2. Where plan area boundaries appear to be approximately parallel to center or right-of-way lines of streets or highways, such boundaries shall be treated as being parallel to such lines and at distances as indicated on the Plan Area Maps.

3. Where plan area boundaries appear to follow ownership boundaries, such boundaries shall be the plan area boundaries.

4. Where plan area boundaries appear to follow land capability or shorezone tolerance district boundaries, such boundaries, as field verified, shall be the plan area boundaries.

13.7 Plan Area Statement And Plan Area Map Amendment: The amendment of a plan area statement or plan area map shall be in accordance with the following procedures:

13.7.B Amendment By Ordinance: Modification of Permissible Uses, Maximum Densities, and assigned Maximum Community Noise Equivalent Levels shall be by ordinance.

13.7.C Amendment By Resolution: Modification of Description, Planning Considerations, and Improvement Programs shall be by resolution.

13.7.D Findings For Plan Area Amendments: Prior to adopting any plan area amendment, TRPA must find: §

1. The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C; and
2. If the amendment is to expand an existing urban plan area boundary or to add residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area, it must be found that the amendment will make the plan area statement consistent with an adopted policy or standard of the Regional Plan, and that the amendment will satisfy one or more of the following criteria:
   a. The amendment is to correct an error which occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or
   b. The amendment is to enable TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 32 indicators; or
   c. The amendment is needed to protect public health and safety and there is no reasonable alternative.

§ Amended 4/25/01
(3) If the amendment is to add multiple-family as a permissible use to a plan area or for one or more parcels, except as provided for in (5) below, the plan area or affected parcel must be found suitable for transit-oriented development (TOD). TRPA shall find that the following factors, or a functional equivalent as provided for in (4) below, are satisfied when determining TOD suitability:

(a) The area must have access to operational transit within a 10 minute walk; and

(b) Neighborhood services within a 10 minute walk, (e.g., grocery/drug stores, medical services, retail stores, and laundry facilities); and

(c) Good pedestrian and bike connections; and

(d) Opportunities for residential infill (at densities greater than 8 units per acre) or infill with mixed uses; and

(e) Adequate public facilities, (e.g., public schools, urban or developed recreation sites, government services, and post offices).

(4) In order for TRPA to find a proposal is the functional equivalent of one of the factors listed in 13.7.D (3), or 13.7.D (5) (a), the proposal must be found to facilitate TOD in a manner that is equal or superior to that feature.

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

(a) access to operational transit within a 10 minute walk, or a functional equivalent as provided for in (4) above; and

(b) neighborhood services; or

(c) public facilities.
Chapter 14
COMMUNITY PLANS

Chapter Contents

14.0 Purpose
14.1 Applicability
14.2 Establishment Of Community Plans
14.3 Eligible Areas
14.4 Incentives
14.5 Relationship To Other Documents
14.6 Community Plan Process
14.7 Maintenance And Modification Of Community Plans

14.0 Purpose: This chapter sets forth the provisions for development and adoption of community plans pursuant to the Goals and Policies and as provided for in plan area statements.

14.1 Applicability: Community plans may be developed for areas designated in the Goals and Policies. Following adoption of a community plan, all projects within the community plan boundaries shall be consistent with the provisions of the community plan, as well as all applicable provisions of this Code. Approval of a community plan is not approval of any project included in the community plan.

14.2 Establishment Of Community Plans: Community plans, upon adoption, shall be established on the TRPA Plan Overlay Maps and in the document entitled Regional Plan for the Lake Tahoe Basin, Special Plans. The goal of TRPA is to have all community plans completed by December 1, 1989.

14.3 Eligible Areas: Areas eligible for community plans are designated on the map referred to in the Goals and Policies, Land Use Subelement, Land Use Element Goal #2, Policy 6.1. Preliminary boundaries for those areas are shown on plan area maps. The preliminary boundaries may be adjusted as part of the community plan process. A community plan area may consist of more than one part, provided each part, distinctly enclosed within its own boundary, complies with the requirements of this section. Any adjustment of boundaries, including the establishment of parts, shall be subject to TRPA making the following findings at the time of adoption:§

14.3.A Use Considerations: The area within the boundaries is an area where commercial, tourist, and related uses are concentrated or where commercial, tourist, or affordable residential uses should be concentrated; is served or easily served by transit systems; which has adequate highway access; which has or can have housing in the vicinity available for employees working in the area; and which otherwise qualifies as an area suitable for continued or increased levels of commercial activity. In areas where existing and proposed development

§ Amended 01/24/01
patterns are found to support affordable housing, the community plan shall limit the applicable community plan incentives to uses classified as deed restricted affordable housing or employee housing with the employment base nexus identified within close proximity to the proposed employee housing. §

14.3.B Traffic Considerations: The nature and intensity of uses proposed for the area within the boundaries is demonstrably consistent with the achievement of VMT reduction policies and level of service goals for street and highway traffic established for the plan area.

14.3.C Concentration: The area within the boundaries will encourage concentration of commercial development, discourage the maintenance or exacerbation of strip commercial development and shall not allow isolated areas of commercial or tourist accommodations unrelated to the central commercial area.

14.3.D Size: The area within the boundaries is a size consistent with the needs for additional commercial development established by the needs assessment which evaluated the entire area of the community plan, taking into account the needs and opportunities of the Region taken altogether.

14.4 Incentives: Areas within the boundaries of designated community plans and after adoption of those community plans are eligible for incentives as set forth in Chapters 20, 24, 30, 33, 35, 93 and elsewhere in this chapter.

14.5 Relationship To Other Documents: The relationship of community plans to the Goals and Policies, plan area statements and Code are as follows:

14.5.A Goals And Policies: Community plans are subject to the Goals and Policies.

14.5.B Plan Area Statements: Community plans replace the plan area statements for the areas within the community plan boundaries, but shall be required to retain certain features of the plan area statements as set forth in this chapter.

14.5.C Code Of Ordinances: All standards of the Code shall apply to the community plans, except that the community plan may establish standards that provide equal or superior measures to achieve environmental thresholds. Only the standards listed below may be replaced:

(1) Density of Use (Chapter 21).
(2) Noise (Chapter 23).
(3) Driveway and Parking (Chapter 24).
(4) Outdoor Advertising (Chapter 26).

§ Amended 01/24/01
14.6 Community Plan Process: In consultation with local governments and the community, TRPA shall set priorities for development of community plans. Community plans shall be prepared and adopted as follows:

14.6.A Initiation Of Process: The process to develop a community plan may be initiated as follows:

(1) Local government or TRPA, in recognition of local interest, or in accordance with a work program for the development of community plans, may initiate the planning process. The community plan may be considered in the context of a larger study area that includes other related plan areas.

(2) A planning team shall be formed by the initiating entity. The team shall represent a wide range of community interests and shall include the executive director of the TRPA or his designee, and a representative of the local government within whose jurisdiction the community plan area is located. The planning team shall appoint a planning staff.

(3) The planning team shall be reviewed and, if appropriate, approved by the local government and TRPA prior to commencement of the planning process. With this approval, the local government or TRPA shall assign staff and resources to complete an initial assessment. It is intended that TRPA, local government, and the community work in partnership throughout the community planning process.

(4) The initial assessment shall include a survey of existing conditions, an initial needs and opportunities study, a survey of applicable standards and constraints, and a determination of community goals and objectives. TRPA shall seek review and comment from all responsible public agencies at appropriate points in the community planning process. From this information the preliminary plan shall be developed.

14.6.B Approval Of Preliminary Plan And Work Program: Upon completion of the initial assessment, the planning team shall develop a preliminary plan and work program.

(1) The preliminary plan shall include proposed plan boundaries, estimations of additional commercial floor area and tourist accommodation unit requirements, public recreation objectives, vehicle trip reduction targets, land coverage reduction targets, and other threshold related targets, consistent with this Code, new standards to be included in the plan, the level of environmental documentation required, and other detail on the scope and scale of the proposed plan. It also shall include a theme for the community plan, such as the following:
(a) Major retail and services.

(b) Major tourist accommodation, retail, and services.

(c) Industrial, storage, and services.

(d) Local-serving retail, services and storage.

(e) Local and minor recreation area serving retail and services.

(f) Minor tourist accommodation.

(2) Appendix "A" to Chapter 14, incorporated herein by this reference, provides guidelines for mixes of uses that may be appropriate for the themes listed above.

(3) After consultation with responsible public agencies, a work program shall be included with the preliminary plan and shall indicate time schedules for individual work elements, staffing requirements, and funding sources.

(4) The preliminary plan and work plan shall be presented to the TRPA and local government.

(5) TRPA and local government shall consider the recommendations of the planning team and approve, deny, or modify the preliminary plan and work program.

(6) Based on the preliminary plan, TRPA shall make a preliminary allocation to that community plan for additional commercial floor area from the amount allocated by TRPA to that jurisdiction.

14.6.C Community Plan Preparation: Upon approval of the preliminary plan and work program or approval of an alternative process pursuant to Subsection 14.6.E, the planning team or staff shall carry out its work as follows.:

(1) Refine the goals for the community plan;

(2) Complete the assessment of environmental opportunities and limitations. This includes the establishment of baseline information about the location, amount, and condition of all threshold-related elements applicable to the community plan. This also shall include, at a minimum:

(a) Stream environment zones.

(b) Fish habitat.

(c) Coverage (hard, soft, and potential).

(d) Scenic resources.

§ Amended 7/22/98
(e) Traffic level of service.

(f) Vehicle miles travelled.

(g) Outdoor recreation facilities.

(h) Tributary and littoral water quality.

(i) Air quality.

(j) Visibility.

(k) Noise.

(3) Refine the inventory and needs assessment. This includes determining the following:

(a) The amount and land capability of vacant land.

(b) The amount, type, and condition of the inventory of commercial floor area, housing, public service facilities (including transportation facilities) and recreational facilities.

(c) The type and amount of commercial, housing, public services, and recreational facilities needed to meet the community goals, with priorities for each.

(d) A description of environmental improvement projects needed in the area to meet environmental thresholds.

(4) Identify the applicable ordinance standards, constraints, and direction from federal, state, local, and TRPA sources.

(5) Develop a draft plan which addresses the following:

(a) Description.

(b) Planning statement.

(c) Planning considerations.

(d) Special designations.

(e) Plan boundaries.

(f) Land use element with uses and locations addressed in the following categories:

   (i) Existing and new uses appropriate and compatible, to be designated allowed uses.

   (ii) Existing and new uses appropriate under some circumstances or in some limited amount, to be designated special uses.
(iii) Existing uses which are inappropriate or incompatible, to be designated nonconforming.

(g) Appropriate findings, in addition to those in Chapter 18, that would be required for approving special uses.

(h) Transportation provisions including traffic circulation; routes; pedestrian and bicycle routes; and any transit modes, routes, and stops.

(i) Parking provisions.

(j) Public service provisions including snow removal and storage.

(k) Housing provisions.

(l) Recreation, open space and public access provisions.

(m) Special features or policies including setbacks and height restrictions.

(n) Special standards pursuant to Subsection 14.5.C

(o) Provisions for the allocation of commercial floor area, tourist accommodation, outdoor recreation allocations, and multi-residential units.

(p) Relationship to plan area statements, including those nearby and affected by the community plan.

(q) Monitoring provisions.

(r) Implementation schedule showing how development is to be coordinated with environmental improvement projects, including transportation and water quality improvements. At least one major Community Plan environmental improvement project must be completed or an irrevocable commitment made to such a project relying on the incentives of the Community Plan. For the purposes of this Chapter, an “irrevocable commitment” shall mean both an irrevocable commitment to fund, as that defined in Chapter 15, Subsection 15.2.F, and receipt of all project approvals required under Subparagraph 15.10.G(3). §

(s) The manner in which the targets and requirements set forth in the preliminary plan are to be achieved (see 14.6.B(1)) including location of proposed projects.

(t) Mitigation measures.

§ Amended 09/23/98
(u) Manner in which the goals established in 14.6.C(1) are to be achieved.

(v) Other relevant provisions which may include applicable state or local planning provisions.

(6) Prepare environmental documents, with appropriate circulation for public review.

(7) Recommend preferred alternative to TRPA and local government.

14.6.D Approval Of The Community Plan: The final plan shall contain all the elements set forth in 14.6.C(5) and shall be approved as follows:

(1) Upon receipt of a recommended final plan from the planning team or staff, the TRPA Advisory Planning Commission (APC) shall review the proposed final plan and make recommendations to the TRPA Governing Board. The APC shall obtain and consider the recommendations and comments of the local government and other responsible public agencies. The review, to the extent possible, shall be coordinated with the processes of local government.

(2) The Governing Board shall consider the proposed final plan as a Regional Plan amendment and either approve, deny or modify the community plan, based on all applicable factors, including consistency with the Goals and Policies, the Code, the attainment of the targets and requirements of 14.6.B(1) and consideration of comments of responsible public agencies. The Governing Board also shall determine the effect, if any, on other plan areas considered in the study, but not included within the community plan boundaries. (See 14.6.A(1)) The Governing Board may consider appropriate amendments to those plan areas pursuant to Chapter 13.

(3) The Governing Board shall establish the initial allocation of additional commercial floor area for the planning period, pursuant to Chapter 33.

(4) The Governing Board shall allocate the appropriate amount of tourist accommodation units for the planning period, pursuant to Chapter 33.

(5) The Governing Board shall allocate the appropriate outdoor recreation units, pursuant to Chapter 33.

14.6.E If TRPA finds that an alternate process to Subsections 14.6.A and 14.6.B would better facilitate the planning process while still meeting the objectives of this chapter, a modified process may be approved provided community input is included as a component of the modified process. §

§ Amended 09/23/98
14.7 **Maintenance And Modification Of Community Plans:** Adopted community plans shall be reviewed by TRPA at five year intervals to determine conformance with approved schedules of development and adequacy of programs, standards, mitigation and monitoring. TRPA may defer approval of projects within community plans, if the review indicates approved goals, targets, and requirements are not being achieved. Community plans may be modified as a result of such reviews as deemed appropriate by TRPA to achieve environmental thresholds or to otherwise improve the community plans. The procedure for modification shall be consistent with this chapter.
Chapter 14
APPENDIX A

MAJOR RETAIL AND SERVICES

I. RESIDENTIAL
   Employee housing
   Multi-family dwelling
   Multi-person dwelling
   Nursing and personal care
   Residential care
   Single-family dwelling

II. TOURIST ACCOMMODATION
   Bed and breakfast facilities
   Hotels, motels, and other transient dwelling units
   Time sharing (hotel/motel design)
   Time sharing (residential design)

III. COMMERCIAL
   A. Retail
      Auto, mobile home and vehicle dealers
      Building materials and hardware
      Eating and drinking places
      Food and beverage retail sales
      Furniture, home furnishings and equipment
      General merchandise stores
      Mail order and vending
      Nursery
      Outdoor retail sales (S)

   B. Entertainment
      Amusements and recreation services
      Outdoor amusements (S)
      Privately owned assembly and entertainment

   C. Services
      Animal husbandry services (S)
      Auto repair and service (S)
      Broadcasting studios
      Business support services
      Contract construction services (S)
      Financial services
      Health care services plants (S)
      Personal services
      Professional offices
      Repair services
      Sales lots (S)
Schools - business and vocational
Schools - pre-schools (S)
Secondary storage

D. Light Industrial
Printing and publishing (S)

E. Wholesale/Storage
Storage yards (S)
Vehicle and freight terminals (S)
Vehicle storage and parking (S)
Warehousing (S)
Wholesale and distribution (S)

IV. PUBLIC SERVICE
A. General
Churches
Cultural facilities
Day care centers (S)
Government offices
Hospitals (S)
Local assembly and entertainment
Local post office
Local public health and safety facilities
Membership organizations
Public utility centers (S)
Publicly owned assembly and entertainment (S)
Regional public health and safety facilities (S)
Schools - college
Social service organizations

B. Linear Public Facilities
Pipelines and power transmission (S)
Transit stations and terminals (S)
Transmission and receiving facilities
Transportation routes (S)

V. RECREATION
A. Urban Recreation
Day use areas
Participant sports facilities
Sport assembly (S)

B. Developed Outdoor Recreation
Beach recreation
Marinas (S)
Outdoor recreation concessions
Recreational vehicle parks (S)
Visitor information center
VI. RESOURCE MANAGEMENT

A. Watershed Improvements
   Erosion control
   Runoff control
   Stream environment zone restoration

MAJOR TOURIST ACCOMMODATION, RETAIL, AND SERVICES

I. RESIDENTIAL
   Employee housing
   Multi-family dwelling
   Multi-person dwelling
   Nursing and personal care
   Residential care
   Single-family dwelling

II. TOURIST ACCOMMODATION
   Bed and breakfast facilities
   Time sharing (hotel/motel design)
   Time sharing (residential design)
   Hotels, motels, and other transient units

III. COMMERCIAL

A. Retail
   Auto, mobile home and vehicle dealers (S)
   General merchandise stores
   Mail order and vending
   Building materials and hardware (S)
   Nursery
   Outdoor retail sales (S)
   Eating and drinking places Service stations
   Food and beverage sales
   Furniture, home furnishings and equipment

B. Entertainment
   Amusements and recreation services
   Privately owned assembly and entertainment
   Gaming – nonrestrictive (Nevada)
   Outdoor amusements (S)

C. Services
   Auto repair and services (S)
   Personal services
   Professional offices
   Broadcasting studios
   Repair services
   Business support services
   Sales lots (S)
   Contract construction services (S)
Schools - business and vocational
Financial services
Schools - pre-schools (S)
Health care services
Secondary storage

D. **Light Industrial**
   Printing and publishing (S)

E. **Wholesale/Storage**
   Vehicle storage and storage (S)

### IV. PUBLIC SERVICE

A. **General**
   Churches
   Membership organizations
   Cultural facilities
   Publicly owned assembly and entertainment (S)
   Day care centers (S)
   Government offices
   Public utility centers (S)
   Hospitals (S)
   Regional public health and safety facilities (S)
   Local assembly and entertainment
   Schools - college
   Local post office
   Social service organizations
   Local public health and safety facilities

B. **Linear Public Facilities**
   Pipelines and power transmission (S)
   Transportation routes (S)
   Transmission and receiving facilities (S)
   Transit stations and terminals (S)

### V. RECREATION

A. **Urban Recreation**
   Day use areas
   Sports assembly (S)
   Participant sports facilities

B. **Developed Outdoor Recreation**
   Beach recreation
   Marinas (S)
   Outdoor recreation concessions
   Recreational vehicle parks (S)
VI. RESOURCE MANAGEMENT

A. Watershed Improvements
   - Erosion control
   - Stream environment zone restoration
   - Runoff control

INDUSTRIAL, STORAGE, AND SERVICES

III. COMMERCIAL

A. Retail
   - Auto, mobile home and vehicle dealers
   - General merchandise stores
   - Mail order and vending
   - Building materials and Hardware
   - Nursery
   - Outdoor retail sales (S)
   - Eating and drinking places
   - Service stations
   - Food and beverage retail sales
   - Furniture, home furnishings and equipment

B. Services
   - Animal husbandry services
   - Personal services
   - Auto repair and service
   - Professional offices
   - Broadcasting studios
   - Repair services
   - Business support services
   - Sales lots (S)
   - Contract construction Services
   - Schools - business and vocational
   - Financial services
   - Secondary storage
   - Laundries and dry cleaning plants

C. Light Industrial
   - Batch plants (S)
   - Printing and publishing
   - Food and kindred products
   - Recycling and scrap (S)
   - Fuel and ice dealers
   - Small scale manufacturing
   - Industrial services

D. Wholesale/Storage
   - Storage yards
   - Warehousing
IV. PUBLIC SERVICE
A. General
   Collection stations (S)
   Public utility centers
   Government offices
   Regional public health and safety facilities
   Local post office
   Local public health and safety facilities

B. Linear Public Facilities
   Pipelines and power transmissions (S)
   Transportation routes
   Transmission and receiving facilities (S)
   Transit stations and terminals (S)

V. RESOURCE MANAGEMENT
A. Watershed Improvement
   Erosion control
   Stream environment zone restoration
   Runoff control

LOCAL SERVING RETAIL, SERVICES, AND STORAGE

I. RESIDENTIAL
   Employee housing (S)
   Nursing and personal care (S)
   Multi-family dwelling (S)
   Residential care (S)
   Multi-person dwelling (S)
   Single-family dwelling

II. TOURIST ACCOMMODATION
   Bed and breakfast facilities
   Time sharing (hotel/motel design) (S)
   Time sharing (residential design) (S)
   Hotels, motels, and other transient units (S)

III. COMMERCIAL
A. Retail
   Building materials and hardware (S)
   General merchandise stores
   Nursery (S)
   Eating and drinking places
   Outdoor retail sales (S)
Food and beverage retail sales
Service stations (S)
Furniture, home furnishings and equipment (S)

B. Services
Auto repair and service (S)
Repair shops (S)
Schools - pre-schools
Professional offices (S)
Secondary storage

IV. PUBLIC SERVICE
A. General
Churches (S)
Local public health and safety facilities (S)
Cultural facilities (S)
Day care centers
Membership organizations (S)
Government offices (S)
Public utility centers (S)
Local post office
Schools - kindergarten through secondary (S)

B. Linear Public Facilities
Pipelines and power transmission (S)
Transportation routes (S)
Transmission and receiving facilities (S)
Transit stations and terminals (S)

V. RECREATION
A. Urban Recreation
Day use areas (S)
Participant sports facilities (S)

B. Developed Outdoor Recreation
Beach recreation (S)
Outdoor recreation concessions (S)

VI. RESOURCE MANAGEMENT
A. Watershed Improvements
Erosion control
Stream environment zone restoration
Runoff control
LOCAL AND MINOR RECREATION AREA SERVING RETAIL AND SERVICES
COMMUNITY PLANNING AREAS

I. RESIDENTIAL

Employee housing (S)
Nursing and personal care (S)
Multi-family dwelling (S)
Residential care (S)
Multi-person dwelling (S)
Single-family dwelling

II. TOURIST ACCOMMODATION

Bed and breakfast facilities
Time sharing (hotel/motel design) (S)
Hotels, motels, and other transient units (S)
Time sharing (residential design) (S)

III. COMMERCIAL

A. Retail

Building materials and hardware (S)
General merchandise stores
Nursery (S)
Eating and drinking places
Outdoor retail sales (S)
Food and beverage retail sales
Service stations (S)
Furniture, home furnishings and equipment (S)

B. Entertainment

Amusements and recreation services (S)
Outdoor amusements (S)
Privately owned assembly and entertainment (S)

C. Services

Auto repair and service (S)
Repair shops (S)
Schools - pre-schools
Personal services (S)
Secondary storage
Professional offices (S)

IV. PUBLIC SERVICE

A. General

Churches (S)
Local public health and safety facilities (S)
Cultural facilities (S)
Day care centers
Membership organizations (S)
Government offices (S)
Public utility centers (S)
Local post office
Schools - kindergarten through secondary (S)

B. Linear Public Facilities
Pipelines and power transmission (S)
Transportation routes (S)
Transmission and receiving facilities (S)
Transit stations and terminals (S)

V. RECREATION
A. Urban Recreation
Day use areas (S)
Participant sports facilities (S)
B. Developed Outdoor Recreation
Beach recreation (S)
Outdoor recreation concessions (S)

VI. RESOURCE MANAGEMENT
A. Watershed Improvements
Erosion control
Stream environment zone restoration
Runoff control

MINOR TOURIST ACCOMMODATION
I. RESIDENTIAL
Employee housing
Nursing and personal care
Multi-family dwelling
Residential care
Multi-person dwelling
Single-family dwelling

II. TOURIST ACCOMMODATION
Bed and breakfast facilities
Time sharing (hotel/motel design)
Hotels, motels, and other transient units
Time sharing (residential design)

III. COMMERCIAL
A. Retail
Eating and drinking places
Service stations (S)
Food and beverage retail sales
B. Entertainment
Amusements and recreation services
Outdoor amusements (S)
Privately owned assembly and entertainment (S)

C. Services
Broadcasting studios
Schools - business and vocational
Personal services
Professional offices (S)
Secondary storage

IV. PUBLIC SERVICE
A. General
Churches
Membership organizations
Cultural facilities
Public utility centers
Day care centers (S)
Regional public health and safety facilities (S)
Government offices (S)
Local post office
Schools - college (S)
Local public health and safety facilities
Social services organizations

B. Linear Public Facilities
Pipelines and power transmission (S)
Transportation routes (S)
Transmission and receiving facilities (S)
Transit stations and terminals (S)

V. RECREATION
A. Urban Recreation
Day use areas (S)
Participant sports facilities (S)

B. Developed Outdoor Recreation
Beach recreation (S)
Outdoor recreation concessions (S)

VI. RESOURCE MANAGEMENT
A. Watershed Improvements
Erosion control
Stream environment zone restoration
Runoff control
Chapter 15
REDEVELOPMENT PLANS

Chapter Contents

15.0 Purpose
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15.4 Eligibility
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15.0 Purpose: This chapter sets forth the provisions for development and adoption of redevelopment plans pursuant to the Goals and Policies and as provided for in the plan area statements.

15.1 Applicability: This chapter authorizes and shall apply only to redevelopment plans which utilize the provisions of this chapter. Eligible redevelopment plan areas shall be in adopted community plans which are predominantly urbanized (Subsection 15.2.A), blighted (Subsection 15.2.B), and designated in the applicable plan area statement as eligible for redevelopment plans or as specifically authorized as a demonstration plan by this chapter (Section 15.11). Only public entities empowered by applicable state law to engage in redevelopment may propose redevelopment plans and projects. Following adoption of a redevelopment plan, projects within the redevelopment plan boundaries shall be consistent with the provisions of the redevelopment plan. Adoption of a redevelopment plan shall not be construed as approval of a project included in the redevelopment plan.

15.2 Definitions: The following terms are defined as set forth below:

15.2.A Predominantly Urbanized Area: A predominantly urbanized area is one in which not less than 80 percent of the privately-owned property in the redevelopment plan area has been or is currently developed for urban uses.

15.2.B Blighted Area: A blighted area is characterized by properties which suffer from economic dislocation, deterioration or disuse because three or more of the following factors cause a reduction or lack of proper utilization of the area to such an extent that the blight constitutes a serious physical, social, environmental or economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone:
The existence of parcels of irregular form and shape and inadequate size for proper usefulness and development.

The layout of parcels in disregard of the contours and other topographical or physical characteristics of the ground and surrounding conditions.

The existence of inadequate public improvements, public facilities, open space, and utilities which cannot be remedied by private or governmental action without redevelopment.

A prevalence of depreciated values, impaired investments, and social and economic maladjustment.

The existence of substandard public or private facilities or improvements, insufficient open space, poor scenic quality, insufficient transportation systems, air quality problems, or insufficient water quality protection systems, such that there is non-compliance with the applicable environmental threshold carrying capacities.

15.2.C Urban Uses: Urban uses are the uses classified in Chapter 18 as residential, tourist accommodation, commercial, public service, urban recreation or similar uses commonly found in urban areas.

15.2.D Redevelopment Project Area: A redevelopment project area is a designated project area, including contiguous, adjacent, and noncontiguous parcels that is a predominantly urbanized and blighted area within a redevelopment plan area and which project area is established through land assembly with public assistance. The redevelopment plan shall select and designate a main project area consisting of contiguous and adjacent parcels. Parcels not contiguous or adjacent to the main project area, as it is designated in the redevelopment plan, may be considered as part of the redevelopment project area if:

1. The public benefits related to the noncontiguous parcels are integrated throughout the redevelopment project area;
2. The noncontiguous parcels are within the same watershed;
3. Each noncontiguous parcel contains structures covering at least 70 percent of the parcel;
4. The noncontiguous parcels are assembled with public assistance; and
5. The project area receives substantial public assistance.

15.2.E Redevelopment Plan Area: A contiguous area of land that has been found by TRPA to be in an adopted community plan, which is predominantly urbanized (Subsection 15.2.A), blighted (Subsection 15.2.B), and is designated in the applicable plan area statement as eligible for redevelopment plans.
15.2.F  **Irrevocable Commitment**: For purposes of this chapter, irrevocable commitment to fund each priority public benefit or related mitigation measure pursuant to Subparagraphs 15.10.D (4) and (5) (collectively referred to in this subsection as "measures") shall mean the following:

(1) The public entity funding the measure or when necessary, the electorate, has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and that only ministerial acts necessary to the issuance of any such bonded indebtedness and the receipt of funds therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure for the measures,

(2) The application for state and federal grant monies has received approval and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for such public improvements in accordance with the final or demonstration redevelopment plan,

(3) The measures are approved and funded as part of a public entity's capital improvement program,

(4) Where the funding of the measures is the responsibility of the developer, TRPA shall ensure that the public entity shall have received sufficient funds or an acceptable security to fully fund the measures,

(5) The public entity funding the measure has received a funded commitment from another public entity as described in (1) through (3) above, or

(6) Any combination of (1) through (5) above.

15.3  **Establishment Of Redevelopment Plans**: Adopted redevelopment plans shall be established on the TRPA Plan Overlay Maps pursuant to Chapter 12 and in the document entitled Regional Plan for the Lake Tahoe Basin, Special Plans.

15.4  **Eligibility**: Plan Areas not designated as eligible for redevelopment plans may be so designated if the Governing Board makes the following findings prior to amending the plan area statement to make it eligible for redevelopment plans:

15.4.A  **Goals and Policies**: A redevelopment plan in the plan area would be consistent with the Goals and Policies.

15.4.B  **Community Plan Designation**: An adopted community plan designates a predominantly urbanized and blighted area within the plan area for redevelopment.

15.4.C  **Elimination of Blight**: Redevelopment is the most effective way to eliminate blight in the designated area and has been demonstrated by professionally prepared economic studies to be financially feasible.
15.4.D **Conditions of Dislocation and Maladjustment:** Redevelopment will relieve conditions of economic, social, or environmental dislocation or maladjustment and should not create new unmitigatable economic, social, or environmental impacts.

15.5 **Time Limits:** Redevelopment plans shall take effect upon adoption and shall remain in effect until amended or revoked by TRPA.

15.6 **Relationship To Plan Area Statements And Community Plans:** Redevelopment plans shall be consistent with plan area statements and community plans as follows:

15.6.A **Plan Area Statements:** A redevelopment plan shall be consistent with applicable provisions of plan area statements as they may be amended from time to time.

15.6.B **Community Plans:** Except for the demonstration plan provided for in this chapter, no redevelopment plan shall be adopted unless it is within an adopted community plan.

15.7 **Relationship To Goals And Policies And The Code:** Redevelopment plans shall be consistent with the Goals and Policies and with the Code, as they may be amended from time to time.

15.8 **Redevelopment Plan Standards:** All projects within a redevelopment plan area shall be subject to the standards of this chapter and to the standards of the Code applicable to projects within an adopted community plan except as follows:

15.8.A **Redevelopment Project Areas (Contiguous and Adjacent Parcels):** Redevelopment project areas which contain contiguous and adjacent parcels may elect to be subject to the provisions of Section 15.9.

15.8.B **Redevelopment Project Areas (Noncontiguous Parcels):** Redevelopment project areas which contain noncontiguous parcels shall be subject to the provisions of Section 15.9.

15.8.C **Individual Projects Not In A Redevelopment Project Area:** Projects not in a redevelopment project area shall not be subject to the provisions of Section 15.9.

15.8.D **Projects In A Redevelopment Project Area:** A tourist accommodation project may elect to use the provisions of Subsection 15.11.D provided TRPA finds that the tourist accommodation project will result in a significant environmental improvement and an appropriate redirection of development, and the tourist accommodation project meets the following criteria:

1. the project consists of 100 or more split-use tourist accommodation units;

2. the 100 or more units will be created through a transfer or reconstruction of existing units of use;
the project is within both an adopted redevelopment plan and community plan; and

the project is deemed a redevelopment project under state and local laws.

15.9 Special Redevelopment Project Area Standards: In addition to other provisions of the Code, the following site development standards apply to projects within redevelopment project areas:

15.9.A Land Coverage Limitations: A redevelopment project area shall be considered the "project area" for purposes of implementing the land coverage requirements of Chapter 20 and the subparagraphs below, except for the provisions relating to demonstration redevelopment project areas in Subsection 15.11.C. The permissible land coverage within redevelopment project areas shall be calculated in accordance with the subparagraphs below:

(1) Commercial/Public Service Uses: In redevelopment project areas redeveloped for primarily commercial or public service use, total existing coverage shall be reduced by 15 percent if existing coverage is 70 percent or less. An additional reduction of one percent for each two percent of coverage exceeding 70 percent shall be required if the coverage exceeds 70 percent. The following table contains example calculations:

<table>
<thead>
<tr>
<th>Existing Coverage</th>
<th>Required Reduction</th>
<th>Net Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>70% or less</td>
<td>15%</td>
<td>59.5% or less*</td>
</tr>
<tr>
<td>75%</td>
<td>17.5%</td>
<td>61.9%</td>
</tr>
<tr>
<td>80%</td>
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<td>64%</td>
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<tr>
<td>85%</td>
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<tr>
<td>100%</td>
<td>30%</td>
<td>70%</td>
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</tbody>
</table>

* Net coverage shall not be more restrictive than the Bailey Coefficients.

(2) Tourist/Multi-Residential Uses: In redevelopment project areas redeveloped primarily for tourist accommodation or multi-residential use, total existing coverage shall be reduced by 25 percent if existing coverage is 50 percent or less. An additional reduction of one percent for each two percent of coverage exceeding 50 percent shall be required if the coverage exceeds 50 percent. The following table contains example calculations:
<table>
<thead>
<tr>
<th>Existing Coverage</th>
<th>Required Reduction</th>
<th>Net Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% or less</td>
<td>25%</td>
<td>37.5% or less*</td>
</tr>
<tr>
<td>60%</td>
<td>30%</td>
<td>42%</td>
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<tr>
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<td>35%</td>
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<tr>
<td>100%</td>
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<td>50%</td>
</tr>
</tbody>
</table>

* Net coverage shall not be more restrictive than the Bailey Coefficients.

(3) **Mixed Uses**: The coverage reduction requirements for mixed uses of subparagraphs (1) and (2) above shall be adjusted based on the proportion of the gross floor area utilized for the categories of use. Uses not included in subparagraphs (1) and (2) shall not be included in the calculations to determine the proportion. Example: If the redevelopment project area proposes 10,000 square feet of commercial floor area and 20,000 square feet of tourist accommodation floor area. The portion of commercial is .33 and the portion of tourist is .66. The existing coverage is 80 percent. The reduction without mixed use for commercial would be 20 percent and for tourist would be 40 percent.

\[
.33 \times 20\% = 6.7\% \\
.67 \times 40\% = 26.7\% \\
33.4\% \text{ required reduction}
\]

15.9.B **Density**: For the purpose of calculating maximum permissible densities, the entire redevelopment project area shall be considered the “project area” pursuant to Chapter 21. Special density provisions for calculations may be adopted for demonstration redevelopment plans as set forth in Section 15.11. Approval of projects within a redevelopment project area shall be subject to the special use findings in Subparagraphs 18.1.B(1) and (2), unless the same findings are made and adopted as part of the redevelopment plan.

15.9.C **Grading Standards**: Basement excavation may be permitted as an additional exception to the provisions in Subsection 64.7.B if the basement will not create groundwater interference. Basements shall be designed and constructed such that no damage occurs to mature trees, including root systems and hydrologic conditions of the soil, which are determined to be necessary for the screening of the building. To ensure protection of the trees necessary for screening, a special tree protection report shall be prepared by a qualified professional identifying measures required to ensure damage will not occur to mature trees as a result of basement excavation or construction.
15.9.D Relocation of Development: Relocation of development within a redevelopment project area shall be considered the same as a relocation of development on a single parcel and not subject to the provisions of Chapter 34.

15.9.E Best Management Practices: Permanent BMPs, including retrofitting, shall be required for the entire redevelopment project area as a condition of approval of any project in the redevelopment project area.

15.9.F Merger of Redevelopment Project Area: The parcels within the redevelopment project area shall have recorded against them a deed restriction or other covenant running with the land, permanently assuring that the calculations for land coverage, density, parking, height, and impact mitigation for the parcels shall always be made as if the parcels had been legally merged.

15.9.G Transfer of Redevelopment Retirement Requirement: Notwithstanding Subparagraph 34.4.B(6), projects which rely on transfer of existing development shall demonstrate prior to occupancy adequate sewer capacity and unit of use retirement pursuant to Section 34.5, 15.11.D.

15.10 Redevelopment Plan Process: Except as set forth in Section 15.11, public entities eligible to prepare redevelopment plans pursuant to applicable state law shall develop redevelopment plans in accordance with the following procedures:

15.10.A Selection Of Redevelopment Plan Area: The public entity, in cooperation with TRPA, shall select a proposed redevelopment plan area, including boundaries, consistent with applicable state law, and this chapter. TRPA shall determine that the area is suitable for redevelopment consistent with this chapter prior to commencement of the preliminary plan. The public entity shall submit studies, or such other information as TRPA may reasonably require, to demonstrate the economic feasibility of proceeding with a preliminary redevelopment plan for the area, and the economic and environmental benefits which may be obtained from the proposed redevelopment.

15.10.B Preparation Of Preliminary Redevelopment Plans: Upon selection of a redevelopment plan area in accordance with Subsection 15.10.A, the public entity shall prepare, in cooperation with TRPA, a preliminary redevelopment plan. A preliminary redevelopment plan shall contain the following information:

(1) An environmental assessment (EA) prepared in accordance with Subsection 5.3.A, including sufficient information, as may be required by TRPA, to allow TRPA to evaluate the proposed changes in land use and the environmental impacts that may result.

(2) A description of the proposed redevelopment plan area boundaries and project area boundaries including a preliminary determination of which areas are blighted and urbanized.
A general statement of the proposed land uses, anticipated development, proposed targets and objectives related to attainment and maintenance of environmental thresholds, layout of the principal streets and transportation patterns, and a general description of the standards to be used for redevelopment of the area.

A general statement of how the proposed redevelopment plan conforms to the provisions of the Goals and Policies, the applicable plan area statements, the Code, and the environmental thresholds.

A general description of the provisions for existing and new affordable housing and the expected impact of the proposed redevelopment plan on the residents of the redevelopment plan area and surrounding neighborhoods.

A statement of how the preliminary plan differs from and conforms to the adopted community plan, including a re-evaluation of items required by Subparagraphs 14.6.C (1) through (7), inclusive, and other items prescribed by TRPA as appropriate to deal with new or changed circumstances arising subsequent to the adoption of the community plan.

An economic feasibility and needs assessment.

Such other information as TRPA may reasonably require to evaluate the proposed redevelopment plan.

Reasonable provisions for public participation, including notice to, and comment by, affected property owners and residents.

15.10.C Action On Preliminary Redevelopment Plans: The Advisory Planning Commission shall review preliminary redevelopment plans and make recommendations to the Governing Board. The Governing Board shall review and either approve, deny or modify the preliminary redevelopment plan. Approval of a preliminary plan shall be construed only as approval to proceed and analyze a final redevelopment plan and shall not obligate TRPA to any future approval of a final plan. Upon approval of a preliminary redevelopment plan, the applicant shall have five years to submit a final redevelopment plan in accordance with Subsection If a final plan is not submitted within five years, a new preliminary plan shall be required prior to submittal of a final redevelopment plan.

15.10.D Preparation Of Final Redevelopment Plans: In addition to compliance with applicable state laws, final redevelopment plans shall be consistent with the approved preliminary redevelopment plan, shall comply with Subparagraphs 14.6.C(1) through (7), inclusive, and shall include the following:

1. A program and schedule for bringing all roadway and shoreline units, or segments thereof, which are located within a redevelopment plan area into attainment with the scenic
resources travel route rating thresholds. The schedule shall
demonstrate that threshold attainment is feasible on or before July
1, 2007. Redevelopment plans shall contain design guidelines
with which all subsequent projects within the redevelopment plan
area shall conform. Such guidelines shall be equal to or superior
to those adopted by TRPA.

(2) A description of the proposed methods of financing the
redevelopment projects that are part of the final redevelopment
plan.

(3) A description and schedule of the mitigation measures and public
benefits that are required to be implemented as a part of the plan.

(4) A list and schedule of priority public benefits and related mitigation
measures that are required to be implemented to attain the
identified environmental targets.

(5) For each redevelopment project, a list of related mitigation
measures and priority public benefits, required as conditions of
approval.

(6) A plan and schedule to implement Best Management Practices as
set forth in Chapter 25 to all parcels within the redevelopment plan
area.

(7) A program to ensure that affordable housing is provided as part of
a redevelopment plan to the extent required by applicable state
law and to meet the needs created by redevelopment projects.
Redevelopment shall not cause any loss of affordable housing
units without replacement of such units with as many or more
affordable units and in equally or better structural condition.

(8) A program to ensure that the redevelopment plan shall not result
in a net increase in the amount of land coverage existing within
the redevelopment plan area prior to adoption of the
redevelopment plan.

(9) A redevelopment plan shall address the use of parcels or other
lands from which development or development rights are
transferred. A redevelopment plan shall also include revegetation
and maintenance of the open spaces which are created as a
result of the transfers.

(10) A recreation needs assessment, which identifies existing
recreational, needs within the redevelopment plan area and any
additional recreational needs created by the redevelopment plan,
and a recreation development program and schedule which meets
the identified needs.

(11) Such other information as TRPA may reasonably require to review
and approve the final redevelopment plan.
15.10.E **Process for Final Redevelopment Plans:** Final redevelopment plans shall be processed in accordance with the following provisions:

1. **Referral To Advisory Planning Commission:** The APC shall review and make recommendation to the Governing Board prior to adoption of a final redevelopment plan. The Advisory Planning Commission shall consider the recommendations and comments of the local government, other responsible public agencies and the public. APC review, to the extent possible, shall be coordinated with local government review procedures.

2. **Governing Board Action:** The final redevelopment plan shall be considered as a regional plan amendment and the Governing Board shall approve, deny or modify the final redevelopment plan.

15.10.F **Findings For Adoption:** Prior to adopting a redevelopment plan and in addition to any other required findings, TRPA shall find:

1. The plan is consistent with the Goals and Policies;
2. The plan is consistent with the Code;
3. The plan is consistent with the applicable plan area statement and adopted community plan;
4. The plan is consistent with the adjacent PASs or any inconsistencies are identified and evaluated and measures specified to correct the inconsistencies.
5. The plan does not propose the development of residential units, tourist accommodation units, commercial floor area, recreational PAOTs or other projects, in excess of applicable limits set forth in the Regional Plan;
6. The plan is substantially more likely to result in progress toward the attainment and maintenance of environmental threshold carrying capacities than the adopted community plan;
7. Affordable housing is provided as part of a redevelopment plan to the extent required by applicable state law and to meet the needs identified in Subparagraph 15.10.D (7);
8. The redevelopment plan shall not result in a net increase in the amount of land coverage existing within the redevelopment plan area prior to adoption of the redevelopment plan;
9. The redevelopment plan includes the programs and schedules required by Subsection 15.10.D and the redevelopment plan demonstrates attainment of the targets and requirements of Subsection 15.10.D;
10. The provisions of Subsection 15.10.G have been met in regards to Subparagraph 15.10.D (5); and
(11) The redevelopment plan in conjunction with other adopted plans and programs of TRPA shall attain and maintain thresholds.

15.10.G Security for Improvements: Redevelopment plans shall ensure that redevelopment projects for which a related mitigation measure or priority public benefit are required to be implemented as a condition of approval (collectively referred to in this subsection as measures) specified in Subparagraph 15.10.D(4) and (5), shall guarantee implementation of such measures as follows:

(1) Project Funding: Prior to the commencement of construction of any project which relies on the use of a measure as specified in Subparagraph 15.10.D(4) and (5), the public entity submitting the redevelopment plan shall demonstrate for each project, that it has obtained or secured an irrevocable commitment to funding the public improvements specified in 15.10.D(4) and (5).

(2) Project Completion: For each irrevocable commitment, the public entity submitting the redevelopment plan shall provide sufficient evidence of intent and ability to complete the measures.

(3) Project Approval: TRPA shall require, as a condition of approval, of any project which relies on the use of a measure as specified in Subparagraph 15.10.D(5), that plans for such measure be approved by all agencies of jurisdiction prior to commencement of construction of the redevelopment project.

15.10.H Redevelopment Plan Amendments: Amendments to redevelopment plans shall be subject to the applicable provisions of this chapter.

15.10.I Concurrent Plans: The preparation and adoption of a redevelopment plan may be done concurrently with the preparation and adoption of a community plan or amendments to a community plan.

15.10.J Redevelopment Agreements: TRPA may enter into agreements with redevelopment agencies, redevelopment project proponents, and other parties as deemed necessary to implement an adopted redevelopment plan.

(1) Adoption of Agreements: Such agreements shall be processed as memoranda of understanding in accordance with Chapter 4.

(2) Relationship to TRPA Plans and Ordinances: All agreements shall be consistent with the Code, Regional Plan, the redevelopment plan, and other TRPA plans and ordinances. Such agreements shall not limit TRPA's authority to adopt, amend, and enforce TRPA plans or ordinances.

(3) Scope of Agreements: TRPA may establish special review procedures, conditions of approval, security provisions, and related matters pursuant to a redevelopment agreement.
15.11 **South Lake Tahoe Demonstration Redevelopment Plan:** As a demonstration redevelopment plan, TRPA may, prior to the adoption of a community plan, adopt a redevelopment plan for the Stateline to Ski Run areas of South Lake Tahoe. Redevelopment projects within this demonstration plan area relying on the provisions of this chapter, but not relying on community plan incentives, may be approved prior to adoption of the community plan for the affected area provided TRPA makes the following findings.

15.11.A **Eligible Areas For Demonstration Redevelopment Plan And Necessary Findings:** TRPA may approve demonstration redevelopment for those areas of Plan Areas 089B (California South Stateline Resort Area), 091 (Ski Run) and 092 (Pioneer/Ski Run) which are eligible pursuant to Section 15.4. and 14.3 as shown on the preliminary redevelopment plan map approved by the South Lake Tahoe Redevelopment Agency on June 28, 1988. Prior to adoption of the South Lake Tahoe Demonstration Redevelopment Plan and prior to approval of additional building height pursuant to Subsection 15.11.E, TRPA shall make the following findings:

1. That a 2000 feet linear park and bikeway is provided as part of the plan.

2. That the Stateline site project is on the landward side of Highway 50, adjacent to a cluster of high rise buildings where there is a high floor area ratio (approximately 1.0), provides a transition in height from high rise to low rise, and is 50 percent lower in height than the adjacent high rise building.

3. That public open space in the demonstration redevelopment plan area is being provided by redevelopment projects consolidating development in the same jurisdiction through design and room retirement of which 80 percent is occurring within the redevelopment plan area.

4. That additional public access to Lake Tahoe and 10,000 square feet or more of additional public beach are being provided by redevelopment projects.

5. That additional public access to Lake Tahoe through marina facilities is being provided by redevelopment projects.

6. That additional open views of Lake Tahoe from Highway 50 of at least 150 feet of width of view corridor, exclusive of existing public rights-of way are being provided by redevelopment projects.

7. That at least four acres of additional wetlands or SEZ restoration are being provided by redevelopment projects.

8. That a project is located next to a major water/land transportation interface and both hotel projects are in close proximity to a major ski area.
15.11.B  **Special Process**: The City of South Lake Tahoe Redevelopment Agency may elect to process the demonstration redevelopment plan as otherwise set forth in this chapter or as follows:

(1) **Preparation and Approval of a Preliminary Demonstration Redevelopment Plan**: The requirements for preparation and approval of the preliminary plan shall be waived.

(2) **Preparation of Final Demonstration Redevelopment Plan**: The final demonstration redevelopment plan shall be prepared by the South Lake Tahoe Redevelopment Agency consistent with the requirements of Subparagraphs 15.10.D (1) through (11), inclusive and Subsection 15.10.G, except that the requirements of Subparagraphs 14.6.C (1) through (7), inclusive may be deferred until adoption of the community plan.

(3) **Final Plan Approval**: The final demonstration redevelopment plan shall be reviewed and approved in accordance with Subsections 15.10.E, F and G. Prior to adopting the demonstration redevelopment plan, the Governing Board shall make the findings in Subparagraph 15.11.B.(4).

(4) **Findings For Adoption**: Prior to adopting the final redevelopment demonstration plan, TRPA shall find:

(a) The plan is consistent with the Goals and Policies;

(b) The plan is consistent with the Code;

(c) The plan is consistent with the applicable plan area statement and any other plans and programs of TRPA;

(d) The plan is consistent with the adjacent PASs, or any inconsistencies are identified and evaluated and measures specified to correct the inconsistencies.

(e) The plan does not propose the development of residential units, tourist accommodation units, commercial floor area, recreational PAOTs or other projects, in excess of applicable limits set forth in the Regional Plan;

(f) Affordable housing is provided as part of a redevelopment plan to the extent required by applicable state law and to meet the needs identified in Subparagraph 15.10.D (7);

(g) The redevelopment plan shall not result in a net increase in the amount of land coverage existing within the redevelopment plan area prior to adoption of the redevelopment plan;

(h) The redevelopment plan is consistent with 15.10.D (1) through (11), except that the requirements of Subsection 14.6.C (1) through (7) need not be met;
(i) The provisions of Subsection 15.10.G have been met in regards to Subparagraph 15.10.D (4) and (5); and

(j) The redevelopment plan in conjunction with other adopted plans and programs of TRPA shall attain and maintain thresholds.

15.11.C Demonstration Redevelopment Project Area: For purposes of complying with aggregated density (15.11.H) and land coverage retirement requirements (15.9.A), a demonstration redevelopment project area may utilize parcels outside the demonstration redevelopment plan or project area. Parcels outside the demonstration redevelopment plan or project area shall have a deed restriction, or other covenant running with the land, recorded against the parcels which restricts the use to open space and permanently assures that the calculations for land coverage and density shall always be made as if the parcels had been legally merged with the project area parcels.

15.11.D Transfer Of Development: The following special provisions apply to transfer of existing development in conjunction with the demonstration redevelopment plan. These special provisions are based upon the implementation of the public priority benefits in Subsection 15.11.G.

(1) Notwithstanding Subsection 34.5.G, parcels located in land capability districts 4, 5, 6 or 7 from which development or development rights have been transferred, shall be restricted by deed restriction or other covenant running with the land, recorded by the owner. This restriction shall limit the units of use to any remaining until or unless the parcel is used for transportation improvements, water quality improvements, public outdoor recreation and day use areas, or affordable housing.

(2) For purposes of determining compliance with unit of use transfer ratios and for determining density calculations under Subsection 15.9.B., a tourist accommodation unit (TAU) which is capable of a separate rental of a portion of the unit (i.e., split-use unit with lock-off unit) shall be deemed two TAUs. A split-use unit with a lock-off unit may be deemed to constitute 1.5 tourist accommodation units subject to the following provisions:

(a) A project utilizing this transfer ratio shall have a deed restriction, or other covenant running with land, recorded against the project which restricts rental of the lock-off units to no more than 50 percent of the lock-off units per day.

(b) A project utilizing this transfer ratio shall implement and enforce a program of unit rentals which insures that the number of lock-off units rented separately shall not exceed, on a per day basis, 50 percent of the total number of lock-off units. The program shall include an adequate mechanism for reporting actual use to TRPA for monitoring purposes.
(c) In the event the project retires TAU\(^s\) in a ratio of greater than 1.5:1 (units retired to units built), the deed restriction limiting the percentage of lock-off units rented per day shall be amended proportionately to insure that the rental restriction corresponds to the retirement ratio (e.g., 40 percent rental restriction for 1.6:1 retirement ratio).

(3) For purposes of this section only, an existing residential unit may be retired in lieu of a tourist accommodation unit at the 1:1 ratio required for retirement of tourist accommodation units.

15.11.E Additional Height For The South Lake Tahoe Demonstration Project: In addition to the heights permitted in Chapter 22, the TRPA may approve additional height within the South Lake Tahoe Demonstration Project Area for no more than two projects, as follows:

(1) Areas Eligible for Additional Height: Eligible areas for additional height are the Ski Run Site (the portion of Bijou Park Subdivision containing lots 14 through 85) and the Stateline Site (property designated "State of California, Book 986, Page 195" and "Parcel 3" shown on that certain Record of Survey recorded at File Number 155400 Official Records of Douglas County, Nevada).

(2) Additional Height for Tourist Accommodation: TRPA may approve additional building height above the base height limit of 24 feet, notwithstanding the height limitations of Sections 22.0, 22.1, 22.2, 22.6 and 22.7 for a building whose primary use is tourist accommodation, if the building is located in an eligible area pursuant to (1) above; findings (1), (3), and (7) in Section 22.7 are made by TRPA; the building is of natural hues, utilizing textured materials and is compatible with the traditional rustic resort style of the Lake Tahoe Region; the additional height is based upon the demonstration project providing sufficient benefits in accordance with Subparagraph (3) below, and substantial contributions shall have been made by the project proponents to achieve those benefits.

(a) Addition of Benefits: The additional height permissible under this subsection shall be calculated by identifying the benefits provided by the demonstration project and then totalling the number of feet attributable to the benefits. The additional height shall be added to the base height of 24 feet and assigned to the affected building(s).

(b) Maximum Height Limits: The maximum height of a tourist accommodation building shall not exceed 75 feet for the Ski Run Site and not exceed 95 feet for the Stateline Site.

(c) Timing: Any benefit for which additional height is claimed by any project pursuant to this subsection shall be included in the list of required measures pursuant to Subparagraph 15.10.D (5) and compliance with provisions of Subsection 15.10.G shall be required.
(3) **Benefit List for Additional Height**: The following list of benefits shall be used to calculate additional height for tourist accommodation buildings pursuant to Subparagraph (2) above.

(a) **Additional Height For Stream Environment Zone Restoration Or Creation Of Artificial Wetland**: For restoration or creation of two acres of previously disturbed stream environment zone or artificial wetland, TRPA may approve an additional forty feet of building height provided:

(i) The artificial wetland is capable of water quality treatment functionally equivalent to a stream environment zone of a similar size;

(ii) The restored stream environment zone or artificial wetland is within a watershed partially within the boundaries of the redevelopment plan;

(iii) TRPA conditions of approval ensure permanent maintenance of the required stream environment zone restoration or artificial wetland prior to construction of the building; and (iv) The credit shall not be given for SEZ restoration otherwise required by Subsection 20.4.B.

(b) **Additional Height For View Corridors**: For providing a minimum 150 foot wide open space corridor addition, excluding existing road right-of-way, that provides views of Lake Tahoe from a scenic quality threshold travel route unit, TRPA may approve an additional ten feet of building height. If the additional view corridor is in excess of 150 feet, TRPA may approve one foot of additional height, not to exceed ten feet total, for each additional 15 feet of road way length on Highway 50 adjacent to the project from which Lake Tahoe is visible. The maximum additional height permissible under this paragraph is 20 feet.

(c) **Additional Height For Setbacks**: For each minimum 100 feet of building setback along the entire lake front of the redevelopment project area, TRPA may approve an additional ten feet of building height. The setback shall be measured from the high water line and the setback shall be clear of buildings. In the case where the setback is a 100 feet plus a portion of a 100 feet, e.g. 150 feet, the bonus height shall be proportional to the ten foot bonus, e.g. 15 feet. The maximum additional height permissible under this paragraph is 30 feet.

(d) **Additional Height for Public Access to Lake Tahoe**: For each 50 feet wide (average, not less than 30 feet, measured landward from the high water line) by 200 feet long area of additional public beach provided by a project proponent, TRPA may approve an additional 30 feet of building height. In allowing a height increase pursuant to this provision,
TRPA shall require placement of improvements such as public restrooms, picnic tables, litter collection devices, and signs directing the public to the beach. The maximum permissible height permissible under this paragraph is 30 feet.

(e) Additional Height for Roof Design: If the building has 40 percent or more of all facades in sloping roofs, TRPA may approve an additional five feet of building height for that building.

15.11.F Environmental Targets: The demonstration redevelopment plan shall demonstrate the ability to achieve the following targets:

(1) Air Quality and Traffic: The following air quality and traffic targets shall be achieved within the redevelopment area:

(a) Attain the following carbon monoxide (CO) standards:

(i) 7 ppm CO (8 hr. avg.) by the year 2005.

The demonstration redevelopment plan may consider all proposed redevelopment improvements and programs plus projected changes in fleet mix and reduced vehicle emissions due to federal requirements. All measures used by redevelopment plans to attain the CO standards shall be documented.

(b) Traffic volumes shall be reduced to no greater than 21,400 vehicles between 4:00 p.m. and midnight at the Park Avenue and Highway 50 intersection for a peak winter day by 1991. The demonstration redevelopment plan may consider all proposed improvements and programs included in the redevelopment plan, but shall not be credited with any externally caused changes, whether negative or positive, from the conditions in 1981.

(c) Upon completion, the demonstration project shall result in a reduction of 732 vehicle trip ends from 1987 levels.

(2) Water Quality: The following water quality targets shall be achieved in the redevelopment plan area:

(a) Application of BMPs to all parcels within the demonstration project area upon completion of the project. Retrofit the remaining parcels in the redevelopment plan area pursuant to Subparagraph 15.10.D(6).

(b) Implementation of projects, or their equivalent, as set forth in the TRPA Water Quality Capital Improvement Program (CIP) by 2005.

(c) TRPA discharge standards as set forth in Chapter 81.
(3) **SEZ Restoration:** Restoration or creation of four acres of SEZ or artificial wetlands. If restoration of SEZ or creation of artificial wetlands is not feasible, other equivalent measures shall be required by TRPA.

(4) **Scenic:** Implementation of scenic improvements on portions of scenic quality threshold roadway travel route units in the redevelopment plan area needed to attain the thresholds rating of 16, as the rating system would apply if the Highway 50 corridor within the redevelopment plan area were to be considered as a single roadway travel route unit.

(5) **Recreation:** Provide at least the following recreational facilities:

(a) 2000 feet of Class I bike trail; and

(b) 10,000 square feet of public beach with 200 linear feet of lake frontage.

(6) **Noise:** The Ski Run Marina shall not provide storage, moorage or launching of marine craft that exceed the single event noise standards.

15.11.G **Required Priority Public Benefits And Related Mitigation Measures:** The following benefits and measures shall be included in the lists required by Subparagraphs 15.10.D (4) and (5).

(1) **Subparagraph 15.10.D (4) List:** The following items shall be included on the list.

(a) Fair share contribution to the implementation of the TRPA Short Range Transit Plan in accordance with Memorandum of Understanding Creating a Public/Private Partnership To Mitigate Traffic and Air Quality Impacts by Implementing Certain Elements of the TRPA Short Range Transportation Plan.

(b) Drainage Basin "A-2" for the Pine Boulevard Area as shown on the South Lake Tahoe Redevelopment Design Plan Drainage Concept Plan;

(c) Tahoe Meadow Linear Park Improvements Including Bike Trail, Fencing and Landscaping;

(d) Creation of 70 Affordable Housing Units Through Rehabilitation and New Construction; and

(e) Establish a Revolving $600,000 Loan Fund for Housing Rehabilitation

(2) **Subparagraph 15.10.D (5) List:** The following items shall be included on the list.
(a) Site Acquisition for Ski Run Boulevard View Corridor and Ski Run Beach;

(b) Drainage Basin "B" for the Stateline Area as shown on the South Lake Tahoe Redevelopment Design Plan Drainage Concept Plan;

(c) Drainage Basin "E" in the Ski Run Area as shown on the South Lake Tahoe Redevelopment Plan Concept Drainage Plan;

(d) Open Space Acquisition of the Linear Park/Wetland Area for the Ski Run Area as shown on the South Lake Tahoe Redevelopment Concept Drainage Plan;

(e) Open Space Plaza on Highway 50 at the Embassy Site;

(f) Ski Run Park Improvements Near the Ski Run Marina;

(g) Transit Coordination of Shuttle Service Provided by Private Businesses and STAGE;

(h) Improvements on Public Beach Access Such as Restrooms, Picnic Tables, Signs and Litter Collection; and

(i) Mitigation Projects Required by the Conditions of Approval of Redevelopment Projects to Reduce Impacts to a Less Than Significant Level.

15.11.H Density Calculations: If a redevelopment project is reviewed pursuant to Chapter 15, is within the demonstration redevelopment plan area, and includes non-contiguous parcels, at least one mile apart, with functionally separate tourist accommodation uses, then density calculations for the functionally separate tourist accommodation uses may be made separately for the non-contiguous parcels. Further, subject to the foregoing limitations, density for a tourist accommodation use which contains lock-off units shall be calculated as follows:

(1) The split-use tourist accommodation units shall be subject to the density limits for tourist accommodation units with kitchens (i.e., 15 units/acre) except that the lock-off units contained within the split-use units shall be subject to the density limits for tourist accommodation units without kitchens (i.e., 40 units/acre).

Example:

210 units (each with a lock-off unit) 210 units w/kitchens at 15 units/acre = 14 acres

210 units w/o kitchens at 40 units/acre = 5.25 acres

Total acreage (structure w/lock-off units) - 19.25 acres.
(2) The acreage needed to support the densities for the non-contiguous and functionally separate uses set forth above shall be aggregated.

Example:

400 unit Hotel w/out kitchens at 40 units/acre = 10 acres, plus 210 split-use units with lock-off units (see (1) above), thus requiring 19.25 acres for required aggregated acreage of 29.25 acres.
Chapter 16
SPECIFIC AND MASTER PLANS

Chapter Contents

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16.8 Content Of Specific And Master Plans
16.9 Findings For Approval

16.0 Purpose: In accordance with the Goals and Policies, TRPA may adopt areawide specific plans or project oriented master plans to augment plan area statements or community plans. Specific or master plans are needed to provide more detailed planning to ensure that projects and activities are consistent with the Goals and Policies, the Plan Area Statements or community plans, and the Code. Also, specific and master plans shall provide for phasing of development, systematic environmental and project review, and implementation of environmental control measures. A specific or master plan is not a project approval nor does its adoption guarantee approval of any level of development.

16.1 Applicability: Prior to adoption of a specific or master plan, all projects and activities shall be reviewed pursuant to the Code, applicable plan area statement or community plan, and the Goals and Policies. Expansion of facilities or commercial air service at the South Lake Tahoe Airport, other than temporary expansions for testing purposes or projects for which exemptions from the federal court injunction of August 9, 1984 have been obtained, is prohibited until the adoption of an airport master plan. Expansion of use of ski areas, or the establishment of new ski areas, is prohibited until the adoption of a specific or master plan for the ski area. Expansion of marinas shall be limited to ten new boat slips and ten new buoys until the adoption of a specific or master plan for the marina. Expansion of existing commercial facilities in areas subject to a requirement to prepare a specific or master plan, may be approved pursuant to Chapter 33. On private lands a forest management plan developed pursuant to this chapter and Chapter 71 can allow for the cutting of trees larger than 30 inches in westside forest types or trees larger than 24 inches in eastside forest types on private land. §

16.2 Establishment Of Specific Plans Or Master Plans: The boundaries of specific or master plans, upon adoption, shall be depicted on the TRPA Plan Overlay Maps pursuant to Chapter 12, and the texts shall be set forth in the document entitled Regional Plan for the Lake Tahoe Basin, Special Plans.

§ Amended 5/23/01
16.3 **Eligible And Required Areas:** All areas are eligible for a specific or master plan. Some areas, such as the South Lake Tahoe Airport, ski areas, and marinas, are required by the Goals and Policies, Plan Area Statements, or the Code to have a TRPA - approved specific or master plan.

16.4 **Time Limits:** Specific or master plans shall take effect upon adoption and shall remain in effect until amended or revoked by TRPA.

16.5 **Relationship To Plan Area Statements And Community Plans:** Specific or master plans shall supplement, but shall not replace, plan area statements and community plans, as they may be amended from time to time, and shall be consistent with plan area statements and community plans as follows:

16.5.A **Plan Area Statement Limitations:** Where part or all of a specific or master plan falls within a plan area boundary, that portion of the specific or master plan shall be subject to the plan area statement limitations set forth for special designations, special policies, permissible land uses, density, bonus units, additional outdoor recreation limitations, and improvement programs.

16.5.B **Community Plan Limitations:** Where part or all of a specific or master plan falls within a community plan boundary, that portion of the specific or master plan shall be subject to the adopted community plan. No master or specific plan for an area within a community plan boundary shall be adopted unless the community plan is adopted, or the community plan is not expected to be adopted within three years. In the latter case, a specific or master plan may be approved, provided the specific or master plan complies with those provisions of subparagraphs 14.6.C(1) through (5), inclusive, as applicable to the area impacted by the specific or master plan.

16.6 **Relationship To Goals And Policies And The Code:** Specific or master plans shall be consistent with the Code and the Goals and Policies, as they may be amended from time to time.

16.7 **Specific And Master Plan Process:** Specific or master plans shall be prepared, processed and adopted as follows:

16.7.A **Initiation of Process:** The initiation process shall be as follows:

1. TRPA or other agencies of jurisdiction or the owner of the lands subject to the plan may initiate the process. (Hereinafter referred to as the proponent.)

2. A steering committee shall be formed representing community interests, and shall include a designee of the Executive Director, a representative of the local government in whose jurisdiction the specific or master plan area is located, and a representative of the U.S. Forest Service if federal lands are within the specific or master plan area. The steering committee shall establish a planning team to prepare the specific or master plan.

16.7.B **Approval of Work Program:** The planning team shall develop a specific or master work program consistent with subsection 16.7.C and section
16.8. The steering committee shall submit a recommended work program to the Executive Director of TRPA for approval. The Executive Director shall consider the recommendations of the steering committee and approve, deny, or modify the proposed work program.

16.7.C Specific Or Master Plan Preparation: Upon approval of the work program, the planning team shall prepare the specific or master plan as follows, with oversight from the steering committee:

   (1) Prepare a complete assessment of environmental opportunities and limitations.

   (2) Refine inventory and needs assessment.

   (3) Identify applicable plan and ordinance standards and policies and development guidelines.

   (4) Develop draft alternative plans, including a preferred alternative.

   (5) Prepare draft environmental documents.

   (6) Submit draft master plan and draft environmental documents to TRPA for circulation and public and agency review.

   (7) Prepare recommended final plan and final environmental documents for TRPA and local government consideration.

16.7.D Approval Of A Specific Or Master Plan: Upon receipt of a recommended final specific or master plan from the steering committee, the Advisory Planning Commission shall review the proposed plan and make recommendations to the Governing Board. Ski area master plans shall be prepared and reviewed in accordance with TRPA's "Ski Area Master Plan Guidelines", November 1990. The Governing Board shall consider the proposed plan as a regional plan amendment and approve, deny, or modify the specific or master plan.

16.7.E Alternative Process: The process set forth in subsections 16.7.A and 16.7.B may be modified by TRPA as follows:

   (1) Minor Plans Or Minor Modifications Of Existing Plans: If TRPA finds that a specific or master plan, or modification thereof, does not propose any significant expansion of development and does not require an EIS, TRPA may delete the steering committee.

   (2) Alternate Process: If TRPA finds that an alternate process to subsections 16.7.A and 16.7.B would better facilitate the planning process while still meeting the objectives of this chapter, a modified process may be approved. Modification of the process shall not alter the requirements of any other section of the Code applicable to specific or master plans.
16.8 **Content of Specific And Master Plans:** Each specific or master plan shall be tailored to fit the individual situation and proposed activities. An adopted specific or master plan shall be an integrated document consistent with the terminology of the Regional Plan. Each specific or master plan shall include, at a minimum, the following items:

16.8.A **Physical Plan:** The physical plan shall describe all existing and proposed improvements, including but not limited to, buildings, parking areas, roads, trails, temporary or permanent land disturbance, and utility connections. The physical plan shall address the phasing or scheduling of the proposed improvements and any special provisions for project review. For ski areas, the physical plan shall not propose any expansion of parking for day use, pursuant to Goal #2, Policy 11 of the Developed Recreation Subelement, Recreation Element of the Goals and Policies.

16.8.B **Operational Plan:** The operational plan shall describe all existing and proposed operations, including but not limited to, traffic and circulation patterns, commercial operations, primary and accessory uses, periods of operation, and seasonal operations.

16.8.C **Mitigation Program:** The mitigation program shall describe all mitigation measures incorporated into the plan to offset potential impacts identified in the environmental documentation, including but not limited to, erosion and runoff controls, revegetation and restoration, traffic mitigation, mitigation of shorezone impacts, mitigation of scenic impacts, and mitigation of impacts on fish and wildlife habitat. It shall also include construction schedules, maintenance programs, methods of mitigation and dates of completion.

16.8.D **Monitoring Program:** The monitoring program shall describe all monitoring necessary to ensure that the implementation of the plan is consistent with the Tahoe Regional Planning Compact, the Goals and Policies, environmental threshold carrying capacities, state and federal air and water quality standards, and other applicable standards. The monitoring program shall include a summary of proposed funding sources.

16.9 **Findings For Approval:** Before approving or amending a specific or master plan, the Governing Board shall find:

(1) The plan is consistent with the Goals and Policies;

(2) The plan is consistent with the Code;

(3) The plan is consistent with the adopted plan area statement or community plan applicable to the area;

(4) The plan does not propose development of residential units, tourist accommodation units, commercial floor area, recreational PAOTs, or other limitations in excess of the limits set forth in the Regional Plan for the plan area.
(5) The plan is consistent with the attainment and maintenance of environmental threshold carrying capacities.

16.9.A Exception: When portions of the area subject to a specific or master plan are outside the Region, the foregoing findings shall apply only to the area within the Region. When the project and activities proposed within the Region, in combination with other projects and activities proposed in the specific or master plan outside the Region, would prevent the attainment or maintenance of environmental thresholds, the finding set forth in 16.9.(5) shall not be made and the proposed specific or master plan shall not be approved.
Chapter 18
PERMISSIBLE USES

18.0 Purpose: This chapter sets forth the allowable uses for the land areas within the Region. Allowable uses for the near shore, foreshore, backshore and lakezone are set forth in Chapter 51. The concept of "use" includes any activity, whether related to land, water, air or other resources of the region. The primary uses are "allowed", "special" and "nonconforming", the applicability of which terms to a particular parcel shall be determined by reference to the plan area statements and maps, community plans, redevelopment plans and specific or master plans, as the case may be. Generic primary uses are set forth in the Table of Uses in section 18.3.

18.1 Applicability: All parcels have one or more primary uses as defined in this chapter except for parcels which are undeveloped or unimproved and have no established use. Those shall be considered vacant parcels. Vacant parcels are entitled to apply for a use pursuant to the provisions of the Code. Regulation of projects and activities pursuant to primary uses shall be as follows:

18.1.A Allowed Uses: Uses listed in applicable plan area statements, community plans, redevelopment plans or specific or master plans as "allowed" ("A") are appropriate uses for the specified area, and projects and activities pursuant to such uses may be permitted. Allowed uses are assumed to be compatible with the direction of the Regional Plan and the surrounding uses.

18.1.B Special Uses: Uses listed in applicable plan area statements, community plans, redevelopment plans, or specific or master plans as "special" ("S") may be determined to be appropriate uses for the specified area, and projects and activities pursuant to such uses found to be appropriate may be permitted. To allow a special use, TRPA shall conduct a public hearing according to the procedures in the TRPA Rules of Procedure. Before issuing an approval, TRPA shall, make the following findings:

(1) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

(2) The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the
applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.

(3) The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

18.1.C Nonconforming Uses: Uses legally commenced prior to the effective date of the Regional Plan, July 1, 1987, which would be prohibited if new, are nonconforming uses and may be continued, subject to the provisions of Section 18.5. Existing development in a special use category for which the findings in subsection 18.1.B have not been or can not be made shall be non conforming uses.

18.1.D Prohibited Uses: Proposed uses not listed in applicable plan area statements, community plans, redevelopment plans, and specific or master plans are prohibited. Also proposed special uses for which the findings in subsection 18.1.B can not be made shall be prohibited uses.

18.1.E Gaming Uses: Gaming uses which are recognized as permitted and conforming uses are set forth in Article VI(d) of the Compact.

18.1.F Dispersed Outdoor Recreation: Outdoor recreational uses which require few or no developed facilities, require no motorized vehicles, and generally occur in rural areas such as hiking; horseback riding; jogging; dispersed, primitive, or back country camping; fishing and hunting; nature study and photography; rafting and kayaking; sight seeing; dispersed beach recreation; swimming; sunbathing; and cross country skiing shall be allowed uses throughout the Region.

18.2 Accessory Uses: Accessory uses shall be regulated pursuant to the regulations applicable for the primary use upon which the accessory use is dependent. No project or activity pursuant to an accessory use may be permitted without a related primary use, existing or approved, on the same parcel.

18.2.A Accessory Use Defined: An accessory use is defined as a use, building, or other facility customarily a part of any primary use; that is clearly incidental and secondary to the primary use; that does not change the character or the intensity of the primary use; and that does not operate independent of the primary use. Additional criteria for determining commercial accessory uses for noncommercial primary uses are found in subparagraph 33.3.A(1)(b). Examples of accessory uses and related major categories of primary uses are as follows:

(1) Residential: Accessory uses such as garages, green houses, homeowner association offices, art studios, workshops, swimming pools, storage structures, exempt home occupations, tennis courts, dog runs, emergency facilities, home occupations, secondary residence and other uses listed in the definition of a primary use as accessory.
(2) **Tourist Accommodation**: Accessory uses such as garages, parking lots, swimming pools, tennis courts, bars and restaurants, equipment rental, maintenance facilities, laundries, gymnasiums, coin operated amusements, meeting rooms, managers quarters, child care facilities, emergency facilities, employee facilities other than housing, secondary residence, restricted gaming (Nevada only) and other uses listed in the definition of primary use as accessory.

(3) **Commercial**: Accessory uses such as garages, parking lots, emergency facilities, maintenance facilities, employee facilities other than housing, secondary residence, restricted gaming (Nevada only), storage buildings and other uses listed in the definition of a primary use as accessory.

(4) **Public Service**: Accessory uses such as garages, secondary residence, emergency facilities, accessory.

(5) **Recreation**: Accessory uses such as garages, emergency facilities, child care, related commercial sales and services such as ski shops, pro shops, marine sales and repairs, parking lots, maintenance facilities, swimming pools, tennis courts, employee facilities other than housing, secondary residence, outdoor recreation concessions, bars and restaurants, and other uses listed in the definition of a primary use as accessory.

### 18.2.B Secondary Residence

§ One secondary residence is considered an accessory use to the primary use it serves and may be permitted where the primary use is a permissible use. Secondary units may include a guest house; an affordable or market rate rental unit; a caretaker residence for a residential use, commercial use, public service or recreational use; and a manager's quarters for a tourist accommodation or multi-residential use. A secondary residence shall be considered a residential unit subject to the residential allocation limitations and transfer provisions. If the primary use is residential, a secondary unit may be permitted only if either subsection (1)(a) or (1)(b) below are met.

(1) **Residential Secondary Unit Parcel Size**: A secondary residence may be permitted as accessory to a single family house if:

   (a) the parcel on which the residence is located is greater in size than one acre, or

   (b) The parcel on which the secondary residence would be located is within a jurisdiction certified by TRPA to possess an adequate local government housing program and the secondary unit is restricted to affordable housing.

(2) **TRPA Certified Local Government Housing Program**: TRPA may certify by resolution a local government housing program upon a finding that it adequately addresses, at a minimum, (a) through (c) below.

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§ Amended 12/17/03
(a) A local government adopted housing element that addresses the housing needs and issues of the jurisdiction pursuant to state standards.

(b) Special ordinance standards for development of secondary residences, including but not limited to:

(i) minimum parcel size,

(ii) maximum unit floor area for the secondary unit,

(iii) parking standards, and;

(iv) building setback standards.

(c) An adequately funded and staffed compliance and monitoring program. This program shall, through deed restriction, limit the project area to the approved use and restrict both rental rates and occupants’ household income to affordable housing limits. Secondary units approved under this program shall be made available for long-term occupancy and shall be occupied for at least 10 months in each calendar year. Failure to comply for more than six months with use, rental rates/household income levels, or occupancy requirements shall require removal of the unit or modification of the use to bring the project area into compliance with otherwise applicable development standards.

(d) Local government shall document and enforce the special standards through an MOU with TRPA. The MOU shall include objective compliance standards to ensure adequate funding, staff resources, permitting, compliance and monitoring consistent with the Local Government Housing Program.

18.2.C Local Utility Lines: Service drops and connections and local distribution lines are accessory to the structure which they serve, even though they are not on the same parcel, and may be permitted.

18.2.D Outside Display And Storage: Unless the definition of a primary use states that outside storage or display of material or merchandise is included as part of the use, such storage or display are considered accessory uses and subject to TRPA approval. TRPA may permit accessory outside display or storage of material or merchandise, as defined below, on an over night basis only if the Plan Area lists secondary storage as a permissible use. Accessory outside display of merchandise for commercial purposes on a daily basis may be permitted by TRPA under the special use provisions of Section 18.1, provided the merchandise does not remain outside when the primary use is not in operation. Temporary outdoor sales are regulated under Chapter 7.

(1) Accessory Outside Storage: Storage of materials and equipment outside of a walled building or under the roof of nonwalled building and which storage constitutes secondary storage.

(2) Accessory Outside Display: Exhibition, for public view, of merchandise
outside of a walled building or under the roof of a nonwalled building and which display constitutes secondary storage.

18.2.E Determination Of Accessory Use: Accessory uses not listed as accessory by example above may be considered accessory upon a finding by TRPA that the use is accessory based on the criteria in Subsection 18.2.A above.

18.2.F Living Area Associated With Residential Accessory Structures: Living area associated with a permissible residential accessory structure under Subparagraph 18.2.A(1) may be permitted for parcels ineligible for a secondary residence provided that such living area does not constitute a secondary residence. Residential accessory structures, other than an authorized secondary residence, shall not contain any of the following:

(1) Any item listed under cooking facilities as defined in Chapter 2 or areas for the insertion of these items.

(2) Both bathing facilities and a wet bar; either bathing facilities or a wet bar may be permitted.

(3) More than one toilet or bathing facility.

(4) Living area greater than 50 percent of the living area of the primary residence, or greater than 640 square feet, whichever sq. footage is less.

18.2.G Threshold Related Research Facilities: Facilities may be designated “Threshold Related Research Facilities” if they meet the following criteria: §

(1) The Facilities shall be primarily used to implement social, political and scientific research relating to the Lake Tahoe Environmental Thresholds or the Lake Tahoe ecosystem.

(2) Structures and related improvements designated as “Threshold Related Research Facilities” shall provide adequate security, such as a bond, lease requirement, deed restriction or other appropriate mechanism, to assure their removal or conversion consistent with TRPA ordinances upon discontinuance of threshold research.

(3) “Threshold Related Research Facilities” shall be located in community plan areas unless TRPA finds that there is a demonstrated need to locate them outside a CP area, the use is designated a special use by the applicable plan area statement, and that the project area for which the threshold related research facility is proposed contains existing development.

(4) Subject to the provisions for development rights and allocation of residential development, overnight multi-person facilities for up to 25 persons and caretaker facilities may be deemed accessory to this use.

§ Amended 10/28/98
18.2.H  **Accessory Biofuel Facilities:** Biofuel facilities, which are considered an accessory use, may be permitted under the special use provisions of Section 18.1. §

18.3 **Table Of Primary Uses:** The following table of primary uses is a list of all primary uses that may be permitted within the land area of the Region. Each use is defined in section 18.4. Any use not listed on this table, presently or as amended, is prohibited. Plan area statements, community plans, redevelopment plans, and specific or master plans shall determine if a use is an allowable use, a special use, a prohibited use, or a nonconforming use for a specific parcel. This table, including the definitions of the uses set forth herein, shall apply to and govern all other chapters of this Code, plan area statements, community plans, redevelopment plans, and specific or master plans. Uses listed on this table may be considered accessory uses if they are listed in section 18.2.

§ Amended 10/22/03
Chapter 18
TABLE OF PRIMARY USES

I. RESIDENTIAL
   Domestic animal raising
   Nursing and personal care
   Employee housing
   Residential care
   Mobile home dwelling
   Single family dwelling
   Multiple family dwelling
   Summer home
   Multi-person dwelling

II. TOURIST ACCOMMODATION
   Bed and breakfast facilities
   Time sharing (hotel/motel design)
   Hotel, motel, and other transient dwelling units
   Time sharing (residential design)

III. COMMERCIAL
   A. Retail
      Auto, mobile home and vehicle dealers
      General merchandise stores
      Mail order and vending
      Building materials and hardware
      Nursery
      Outdoor retail sales
      Eating and drinking places
      Service stations
      Food and beverage retail sales
      Furniture, home furnishings and equipment

   B. Entertainment
      Amusements and recreation services
      Outdoor amusements
      Privately owned assembly and entertainment
      Gaming-nonrestricted (Nevada only)

   C. Services
      Animal husbandry services
      Personal services
      Auto repair and service
      Professional offices
      Broadcasting studios
Repair services
Business support services
Sales lots
Contract construction services
Schools - business and vocational
Financial services
Secondary storage
Health care services
Laundries and dry cleaning plant

D. Light Industrial
Batch plants
Printing and publishing
Food and kindred products
Recycling and scrap
Fuel and ice dealers
Small scale manufacturing
Industrial services

E. Wholesale/Storage
Storage yards
Warehousing
Vehicle and freight terminals
Wholesale and distribution
Vehicle storage & parking

IV. PUBLIC SERVICE
A. General
Airfields, landing strips and heliports (new non-emergency sites prohibited
Local public health and safety facilities
Membership Organizations
Cemeteries
Power generating
Churches
Public owned assembly and entertainment
Collection Stations
Cultural facilities
Public utility centers
Day care centers/pre-schools
Regional public health and safety facilities
Government offices
Hospitals
Schools - college
Local assembly and entertainment
Schools - kindergarten through secondary
Local post office
Social service organizations
Threshold Related Research Facilities [Amended 10/28/98]

B. Linear Public Facilities
Pipelines and power transmission
Transportation routes
Transit stations and terminals
Transmission and receiving facilities

V. RECREATION

Beach recreation
Outdoor recreation concessions
Boat launching facilities
Participant sports facilities
Cross country ski courses
Recreation centers
Day use areas
Recreational vehicle parks
Developed campgrounds
Riding and hiking trails
Downhill ski facilities
Rural sports
Golf courses
Snowmobile courses
Group facilities
Sport assembly
Marinas
Undeveloped campgrounds
Off-road vehicle courses
Visitor information centers

VI. RESOURCE MANAGEMENT

A. Timber Management
   Reforestation
   Special cut
   Regeneration harvest
   Thinning
   Sanitation salvage cut
   Timber stand improvement
   Selection cut
   Tree farms

B. Wildlife and Fishes
   Early successional vegetation management
   Structural fish habitat management
   Nonstructural fish habitat management
   Structural wildlife habitat management
   Nonstructural wildlife habitat management

C. Range
Farm/Ranch accessory structures  
Range pasture management  
Grazing  
Range improvement

D. Open Space  
Allowed in all areas of the region

E. Vegetation Protection  
Fire detection and suppression  
Prescribed fire/burning management  
Fuels treatment management  
Sensitive plant management  
Insect and disease suppression  
Uncommon plant community management

F. Watershed Improvements  
Erosion control  
Stream environment zone restoration  
Runoff control

18.4 Definitions of Uses: The uses listed in the Table of Primary Uses in section 18.3 are defined in this section. Uses accessory to the uses listed in the Table of Primary Uses are also defined and, to the extent practicable, listed in this section. Certain of the terms employed in defining the uses in this section may be defined in Chapter 2.

The uses are defined as follows:

Airfields, Landing Strips and Heliports: Transportation facilities used for the landing or take off of aircraft, including helicopters; also, any appurtenant areas used for airport buildings and accessory facilities, including terminals, aircraft sales and rentals, and fueling facilities. This definition includes uses such as airports, heliports, helipads, and seaplane bases. Outside storage or display is included as part of the use.

Amusements and Recreational Services: Establishments providing amusement or entertainment for a fee or admission charge, such as: arcades and coin operated amusements; card rooms, billiard and pool halls, bowling alleys; ice skating and roller skating; dance halls, clubs and ballrooms which are principal uses rather than being subordinate to an eating or drinking place; gymnasiums, reducing salons, health and athletic clubs; indoor sauna, spa or hot tub facilities; tennis, handball, racquetball, indoor archery and shooting ranges, and other indoor sports activities; and motion picture theaters.

Animal Husbandry Services: Establishments primarily engaged in performing services for animals, such as veterinary services, animal hospitals, and animal kennels, except publicly operated animal control and wildlife care which is included in "Local Public Health and Safety Facilities."

Auto, Mobile Home and Vehicle Dealers: Retail trade establishments selling new and
used automobiles, boats, vans, campers, trucks, mobile homes, recreational and utility trailers, motor cycles, golf carts, snowmobile and jet skis (except bicycles and mopeds, which are included under "General Merchandise"). Such businesses are considered a primary use when the establishment sells more than six (6) vehicles per calendar year. Also includes establishments selling new automobile parts, tires and accessories (including tire recapping establishments), as well as establishments dealing in used automobiles exclusively. Includes automobile repair shops only when maintained by an establishment selling new vehicles on the same site. Does not include establishments dealing exclusively in used parts, see "Recycling and Scrap." Does not include outside sales, see "Seconday Storage" or "Sales Lots."

**Auto Repair and Service:** Service establishments engaged in repair, alteration, painting, washing or waxing of automobiles as a principal use. Also includes storage and maintenance yards for rental of cars, trucks, or trailers. Does not include: automobile parking (classified in "Transportation"); repair shops subordinate to, and maintained by, a vehicle dealer ship; service stations (which are separately defined); or automobile wrecking yards (which are included under "Recycling and Scrap.") Outside storage or display is included as part of the use.

**Batch Plant:** Manufacturing establishments for the production of paving materials or concrete. Does not include quarrying operations supplying material for the production of such materials. Outside storage or display is included as part of the use.

**Beach Recreation:** Recreational use of a beach, supported by developed facilities such as sanitation facilities, parking, and picnic sites, and nearshore facilities such as multiple-use piers and buoys. Nearshore and foreshore facilities are included in Chapter 51.

**Bed and Breakfast Facilities:** Residential type structures which have been converted to, or constructed as, tourist accommodation facilities where bedrooms without individual cooking facilities are rented for overnight lodging, where at least one meal daily is provided. Does not include "Hotels and Motels," which are defined separately; nor rooming and boarding houses which are included under "Multi-Family Dwellings."

**Boat Launching Facilities:** Recreational establishments which provide boat launching, parking and short term trailer storage for the general public. Storage, mooring and maintenance of boats is included under "marinas." Raft launching is included under "day use areas." Outside storage or display is included as part of the use.

**Broadcasting Studios:** Communication establishments such as telegraph, telephone, radio and television broadcasting and receiving stations and studios, contained entirely within buildings. Transmission and receiving apparatus, such as towers, lines, reflectors and antennas are included under the definition for "Transmission and Receiving Facilities."

**Building Materials and Hardware:** Retail trade establishments within buildings primarily engaged in selling lumber and other building materials including paint, wallpaper, glass, hardware, nursery stock, lawn and garden supplies. Includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales. Establishments primarily wholesaling plumbing, heating, and air conditioning equipment and electrical supplies are classified in "Wholesale and Distribution." Outside storage or display is included as part of the use.
Business Support Services: Service establishments within a building, providing other businesses with services including maintenance, repair and service, testing, rental. This includes establishments such as outdoor advertising services, mail advertising services (reproduction and shipping); blue printing, photocopying, photofinishing, computer related services (rental, repair, and maintenance), commercial art and design (production), film processing laboratories, services to structures such as window cleaning, exterminators, janitorial services, and business equipment repair services.

Cemeteries: Internment establishment engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. This includes establishments such as animal cemeteries; cemetery associations; cemetery, mausoleum and columbarium operations. (Excludes funeral parlor, cemetery real estate operations, and related facilities listed under "Personal Services").

Churches: Religious organization facilities operated for worship or promotion of religious activities, including churches and incidental religious education. Other establishments maintained by religious organizations, such as full time educational institutions, hospitals and other potentially related operations (such as a recreational camp) are classified according to their respective activities.

Collection Stations: Establishments engaged in the temporary accumulation and storage of recyclable or discarded materials including toxic and hazardous wastes, which are subsequently transported to recycling centers or solid waste disposal sites for further processing on a regular, and consistent schedule. (Does not include automobile wrecking yards or any recycling processing facilities, which are listed under Recycling and Scrap. Does not include regional solid waste transfer stations which are listed under Recycling which are listed under Regional Public Health and Safety Facilities). Outside storage or display is included as part of the use.

Contract Construction Services: Service establishments primarily engaged in construction, such as new development, additions, alterations, and repairs. Construction activities are generally administered or managed from a relatively fixed place of business, but actual construction work is performed at one or more different sites that may be dispersed geographically. Three broad types of construction activity are covered: (a) building construction by general contractors or by operative builders; (b) other construction by general contractors; and (c) construction by special trade contractors such as electrical, air conditioning and plumbing contractors, or others such as well drilling services. Establishments engaged in the installation of prefabricated buildings and equipment also are included. An office not associated with a construction site or without secondary storage is considered under "professional offices". Outside storage or display is included as part of the use.

Cross Country Skiing Courses: Land or premises used as a commercial operation for nordic skiing. Outside storage or display is included as part of the use.

Cultural Facilities: Permanent public or quasi-public facilities generally of a noncommercial nature such as art exhibitions, planetariums, botanical gardens, libraries, museums, archives, and arboretums.

Day-care Centers/Pre-Schools: Establishments used for the care of 7 or more children residing elsewhere.
**Day-use Areas:** Land or premises, other than participant sports, designated by the owner to be used by individuals or the general public, for a fee or otherwise, for outdoor recreation purposes on a daily basis such as regional and local parks, picnic sites, vista points, snow play areas, rafting facilities, and playgrounds.

**Developed Campgrounds:** Land or premises designed to be used, let, or rented for temporary occupancy by campers traveling by motorized vehicle and which contain such facilities as camp sites with parking area, barbecue grills, tables, restrooms, and at least some utilities.

**Domestic Animal Raising:** The keeping, feeding or grazing of animals as an avocation, hobby, or school project, secondary to the principal residential use of a property greater than two acres. Includes species commonly considered as farm animals, but does not include exotic animals. Household pets, such as dogs and cats, are included when such animals are being bred for commercial reasons. Outside storage or display is included as part of the use.

**Early Successional Stage Vegetation Management:** The application of a combination of actions that results in an area being converted to and/or being maintained in an early successional stage such as a meadow.

**Eating and Drinking Places:** Restaurants, bars and other establishments selling prepared foods and drinks for on-premise consumption, as well as facilities for dancing and other entertainment that are accessory to the principal use of the establishment as an eating and drinking place. Also includes drive-in restaurants, lunch counters and refreshment stands selling prepared goods and drinks for immediate consumption.

**Employee Housing:** Residential units owned and maintained by public or private entities for purposes of housing employees of said public or private entity.

**Erosion Control:** Structural or nonstructural techniques applied to a particular site or region to prevent or minimize over land loss of soil or nutrients.

**Farm/Ranch Structures:** An uninhabited structure or building designed and built to provide cover for cattle, horses, and other related ranch animals, or for storage of farm or ranch implements, supplies, and products; contains no residential use and is not open to the public. Outside storage or display is included as part of the use.

**Financial Services:** Service establishments primarily engaged in the field of finance such as banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding (but not predominantly operating) companies; vehicle finance (equity) leasing agencies and other investment companies.

**Fire Detection and Suppression:** Facilities for the detection and suppression of wild fire to protect life, property, public safety and resource values. Included is the operation of look out towers, aircraft, or other surveillance techniques.

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Food and Beverage Retail Sales: Retail trade establishments primarily engaged in selling food for home preparation and consumption, as well as the retail sale of packaged alcoholic beverages for consumption off the premises. This includes establishments such as grocery stores, convenience stores, and liquor stores. Such establishments may include no more than two gas pumps as an accessory use.

Food and Kindred Products: Manufacturing establishments producing or processing foods and beverages for human consumption and certain related products for distribution within the region such as meat and poultry processing, dairy products processing, beverages and liquors processing, and miscellaneous food preparation from raw products. Outside storage or display is included as part of the use.

Fuel and Ice Dealers: Retail trade establishments primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use. Outside storage or display is included as part of the use.

Fuels Treatment: Activities required to treat fuels in order to reduce potential for damaging wildfires and secondarily enhance visual quality. Included are tree cutting, treating slash by lopping and scattering, piling and burning, chipping, hauling slash to another area for utilization, burning or burial, and broadcast burning. Fuels treatment also includes pruning limbs, removing ladder fuels such as brush and small diameter trees, thinning for adequate crown spacing, removing ground and surface fuels, etc. Any treatment that disrupts the vertical and horizontal continuity of fuels could be included. “Fuels Treatment” is equivalent to the following terms: “Fuels Treatment Management”, “Fuels Management”, “Fire Hazard Reduction”, “Fuel Hazard Reduction”, and “Hazardous Fuels Reduction”.§

Furniture, Home Furnishings, and Equipment: Retail trade establishments primarily engaged in selling home furnishings such as furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances including television and home sound systems. Also included is the retail sale of office furniture.

Gaming-Nonrestricted (Nevada only): Establishments, regulated pursuant to Article VI (d) through (i) of the Compact, which deal, operate, carry on, conduct, maintain or expose for play any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value. It does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes, or games operated by charitable or educational organizations to the extent excluded by state law. Restricted gaming is permissible only as an accessory use.

General Merchandise Stores: Retail trade establishments such as department stores, variety stores, drug and discount stores, and general stores engaged in retail sales of one or more lines of new and used merchandise, including: dry goods, apparel and accessories; small wares; sporting goods and equipment; bicycles and mopeds, parts and accessories. Also includes sales of miscellaneous shopping goods such as: books; stationery; jewelry; hobby materials, toys and games; cameras and photographic

§ Amended 1/28/04
supplies; gifts, novelties and souvenirs; luggage and leather goods; fabrics and sewing supplies; florist and houseplant stores; cigar and news stands; artists supplies; orthopedic supplies; religious goods; handcrafted items (stores for which may include space for crafting operations when such area is accessory to retail sales); and other miscellaneous retail shopping goods.

**Golf Courses:** An area of land laid out for the game of golf, driving ranges, and putting greens. A golf course may include accessory uses such as an eating and drinking place, clubhouse and general merchandise store. Outside storage or display is included as part of the use.

**Government Offices:** Buildings containing offices for public agencies including administrative offices, meeting rooms, and regional post offices, but does not include offices that are incidental and accessory to another government use, such as transit terminals, vehicle storage, campground, or storage yards.

**Grazing:** Utilizing natural forage as subsistence for livestock.

**Group Facilities:** Establishments which provide overnight accommodations and outdoor recreation to organized groups such as recreational camps, group or organized camps, religious camps.

**Health Care Services:** Service establishments primarily engaged in furnishing medical, mental health, surgical and other personal health services such as medical, dental and psychiatric offices (mental health-related services including various types of counseling practiced by licensed individuals other than medical doctors or psychiatrists, or unlicensed individuals, are included under Professional Offices); medical and dental laboratories; out patient care facilities and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included. Nursing homes and similar long-term personal care facilities are classified in "Nursing and Personal Care."

**Hospitals:** Establishments primarily engaged in providing diagnostic services, extensive medical treatment, including surgical and other hospital services; such establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care.

**Hotels, Motels and Other Transient Dwelling Units:** Commercial transient lodging establishments including hotels, motorhotels, motels, tourist courts or cabins, primarily engaged in providing overnight lodging for the general public whose permanent residence is elsewhere. It does not include bed and breakfast facilities or vacation rentals.

**Industrial Services:** Service establishments providing other businesses with services including maintenance, repair, service, testing and rental. This includes establishments such as welding repair, armature rewinding and heavy equipment repair (except vehicle repair which is included under "Auto Repair and Service"); research and development laboratories, including testing facilities; soils and materials testing laboratories; equipment rental businesses that are entirely within buildings (equipment rental yards

\[\text{§ Amended 3/24/04}\]
are included under "Sales Lots"), including leasing tools, machinery and other business items except vehicles; and other business services of a "heavy service" nature. Outside storage or display is included as part of the use.

Insect and Disease Suppression: Activities, including use of biological or chemical means, required to suppress wildland infestations of insects or disease where silvicultural and other management practices have been insufficient to prevent loss of resources.

Laundries and Dry Cleaning Plants: Service establishments primarily engaged in high volume laundry and garment services such as power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment, which are classified in "Personal Services."

Local Assembly and Entertainment: Facilities for public assembly and entertainment for the local community not to exceed a capacity of 300 people, such as community centers, meeting halls, and multi-purpose centers.

Local Post Office: Establishments providing local neighborhoods with mail service and delivery such as postal substations and neighborhood delivery centers.

Local Public Health and Safety Facilities: Facilities operated by public or quasi-public entities for the local protection of the public such as fire stations and other fire prevention facilities; police and sheriff substations; satellite highway maintenance and snow removal facilities; water tanks, pumps, wells and related facilities; monitoring facilities; sewage pumps and related facilities; and emergency services. Outside storage or display is included as part of the use.

Mail Order and Vending: Establishments primarily engaged in retail sale of products by catalog and mail order. Also includes vending machine distributorships and suppliers. Does not include product manufacturing, which is included under the appropriate manufacturing use.

Marinas: Establishments primarily providing water-oriented services such as yachting and rowing clubs; boat rentals; storage and launching facilities; sport fishing activities, excursion boat and sight seeing facilities; and other marina-related activities, including but not limited to fuel sales and boat and engine repair. Marinas contain water-oriented facilities and structures which are regulated and defined in Chapter 51. Condominiums, hotels, restaurants, and other such uses with accessory water oriented multiple use facilities are not considered marinas. Outside storage or display is included as part of the use.

Membership Organizations: Permanent, meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members such as business associations; professional membership organizations; labor unions and similar organizations; civic, social and fraternal organizations (not including lodging, which is under "Multi-person Dwelling"); political organizations and other membership organizations. Does not include country clubs in conjunction with golf courses, which are included under "Golf Courses." Does not include religious organizations which are defined under "Churches".)
Mobile Home Dwelling: A vehicular structure which is built on a chassis or frame, is designed to be used with or without a permanent foundation, is capable of being drawn by a motor vehicle and is used as a residential dwelling when connected to utilities.

Multiple Family Dwelling: More than one residential unit located on a parcel. Multiple family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a fourplex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in Chapter 2§. One detached secondary residence is included under secondary residence.

Multi-Person Dwelling: A building designed primarily for permanent occupancy by individuals unrelated by blood, marriage or adoption in other than single family dwelling units or transient dwelling units. A multi-person dwelling includes, but is not limited to, facilities such as dormitories and boarding houses, but not such facilities as hotels, motels and apartment houses.

Nonstructural Fish Habitat Management: Implementing activities that maintain or improve fish habitat of any species through non-structural means. The primary purpose is to perpetuate the cold water fisheries resource through management of their habitat. Includes stream barrier removal, human access control, protection and enhancement of riparian vegetation, and beaver control.

Nonstructural Wildlife Habitat Management: Implementing activities that maintain or improve wildlife habitat of any species through nonstructural means. The primary purpose is to perpetuate viable populations of wildlife species native to the area through management of their habitat. Included are activities such as prescribed burning, snag protection, seeding and planting; maintenance of canopy closure, control of livestock and access control.

Nursery: Commercial retail and wholesale establishments where plants are grown or stored for transplanting at other sites. Outside storage or display is included as part of the use.

Nursing and Personal Care: Residential establishments providing nursing and health-related care as a principal use with in patient beds such as skilled nursing care facilities; ex tended care facilities; convalescent and rest homes; board and care homes.

Off-Road Vehicle Courses: Areas authorized by the Agency for the use of off road vehicles; including, but not limited to, dirt bike, enduro, hill climbing or other off-road motorcycle courses; also, areas authorized by the Agency for competitive events utilizing four wheel drive vehicles. Off road vehicle use does not include the use of vehicles associated with timber harvest activities on approved skid trails or maintenance vehicles.

Open Space: Land with no land coverage and maintained in a natural condition or landscaped condition consistent with Best Management Practices, such as, deed restricted properties and designated open space areas.

§ Amended 3/24/04
Outdoor Amusements: Commercial establishments for outdoor amusement and entertainment such as amusement parks, theme and kiddie parks, go cart and miniature auto race tracks, moped, bicycle, and skate rentals, and miniature golf courses. Outside storage or display is included as part of the use.

Outdoor Recreation Concessions: Facilities which are dependent on the use of outdoor recreation areas such as onsite food and beverage sales, onsite recreational equipment rentals, para-sailing, rafting, and onsite recreation instruction. This also includes outfitter or guide service establishments whose base facilities are located on or near a recreation area such as horse packing outfitters or snowmobiling outfitters. Outside storage or display is included as part of the use.

Outdoor Retail Sales: Retail trade establishments operating outside of buildings on a daily or weekly basis, such as road side stands; flea markets; swap meets; seasonal sales involving Christmas trees, fireworks, pumpkins or other seasonal items; regular sales of art or handcrafted items in conjunction with community festivals or art shows; and retail sales of various products from individual motor vehicles locations outside the public right-of-way, not including bakery, ice cream and similar vending vehicles that conduct all sales within the right-of-way and do not stop in any location except on customer demand. Outside storage or display is included as part of the use.

Participant Sports Facilities: Facilities for various outdoor sports and recreation including, but not limited to, tennis courts, swim and tennis clubs, ice skating rinks, and athletic fields (non professional). Outside storage or display is included as part of the use.

Personal Services: Establishments primarily engaged in providing non medically related services generally involving the care of persons including beauty and barber shops; shoe repair shops; saunas and hot tubs; laundromats (self-service laundries); dry cleaning pick-up stores and small-scale dry cleaners without pick-up and delivery services; clothing rental; dating and escort services; funeral parlors, cemetery real estate sales and related facilities, offsite rental of sporting equipment, and wedding chapels. These uses may also include accessory retail sales of products related to the services provided.

 Pipelines and Power Transmission: Transportation facilities primarily engaged in the pipeline transportation of refined products of petroleum such as gasoline and fuel oils; natural gas; mixed, manufactured or liquified petroleum gas; or the pipeline transmission of other commodities. Power transmission includes facilities for the transmission of electrical energy for sale, including transmission and distribution facilities; not including offices or service centers (classified in "Professional Offices"), equipment and material storage yards (classified under "Storage Yards"), distribution substations (classified under "Public Utility Centers"), power plants (classified under "Power Generating Plants"). Outside storage or display is included as part of the use.

Power Generating: Establishments engaged in the generation of electrical energy for sale to consumers, including biofuel facilities, hydro facilities, gas facilities, and diesel facilities. Biofuel facilities accessory to a primary use are not included in the definition of Power Generating. Transmission lines located off the site of the power plant are included under "Pipelines and Power Transmission." Electrical substations are included under "Public Utility Centers." Outside storage or display is included as part of the use.

§ Amended 10/22/03
Prescribed Fire Management: Planned burning under controlled conditions to dispose of slash or fuels, control unwanted vegetation, stimulate the growth of vegetation, control insects and pathogens, and maintain natural ecological succession in order to achieve vegetation and wildfire habitat management goals.

Printing and Publishing: Establishments engaged in printing onsite by letterpress, lithography, gravure, screen, offset or other common process including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade such as book binding, typesetting, engraving, photo engraving and electro-typing. This group also includes establishments manufacturing business forms and binding devices.

Privately Owned Assembly and Entertainment: Commercially operated facilities for public assembly and group entertainment with a capacity of greater than 300 people such as: auditoriums; exhibition and convention halls; theaters, meeting halls and facilities for "live" theatrical presentations or concerts by bands and orchestras; amphitheaters; meeting halls for rent, and similar public assembly uses.

Professional Office: A place where the following kinds of business are transacted or services rendered such as engineering, architectural and surveying services; real estate agencies; educational, scientific and research organizations; accounting, auditing and bookkeeping services; writers and artists; advertising agencies; photography and commercial art studios; publishing with onsite printing facilities, employment, stenographic, secretarial and word processing services; off premise concessions (OPC); reporting services; data processing and computer services; management, public relations and consulting services; organizational offices; detective agencies; professional services; attorneys; and counseling services (other than licensed psychiatrists which are included under "Health Care Services"). Incidental offices are considered accessory uses to a primary use.

Public Utility Centers: Public and quasi-public facilities serving as junction points for transferring utility services from one transmission to another or to local distribution and service. These uses include: electrical substations and switching stations; major telephone switching centers; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; and community wastewater treatment plants and settling ponds. These uses do not include office or service centers (classified in "Professional Offices or Government Offices"). Outside storage or display is included as part of the use.

Publicly Owned Assembly and Entertainment: Facilities owned and operated by a public or nonprofit entity for public assembly and group entertainment with a capacity of greater than 300 people such as public auditoriums; exhibition and convention halls; civic theaters, meeting halls and facilities for "live" theatrical presentations or concerts by bands, choirs, and orchestras; meeting halls for rent; community centers; and similar public assembly uses.

Range Improvement: Structural and nonstructural improvements and their maintenance designed to increase the forage, make forage areas accessible, provide water, and control livestock movement. Includes prescribed burning, irrigation, fertilization, water developments, fencing, noxious plant control, type conversion, seeding, etc.
Range Pasture Management: Activities required to manage the use of pastures for grazing. The primary purpose is to utilize a fenced closure, or other type of confined area, and the available forage therein, for livestock, such as pack and saddle horses, mules and cattle.

Recreation Centers: Indoor recreation establishments operated by a public or quasi-public agency providing indoor sports and community services such as swimming pools, ice skating rinks, multi-purpose courts, weight rooms, and meeting and crafts rooms.

Recreational Vehicle Parks: Transient lodging establishments engaged in renting, leasing or otherwise providing overnight sites for trailers, campers and recreation vehicles with individual utility hookups, this also includes accessory facilities such as public restrooms, swimming pools, and manager’s quarters.

Recycling and Scrap: Establishments engaged in assembling, breaking up, sorting, temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap. Does not include terminal waste disposal sites, which are prohibited, and does not include temporary storage of toxic or radioactive waste materials. Outside storage or display is included as part of the use.

Reforestation: Reestablishment of trees on forest land to perpetuate tree cover. Included are ground preparation prior to natural seed fall, artificial seeding or planting, fertilizing and protecting young plants until established. Both mechanical and chemical techniques may be used. In heavily used recreation areas, special tending techniques may be necessary.

Regeneration Harvest: (Patch cutting, clearcutting, seed tree cutting, shelter wood cutting.) Removal of all trees in one or more cuts from an area for the purpose of creating a new even-aged stand especially species intolerant of shade. Openings created by regeneration harvests will be reforested by natural seeding, artificial seeding, or through planting.

Regional Public Health and Safety Facilities: Regional facilities operated by public or quasi-public entities for protection of the public, such as fire stations and other fire prevention facilities, water and sewage facilities, transportation maintenance/storage facilities, police and sheriff substations and headquarters, including secondary county short-term incarceration facilities, and solid waste transfer stations which TRPA finds to be regionally serving. Secondary county short-term incarceration facility means a county jail, not a state or federal prison facility, that is not the primary jail for the county.

Repair Services: Service establishments where repair of consumer products is the principal business activity, such as electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; boat repair; small engine repair; reupholstery and furniture repair. Does not include businesses serving the repair needs of heavy equipment, which are included under "Industrial Services." An out door storage yard associated with these uses is considered under "Secondary Storage."

Residential Care: Establishments primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on ability for self care, but where medical care is not a major element. Including, but not limited to, children's homes, halfway houses, orphanages, rehabilitation centers, and self-help group homes.
Riding and Hiking Trails: Planned paths for pedestrian and equestrian traffic, includes trail heads.

Runoff Control: Structural or nonstructural practices designed to provide reasonable assurance that the runoff water quality standards to the surface or ground waters will be achieved.

Rural Sports: Establishments which provide for special outdoor recreation group activities such as outdoor archery, pistol, rifle, and skeet clubs and facilities (indoor shooting facilities are included under the definition of "Amusements and Recreational Services"); hunting and fishing clubs; and equestrian facilities, stables, and exhibition facilities.

Sales Lots: Outdoor sales area for permanent display of motor vehicles, recreational vehicles, mobile homes, construction equipment, farm machinery or other heavy equipment; outdoor equipment rental yards (not including recreational equipment rental); large scale permanent outdoor sales activities such as livestock auctions and sales. Outside storage or display is included as part of the use.

Sanitation Salvage Cut: Removal of dead, dying, deteriorating or highly susceptible trees where insects, disease, fire or wind has caused damage. Quick treatment prevents further losses and allows salvage of wood before it deteriorates.

Schools - Business and Vocational: Business and secretarial schools and vocational schools offering specialized trade and commercial courses. Includes specialized non-degree granting schools including, but not limited to, music schools; dramatic schools; language schools; driver education schools; ballet and other dance studios; seminaries and other establishments exclusively engaged in training for religious ministries; and establishments furnishing educational courses by mail.

Schools - College: Junior colleges, colleges, universities and professional schools granting associate arts degrees, certificates, undergraduate and graduate degrees and requiring for admission at least a high school diploma or equivalent general academic training.

Schools - Kindergarten to Secondary: Kindergarten, elementary and secondary schools serving grades up to 12, including denominational and sectarian.

Secondary Residence: A permanent residential dwelling that is secondary to the primary use of the property. This includes a caretaker residence that is used for housing a caretaker employed on the site to take care of the primary use, structures, and land of the owner. A secondary residence is considered a residential unit. §

Secondary Storage: The outdoor storage of various materials or the public display of merchandise on the same site as a principal building or use, which supports the activities or conduct of the principle use and does not increase the intensity of the use. This does not apply to primary uses which include outside storage and display as part of the use.

Selection Cut: A method for maintaining, or producing an uneven aged stand preferably of mixed species. In the Lake Tahoe Basin the method may be applied to convert even aged stands to an uneven aged condition, to maintain scenic quality, to prepare an area

§ Amended 12/17/03
for use as a developed recreation site, or to maintain tree cover within a developed recreation site. Practices may include annual or periodic removal of individual or small groups of trees in order to realize the yield and establish a new crop. Regeneration cutting, improvement cutting, and tending of the immature stand are accomplished at each entry to obtain a high level of timber production.

**Sensitive Plant Management:** Activities or improvements intended to protect, enhance, perpetuate or increase the habitat of plant species listed by the state, federal government, or the TRPA as threatened, endangered, rare, or sensitive such as protective fencing and cages, livestock control, public education, direct control of people access, rerouting of trails, and other protective measures deemed appropriate to secure the survival of the species.

**Service Stations:** Retail trade establishments primarily engaged in the sale of gasoline, which may also provide lubrication, oil change and tune-up services and the sale of automotive products incidental to gasoline sales. May also include towing, mechanical repair services, car washing and waxing, and trailer rental, as accessory uses but does not include storage of wrecked or abandoned vehicles, paint spraying body and fender work. Does not include the retail sale of gasoline as a accessory use to food and beverage retail sales when limited to not more than two pumps.

**Single Family Dwelling:** One residential unit located on a parcel. A single family dwelling unit may be contained in a detached building such as a single family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in Chapter 2. A caretaker residence is included under secondary residence.

**Skiing Facilities:** Uses and facilities pertaining to ski areas, including but not limited to, runs, trails, lift-lines cables, chairs, cars, warming huts, care taking quarters, parking, vehicles, day lodges, shops for sale and rental of ski equipment, ski pro shop, first aid stations, ski school facilities and assembly areas, day nurseries, maintenance facilities, lounges, eating and drinking establishments, and other ski oriented shops. Uses and facilities serving non-skiing activities or operating year-round such as tennis courts, swimming pools, hot tubs, restaurants, bars, and retail sales constructed on lands which serve or are utilized in the operation of a ski area shall be considered under the appropriate use classification in this Chapter. Outside storage or display is included as part of the use.

**Small Scale Manufacturing:** Establishments considered to be light manufacturing or cottage industry which produce jewelry, silverware and plated ware; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; caskets; and other miscellaneous manufacturing industries. Also included are artisan and craftsman-type operations which are not home occupations, and which are not secondary to on-site retail sales. Also includes small-scale blacksmith and welding services and the manufacture of trusses. Outside storage or display is included as part of the use.

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§ Amended 3/24/04
Snow Mobile Courses: Mapped areas, pathways, and trails utilized in, and approved for, commercial snowmobile operations.

Social Service Organizations: Public and quasi-public establishments providing social services and rehabilitation services, counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies, serving persons with social or personal problems requiring special services and the handicapped and the disadvantaged. Includes organizations soliciting funds to be used directly for these and related services. Also includes establishments engaged in community improvement and neighborhood development.

Special Cut: The cutting of trees for other than for timber production purposes, for reasons such as: (1) maintenance of a healthy forest so that losses due to insect, disease or fire will not result in harmful effects to watershed or visual quality on land of capability levels 1a, 1c, 2 and SEZ where conventional logging techniques may cause unacceptable water quality impacts or permanent soil damage; (2) maintenance of a healthy forest, remove dangerous trees, and enhance foreground views on land developed for recreational, administrative or private purposes or intensively used for dispersed recreation; and (3) provision of ski trails, convert meadow encroachments, provide vista openings, increase water yield, or increase range and wildlife forage. Harvesting may require aerial techniques, and cutting without removal for consumption may be necessary. Cut trees may be utilized on site for fuel wood, wildlife habitat, traffic barriers, or for other purposes.

Sport Assembly: Commercial facilities for spectator-oriented, specialized, sports assembly that do not exceed a 5000 person seating capacity such as stadiums, arenas, and field houses.

Storage Yards: Service establishments primarily engaged in the outdoor storage of motor vehicles, construction equipment, materials or supplies, fire wood lots, farm machinery or industrial supplies on a parcel. Outside storage or display is included as part of the use.

Stream Environment Zone Restoration: The reestablishment of the natural functions of areas that prior to modification were directly influenced by the presence of surface water or near surface groundwater and which have been identified by TRPA as a stream environment zone. Reestablishment includes activities such as the removal of fill material or other encroachments, recontouring or revegetation. The natural functions of an SEZ include the provision of wildlife habitat, protection of the soil resource and filtration of nutrients and sediments from tributary or storm runoff.

Structural Fish Habitat Management: Improvements, such as channel stabilization, fish ladders, the construction and operation of dams, and removal of barriers to fish movement, to benefit specific fish species by replacing or repairing habitat features that have been diminished or altered.

Structural Wildlife Habitat Management: Improvements, such as installation of nest structures, creation of snags from green trees, water impoundments, guzzlers, shelters, and fencing, to benefit specific wild life species by replacing or repairing habitat features that have been diminished or altered.
**Summer Home:** A cabin-type single family house intended primarily for intermittent vacation use and located in USFS summer home tracts or other remote recreation sites. Such structures are generally located in areas of restricted winter access.

**Thinning:** Reducing the number of trees in a stand to achieve the desired density for healthy, vigorous, fast growing trees. See also Selection Cut.

**Threshold Related Research Facilities:** Public or non-profit research establishments primarily engaged in implementing social, political and scientific research relating to the Lake Tahoe Environmental Thresholds or the Lake Tahoe ecosystem. The use includes laboratories, monitoring stations, scientific interpretive centers, research and training classrooms, and related support facilities. It does not include facilities not related to threshold related research such as general college administrative offices and classrooms which are listed under Schools-College and government administrative offices which are listed under Government Offices or non threshold related research (which may be conducted under the Professional Office use). Overnight multi-person facilities, outside storage, and caretaker facilities may be considered as accessory to this use. [Amended 10/28/98]

**Timber Stand Improvement:** Release, weeding, pre-commercial thinning, pruning, fertilization and other investment type treatments, mechanical or chemical, intended to improve the composition, constitution, condition and growth rate of a timber stand increasing its future value.

**Timeshare (Hotel/Motel Design):** A right to exclusively use, occupy or possess a tourist accommodation unit of a hotel/motel design without kitchen units, according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three years.

**Timeshare (Residential Design):** A right to exclusively use, occupy or possess a tourist accommodation unit of a residential design with kitchen units, according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three years.

**Transit Stations and Terminals:** Passenger stations for vehicular and mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Including, but not limited to, buses, taxis, railway, ferries, etc. Outside storage or display is included as part of the use.

**Transmission and Receiving Facilities:** Communication facilities for public or quasi-public, commercial, and private electronic, optic, radio, microwave, electromagnetic and photo-electrical transmission and distribution such as, repeater and receiving facilities, feeder lines, and earth stations for satellite communications for radio, television, telegraph, telephone, data network and other microwave applications. Includes local distribution facilities such as lines, poles, cabinets, and conduits. Does not include uses described under Broadcasting Studios. Outside storage or display is included as part of the use.

**Transportation Routes:** Public right-of-ways which are improved to permit vehicular, pedestrian, and bicycle travel.
Tree Farms: An area where trees or other vegetation on the TRPA approved species list are grown for commercial harvest. Tree farms may include establishments where Christmas trees are cultivated or where other native trees and plants are grown for harvest at a later date.

Uncommon Plant Community Management: Activities or improvements designed to protect, enhance, or perpetuate and ensure the normal ecological processes of a plant community which is of local, regional, state or national interest.

Undeveloped Campgrounds: Land permanently established to be used for temporary occupancy by campers traveling by foot or horse, which may contain tent sites, fire rings, and sanitary facilities, but does not contain utilities.

Vehicle and Freight Terminals: Transportation establishments furnishing services incidental to transportation such as freight forwarding services; transportation arrangement services; packing, crating, inspection and weighing services; freight terminal facilities; joint terminal and service facilities; trucking facilities, including transfer and storage; and postal service bulk mailing distribution centers. Outside storage or display is included as part of the use.

Vehicle Storage and Parking: Service establishments primarily engaged in the business of storing operative cars, buses or other motor vehicles. Includes both day use and long-term public and commercial garages, parking lots and structures. Does not include wrecking yards (classified in "Recycling and Scrap"). Outside storage or display is included as part of the use.

Visitor Information Centers: Nonprofit establishments providing visitor information and orientation.

Warehousing: Establishments primarily engaged in the storage of furniture, household goods, or other commercial goods such as warehouses and storage or mini-storage facilities offered for rent or lease to the general public. Does not include warehouse facilities where the primary purpose of storage is for goods for wholesaling distribution. Does not include terminal facilities for handling freight (classified in "Vehicle and Freight Terminals"). Outside storage or display is included as part of the use.

Wholesale and Distribution: Establishments engaged in the storage of merchandise for sale to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: merchant wholesalers; agents, merchandise or commodity brokers, and commission merchants; and assemblers. Outside storage or display is included as part of the use.

18.5 Existing Uses: The following rules apply to existing uses:

18.5.A Right To Continue Existing Uses: Uses legally commenced prior to the effective date of the Regional Plan, July 1, 1987, are recognized as existing uses and may be continued, except as otherwise set forth in subparagraphs 18.5.A(1) and 18.5.A(2). Continuation of an existing use includes a change in ownership, tenancy, or management, where the nature and character of the existing use remain substantially unchanged. Short-term or seasonal uses existing pursuant
to legally issued TRPA permits may continue only for the duration of the permits authorizing them. Neither this section nor this chapter shall be construed as a limitation upon TRPA's authority to regulate all uses, present or future, by permit, prohibition or otherwise.

(1) **Nonconforming Uses**: If an existing nonconforming use is discontinued for a period of one year or more, any subsequent use shall comply with the use regulations set forth in the plan area statement. In the event a use is discontinued because a structure destroyed by fire or other calamity is being reconstructed, the period of time between the calamity and completion of reconstruction shall not be considered a discontinuance of use.

(2) **Uses Subject To A Specific Program Requiring Discontinuance Or Modification Of The Uses**: Uses subject to a specific program requiring discontinuance or modification of the use shall be discontinued or modified in accordance with the requirements of such program.

### 18.5.B Changes, Expansions Or Intensifications Of Existing Uses

Expansions and intensifications of existing uses, or changes in uses, to the extent permitted by this chapter, are subject to the requirements for a permit set forth in Chapter 4. Modifications, expansions and other changes to structures are governed by other provisions of this Code and also are subject to the requirements of Chapter 4.

1. **Allowed Uses**: Uses identified as allowed uses may be changed, expanded or intensified in conformance with this Code. Any change, expansion or intensification, resulting in a special use, shall be subject to the special use requirements.

2. **Special Uses**: Uses identified as special uses and for which the required findings pursuant to subsection 18.1.B have been made by TRPA, may be changed, expanded or intensified subject to Subsection 18.1.B. Special uses for which the required findings have not been made may not be changed, expanded or intensified except in accordance with subparagraph 18.5.B(3).

3. **Nonconforming Uses**: Uses identified as nonconforming shall not be expanded or intensified beyond the use existing on the effective date of the Regional Plan. A nonconforming use may not be changed unless the new use conforms to the use regulations set forth in the Code. Expansions of structures containing a nonconforming use shall not be permitted. Modifications may be permitted only when TRPA finds that the modifications do not increase the extent of nonconformity.
Chapter 20
LAND COVERAGE STANDARDS

Chapter Contents

20.0 Purpose
20.1 Applicability
20.2 Land Capability System
20.3 Land Coverage Limitations
20.4 Prohibition Of Additional Land Coverage In Land Capability Districts 1a, 1c, 2, And 3 And 1b (Stream Environment Zones)
20.5 Excess Land Coverage Mitigation Program
20.6 Land Coverage Requirements For Redevelopment Projects
20.7§ Turf Grass Coverage Conversion to Synthetic Turf for Public Athletic Fields.

20.0 Purpose: This chapter sets forth regulations for the permissible amount of land coverage in the Region. It implements provisions of the Goals and Policies concerning the land capability system, land capability districts, prohibition of additional land coverage in certain land capability districts, and transfer and mitigation of land coverage.

20.1 Applicability: All land coverage shall be regulated pursuant to the provisions of this chapter.


20.2.A Implementation Of Land Capability System: The land capability system is implemented through land capability districts depicted on land capability overlay maps referred to in Subsection 20.2.B. The accuracy of the land capability districts is subject to field verification pursuant to Subsection 20.2.C. A land capability challenge pursuant to Subsection 20.2.D may be initiated to reclassify lands inaccurately mapped. The land capability overlay maps may also be amended by an amendment of the Regional Plan pursuant to Subsection 20.2.E or by demonstration pursuant to Subsection 20.2.F that the land has been man-modified.

20.2.B Establishment Of Districts: The land capability districts and the geomorphic groups established by the report referred to in Section 20.2 are made part of this ordinance. For purposes of this land capability system, stream environment zones, as defined in Chapter 2, are treated as Land Capability District 1b. The boundaries of each land capability district are established as depicted on the TRPA Land Capability Overlays, (January, 1987), as amended, at 1" equals 400' and 1" equals 2000' scale. Subject to the provisions of Subsections 20.2.C, 20.2.D,

§ Amended 08/27/2008
20.2.E and 20.2.F, all land is classified as to land capability in accordance with the land capability districts depicted on the overlays.

20.2.C  **Field Verification:** Field verifications shall be conducted and regulated as follows:

1. **Classifications Subject To Field Verification:** Land capability classifications established pursuant to Subsection 20.2.B are subject to field verification by TRPA.

2. **Procedure For Site Visit:** At the request, or with the permission, of the owner, TRPA shall inspect the pertinent parcel.

3. **Report:** Upon completion of the inspection, TRPA shall prepare a report setting forth the observed slopes of the parcel, the field-located boundary of any stream environment zone thereon and any other information pertinent to the proper land capability classification of the parcel.

4. **Results Of Field Verification:** As a result of the report prescribed by Subparagraph 20.2.C(3), TRPA may take one or more of the following actions:
   a. Verify that the parcel is accurately classified pursuant to Subsection 20.2.B.
   b. Make a minor boundary line adjustment of land capability districts within the parcel.
   c. Determine the boundary of a stream environment zone within the parcel, whether previously mapped or not.
   d. Reclassify all or part of the parcel to a different land capability district, if the reclassification can be based solely upon percentage of slope.
   e. Determine that the land capability district cannot be verified, in which event TRPA shall complete a land capability challenge pursuant to Subsection 20.2.D prior to the approval of any project on the parcel.

5. **Supersession Of Actions Under Subparagraph 20.2.C(4):** Any of the actions authorized by Subparagraph 20.2.C(4) may be superseded by an action pursuant to Subsections 20.2.D, 20.2.E, or 20.2.F. Any action by TRPA pursuant to Subparagraph 20.2.C(4) shall not commit, or be construed as committing, TRPA to approve any project on the pertinent parcel.
(6) Procedure After Verification: Once TRPA has completed its action under Subparagraph 20.2.C(4), it shall:

(a) Give written notification to the owner of the parcel of the action taken;
(b) Include the information set forth in the report prepared pursuant to Subparagraph 20.2.C(3) and the action pursuant to Subparagraph 20.2.C(4) in TRPA’s data base for purposes of Chapter 38;
(c) Recognize the action pursuant to Subparagraph 20.2.C(4) as superseding the TRPA Land Capability Overlays with respect to the pertinent parcel; and
(d) Affix a symbol to the land capability overlays denoting the action pursuant to Subparagraph 20.2.C(4) as applicable to the pertinent parcel.

(7) Special Procedure for TRPA Designated Land Banks: TRPA-designated land banks may perform field verifications on parcels owned by the land bank. Field verifications shall be performed by qualified personnel pursuant to the requirements of this Subsection. A report pursuant to Subparagraph (3) above shall be submitted to TRPA with a recommendation for action pursuant to Subparagraph (4). TRPA shall take the proper action and complete the verification process as set forth in Subparagraph (6).

20.2.D Land Capability Challenge: In the event TRPA or the owner of a parcel is of the opinion it is not properly classified pursuant to Subsection 20.2.B, either may initiate a land capability challenge with respect to such parcel. The person or entity initiating the challenge shall bear the cost thereof. For parcels one acre or less in size, the cost to be charged an owner initiating the challenge shall not exceed an amount prescribed by resolution of the Governing Board.

(1) Team Of Experts: A team of experts retained by TRPA shall evaluate the land capability challenge. Depending on the nature of the challenge, the team may include, but need not be limited to, a geomorphologist, soil scientist, geologist and hydrologist, selected by TRPA. Such persons shall be recognized as possessing special qualifications to evaluate soils, land forms, hydrology and other characteristics of land in the Tahoe Region. TRPA shall consider data provided by experts retained by the owner, and TRPA’s team of experts shall comment on the accuracy of the owner’s data. No expert retained by the owner shall be a member of TRPA’s team.
(2) **Land Capability Report:** TRPA's team of experts shall prepare a land capability report analyzing the land capability challenge. The report shall include:

(a) A description of the parcel;

(b) Identification of the soil series, geomorphic unit, slopes and any SEZ found on the parcel;

(c) A soil profile description of the site, based on a test pit, auger hole or cut bank;

(d) A contour map prepared by a registered surveyor or engineer on sites with complex topography if necessary to determine land capability; and

(e) A recommendation and map of the proper land capability for the parcel.

(3) **Review And Approval Of Report:** The Executive Director shall review the land capability report and, if it recommends no change in land capability, may deny the land capability challenge, subject to an appeal to the Governing Board. If the report recommends a change in land capability, the change shall be approved or denied by the Governing Board. The challenge may be approved if the Governing Board finds that the pertinent land, due to natural characteristics specifically identified, properly belongs in a land capability district other than that in which it is presently classified.

(4) **Notification Procedure:** An appeal of the Executive Director's denial of a land capability challenge and the action by the Governing Board upon a report recommending a change in land capability shall be pursuant to notification to affected property owners in accordance with TRPA's Rules of Procedure.

(5) **Procedure After Action On Land Capability Challenge:** Once TRPA has completed its action on the land capability challenge, it shall follow the procedure set forth in Subparagraph 20.2.C(6) as though it applied to a land capability challenge pursuant to Subsection 20.2.D, including, but not limited to, the report prepared for and action on the challenge.

(6) **Special Procedure for TRPA Designated Land Banks:** TRPA-designated land banks may initiate a land capability challenge on any parcel owned by the land bank. A team of experts pursuant to Subparagraph (1) above, accepted by TRPA and the land bank, may be retained by the land bank. The team shall prepare a report pursuant to subparagraph (2) above. The TRPA Executive Director shall review the land capability report and approve or deny the proposed change in land capability. Upon completion of its action, TRPA shall follow the procedure set forth in Subparagraph (5).
20.2.E Amendment Of Land Capability Overlays By Amendment Of The Regional Plan: The TRPA Land Capability Overlays may be amended through an amendment of the Regional Plan in the manner set forth in Subsection 20.2.E. The amendment may be initiated by TRPA.

(1) Minimum Area Of Land: An amendment of the Regional Plan pursuant to Subsection 20.2.E shall be limited to an area of land five or more acres in size.

(2) Team Of Experts: An amendment of the Regional Plan pursuant to Subsection 20.2.E shall be evaluated by the team of experts referred to in Subparagraph 20.2.D(1) under the conditions set forth in that Subparagraph.

(3) Land Capability Report: The team of experts shall prepare a land capability report analyzing the proposed plan amendment. The report shall contain information concerning the environmental and use capacity of the pertinent land, as well as detailed information concerning topography, soils capabilities and limitations, surface and ground water conditions, geomorphology, vegetation characteristics and related environmental factors pertinent to the land.

(4) Amendment: An amendment of the Regional Plan pursuant to Subsection 20.2.E shall be processed, both procedurally and substantively, in the manner of amendment to the Regional Plan generally. The amendment may be approved if TRPA finds that the pertinent land, due to natural characteristics specifically identified, properly belongs in a land capability district other than that in which it is presently classified.

(5) Other Matters Considered Plan Amendments: The following actions are considered amendments to the Regional Plan pursuant to Subsection 20.2.E, and applications therefor shall be processed accordingly:

(a) Line Adjustments: Area wide adjustments of land capability district boundaries, other than minor adjustments pursuant to Subsections 20.2.C or 20.2.D, which line adjustments, while not creating new land capability districts, may substantially affect permitted land coverages and apply to more than one parcel; and

(b) Creation Of New Land Capability Districts Or Geomorphic Units: Creation of a new land capability district on the Land Capability Overlays, which new district shall be five contiguous acres or more in area, or creation of a new geomorphic unit, which new unit shall be one square mile or more in area, unless smaller, more precise mapping units are adopted by TRPA, in which event the smaller units may be used.
(6) **Procedure After Amendment**: Once TRPA has completed its action on an amendment to the Regional Plan pursuant to Subsection 20.2.E, it shall follow the procedure set forth in Subparagraph 20.2.C(6) as though it applied to an amendment to the Regional Plan pursuant to Subsection 20.2.E, including, but not limited to, the report prepared for and action on the amendment.

20.2.F **Amendment Of Land Capability Overlays For Man-Modified Areas**: The TRPA Land Capability Overlays may be amended for man-modified areas through an amendment of the Regional Plan in the manner set forth in this Subsection. The amendment may be initiated by TRPA or the owner of the pertinent land, provided there is sufficient information demonstrating a reasonable possibility the requirements of this Subsection can be met.

(1) **Team Of Experts**: An amendment of the Regional Plan pursuant to this Subparagraph shall be evaluated by the team of experts referred to in Subparagraph 20.2.D(1) under the conditions set forth in that Subparagraph.

(2) **Man-Modified Report**: The team of experts shall prepare a man-modified report analyzing the proposed plan amendment. The report shall contain information showing that the land in question was modified by man's placement of fill, dredging or grading, in so substantial a fashion as to generally exhibit the characteristics of a land capability district other than the one depicted for said land on the TRPA Land Capability Overlays. In addition to the foregoing information, the man modified report shall contain the following concerning the pertinent land:

(a) A statement of geomorphic characteristics;

(b) An analysis of surface and subsurface hydrology;

(c) A statement of physical and chemical soil characteristics;

(d) An analysis of erosion hazard;

(e) An analysis of vegetation;

(f) A statement identifying the land capability characteristics resulting from the modification and an opinion by the team identifying the land capability district generally exhibiting those characteristics; and

(g) Additional information reasonably required by TRPA to properly assess the merits of the application.

(3) **Action on Amendment**: An amendment of the Regional Plan pursuant to Subsection 20.2.F shall be processed, both procedurally and substantively, in the manner of amendments to the Regional Plan generally. The amendment may be approved if TRPA finds that:
(a) The land was modified prior to February 10, 1972;

(b) Further development will not exacerbate the problems resulting from the modification of the land and will not adversely impact sensitive lands adjacent to or nearby the man-modified area;

(c) The land no longer exhibits the characteristics of land bearing the same, original land capability classification;

(d) Restoration of the land is infeasible because of factors such as the cost thereof, a more positive cost-benefit ratio would be achieved by offsite restoration, onsite restoration would cause environmental harm, restoration onsite would interfere with an existing legal use, and the land is not identified for restoration by any TRPA program;

(e) Further development can be mitigated offsite; and

(f) Mitigation to offset the losses caused by modification of the land and pertinent land capability district, shall be as follows:

(i) Onsite and offsite mitigation;

(ii) Pursuant to a maintenance program, including schedule of maintenance, proposed by the owner and approved by TRPA; and

(iii) Collection of a security, if deemed necessary by TRPA, to guarantee mitigation.

(4) Effect Of Approval: If the amendment is approved, the land coverage limitations of the land capability district, whose characteristics are exhibited by the pertinent land, shall apply to the land.

(5) Conditions Upon Amendment: Approval of an amendment of the Regional Plan pursuant to Subsection 20.2.F may be granted subject to reasonable conditions in addition to those otherwise referred to in such Subsection.

(6) Procedure After Amendment: Once TRPA has completed its action on an amendment to the Regional Plan pursuant to Subsection 20.2.F, it shall follow the procedure set forth in Subparagraph 20.2.C(6) as though it applied to an amendment to the Regional Plan pursuant to Subsection 20.2.F, including, but not limited to, the report prepared for and action on the amendment.

20.3 Land Coverage Limitations: No person shall create land coverage in excess of the limitations set forth in this chapter. The means to determine base land coverage, the manner to transfer land coverage and prohibitions of certain land coverage are set forth in this Section.
20.3.A Base Land Coverage Requirements: The allowable base land coverage ("base coverage") shall be determined by using the coefficients set forth in the report entitled, Land Capability Classifications of the Lake Tahoe Basin, Bailey, R. G. 1974. These coefficients are:

<table>
<thead>
<tr>
<th>Lands Located in Land Capability District*</th>
<th>Base Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a, 1b, 1c</td>
<td>1%</td>
</tr>
<tr>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>3</td>
<td>5%</td>
</tr>
<tr>
<td>4</td>
<td>20%</td>
</tr>
<tr>
<td>5</td>
<td>25%</td>
</tr>
<tr>
<td>6, 7</td>
<td>30%</td>
</tr>
</tbody>
</table>

* Lands located in Geomorphic Group I are classified land capability district 1 and are permitted one percent coverage.

1. **General Rule:** Except as provided in subparagraphs 20.3.A (2), (3) and (4), the coefficients shall be applied to the project area in accordance with Subsection 20.3.D.

2. **Parcels In TRPA-Approved Subdivisions In Conformance With The Bailey Coefficients:** In TRPA approved subdivisions where TRPA applied the coefficients on a subdivision-wide basis, and allowable coverages then were assigned to individual parcels, the assigned coverages shall be the base coverages for those parcels. The list of TRPA-approved subdivision in conformance with Bailey coefficients is Attachment D to the Goals and Policies.

3. **Parcels In Existing Planned Unit Developments (PUDs) Not In Conformance With The Bailey Coefficients:** To determine the allowable base coverage for parcels within an existing PUD, the coefficients shall be applied to the entire PUD. This total allowable coverage, minus existing the common area facilities coverage, shall be divided among the individual parcels in proportion to their respective sizes whether developed or not. Public rights-of-way shall not be included in the calculation. Accordingly, the method of calculation is as follows: first, the area of public rights-of-way is not to be counted; second, allowable base coverage for the remaining area in the PUD is calculated; third, the amount of existing coverage of common areas is subtracted; fourth, the remaining coverage is divided among the individual parcels, in proportion to size. In no case shall parcels of individual ownership be assigned an allowable base coverage of less than zero.

Example of calculation:

PUD Example: Five acre PUD (not including public rights-of-way) with 10 individual 50 x 50 parcels located in Land Capability District 4. Existing common area improvements such as parking, tennis court, and recreation center = 30,000 square feet of land coverage.
PUD size (217,800) x Coverage Coefficient (20%) = Allowable Base Coverage (43,560)

Allowable Base Coverage (43,560) - Existing Improvements (30,000) = Remaining Allowable Base Coverage (13,560)

Remaining Allowable Base Coverage (13,560) Number of Parcels (10) = Allowable Base Coverage Per Parcel (1,350)

(4) Relationship To IPES: Except as set forth in (2) and (3) above, the Individual Parcel Evaluation System ("IPES") ratings shall be used to determine allowable coverage for single family houses subject to IPES pursuant to Chapter 37.

20.3.B Transferred Land Coverage Requirements: In addition to the base coverage prescribed by Subsection 20.3.A, land coverage may be transferred to a parcel pursuant to Subsection 20.3.C. Parcels and uses eligible for transfer of land coverage are set forth in this Subsection. The aggregate of base coverage and coverage transferred shall not exceed the limits set forth below:

(1) Residential Facilities (1 to 4 Units): The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for residential facilities of four units or less is the coverage allowed pursuant to the coefficients in Subsection 20.3.A, or as follows, whichever is greater:

(a) Maximum Parcel Coverages:

<table>
<thead>
<tr>
<th>Project Area (Sq. Ft.)</th>
<th>Maximum Land Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 4,000</td>
<td>Base Land Coverage Only</td>
</tr>
<tr>
<td>4,001 - 9,000</td>
<td>1,800 sq. ft.</td>
</tr>
<tr>
<td>9,001 - 14,000</td>
<td>20% of Project Area</td>
</tr>
<tr>
<td>14,001 - 16,000</td>
<td>2,900 sq. ft.</td>
</tr>
<tr>
<td>16,001 - 20,000</td>
<td>3,000 sq. ft.</td>
</tr>
<tr>
<td>20,001 - 25,000</td>
<td>3,100 sq. ft.</td>
</tr>
<tr>
<td>25,001 - 30,000</td>
<td>3,200 sq. ft.</td>
</tr>
<tr>
<td>30,001 - 40,000</td>
<td>3,300 sq. ft.</td>
</tr>
<tr>
<td>40,001 - 5,000</td>
<td>3,400 sq. ft.</td>
</tr>
<tr>
<td>50,001 - 70,000</td>
<td>3,500 sq. ft.</td>
</tr>
<tr>
<td>70,001 - 90,000</td>
<td>3,600 sq. ft.</td>
</tr>
<tr>
<td>90,001 - 120,000</td>
<td>3,700 sq. ft.</td>
</tr>
<tr>
<td>120,001 - 150,000</td>
<td>3,800 sq. ft.</td>
</tr>
<tr>
<td>150,001 - 200,000</td>
<td>3,900 sq. ft.</td>
</tr>
<tr>
<td>200,001 - 400,000</td>
<td>4,000 sq. ft.</td>
</tr>
</tbody>
</table>
(b) **Planned Unit Developments**: For parcels in planned unit developments, the maximum coverage allowed shall be 100 percent of the proposed building envelope or 2,500 square feet, whichever is less. Parcels in PUDs with five or more units per parcel are considered multi-residential and regulated pursuant to Subparagraph 20.3.B(3).

(c) **Special Transfer Programs**: Parcels in subdivisions with TRPA-approved transfer programs may be permitted the coverage specified by that approval. The only subdivision with such a program, as of the effective date of the Regional Plan, is Cave Rock Estates, Unit No. 3. The Cave Rock Estates, Unit No. 3 transfer program is set forth in the TRPA March 23, 1978 approval of that subdivision.

(d) **Driveways**: The maximum limits in Subparagraph 20.3.B(1)(a) may be increased by a transfer of land coverage for a driveway built in accordance with the standards in Chapter 24, which is to be created in connection with the construction of a single family house on an existing parcel, provided TRPA finds that:

(i) The construction will not result in a residential structure with land coverage greater than that permitted in Subparagraph 20.3.B(1) minus 400 square feet; and

(ii) The single family house, as a direct result of the increased land coverage, will be located on the parcel at the site found by TRPA to cause the least harm to the natural environment through minimization of land alterations, grading, removal of vegetation and preservation of trees and other flora.

(2) **Commercial Facilities Within Community Plans**: The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for commercial facilities located within community plans approved pursuant to Chapter 14 is as follows:

(a) For parcels upon which there is no development legally existing as of the effective date of the Regional Plan, maximum land coverage is 70 percent of the project area, which area is located within land capability districts 4 through 7, inclusive; and

(b) For parcels upon which there legally exists development as of the effective date of the Regional Plan, maximum land coverage is 50 percent of the project area, which area is located within land capability districts 4 through 7, inclusive.
(3) **Tourist Accommodation Facilities Multi-Residential Facilities (Five Or More Units), Public Service Facilities, And Recreation Facilities Within Community Plans:** The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for tourist accommodation facilities, multi-residential facilities of five units or more, public service facilities and recreation facilities is limited to 50 percent of the project area, provided the parcel is located within a community plan approved pursuant to Chapter 14. Such land coverage may be used only on the project area located within land capability districts 4 through 7, inclusive, referred to in Subsection 20.3.A. Subdivisions into parcels of 4 or less residential units shall not be eligible for the maximum permitted under this subparagraph unless a deed restriction requiring maintenance of the units as affordable or moderate income housing, as defined by TRPA, is approved by TRPA and recorded against the property.

(4) **Linear Public Facilities And Public Health And Safety Facilities:** The maximum land coverage (base coverage plus transferred coverage) for linear public facilities and public health and safety facilities is limited to the minimum amount needed to achieve their public purpose. Such transfer may be permitted, provided TRPA makes the following findings:

(a) The project is on the list of additional public service facilities if required pursuant to Section 33.5;

(b) There is no feasible alternative that would reduce land coverage;

(c) The project, because of its unusual configuration or service requirement, requires special consideration; and

(d) The facility primarily serves the needs of persons other than those who are, or will be, residents of the lands in question, or the owners of the land in question.

(5) **Highways, Streets and Roads:** Transfer of land coverage for highways, streets and roads may be permitted, provided TRPA, in addition to the findings in paragraph (4) above, makes the following findings:

(a) The highway, street, or road is required to provide access to property other than that owned by the applicant; and

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§ Amended 06/27/99  
§§ Amended 7/23/2008
(b) The highway, street, or road will be constructed or maintained by a public agency, or is required to be so constructed or maintained by the terms and in accordance with the boundaries of a lawfully created easement recorded prior to February 10, 1972, or is required or approved by TRPA for a project approved after the effective date of the Regional Plan.

(6) Other Public Service Facilities Outside Community Plans: The maximum land coverage (base coverage plus transferred coverage) for other public service facilities located outside of an approved community plan is 50 percent of the project area. Transfer of land coverage for public service facilities located outside a community plan is limited to projects for which TRPA has made the following findings:

(a) The project is on the list of additional public service facilities if required pursuant to Section 33.5;

(b) There is no feasible alternative that would reduce land coverage; and

(c) There is a demonstrated need and requirement to locate the facility outside a community plan.

(7) Facilities For Public Safety And Access Of The Handicapped: Transfer of land coverage may be permitted for the addition of facilities for access of handicapped persons and for compliance with public safety laws, to facilities legally existing on the effective date of the Regional Plan. The maximum land coverage (base coverage plus transferred coverage) shall be the minimum amount required to provide access to handicapped persons occupying a residence or as required by local, state or federal law.

(8) Water Quality Control Facilities: Transfer of land coverage for water quality control facilities, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs and facilities, may be permitted the minimum amount of land coverage needed to achieve their purpose provided there is not reasonable alternative, including relocation, which avoids or reduces the land coverage.

20.3.C Manner Of Transferring Land Coverage: Land coverage may be transferred to eligible parcels for eligible uses, in accordance with the percentage limitations, as set forth in Subsection 20.3.B, and the requirements of this subsection. A transfer of land coverage shall be from one parcel or project area to another and shall only be transferred in conjunction with a project approved by TRPA. Land coverage banks may be designated by TRPA pursuant to Section 38.8, to provide land coverage for transfer purposes.
(1) **Land Coverage Transfer Ratios:** Land coverage transferred from one parcel ("sending parcel") to another parcel ("receiving parcel") shall be in accordance with the following ratios:

(a) **General:** Except for transfers relating to commercial uses within approved community plans, the transfer of one square foot of land coverage to a receiving parcel requires the retirement of one square foot of land coverage on the sending parcel (1:1 transfer ratio).

(b) **Commercial Uses Within Approved Community Plans:** Receiving parcels within approved community plans, upon which there exist commercial facilities, shall be eligible to receive transferred land coverage at the ratio prescribed by Subparagraph 20.3.C(1)(a), up to the maximum 50 percent land coverage prescribed by Subparagraph 20.3.B(2)(b). Undeveloped receiving parcels within approved community plans, eligible for the maximum 70 percent land coverage prescribed by Subparagraph 20.3.B.2(a), shall be eligible to receive transferred land coverage at the ratio prescribed by Subparagraph 20.3.C(1)(a), until the total land coverage reaches 50 percent of the project area. Undeveloped parcels shall be eligible to receive additional transferred land coverage in excess of the 50 percent limit, until the total land coverage reaches the maximum 70 percent, provided the additional coverage over 50 percent shall be transferred at the ratio set forth in the following chart:
<table>
<thead>
<tr>
<th>Percent of Final Coverage</th>
<th>Transfer Ratio</th>
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<tbody>
<tr>
<td>51</td>
<td>1.05:1</td>
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<tr>
<td>52</td>
<td>1.1:1</td>
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<tr>
<td>53</td>
<td>1.15:1</td>
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<td>64</td>
<td>1.7:1</td>
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<tr>
<td>65</td>
<td>1.75:1</td>
</tr>
<tr>
<td>66</td>
<td>1.8:1</td>
</tr>
<tr>
<td>67</td>
<td>1.9:1</td>
</tr>
<tr>
<td>68</td>
<td>1.95:1</td>
</tr>
<tr>
<td>70</td>
<td>2:1</td>
</tr>
</tbody>
</table>

Transfer Example:

Five Acre Parcel = 217,800 sq. ft.
Allowable Base Coverage = 30% = 65,340 sq. ft.
Proposed Project Coverage = 60% = 130,680 sq. ft.
Transfer Requirement

<table>
<thead>
<tr>
<th>Percent Coverage</th>
<th>Transfer Ratio</th>
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<tbody>
<tr>
<td>0 to 30% - None</td>
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</tr>
<tr>
<td>30 to 50% - 1:1</td>
<td>43,560 sq. ft.</td>
</tr>
<tr>
<td>50 to 60% - 1.5:1</td>
<td>32,670 sq. ft.</td>
</tr>
</tbody>
</table>

Total Coverage to be Transferred 76,230 sq. ft.

(2) Types Of Land Coverage Eligible For Transfer: The following types or classes of legally established land coverage are eligible for transfer to receiving parcels in accordance with the provisions of this Chapter:

(a) **Hard Coverage:** Hard land coverage may be transferred in all cases.
(b) **Soft Coverage:** Soft land coverage may be transferred in all cases, except for transfers relating to commercial or tourist accommodation uses or facilities. Exceptions listed below are pursuant to making the findings specified in Subparagraph 20.3.C (6):

(i) Soft coverage may be used for transfers for services, light industrial and wholesale/storage uses to commercial parcels within the South Y Industrial Tract Community Plan within the Upper Truckee River Hydrologic Transfer Area, in accordance with Subsection 20.3.C.

(c) **Base Coverage:** Unused allowable base land coverage referred to in Subsection 20.3.A may be transferred in all cases, except for transfers relating to commercial uses or facilities. Land coverage transferred as mitigation for excess coverage associated with commercial and tourist accommodation projects shall be existing hard coverage except as provided in Subparagraph 20.3.C(6).

(d) **Coverage For Single Family House:** Coverage transferred for a single family house, including, but not limited to, a house to be constructed pursuant to IPES, shall be from a sending parcel as environmentally sensitive as, or more environmentally sensitive than, the receiving parcel. If both sending and receiving parcels have not received IPES rating scores, relative environmental sensitivity shall be determined by comparing the land capability classification of each parcel. If both parcels have IPES rating scores, sensitivity shall be determined by comparing the scores of each. If one parcel has an IPES rating score and the other does not, TRPA shall determine sensitivity.

(e) **Coverage for Water Quality Control Facilities:** Land coverage transferred for water quality control facilities pursuant to Subsection 20.3.B(8) shall be in accordance with (a) through (c) above, or shall be mitigated through restoration in accordance with Subsection 20.4.C, in the amount of 1.5 times the area of land covered or disturbed for the project beyond that permitted by the coefficients in Subsection 20.3.A.

(3) **Sending Parcels Classified As Sensitive Lands:** If land coverage is transferred from a sending parcel, or a portion thereof, that is located in Land Capability Districts 1 through 3, inclusive, or is at or below the initial level defining the top rank under IPES (i.e., 725), the coverage transferred shall be permanently retired as set forth in Subparagraph 20.3.C(7) below, and may not be returned to the sending parcel.

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§ Amended 4/23/03
(4) Sending Parcels Classified As Non-Sensitive Lands: If land coverage is transferred from a sending parcel, or a portion thereof, that is located in Land Capability Districts 4 through 7, inclusive, or is above the initial level defining the top rank under IPES (i.e., 725), the coverage transferred shall be retired as set forth in Subparagraph 20.3.C(7) below, but the land coverage may be returned to the sending parcel subject to the limitations of Subsections 20.3.A and 20.3.B.

(5) Hydrologically Related Area Transfer Limitation: For all land coverage transfers, the receiving parcel and the sending parcel shall be in the same hydrologically related area. The hydrologically related area boundaries are depicted upon the TRPA Plan Area Overlays and are incorporated herein. Transfer across said boundaries is prohibited.

(6) Inadequate Supply Of Land Coverage: If TRPA, after conducting a review of the cost of land coverage available at the land bank, finds there is an inadequate supply of hard land coverage for commercial or tourist accommodation uses at a reasonable cost within a given hydrologically related area, TRPA may authorize an increase in the supply of land coverage for transfer in the order of priority set forth below. In determining "reasonable cost," TRPA shall consider: whether there is no market for the coverage due to its cost, limited supply or simple absence of transactions actions; and other pertinent factors. Prior to authorizing an increase in supply of land coverage, TRPA also shall consider the effect of the increase on the inventory in the land bank and the value of investments made by the bank in hard or soft land coverage. If TRPA authorizes an increase in the supply of land coverage, it shall do so in the following order of priority:

(a) Existing soft coverage as described in the definition of "land coverage."

(b) Unused base coverage, referred to in the Goals and Policies as "potential coverage."

(c) Through redefinition of the boundaries of the hydrologically related area to increase the supply of coverage.

(7) Restoration And Retirement Of Land Coverage: Land coverage shall be restored and retired pursuant to Section 34.5 and the following:

(a) Transfers: TRPA shall ensure that land coverage transferred pursuant to Subsection 20.3.C shall be retired permanently pursuant to the following requirements:

(i) In the event land coverage is removed from the sending parcel, the applicant or a public agency shall restore the sending parcel to a natural or near natural state;
(ii) Provisions for future maintenance and protection of the parcel from further soil disturbance shall be made, whether or not the parcel is undisturbed or subject to restoration; and

(iii) For parcels in private ownership, deed restrictions, or other covenants running with the land, permanently assuring the accomplishment of the requirements of Subparagraphs 20.3.C(7)(a)(i) and (ii) shall be recorded by the owner. TRPA shall obtain binding assurance from a public agency that the requirements of Subparagraphs 20.3.C(7)(a)(i) and (ii) are permanently met.

(b) Removal Of Land Coverage For Credit: In the event land coverage is removed on one parcel, but is not proposed for immediate transfer to another parcel, the applicant shall comply with Subparagraphs 20.3.C(7)(a)(i) and (ii), to assure credit for the removed coverage in accordance with Chapter 38.

(8) Land Bank: Land coverage transfers and land coverage retirement programs may use a land bank pursuant to Chapter 38.

20.3.D Method Of Calculation Of Land Coverage: Land coverage requirements shall be implemented by application of the percentage coverage figures set forth in Subsections 20.3.A and 20.3.B to the area of the project. Determination of the project area and the method of applying the percentage coverage figures to the project area are set forth in this Subsection.

(1) Determination Of The Project Area: The project area shall be calculated as follows:

   (a) Boundaries Or Area Of Land Involved:

   (i) For a project on a single parcel, the area of the project is the area of the parcel.

   (ii) For a project on or comprising two or more contiguous parcels, the project area is the total combined square footage of the parcels, provided the parcels are permanently consolidated. If the parcels are not permanently consolidated, the owner shall record against the parcels a deed restriction, or other covenant running with the land, permanently assuring that the land coverage calculations for the parcels shall always be made as if the parcels had been legally consolidated.
(iii) Where the proposed activity or project, for which land coverage is to be calculated, is a use accessory to an existing primary use located on or comprising one or more adjacent parcels, the project area for the accessory use is the total combined square footage of all of said parcels, owned or controlled by the same person, provided the parcels are permanently consolidated. If the parcels are not permanently consolidated, the owner shall record against the parcels a deed restriction, or other covenant running with the land, permanently assuring that the coverage calculations for the parcels shall always be made as if the parcels had been legally consolidated.

(iv) For a project on a single parcel in excess of 20 acres, or on an area of land not consisting of a parcel, TRPA shall determine the project area based upon the following factors, among others, appropriate for this purpose: the area impacted by or the sphere of influence of the project; the area to be actually used for the project; whether the project is located in one or more hydrologically related areas; and the extent of land coverage and land disturbance for the project.

(v) For a project on noncontiguous parcels pursuant to Chapter 15 or 31, the project area of two or more noncontiguous parcels shall consist of the total combined square footage of the parcels, provided the owner(s) of the parcels record against the parcels a deed restriction, or other covenant running with the land, permanently assuring that the coverage and density calculations for the parcels shall always be determined as if the parcels had been legally consolidated.⁹

(b) Land Not Included In The Project Area: The project area shall not include lands lake ward of the high-water lines of bodies of water, such as lakes and ponds, lands under lying covered surfaces associated with existing linear public facilities, highway, streets, and roads, referred to in Subsection 20.3.B, and easements or rights-of-way allowing potential land coverage for linear public facilities, high ways, streets, and roads. Land coverage associated with existing linear public facilities, highway, streets and roads shall not be considered in the calculation of land coverage, except as pertinent to the review by TRPA of the facilities, highway, streets or roads, or as required pursuant to Subsection 20.3.D(2)(c).

⁹ Amended 3/26/03
(c) **Separate Calculation For The Area Within Each Land Capability District:** With the exception of land coverage for IPES pursuant to Chapter 37, land coverage shall be calculated by reference to the square footage area of each, separate land capability district located within the project area, applying the applicable percentage coverage figures set forth in Subsections 20.3.A and 20.3.B to the square footage within each respective land capability district.

(2) Application of Percentage Coverage Figures To The Project Area:

The percentage coverage figures shall be applied to the project area as follows:

(a) **Base Coverage:** The amount of base land coverage shall be calculated by applying the percentage coverage figures set forth in Subsection 20.3.A to the project area determined pursuant to Subsection 20.3.D(1). Base land coverage placed upon the portions of the project area within Land Capability Districts 1 through 3, inclusive, shall not exceed, as to each such portion, the maximum amount of land coverage determined by applying the corresponding percentage coverage figure to the area of each such portion. With respect to an area of the project containing land within Land Capability Districts 4 through 7, inclusive, the following rules apply:

(i) For a parcel or other project area up to and including one-third (1/3) of an acre, base coverages attributable to all land capability districts on the parcel may be aggregated and the resulting total coverage placed at any location on the parcel lying within Land Capability Districts 4 through 7, inclusive, but not within Land Capability Districts 1 through 3, inclusive.

(ii) For a parcel or other area of the project over one-third (1/3) of an acre, base coverages attributable to land within Land Capability Districts 4 through 7, inclusive, may be placed upon the pertinent land, up to the maximum amount of land coverage determined by applying the corresponding percentage coverage figure. Aggregate base coverages attributable to portions of the parcel or other project area within Land Capability Districts 1 through 3, inclusive, also may be placed at any location on the parcel or such other area lying within Land Capability Districts 4 through 7, inclusive. No overage shall be placed on any land within Land Capability Districts 1 through 3, inclusive, except as provided in Subsection 20.3.A.
(iii) As an alternative to Subparagraph 20.3.D(2)(a)(ii), the percentage coverage figure corresponding to the lowest land capability district number of Land Capability Districts 4 through 7, inclusive, that exists on the parcel or other project area, may be applied to the total area encompassed by Land Capability Districts 4 through 7, inclusive, to determine the amount of coverage, to which amount may be added the aggregate of base coverages attributable to portions of the parcel or other project area within Land Capability Districts 1 through 3, inclusive. No coverage shall be placed on any land within Land Capability Districts 1 through 3, inclusive, except as provided in Subsection 20.3.A.

(b) Transferred Coverage: In the event additional coverage is permitted by transfer of land coverage pursuant to Subsection 20.3.B, the amount of total coverage shall be calculated by applying the percentage coverage figures set forth in Subsection 20.3.B to the project area determined pursuant to Subparagraph 20.3.D(1).

(c) Land Coverage In Right-Of-Way: Existing or proposed land coverage in a public street or highway right-of-way shall be attributable to the owner of the right-of-way. Proposed coverage in such right-of-way shall be pursuant to a transfer of land coverage based upon a ratio of one square foot of land coverage retired for each square foot of new coverage proposed. Transfer of such coverage shall be pursuant to the requirements of Subsection 20.3.C. The owner of the right-of-way may arrange the transfer of land coverage with the person, if any, benefiting from the proposed land coverage in the right-of-way.

(3) Calculation Of Permissible Land Coverage Under IPES: Calculation of permissible land coverage for parcels subject to IPES shall be in accordance with Chapter 37.

(4) Overhang Allowance: For every three feet off of the ground surface, one foot of the horizontal overhang dimension shall be excluded from land coverage calculations. The remainder of the overhang shall be counted.

20.4 Prohibition Of Additional Land Coverage In Land Capability Districts 1a, 1c, 2 And 3 And 1b (Stream Environment Zones): No additional land coverage or other permanent land disturbance shall be permitted in Land Capability Districts 1a, 1c, 2, and 3 and Land Capability District 1b (stream environment zones) except as follows:

20.4.A Exceptions For Land Capability Districts 1a, 1c, 2 And 3 Prohibition: The following exceptions apply to the prohibition of land coverage and disturbance in Land Capability Districts 1a, 1c, 2 and 3:
(1) **IPES**: Land coverage and disturbance for single family houses may be permitted in Land Capability Districts 1a, 1c, 2 and 3, when reviewed and approved pursuant to IPES in accordance with Chapter 37.

(2) **Public Outdoor Recreation Facilities**: Land coverage and disturbance for public outdoor recreation facilities, which includes public recreation projects on public lands, private recreation projects through use of public lands, and private recreational projects on private lands that are depicted or provided for on a public agency's recreational plan, may be permitted in Land Capability Districts 1a, 1c, 2 and 3 if TRPA finds that:

(a) The project is a necessary part of a public agency's long-range plans for public outdoor recreation;

(b) The project is consistent with the Recreation Element of the Regional Plan;

(c) The project, by its very nature, must be sited in Land Capability Districts 1a, 1c, 2 or 3, such as a ski run or hiking trail; in accordance with the Guidelines Regarding Public Outdoor Recreation Facilities and Activities Which Create Additional Land Coverage or Permanent Disturbance and Which By Their Very Nature Need Not Be Sited in Sensitive Lands (1a, 1b, 1c, 2, 3, or SEZs), Water Quality Management Plan for the Lake Tahoe Region, Volume I, Table 16, dated November, 1988.

(d) There is no feasible alternative which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 and 3; and

(e) The impacts of the coverage and disturbance are fully mitigated through means including, but not limited to, the following:

   (i) Application of best management practices; and

   (ii) Restoration, in accordance with Section 20.4.C, of land in Land Capability Districts 1a, 1c, 2 and 3 in the amount of 1.5 times the area of land in such districts covered or disturbed for the project beyond that permitted by the coefficients in Subsection 20.3.A.

(3) **Public Service Facilities**: Land coverage and disturbance for public service facilities may be permitted in Land Capability Districts 1a, 2c, 2 and 3 if TRPA finds that:

(a) The project is necessary for public health, safety or environmental protection;
There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 and 3; and

The impacts of the coverage and disturbance are fully mitigated in the manner prescribed by Subparagraph 20.4.A(2)(e).

(4) Water Quality Control Facilities: Land coverage and disturbance may be permitted in Land Capability Districts 1a, 1c, 2 and 3 for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects, and similar projects, programs and facilities if TRPA finds that:

(a) The project, program or facility is necessary for environmental protection; and

(b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 and 3.

(c) Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to 20.3.C(2)(e) are met.

(5) Tyrolian Village: Land coverage and disturbance for single family houses may be permitted in Land Capability Districts 1a, 1c, 2 and 3, when reviewed and approved in accordance with Chapter 36, on parcels in Tyrolian Village, Units #1 through 5, inclusive, for which complete applications were filed and accepted by TRPA pursuant to the "Agreement Between The Tyrolian Village, Inc. And The Tahoe Regional Planning Agency Regarding Erosion Control Improvements And Reclassification Of Upper Tyrolian Village" dated May 26, 1983."

20.4.B Exceptions For Land Capability District 1b (Stream Environment Zone):
The following exceptions apply to the prohibition of land coverage and disturbance in land capability district 1b (stream environment zone):

(1) Stream Crossings: Land coverage and disturbance for projects to effect access across stream environment zones to otherwise buildable sites, if such projects otherwise comply with applicable development standards in Chapter 27, may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:

(a) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the stream environment zone, or that encroachment is necessary to reach the building site recommended by IPES; and
(b) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

(2) Public Outdoor Recreation: Land coverage and disturbance for public outdoor recreation facilities may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:

(a) The project is a necessary part of a public agency's long range plans for public outdoor recreation;

(b) The project is consistent with the Recreation Element of the Regional Plan;

(c) The project, by its very nature must be sited in a stream environment zone, such as bridges, stream crossings, ski run crossings, fishing trails, and boat launching facilities; in accordance with the Guidelines Regarding Public Outdoor Recreation Facilities and Activities Which Create Additional Land Coverage or Permanent Disturbance and Which By Their Very Nature Need Not Be Sited in Sensitive Lands (1a, 1b, 1c, 2, 3 or SEZs), Water Quality Management Plan for the Lake Tahoe Region, Volume I, Table 16, dated November, 1988.

(c) There is no feasible alternative which would avoid or reduce the extent of encroachment in the stream environment zone; and

(e) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

(3) Public Service: Land coverage and disturbance for public service facilities may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:

(a) The project is necessary for public health, safety or environmental protection;

(b) There is no reasonable alternative, including a bridge span or relocation, which avoids or reduces the extent of encroachment in the stream environment zone; and
(c) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

(4) Water Quality Control Facilities: Land coverage and disturbance may be permitted in Land Capability District 1b (stream environment zones) for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs and facilities if TRPA finds that:

(a) The project, program, or facility is necessary for environmental protection;

(b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the stream environment zone; and

(c) Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to 20.3.C(2)(e) are met.

(5) Vegetation: Indigenous vegetation shall not be removed or damaged in Land Capability District 1b (SEZ) unless otherwise authorized under TRPA permit pursuant to Subsections 20.4.B, 20.5.C, 55.6, 71.4, 74.2, or 79.2, or Chapters 72 or 73. Species used for revegetation or landscaping shall be species appropriate for the stream environment zone type (e.g. meadow, marsh).

20.4.C Restoration Requirements: The following requirements apply to restoration:

(1) The restoration requirements of Subparagraphs 20.3.C(2)(e) and 20.4.A(2)(e), may be accomplished onsite or offsite by the applicant or another agency approved by TRPA. Such restoration requirements shall be in lieu of any land coverage transfer requirement or water quality mitigation fee pursuant to Chapter 82.

(2) Only land which has been disturbed or consists of hard coverage or soft coverage shall be eligible for credit for restoration. Restoration plans shall require restoration to cause the area to function in a natural state with provisions for permanent protection from further disturbance. Lands disturbed by the project and then restored are not eligible for credit. Permanent protection from further disturbance shall include, but not be limited to, recordation by the owner of deed restrictions, or other covenants running with the land, on a form approved by TRPA, against parcels in private ownership, permanently assuring the restoration requirements of
Subparagraphs 20.3.C(2)(e) or 20.4.A(2)(e), as applicable. TRPA shall obtain appropriate assurance from a public agency that the requirements of Subparagraph 20.3.C (2)(e) or 20.4.A(2)(e), as applicable are met.

20.5 Excess Land Coverage Mitigation Program: This Section applies to projects where the amount of land coverage existing prior to the project in the project area exceeds the base land coverage for the project area prescribed by Subsection 20.3.A. Land coverage in excess of the base land coverage shall be mitigated by the transfer of land coverage pursuant to Subsection 20.3.C or the land coverage mitigation program set forth in this Section.

20.5.A Implementation Of Program: Except as otherwise provided by Subsection 20.5.B, all projects on parcels, or other applicable project areas, with unmitigated excess land coverage, shall be subject to the land coverage mitigation program set forth in this Section. Projects subject to the program shall reduce land coverage by the amounts specified in Subparagraph 20.5.A(1) and (2).

   (1) Excess Coverage Calculation: Excess land coverage equals the existing amount of land coverage, less the total of the following: the maximum allowable amount of base coverage; the amount of coverage approved by transfer; and the amount of coverage previously mitigated under this Section.

   Excess Coverage (% sq. ft.) = Existing Coverage (% sq. ft.) - (Maximum coverage (% sq. ft.) + Transferred Coverage (% sq. ft.) + Previously Mitigated Coverage (% sq. ft.))

   (2) Excess Land Coverage Mitigation Program Options: In the event land coverage reduction is required, the applicant may chose any of the following options, or combinations thereof, to comply with the requirements of this Section:

   (a) Reduce Coverage Onsite: Coverage may be reduced onsite as part of the project approval. Land subject to reductions shall be restored pursuant to Subsection 20.4.C.

   (b) Reduce Coverage Offsite: Coverage may be reduced offsite as part of the project approval. The land upon which the coverage is reduced shall be in the same hydrologically related area as the project. Land subject to reductions shall be restored pursuant to Subsection 20.4.C.

   (c) Coverage Mitigation Fee: A land coverage mitigation fee may be paid to TRPA in lieu of reduction of land coverage pursuant to Subparagraphs 20.5.A(2)(a) or (b). The fee shall be forwarded by TRPA to a land bank to provide land coverage reduction. The fee shall be calculated pursuant to Subparagraph 20.5.A(3) and shall be non-refundable once paid.
(d) **Parcel Consolidation Or Parcel Line Adjustment:** The percentage of excess coverage may be reduced by parcel consolidation or parcel line adjustment with a contiguous parcel as part of the project approval.

(e) **Projects Within Community Plans:** Projects which are located within an adopted community plan may rely on the community plan to mitigate excess land coverage provided TRPA makes findings (i) and (ii), below. In lieu of findings (i) and (ii) being made, the TRPA may determine that a project complies with the requirements of this subparagraph by making finding (iii), below:

(i) The project is located within an area for which a community plan, as originally adopted or subsequently amended, includes a program to mitigate the excess land coverage within the area. Such a program shall ensure that coverage mitigation, when measured for individual parcels affected by the program, meets the standards set forth in Section 20.5 (A) (1), (2), and (3). The options available for mitigating excess land coverage under any such program shall be any combination of those options set forth in subparagraphs (a), (b), (c) and (d) of this subsection.

(ii) There is an irrevocable commitment for the funding necessary to implement the program for mitigating excess land coverage. For purposes of this subparagraph, irrevocable commitment shall mean the following:

(A) The public entity funding the measure or, when necessary, the electorate has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and that only ministerial acts necessary to the issuance of any such bonded indebtedness and the receipt of funds therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure;

(B) The application for state and federal grant monies has received approval, and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for the excess land coverage mitigation program in accordance with the approved community plan;
(C) Where the funding of the program is the responsibility of a person or persons, TRPA shall ensure that the public entity has received sufficient funds or an acceptable security to fully fund the program;

(D) The public entity funding the program has received a funded commitment from another public entity as described in (i) or (iii) above; or

(E) Any combination of (i) through (iv) above.

(iii) As a condition of approval, the permittee for the project shall post a security with TRPA, in accordance with Section 8.8, in an amount equal to the excess coverage mitigation fee otherwise required under Section 20.5. If a program to mitigate excess land coverage within the community plan has not been adopted by TRPA and an irrevocable commitment made by the time of final inspection of the project by TRPA, or 3 years after commencement of construction, whichever is sooner, the security shall be forfeited to TRPA. Securities forfeited to TRPA under this subparagraph shall be forwarded to a land bank to provide land coverage reduction.

(3) Determination Of Excess Coverage Mitigation: The required excess land coverage reduction mitigation shall be calculated as follows:§

(a) Coverage Reduction Mitigation: For purposes of calculating the square footage reduction of excess coverage to be credited the parcel pursuant to Chapter 38, the land coverage reduction is calculated by determining the reduction percentage from Table A above based on the amount of excess land coverage. The reduction percentage is then multiplied by the estimated coverage mitigation construction cost of the project and then divided by the mitigation factor of eight (8).

Coverage Reduction (Sq. Ft.) = Fee Percentage x CM Construction Cost ($) / Mitigation Factor of 8.

(b) Excess Coverage Mitigation Fee: The excess coverage mitigation fee shall be calculated by determining the amount of excess coverage (sq. ft.), in accordance with subparagraph (a), above. The coverage reduction square footage is then multiplied by the appropriate Mitigation Fee Coverage Cost Factor to determine the Excess Coverage Mitigation Fee. The Mitigation Fee Coverage Cost Factor(s) shall be established by TRPA staff by January 1 of each year based on a certified real estate appraiser’s estimate of the land bank’s cost to

§ Amended 5/23/01
acquire and restore land coverage under this program. The appraiser shall use the methodology established in the Uniform Standards of Appraisal Practice. In no case shall the total excess coverage mitigation fee be less than $200. §The Excess Land Coverage Fee shall be as follows:

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<tr>
<th>Hydrologic Transfer Area</th>
<th>Fee Per Sq. Ft.</th>
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<tbody>
<tr>
<td>Area 1 – Incline</td>
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<td>Area 3 – Cave Rock</td>
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<td>Area 4 – South Stateline (California side)</td>
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<td>Area 5 – Upper Truckee</td>
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(c) Mitigation Fee ($) = Coverage Reduction Sq. Ft. x Mitigation Fee Sq. Ft. Coverage Cost Factor.

(d) Coverage Mitigation Construction Cost: Coverage Mitigation Construction Cost is defined as a cost estimate prepared by a registered engineer, licensed architect (or other qualified professional acceptable to TRPA) of the cost to construct the bearing elements of a structure. This includes without limitation, pier pilings, bracing and supports, bearing walls, rafters, foundations and base materials under asphalt or concrete. Structural cost does not include non-structural elements such as painting, shingles and other non-bearing roofing materials, siding (except siding necessary to brace or provide shear strength), doors overlays upon existing paved surfaces, HVAC systems, sewer systems, water systems, electrical systems, furniture and similar decorations and fixtures.

§ Amended 3/22/06
§§ Amended 01/24/07
TABLE A. EXCESS COVERAGE REDUCTION SQ. FT. FACTOR

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<td>&gt;2,000 - 2,800</td>
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<td>&gt;2,800 - 3,800</td>
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<td>&gt;3,800 - 5,000</td>
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<td>&gt;5,000 - 6,400</td>
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<td>&gt;8,000 - 11,000</td>
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<tr>
<td>&gt;11,000 - 15,000</td>
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<td>&gt;15,000 - 18,000</td>
<td>2.75</td>
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<tr>
<td>&gt;18,000 - 21,780</td>
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<td>&gt;87,120 - 108,900</td>
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<td>&gt;108,900 - 130,680</td>
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<td>&gt;130,680 - 152,460</td>
<td>4.50</td>
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<td>&gt;152,460 - 174,240</td>
<td>4.75</td>
</tr>
<tr>
<td>&gt;174,240</td>
<td>5.00</td>
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</tbody>
</table>

20.5.B Exemptions From The Land Coverage Mitigation Program: The following are exempt from the land coverage mitigation program:

1. **Parcels With Mitigated Land Coverage**: Parcels or project areas, which contain land coverage in excess of base land coverage prescribed by Sub section 20.3.A, which excess coverage has been fully mitigated pursuant to Subsection 20.5.A through transfer of land coverage pursuant to Subsection 20.3.C or by consolidation of adjoining parcels, shall not be subject to the land coverage mitigation program.

2. **Repair And Reconstruction Of Buildings Damaged Or Destroyed By Fire Or Other Calamity**: Repair and reconstruction of buildings damaged or destroyed by fire or other calamity pursuant to Chapter 4 shall not be subject to the land coverage mitigation program.
(3) **Work Not Requiring A Permit:** An activity not requiring a permit pursuant to Chapter 4 shall not be subject to the land coverage mitigation program.

(4) **TRPA Requirements:** Projects and modifications, required by TRPA, or portions thereof, directly related to attainment of the environmental thresholds, such as best management practices and stream environment zone restoration, shall not be subject to the land coverage mitigation program. The following categories of projects, if not carried out in conjunction with another type of project, may be exempt from the land coverage mitigation program:

(a) Installation of erosion control facilities.

(b) Restoration of disturbed areas.

(c) SEZ restoration.

(d) Underground storage tank removal, replacement or maintenance.

(e) Hazardous waste spill control or prevention facilities.

(f) Sewage pump-out facilities for RVs or boats.

(5) **Repair Of Linear Public Facilities:** Repair of linear public facilities shall not be subject to the land coverage mitigation program.

(6) **Minor Utility Projects:** Those activities which replace, repair, underground or interconnect existing utilities or extend local distribution, and which are located within a right-of-way where the applicant is not the primary right-of-way user are considered minor utility projects and shall not be subject to the excess land coverage mitigation program. The construction of roads is not a minor utility project. The primary right-of-way user shall be the owner or controlling party of the right-of-way.

(7) **Synthetic Turf Coverage:** Public athletic fields converted from turf grass to synthetic turf pursuant to Code Subsection 20.7 shall not be subject to the land coverage mitigation program. This exemption does not apply to synthetic turf that is lawfully approved for hard coverage. $§$

20.5.C **Relocation Of Existing Land Coverage:** Existing land coverage may be relocated on the same parcel or project area if TRPA finds that:

(1) The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the following factors:

(a) Whether the area of relocation already has been disturbed;

$§$ Amended 08/27/2008
(b) The slope of and natural vegetation on the area of relocation;

(c) The fragility of the soil on the area of relocation;

(d) Whether the area of relocation appropriately fits the scheme of use of the property;

(e) The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore;

(f) The project otherwise complies with the land coverage mitigation program set forth in Section 20.5; and

(2) The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.4.C.

(3) The relocation is not to Land Capability Districts 1a, 1b, 1c, 2 or 3, from any higher numbered land capability district.

(4) If the relocation is from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone. Net environmental benefit to a stream environment zone is defined as an improvement in the functioning of the stream environment zone and includes, but is not limited to:

(a) Relocation of coverage from a less disturbed area to a more disturbed area or to an area further away from the stream channel;

(b) Retirement of land coverage in the affected stream environment zone in the amount of 1.5:1 of the amount of land coverage being relocated within a stream environment zone; or

(c) For projects involving the relocation of more than 1000 square feet of land coverage within a stream environment zone, a finding, based on a report prepared by a qualified professional, that the relocation will improve the functioning of the stream environment zone and will not negatively affect the quality of existing habitats.

20.6 Land Coverage Requirements For Redevelopment Projects: Land coverage requirements for redevelopment projects shall be in accordance with Chapter 15.
20.7§ Conversion of Turf Grass Coverage to Synthetic Turf Coverage for Public Athletic Fields: Turf grass public athletic fields may be converted to synthetic turf fields as follows:

20.7.A. **Eligibility:** TRPA shall find that the turf grass field meets all of the following criteria:

1. The turf grass field shall be composed of non-native turf grasses and receive regular fertilization and periodic irrigation.
2. At least 50 percent of the condition of the turf grass field shall be substantially compacted by repeated pedestrian traffic so as to reduce saturated hydraulic conductivity by 50 percent or more when compared to natural conditions for the same soil type.

20.7.B. **Construction Standards:** The synthetic turf field shall be constructed and maintained to meet all of the following standards:

1. The synthetic turf design shall include a subsurface drainage system that discharges to a water quality treatment area. The subsurface drainage system shall comply with groundwater interception regulations pursuant to Code Section 64.7 and shall not adversely affect water levels within a Stream Environment Zone.
2. The synthetic turf shall be limited to team playing fields and player staging areas only,
3. Synthetic turf components and fields shall not contain or utilize materials for construction or maintenance that could leach into the ground water, present a health hazard to people, or adversely affect flora or fauna.
4. The synthetic turf shall not receive runoff or overflow from adjacent lands, except under extraordinary circumstances, such as 20 year or greater storm events).

20.7.C. **In-Lieu of Excess Coverage Mitigation and Water Quality Mitigation:** In order to approve synthetic turf for public athletic turf fields, the coverage shall be mitigated either by:

1. Restoration of an equal area of highly compacted turf grass to native vegetation so as to achieve a saturated hydraulic conductivity of greater than 50 percent of natural conditions for the same soil type, or
2. Payment of a fee equal to five (5) percent of the structural cost of

§ Amended 08/27/2008

REPLACED MARCH 2012
the synthetic turf construction as specified in Code subsection 20.5 (A)(3)(d). Except for the synthetic turf carpet, all other construction costs, including materials and labor, shall be included in the structural cost.

20.7.D Synthetic Turf Coverage Transfer or Conversion Limitations: Synthetic turf coverage is intended only for public athletic fields and shall not be transferred to a different parcel and cannot be converted to hard coverage.
Chapter 21
DENSITY

Chapter Contents

21.0 Purpose
21.1 Applicability
21.2 Maximum Density
21.3 Table of Maximum Densities
21.4 Calculation Of Maximum Density
21.5 Existing Density
21.6 Developments Rights

21.0 Purpose: The purpose of this chapter is to establish maximum densities, to set forth methods for calculating maximum densities, and to distinguish development rights from density.

21.1 Applicability: The provisions of this chapter are applicable to all projects and activities. This chapter applies primarily to residential uses, tourist accommodations, developed campgrounds, recreational vehicle parks, and group recreation facilities.

21.2 Maximum Density: The table in Section 21.3 sets forth the maximum density that may be permitted in a project area. Plan area statements, community plans, master plans, redevelopment plans, and specific plans may establish more restrictive standards. Increases in density up to the maximum allowed in accordance with section 21.3 are subject to the following provisions:

21.2.A Residential Uses: Each parcel where residential uses are permissible is entitled to one residential unit. Higher densities, up to the limits in the table in Section 21.3, or as established in applicable plan area statements, community plans, master plans, redevelopment plans, or specific plans, whichever is most restrictive, may be developed by transfer of development rights, transfer of existing development, transfer of allocations, or multi-residential incentives in accordance with Chapters 34 and 35.

21.2.B Tourist Accommodation Uses: On parcels where tourist accommodation uses are permissible, density up to the limits in the table in Section 21.3, or as established in applicable plan area statements, community plans, master plans, redevelopment plans, or specific plans, whichever is most restrictive, may be developed by transfer of existing development in accordance with Chapter 34, or by obtaining tourist accommodation bonus units in accordance with Chapter 35.

21.2.C Recreation Uses: On parcels where developed campgrounds, recreational vehicle parks, or group facilities are permissible, density up to the limits in the table in Section 21.3, or as established in applicable plan area statements, community plans, master plans, redevelopment
plans, or specific plans, whichever is most restrictive, may be developed through utilization of recreational development allocations in accordance with Chapter 33, or by transfer of existing development in accordance with Chapter 34. For other types of recreational uses, maximum densities or intensities shall be determined by the site development standards in Chapters 20 through 30, inclusive, and other applicable provisions of this Code.

21.2.D  **Density of Commercial, Public Service, and Resource Management Uses:** Where commercial, public service, and resource management uses are permissible, the density or intensity shall be determined by the site development standards in Chapters 20 through 30 of this Code, inclusive, and other applicable provisions of this Code.

21.3  **Table of Maximum Densities:** Except where a plan area statement, community plan, master plan, redevelopment plan, or specific plan sets a more restrictive standard, no person shall create a density that exceeds the limits set forth in the following table, or as provided in Subsection 21.3.B

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Density</th>
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</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>A. Single-family dwelling</td>
<td>1 unit per parcel</td>
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<tr>
<td>(parcels less than 1 acre)</td>
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<tr>
<td>B. Single-family dwelling</td>
<td>2 units per parcel, provided one unit is an authorized secondary residence</td>
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<td>(parcels 1 acre or larger)</td>
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<tr>
<td>C. Summer home</td>
<td>1 unit per parcel or lease site</td>
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<tr>
<td>D. Multiple-family dwelling</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>E. Mobile-home dwelling</td>
<td>8 units per acre</td>
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<tr>
<td>F. Multi-person dwelling,</td>
<td>25 persons per acre</td>
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<tr>
<td>nursing and personal care,</td>
<td></td>
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<tr>
<td>and residential care</td>
<td></td>
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<tr>
<td><strong>Tourist Accommodations</strong></td>
<td></td>
</tr>
<tr>
<td>A. Bed and Breakfast</td>
<td>10 units per acre</td>
</tr>
<tr>
<td>B. All other</td>
<td></td>
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<tr>
<td>1. if less than 10% of the units</td>
<td>40 units per acre</td>
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<tr>
<td>have kitchens</td>
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<tr>
<td>2. if 10% or more of the units</td>
<td>15 units per acre</td>
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<tr>
<td>have kitchens</td>
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<tr>
<td><strong>Recreational Uses</strong></td>
<td></td>
</tr>
<tr>
<td>A. Developed Campgrounds</td>
<td>8 sites per acre</td>
</tr>
<tr>
<td>B. Recreation vehicle parks</td>
<td>10 sites per acre</td>
</tr>
<tr>
<td>C. Group facilities</td>
<td>25 persons per acre</td>
</tr>
</tbody>
</table>

21.3.A  **Conversion Factors:** For residential uses, 2.5 persons shall be
equivalent to one residential unit. For recreational uses, four persons shall be equivalent to one recreation site.

21.3.B Affordable Housing: Density for affordable housing meeting TRPA requirements may be increased as follows:¹

1. Affordable housing projects may be permitted to increase the density permitted in the table or the applicable plan area statement, community plan, master plan, redevelopment plan, or specific plan, whichever is less, by 25 percent, provided TRPA finds that: (1) the project, at the increased density, satisfies a demonstrated need for additional affordable housing; and (2) the additional density is consistent with the surrounding area, or

2. Affordable housing project located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the density permitted in the table or applicable community plan whichever is less, by 100 percent, provided TRPA finds that:²

   a. The project, at the increased density, satisfies a demonstrated need for additional affordable housing;

   b. The additional density is consistent with the surrounding area; and

   c. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.

21.3.C Timeshare Uses (Residential Design): A timeshare use (residential design) in an adopted community plan area may increase the permitted density in the community plan by a factor of 2 or a timeshare use (residential design) in an adopted TRPA redevelopment plan area may increase the permitted density by a factor of 2.5, provided TRPA makes the following findings.

(1) The special use findings in Subsection 18.1.B;

(2) That the project provides transit service for its patrons directly or by contract with a transit provider;

(3) That the project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and

(4) If the project area contains excess land coverage: that the land coverage will be reduced to no more than 75 percent of the project area; or, if applicable, the land coverage will be reduced in accordance with Subsection 15.9.A.

¹ Amended 1/20/10
² Added 1/20/10
21.3.D **Density In Special Height Districts:** The maximum densities established in the Table of Maximum Densities may be exceeded for projects located in designated Special Height Districts as defined in Subsection 22.4.D. The amount of deviation from the density standards shall be established by a density analysis report approved by TRPA; however, the deviation shall not exceed the maximum densities established by this chapter by a factor of 3. To approve any project relying on the increase in density specified in the report, TRPA shall make the findings pursuant to subparagraphs 21.3.C(1), (2), (3), and (4).

21.4 **Calculation Of Maximum Density:** The maximum density which may be permitted within a project area shall be calculated as follows:

21.4.A **Single Uses:** For a single use, the maximum densities in the table in Section 21.3, or as established in an applicable plan area statement, community plan, master plan, redevelopment plan, or specific plan, whichever is most restrictive, shall be applied to the project area.

21.4.B **Mixed Uses:** For mixed uses, the maximum densities shall be established as follows:

(1) The category of the mixed use shall be determined from the following table:

| TABLE OF MIXED USE CATEGORIES |

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§Amended 8/26/98
### Table: Mixed Use Density Calculation

<table>
<thead>
<tr>
<th>Single Family Dwelling</th>
<th>Summer Home</th>
<th>Multi Family Dwelling</th>
<th>Mobile Home</th>
<th>Multi Person Dwelling</th>
<th>Bed and Breakfast</th>
<th>Other Tourist (LT 10% Kitchens)</th>
<th>Other Tourist (GT 10% Kitchens)</th>
<th>Developed Campground</th>
<th>Recreation Vehicle Park</th>
<th>Group Site</th>
<th>Commercial Use</th>
<th>Public Service Use</th>
<th>Other Recreational Use</th>
<th>Resource Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>A</td>
<td>A</td>
<td>B</td>
<td>B</td>
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<td>Multi Family Dwelling</td>
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<td>Mobile Home</td>
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<tr>
<td>Other Tourist (LT 10% Kitchens)</td>
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<td>B</td>
<td>C</td>
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<tr>
<td>Other Tourist (GT 10% Kitchens)</td>
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<td>B</td>
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<tr>
<td>Developed Campground</td>
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<tr>
<td>Recreation Vehicle Park</td>
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<td>Group Site</td>
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<tr>
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<td>Public Service Use</td>
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<td>Other Recreational Use</td>
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<tr>
<td>Resource Management</td>
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**Note:** Any other combination of uses, including three or more uses in a project area, is assigned to Category F.

(2) Depending upon the category of the mixed use, as determined from the table above, the maximum density shall be calculated as follows:

(a) Category A, Single-Family Homes and Other Residential or Transient Uses: 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 the other residential units, tourist units, or campsites shall apply. Conversion factors set forth in Subsection 21.3.A shall be applied as appropriate.

(b) Category B, Multi-Family and Transient-Types of Uses, Combined: In Category B, the maximum density shall be calculated as a weighted average of the maximum densities for the combined uses, rounded to the next lowest whole number.

Example 1: A proposed project will contain equal numbers of multi-family dwellings and transient units without kitchens.

Maximum density = \((15 + 40)/2 = 27\) units/acre
Example 2: A proposed project will contain 2/3 multi-family dwellings and 1/3 transient units without kitchens.

Maximum density = \( \frac{2(15) + 1(40)}{3} = 23 \text{ units/acre} \)

(c) Category C, Tourist Uses With and Without Kitchens: In Category C, if ten percent or more of the transient units have kitchens, the maximum density is 15 units per acre.

(d) Category D, Single-Family Homes and Other Non-Residential and Non-Transient Uses: In Category D, the maximum residential density is one unit per project area, if residential units are otherwise allowed by the plan area statement or community plan.

(e) Category E, Multi-Residential and Transient-Type Uses Combined with Non-Residential and Non-Transient Uses: In Category E, the maximum residential or tourist density is the maximum density for the given residential or tourist use multiplied by the ratio of the floor area of that use to the total floor area in the project area. If the other use with which the residential or tourist use is to be combined does not lend itself to a calculation of floor area (e.g., a park or golf course), the maximum residential or tourist density shall be calculated as for Category F, below. If the multi-residential use is multi-person dwellings proposed in conjunction with the public service use of schools-college and the residential use will be within the same project area as the primary campus operations of an accredited college originating in the Lake Tahoe Basin, the maximum density for the project area shall be that prescribed by the applicable plan area statement or community plan.  

Example 1: A proposed project will contain a commercial establishment on the ground floor and multi-family dwellings on the second floor. If both floors have equal floor area, the maximum residential density is 15/2 or 7 units per acre.

Example 2: A proposed project will contain a public service use of 3000 square feet and a multi-person dwelling of 750 square feet, for a total floor area of 3750 square feet. The maximum residential density is 25/5 or 5 persons per acre.

(f) Category F, Mobile-Homes, Bed and Breakfast, or Recreational Sites Combined With Other Non-Residential or Non-Transient Uses; Also, More Than Two Uses Combined: In Category F, the project proponent shall designate, as part of the project application, the portion of the project area to be devoted to the residential, tourist, or developed recreational use, and the maximum density in the table in Section 21.3, or as established in an applicable plan area statement, community plan, master plan, redevelopment plan, or

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§ Amended 7/23/03
specific plan, shall be applied to that portion of the project area.

(g) Category G, Non-Residential and Non-Transient Uses, Combined: In Category G, mixed uses are permitted if they otherwise conform with this Code and applicable plan area statements or community plans.

21.4.C Redevelopment: Special provisions for density calculations for redevelopment areas are set forth in Chapter 15.

21.4.D Subdivisions: Nothing in this chapter shall be construed to permit the subdivision of land.

21.5 Existing Density: The following requirements apply to density which was legally commenced and in existence as of the effective date of the Regional Plan, July 1, 1987:

21.5.A Conforming Density: Existing density that complies with the limits prescribed in this chapter is conforming, and may be increased, so long as the limits in this chapter are not exceeded.

21.5.B Nonconforming Density: Existing density that does not comply with the limits prescribed in this chapter is nonconforming, and may not be increased.

21.6 Development Rights: Development rights, as defined in Chapter 2, shall be assigned and utilized in accordance with the following provisions:

21.6.A Legally Existing: Parcels legally existing on the effective date of the Regional Plan, July 1, 1987, shall be assigned a development right except as set forth below:

(1) Parcels which are located in Land Capability Districts 4, 5, 6, or 7, are within a community plan area, and are eligible for tourist accommodation or commercial uses, shall not have a development right.

(2) Parcels that contained one or more of the primary uses listed in the Section 18.3 under Residential, Tourist Accommodation, Commercial, or Public Service, on the effective date of the Regional Plan, shall not have a development right, except as otherwise provided in Subsection 21.6.D.
(3) Parcels that contained one or more of the primary uses listed in Section 18.3 under Recreation, on the effective date of the Regional Plan, shall not have a development right, except that parcels with only dispersed outdoor recreation as a primary use shall have a development right.

(4) Parcels that contain one or more of the following uses in Section 18.3 under Resource Management, on the effective date of the Regional Plan, shall not have a development right:

(a) Tree farms;

(b) Farm/ranch accessory structure;

(c) Grazing;

(d) Range pasture, management;

(e) Range improvement; or

(f) Open space.

(5) Littoral parcels that contain one or more of the primary uses listed in Section 51.2, on the effective date of the Regional Plan, shall not have a development right, except that parcel with the primary use of dispersed water-oriented outdoor recreation, salvage operations, or safety and navigation facilities shall have a development right.

(6) Parcels which are burdened by an easement or other restriction incompatible with a residential use;

(7) Parcels which were created as a result of an eminent domain or similar government action or are otherwise remnants of a prior transaction, and which do not contain sufficient area to construct a single-family residence; and

(8) Parcels which were created for the purpose of public service uses or easements, including, but not limited to, public utilities and public recreation.

21.6.B Transfer of Development Rights: Transfer of development rights shall comply with the density limitations set forth in this chapter and the transfer provisions set forth in Chapter 34.

21.6.C Construction of Residential Unit: A development right or multi-residential bonus unit shall be required for each additional residential unit approved in accordance with Chapter 33.

21.6.D Parcels Containing a Residential Unit Destroyed by Calamity: A parcel containing a residential unit on the effective date of the Regional Plan, which unit is destroyed or damaged by fire or other similar calamity, shall have a development right.
Chapter 22
HEIGHT STANDARDS

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22.0 Purpose: This chapter establishes height standards to ensure attractive and compatible development as required under Goal #2, Policy 1.B. of the Community Design Subelement, Land Use Element of the Goals and Policies.

22.1 Applicability: Except for structures located lakeward of high water, which are regulated under Chapters 50 through 56, inclusive, and signs, which are regulated under Chapter 26, all buildings and other structures shall comply with the standards set forth in this chapter.

22.2 Definitions: The following terms are defined as set forth:

22.2.A Maximum Height: The maximum 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 deck line of the highest mansard roof or the ridge of the highest hip, gable, gambrel, shed or other pitched roof, whichever is highest. 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.

22.2.B 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.

22.2.C View Enhancement: View enhancement is the creation of a new view, or the addition to an existing view, of a view of the natural landscape, a view of Lake Tahoe, or a view of a major visual feature which is visible from a scenic threshold roadway travel route as identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. To qualify as a view enhancement for the purposes of gaining additional building height
under subsection 22.4.D, TRPA shall find that the view enhancement is of a mapped resource of one of the types identified above, that the view enhancement is provided in the same threshold roadway travel route as the project in which the building using the additional height is located, and, for views of the natural landscape and views of major visual features, that no building or structure greater than five feet in height is closer than one hundred feet from the viewpoint to the resource. For view enhancements of views of Lake Tahoe, no building or structure shall exist between the viewpoint and Lake Tahoe.

For the purposes of creating a view enhancement, TRPA shall find, in addition to the criteria set forth above, that the created view is available for a continuous distance of at least two hundred feet as seen from the threshold roadway travel route. For the purposes of enhancing an existing view, TRPA shall find in addition to the criteria set forth above, that the enhanced view is provided in the same general location as the existing view, is of the same resource as the existing view, and adds at least thirty percent to the existing view. TRPA shall specify the method used to evaluate view enhancements.

22.2.D 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. 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 Section 64.7. Percentages of cross slope shall be rounded to the nearest even percentage.

22.3 Height Standards For Buildings: Except as provided for in Section 22.4, no building shall have a maximum height greater than set forth in Table A. 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. One flagpole per building may be permitted as an appurtenant structure, not to exceed 15 percent of the otherwise permissible maximum height, or 30 feet, whichever is less, provided that:

(1) the flagpole shall be constructed of dark colors and shall not have a shiny reflective finish, and (2) the flagpole shall be used for non-commercial displays only. For purposes of this section, structures referenced in Article VI(e) of the Compact shall be deemed to comply with site development provisions related to height.

(2) Example:
Percent slope retained across building site = 16%
Proposed roof pitch = 10:12
Maximum height = 40' 0"
22.3 Additional Height: Maximum building heights greater than 26 feet shall be considered additional height. Additional height, up to the maximums set forth in Table A for a roof pitch of 5:12, may be approved in accordance with Table A if TRPA makes finding (1) as set forth in Section 22.7. Maximum building heights greater than set forth in Table A for a roof pitch of 5:12 may be approved in accordance with Table A for residential buildings if TRPA makes findings (1), (2), and (8) as set forth in Section 22.7 and for other buildings if TRPA makes findings (1), (2), (3), and (8) as set forth in Section 22.7. 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.

22.4 Additional Height For Certain Buildings: TRPA may approve building heights greater than those set forth in Section 22.3 in accordance with the following provisions and if TRPA makes the specified findings.

22.4.A Additional Height For Public Service, Tourist Accommodation, and Certain Recreation Buildings: TRPA may approve building heights greater than those set forth in Section 22.3 for buildings whose primary use is public service, tourist accommodation, certain recreation uses which include downhill ski facilities, cross county skiing facilities or whose primary recreation use is participant sports facilities, recreation centers, or sport assembly as follows:

1) Additional Height With Required Findings: The maximum heights specified in Table A may be increased by up to four feet, but not to exceed a maximum height of 38 feet, if TRPA makes the following findings in Section 22.7: findings (1), (2), and (3) for tourist accommodation buildings; findings (1), (3), and (2) or (4) for public service buildings; and findings (1), (2), (3), (4), and (7) for the recreation uses identified in 22.4.A; and

2) Additional Height For Reduced Land Coverage: The maximum heights specified in Table A may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 20. The maximum heights may be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable 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) as set forth in Section 22.7; and

3) Additional Height For Public Service and Certain Recreation Buildings Which Are Not Visible From Lake Tahoe and Which Are Not Located Within Or Are Not Visible From Designated Scenic Highway Corridors: The maximum heights specified in Table A 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

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§ Amended 10/22/03
§§ Amended 3/28/01
§§§ Amended 04/13/2009
Tahoe and the building is not located within a TRPA designated Scenic Highway Corridor pursuant to Chapter 30, provided TRPA makes findings (1), (3), (4), (7), and (8) as set forth in Section 22.7. 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 30; or

(4) Additional Height For Certain Recreation Buildings Within Adopted Ski Area Master Plans: The maximum heights specified in Table A may be increased if the buildings are identified in an adopted ski area master plan and the buildings are not visible from Lake Tahoe and which are not located within or are not 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) as set forth in Section 22.7. Additional height shall be calculated as follows:

(a) The maximum height in Table A 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 10-year average snow depth as reported by the National Resource Conservation Service (NRCS) for that area or as reported by the applicant using a similar method as the NRCS.

(b) An additional 10 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; or

(5) Additional Height For Public Service Buildings: The maximum heights specified in Table A may be increased if the buildings are classified as Schools or Regional Public Health and Safety Facilities – Solid Waste Transfer Stations which TRPA finds to be regionally serving pursuant to Chapter 18 and the buildings are not visible from Lake Tahoe and which are not located within or are not visible from designated scenic highway corridors and designated Class I or II bikeways and recreation sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings (1), (3), (4), (7), (8), and (10) as set forth in Section 22.7. Additional height shall be calculated as follows:

(a) The maximum height in Table A 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

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§ Amended 10/22/03
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§§§ Amended 12/21/05
22.4.B Additional Height For Tourist Accommodation Buildings Within Community Plan Areas: In addition to the provisions set forth in Subsection 22.4.A, TRPA may approve building heights greater than those set forth in Section 22.3 for buildings whose primary use is tourist accommodation, and which are located within an approved community plan as set forth in Chapter 14. The maximum heights specified in Table A may be increased up to a maximum height of 48 feet in accordance with the following provisions, if TRPA makes the findings required in Subparagraph (4) of this subsection.

(1) Additional Height For View Corridor: Nine additional feet, up to a 12 foot increase in the maximum heights set forth in Table A, may be approved by TRPA for each 100 foot wide view corridor, or increments thereof in excess of 100 feet, provided as part of a tourist accommodation project. A view corridor, for purposes of this chapter, is defined as a view of Lake Tahoe from a major arterial which is unimpeded by buildings or other structures.

(2) Additional Height For Increased Setback: Nine additional feet, up to a 12 foot increase in the maximum heights set forth in Table A, may be approved by TRPA for each 100 feet, or increments thereof in excess of 100 feet, of permanent set back from the high water line of Lake Tahoe, provided as part of a project in addition to the otherwise required setback.

(3) Additional Height For Public Access: Nine additional feet, up to a 12 foot increase in maximum heights set forth in Table A, may be approved by TRPA for each 50 foot wide by 200 foot long area, or increments thereof in excess of 50 feet by 200 feet, of public access provided along the shoreline of Lake Tahoe as part of a tourist accommodation project.

(4) Required Findings: Additional height may be approved under the provisions of Subparagraphs (1), (2), or (3) of this subsection, if TRPA makes findings (1), (2), (3), and (6) as set forth in Section 22.7.

22.4.C Additional Height For Redevelopment Projects Within The City Of South Lake Tahoe: Additional height for redevelopment projects within the City of South Lake Tahoe is set forth in Chapter 15.

22.4.D Additional Height for Special Height Districts: TRPA may designate
special height districts as specified below. These special height districts shall be limited to areas which are within both a TRPA adopted redevelopment plan and a TRPA adopted community plan. The boundaries of the special height districts and special standards for the district shall be included in the applicable redevelopment plan.

(1) **Findings for Special Height Districts:** Special height districts may be specified in adopted redevelopment plans if TRPA makes the following findings:

(a) The area is within 2300 feet of the center point of three or more buildings exceeding the height of 150 feet.

(b) The special height district provides a transition of height from the high-rise area to the surrounding area of lower permissible heights.

(c) The projects within the special height district utilize transit/pedestrian oriented development principles including, but not limited to, major transit facilities, sidewalks, limited parking, mixed uses, high densities, use of alleys and pedestrian oriented commercial opportunities.

(d) The special height district is consistent with the Policy 1.B, Goal 2, Community Design Subelement, Land Use Element, of the TRPA Goals and Policies Plan and the TRPA Scenic Quality Improvement Program.

(2) **Findings for Establishing Maximum Allowable Heights Within Special Height Districts:** In order to establish maximum allowable heights within special height districts, TRPA shall make the following findings:

(a) The maximum height within a special height district is limited to 73 feet or three-fourths of the maximum height of the tallest trees within the special height district, whichever is lower. TRPA shall determine the height of the tallest trees within a special height district.

(b) Prior to approving additional height for a project within a special height district TRPA shall make Findings (1), (3), (5) (6) and (9) of Section 22.7.

(3) **Limitations on Height within the South Lake Tahoe Redevelopment Demonstration Plan Special Height District:** In addition to the standards and limitations established above, the following additional limitations apply to the Special Height District as set forth in Section 1.11 of the South Lake Tahoe Redevelopment Plan Area Development Standards.

(a) Projects approved as part of the South Tahoe Redevelopment Demonstration Project No. 1 are subject to Chapter 15 and shall not be eligible for additional height under the provisions of this subsection.

(b) Maximum heights for buildings which are eligible to gain the
Additional height are established in Figure 1.1 of the South Lake Tahoe Redevelopment Demonstration Plan Redevelopment Plan Area Development Standards. Additional height for buildings located adjacent to U.S. 50 may not be used for a total linear distance of more than five hundred feet on each side of the street.

(c) The additional height is limited to buildings in which the primary use is tourist accommodation, transit stations and terminals, or vehicle storage and parking. These buildings may also contain primary commercial uses provided that commercial uses other than vehicle parking and storage may not occupy more than 50% of the building's commercial floor area. Vehicle storage and parking buildings which use additional building height and which are located on the Lake Tahoe side of U.S. 50 must be set back a minimum of one hundred feet from the edge of the U.S. 50 right of way and must not provide vehicle access directly off of U.S. 50.

(4) Qualification for Additional Height: Eligible buildings in special height districts may earn additional height greater than that permitted in Table A pursuant to the criteria listed below. The additional heights permissible below are additive within the limitations of this subsection. Additional height which is earned under this subsection may be applied to eligible uses throughout the project area. The additional height may be permissible if TRPA makes findings (1), (3), (5), (6) and (9) of Section 22.7.

(a) Additional Height with Required Findings: The maximum heights specified in Table A may be increased by up to four feet, but not to exceed a maximum height of 38 feet, if TRPA makes the additional finding (7) in Section 22.7.

(b) Additional Height for Reduced Land Coverage: The maximum heights specified in Table A may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 20. The maximum heights shall be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable coverage, or existing land coverage, whichever is greater, up to eight additional feet, but not to exceed a maximum height of 46 feet.

(c) Additional Height for View Enhancement: The maximum heights specified in Table A may be increased three additional feet for each view enhancement provided, up to a maximum increase of nine additional feet. View enhancement for purposes of this subsection is defined in Section 22.2.

(d) Additional Height for Increased Setback: The maximum heights specified in Table A may be increased a maximum of ten additional feet when a 50 foot deep by 200 foot long area of open setback is provided for the portion of the building receiving the additional height, in excess of the
(e) **Additional Height for Landscaped Public Pedestrian Area:**

The maximum heights specified in Table A may be increased for provision of landscaped public pedestrian areas, including all required amenities established in the applicable community plan, as follows:

(i) An additional increase in maximum heights specified in Table A, not to exceed a maximum of fifteen additional feet may be permitted as follows. A maximum of ten additional feet for provision of a landscaped public pedestrian area along or through the special height district located on the mountain side of U.S. 50 which is at least thirty feet wide by 1800 feet long.

A maximum of five additional feet may be permitted at the rate of one foot of additional height for each additional thirty foot wide by 180 foot long landscaped public pedestrian area provided.

(ii) An additional increase in maximum heights specified in Table A, not to exceed a maximum of fifteen additional feet may be permitted as follows. A maximum of ten additional feet for provision of a landscaped public pedestrian area along U.S. 50 in or adjacent to the special height district located on the Lake Tahoe side of U.S. 50 which is at least ten feet wide by 1200 feet long. A maximum of five additional feet may be permitted at the rate of one foot of additional height for each additional ten foot wide by 120 foot long landscaped public pedestrian area provided.

(iii) An additional increase in maximum heights specified in Table A, not to exceed a maximum of five additional feet, for each 10,000 square feet of public plaza or outdoor space provided in the project area within which the additional building height is used.

(f) **Additional Height for Public Access to Lake Tahoe:**

Additional height for public access to Lake Tahoe may be permitted as follows:

(i) The maximum heights specified in Table A, may be increased a maximum of ten additional feet, for each one acre of public beach provided. The beach must contain at least 200 feet of continuous lake frontage on Lake Tahoe, and shall be located within one half mile from the height district. The beach shall be open to the public and contain restrooms, picnic tables, and other amenities. TRPA shall ensure, through deed restrictions, conveyance to a public agency, or other appropriate means, that the beach remains open to the public.

(ii) The maximum heights specified in Table A may be
increased a maximum of four additional feet, for providing a lake access trail described in a community plan.

(g) **Additional Height for Tree Preservation:** The maximum heights specified in Table A may be increased a maximum of ten additional feet for the preservation and protection of 30 existing trees or 90 percent of the existing trees, whichever is greater, within the project area. To qualify, the trees to be preserved must be twelve inches diameter at breast height (dbh) or greater, and must be found by TRPA to provide screening benefits to the building or buildings using the additional height.

(5) **Security for Improvements:** Projects which utilize any of the additional height provisions provided in subsections 22.4.D and 22.4 E and shall ensure the public benefit(s) for which the additional height was earned is implemented consistent with the following provisions.³

(a) **Project Approval:** TRPA shall require, as a condition of approval, of any project which relies on the use of an additional height provision provided in subsections 22.4.D and 22.4 E and, that all necessary permits for development of the associated public benefit be issued prior to commencement of construction of the project utilizing the additional height.⁴

(b) **Project Funding:** Prior to the commencement of construction of any project which relies on the use of an additional height provision provided in subsections 22.4.D and 22.4 E; the project applicant shall demonstrate, and TRPA shall find, for each project, that irrevocable commitments to fund the public benefit for which the additional height was earned, have been obtained or secured. §§

(c) **Project Completion:** For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit for which the additional height was earned.

22.4 E **Additional Height for Affordable Housing Projects:** The maximum height specified in table A may be increased for affordable housing projects located in special areas designated for affordable housing within the Kings Beach Commercial Community Plan. The maximum height in Table A may be increased by up to 15 feet, but not to exceed a total building height of 48 feet, provided that the project incorporates community design features such as pitched roofs, articulated facades, articulated roof planes and the use of earth tone colors consistent with the Design Review Guidelines and TRPA finds that.⁵⁶⁷

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³ Amended 1/20/10
⁴ §§ Amended 1/20/10
⁵ §§§ Amended 1/20/10
(1) The project meets the findings set forth in Section 22.7(1), (3), (6), (8), and (9).

(2) The additional height is required because of the increase in density permitted by Subsection 21.3.B.

(3) The project meets the Kings Beach Commercial Community Plan Improvement requirements and special policies of the Special Area; and

(4) The project meets the security requirements of Subparagraph 22.4.D(5) above.

22.4.F Additional Height for Special Projects within the North Stateline Community Plan:

TRPA may designate additional height for special projects that are located within the TRPA approved North Stateline Community Plan, and are designated through Resolution 2008-11 to be Special Projects pursuant to TRPA Code Subsection 33.3.D(3) as specified below.

The maximum height is 75 feet or three-fourths of the maximum height of the tallest trees within the project area, whichever is lower. TRPA shall determine the height of the tallest trees within the project area based on a tree survey provided by the applicant.

The area proposed for additional height is located on the mountain side of State Route 28 within the North Stateline Community Plan boundary. Additional height available under this Code Section will not be available on the lake side of SR 28.

(1) Findings for additional height: Additional height may be specified within the North Stateline Community Plan subject to the following requirements:

(a) Any existing buildings within the project area that have non-conforming height prior to the adoption of this ordinance shall be demolished; except when found to be historically significant and then the provisions of TRPA Code Chapter 29 shall prevail.

(b) Land coverage otherwise permissible within the project area pursuant to the Regional Plan shall be reduced by a minimum of 10 percent.

(c) In order to implement pedestrian/transit oriented development (PTOD), the project shall, at a minimum:

i. Satisfy the factors outlined in sub-sections (a-e) in TRPA Code Section 13.7.D (3); and

ii. Include and integrate major transit facilities, sidewalks, bike lanes and associated facilities; and

iii. Provide circulation connections and linkages between

§ Amended 4/27/2011 New Section
private open spaces, public spaces and recreational opportunities (for example, streetscapes, alleys, easements, parks) and commercial, residential, tourist uses both on and off-site; and

iv. Provide alternative parking strategies (which may include shared parking, parking structures, underground parking); and

v. Be a mixed use development; and

vi. Orient building facades to the street; and

vii. Implement landscaping and hardscaping that enhances the scenic quality of the area and whenever possible, improves the scenic ratings per the adopted Scenic Quality Implementation Program and Technical Appendices (SQIP). This shall include improvements that:

(a) blend vegetation to accentuate and provide visual breaks in building façades and rooflines, for example, with the use of low lying shrubs and various sized trees; and

(b) enhance and emphasize pedestrian circulation routes with special design features that physically separate pedestrians from the flow of traffic or bike lanes, or provide direction. Features may include, garden beds, landscape planters, bollards, benches, sculpture/artistic elements, and/or other street furniture; and

(c) provide appropriate screening for any street level parking areas by balancing the need to screen vehicles from view and provide a safe pedestrian environment.

(d) New structures along State Route 28 shall be set back from the travel route edge of pavement a minimum of 40 feet and stair-stepped upslope, providing a transition of height across the site (See Figure 22.1). Additional height for new structures satisfying these requirements may be permitted as follows:

i. The maximum permissible height for structures with a minimum set back of 40 feet from the State Route 28 edge of pavement is 58 feet.

ii. The maximum permissible height for structures with a minimum set back of 60 feet from the State Route 28 edge of pavement is 67 feet.
iii. The maximum permissible height for structures with a minimum set back of 180 feet from the State Route 28 edge of pavement is 75 feet.

(e) The project shall result in an increase in the scenic threshold travel route rating for Roadway Unit 20D, North Stateline Core.

(f) The project shall retain and treat the 50-year one-hour storm utilizing on-site and offsite systems incorporating best available technologies.

(g) The project shall implement TRPA designated EIP Projects within the NSCP.

(h) The project shall achieve a reduction in vehicle miles traveled.

(i) Prior to approving additional height, TRPA shall make Findings (1), (3), (6), (8) and (9) of TRPA Code Section 22.7.

(2) Security for Improvements: The project shall ensure the public benefit(s) set forth in TRPA Code Subsection 22.4.F(1)(f), (g), and (h) are implemented consistent with the following provisions:

(a) Project Approval. TRPA shall require, as a condition of approval, of any project which relies on the use of an additional height provision provided in TRPA Code Subsection 22.4.F that all necessary permits for development of the public benefits set forth in TRPA Code Subsection 22.4.F(1)(f), (g), and (h) be issued prior to commencement of construction of the project utilizing the additional height.

(b) Project Funding. Prior to the commencement of construction of any project which relies on the use of an additional height provision provided in TRPA Code Subsection 22.4.F, the project applicant shall demonstrate, and TRPA shall find, for each project, that irrevocable commitments to fund the public benefit set forth in TRPA Code Subsection 22.4.F(1)(f), (g) and (h) have been obtained or secured.
(c) **Project Completion.** For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit set forth in TRPA Code Subsection 22.4.F(1)(f), (g) and (h).

22.5 **Height Standards For Structures Other Than Buildings:** Except as provided for in Section 22.6, no structure, other than a building, shall have a maximum height greater than 26 feet.

22.6 **Additional Height For Certain Structures:** The maximum height specified in Section 22.5 may be increased for communication towers, antennas, utility poles, special features of public safety facilities, ski lift towers, and other similar projects, excluding buildings and signs, up to the minimum height necessary to feasibly implement such projects. Additional height may be approved under the provisions of this section if TRPA makes findings (4) and (7) as set forth in Section 22.7.

22.7 **List Of Findings:** The findings required in this chapter are as follows:

(1) § When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table A for a 5:12 pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in Section 30.15.G, Additional Visual Magnitude, or Appendix H §§, Visual Assessment Tool, of the Design Review Guidelines.

(2) When outside a community plan, the additional height is consistent with the surrounding uses.

(3) With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

(4) The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

(5) That portion of the building which is permitted the additional height, is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background.

(a) The horizontal distance from which the building is viewed;

(b) The extent of screening; and

(c) Proposed exterior colors and building materials.

§ Amended 11/20/02

§§ Amended 1/20/10

§§ Amended 1/22/03

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(6) The building is located within an approved community plan, which identifies the project area as being suitable for the additional height being proposed.

(7) The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

(8) The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

(9) When viewed from a TRPA scenic threshold travel route, the additional height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss.

(10) The building is no more than two stories in height.\footnote{Amended 10/22/03}

22.8 \textit{Existing Buildings And Structures:} When a building or structure is being reconstructed or, whenever feasible when being modified, the building or structure shall comply with the height standards set forth in this chapter. Provisions of Chapter 4 regarding structures destroyed by calamity set forth exceptions to this section.

22.9 \textit{Additions to Existing Buildings:} When an addition is proposed to an existing building which results in height greater than that permitted by Table A, the height of the addition may be calculated in accordance with Subsections 22.9.A and B, below. The height provisions of Section 22.9 may be utilized one-time only within a project area. A subsequent project in the same project area shall calculate height from the original low point. Projects using this Section are not eligible to apply under the Exempt or Qualified Exempt provisions of Chapter 4 of the Code.

22.9.A \textit{For Additions At Or Above the Low Point of An Existing Building}, the height of the addition may be calculated as if the addition is a separate structure if findings (1) through (5) of Subsection 22.9.C. can be made. The height of the addition shall not exceed the maximum height permitted by Table A.

22.9.B \textit{For Additions Below The Low Point of An Existing Building}, the height of the addition may be calculated as if the addition is a separate structure if findings (1) through (5) of Subsection 22.9.C can be made. The maximum height shall not exceed the maximum height permitted by Table A, less the difference between the existing and proposed low points of the structure.

22.9.C \textit{Findings:} The following is a list of findings applicable to this Section:

(1) Findings (1), (2) and (8) as set forth in Subsection 22.7;
Chapter 23
NOISE LIMITATIONS

Chapter Contents

23.0 Purpose
23.1 Applicability
23.2 Single Noise Events
23.3 Community Noise Levels
23.4 Measurement Of Noise Levels
23.5 Monitoring
23.6 Performance Standards
23.7 Compliance
23.8 Exemptions To Noise Limitations

23.0 Purpose: The purpose of this chapter is to implement the Goals and Policies, Land Use Element, Noise Subelement, and to attain and maintain the TRPA noise thresholds.

23.1 Applicability: The provisions of this chapter apply to single noise events from aircraft, marine crafts, motor vehicles, motorcycles, off-road vehicles, and over-snow vehicles. The provisions also apply to community noise levels in the Tahoe Region.

23.2 Single Noise Events: TRPA shall use the maximum level recorded on a noise meter, L-MAX, for measuring single noise events. The noise levels set forth in subsection 23.2.A are the maximum permissible noise levels for the types of operations listed, unless specifically exempted under section 23.8.

23.2.A Maximum Allowable Noise Levels (dBA): The maximum allowable noise levels (dBA) are:

1. Aircraft: For transport category aircraft (more than 65 seats or weighing more than 60,000 pounds): the arrival standard at Lake Tahoe Airport is 86 dBA (Lmax). For commuter aircraft (65 seats or less or weighing 60,000 pounds or less) and general aviation: the arrival standard at Lake Tahoe Airport is 84 dba (Lmax). For all other aircraft operations the single event noise standard is 80 dBA. Measurement of the standard shall be at 6500 meters from start to takeoff roll and at 2000 meters from runway threshold approach. The nighttime (8:00 p.m. to 8:00 a.m.) single event noise standard is 77.1 dBA (Lmax) for all aircraft operations.

2. Helicopter: [Reserved.]
(3) Watercraft: Watercraft, must meet each of the following separate threshold measurement standards:

a. Certification by the manufacturer or by TRPA approved field test agent that the watercraft passes the Society of Automotive Engineers (SAE) test J34 or SAE-J34, Pass by Test, 82.0 dBA to be measured at 50 feet with the engine at 3,000 RPM; and

b. Field test measurements that the watercraft passes the Society of Automotive Engineers (SAE) test J1970 or SAE-J1970, Shoreline Test, 75 dBA; and

c. Field test measurements that the watercraft passes the Society of Automotive Engineers test J2005, Stationary Test, 88 dBA if watercraft manufactured on or after January 1, 1993 and 90 dBA if watercraft manufactured before January 1, 1993.

TRPA may permit exceedances from these standards for regatta or watercraft race events.

(4) Motor Vehicles: For motor vehicles less than or equal to 6,000 GVW, 76.0 dBA at 50 feet when traveling less than or equal to 35 MPH. For motor vehicles greater than 6,000 GVW, 82.0 dBA at 50 feet when traveling greater than 35 MPH.

(5) Motorcycles: For motorcycles traveling less than or equal to 35 MPH, 77.0 dBA when measured at 50 feet. For motorcycles traveling greater than 35 MPH, 86.0 dBA when measured at 50 feet.

(6) Off-Road Vehicles: For off-road vehicles traveling less than or equal to 35 MPH, 72.0 dBA when measured at 50 feet. For off-road vehicles traveling greater than 35 MPH, 86.0 dBA when measured at 50 feet.

(7) Over-Snow Vehicles: For over-snow vehicles, 82.0 dBA when measured at 50 feet.

23.3 Community Noise Levels: TRPA shall use community noise equivalent levels, (CNELs), to measure community noise levels. The plan area statements shall set forth CNELs which shall not be exceeded by any one activity or combination of activities. (See subsection 13.5.K.) In addition, community noise levels shall not exceed levels existing on August 26, 1982, where such levels are known. The CNELs set forth in the plan area statements are based on the land use classification, the presence of transportation corridors, and the applicable threshold. TRPA maps, in accordance with Chapter 12, shall identify the boundaries of transportation corridors.

§ Amended 07/23/03
23.4 **Measurement Of Noise Levels**: Noise levels shall be measured as follows:

23.4.A **Meter Setting**: Any single event noise measurement made pursuant to the provisions of the Code shall be measured with a Type I sound level meter using the A-weighting and "slow" response pursuant to applicable manufacturer's instructions, except that for sounds of a duration of two seconds or less, the "fast" response shall be used. Any CNEL measurements shall be made with a Type I sound level meter using the A-weighted "slow" response.


23.4.C **Location Of Microphone**: Noise measurements shall be taken at the following locations:

(1) The location of the microphone used to measure noise from transportation sources and single noise events shall be in accordance with subsection 23.1.A. The microphone shall be oriented in the direction of the noise source.

(2) The location of the microphone for measuring CNELs in residential, commercial, tourist accommodation, recreation, wilderness, wildlife habitat areas and for responding to noise complaints shall be no less than four feet above the ground and shall utilize an appropriate wind screen to reduce the effect of wind noise. The microphone shall be placed on the property line closest to the noise source, or at the nearest point where the general public is legally entitled to congregate, whichever is closer to the noise source.

23.4.D **Measurement Intervals**: Sound levels shall be taken at intervals of ten seconds or less and an instant reading from the sound level meter shall be recorded. If the noise source is an impulse sound (a duration of one second or less) then each event shall be measured and recorded.

23.4.E **Lake Tahoe Airport**: Single event noise measurements shall be made as set forth in the adopted Lake Tahoe Airport Master Plan.

23.5 **Monitoring**: TRPA shall monitor single event and community noise levels regularly pursuant to TRPA's monitoring work program.

23.6 **Performance Standards**: Projects and activities in the following categories shall meet the stated performance standards to ensure that TRPA noise thresholds are attained and maintained:

23.6.A **Airport**: The applicable performance standards for the Lake Tahoe Airport are set forth in the adopted Lake Tahoe Airport Master Plan.

23.6.B **Heliports And Seaplane Bases**: [Reserved.]

23.6.C **Helipads**: [Reserved.]
23.6.D Highways And Transportation Corridors: Projects within transportation corridors shall include design criteria to help reduce the transmission of noise from the transportation corridor.

23.6.E Marinas: Marinas and boat launching facilities open to the public shall post conspicuous notices of the noise standards in 23.2.A. Rental and excursion operators shall not operate or offer for use or rent marine craft not in compliance with the standards in subsection 23.2.A.

23.6.F Off-Road Vehicles And Over-Snow Vehicles: Public agencies responsible for the administration of public lands and recreation areas shall post notices of the standards in subsection 23.2.A in conspicuous locations at access points to use areas. Rental and excursion operators shall not operate or offer for rent or use any off-road vehicle or over-snow vehicle not in compliance with the standards in subsection 23.2.A.

23.6.G Loudspeakers: No person shall use loudspeakers or similar devices for amplifying sound outdoors for the purpose of advertising products or services or to attract patrons.

23.7 Compliance: TRPA shall use the procedures set forth in this section to ensure that the noise thresholds are attained and maintained and to ensure compliance with this chapter:

23.7.A Project Review: TRPA shall not approve a project which causes a community noise standard (CNEL) to be exceeded. Based upon completion of an initial environmental checklist pursuant to Chapter 5, TRPA may require a noise impact report prior to approving a project.

23.7.B Complaint System: Upon receipt of a noise complaint or upon detection of a possible violation of a noise standard, TRPA may conduct a monitoring study in accordance with Section 23.4. Based on the results of the monitoring study, TRPA shall implement appropriate corrective measures under the provisions of Chapter 8 or 9. TRPA may delegate all or part of these activities to another public entity through a memorandum of understanding.

23.7.C Highways And Transportation Corridors: If, through routine monitoring programs, TRPA determines that noise standards are not being met in transportation corridors, TRPA, in cooperation with other local entities, shall develop a compliance program to ensure attainment and maintenance of the noise thresholds.

23.8 Exemptions To Noise Limitations: The standards of this chapter shall not apply to noise from TRPA-approved construction or maintenance projects, or the demolition of structures, provided such activities are limited to the hours between 8 a.m. and 6:30 p.m. The standards of this chapter shall not apply to safety signals, warning devices, or emergency pressure relief valves and other similar devices. Emergency work to protect life or property is exempt from noise standards, as are fireworks used in accordance with a state or local permit.
Chapter 24
DRIVEWAY AND PARKING STANDARDS

Chapter Contents
24.0 Purpose
24.1 Applicability
24.2 Driveways
24.3 Parking (Reserved)

24.0 Purpose: This chapter sets forth minimum standards for driveways and parking facilities to minimize interference with traffic flow on the street and highway system of the Tahoe Region.

24.1 Applicability: This chapter is applicable to all development that requires or uses vehicular access or parking, except as noted below.


24.2 Driveways: To ensure organized and well-designed ingress and egress of vehicles from driveways, TRPA shall review the design of driveways according to the following standards and procedures:

24.2.A Driveway Defined: A driveway is a clearly identifiable path of vehicular access from the parking area of a parcel to the public right-of-way or other access road. A driveway may be either one-way or two-way.

24.2.B Compliance Program: The standards set forth in Subsections 24.2.C through 24.2.F, inclusive, shall be conditions of approval for projects with driveways, and for projects for which TRPA finds that the
driveways are not in compliance with the standards set forth in Subsections 24.2.C through 24.2.F, inclusive, and are causing significant adverse impacts on traffic, transportation, air quality, water quality, or safety. If TRPA finds that driveways associated with existing development are causing such impacts, TRPA may implement corrective measures pursuant to Chapter 9.

24.2.C General Standards: Driveways shall comply with the following standards:

(1) New driveways shall be designed and located so as to cause the least adverse impacts on traffic, transportation, air quality, water quality, and safety.

(2) Shared Driveways: In the application of Sub sections 24.2.D through 24.2.F, inclusive, TRPA shall encourage shared driveways if TRPA finds that the effect is equal or superior to the effect of separate driveways.

(3) Role of Community Plans: Approved community plans may replace the standards in Subsections 24.2.D through 24.2.F, inclusive, with alternative specific provisions, provided such provisions are more appropriate to the situation and provide equal or superior measures to satisfy the environmental thresholds.

(4) Standards of Caltrans and Nevada Department of Transportation: On state and federal highways, the ingress/egress standards of the California or Nevada Department of Transportation shall apply, as appropriate, in addition to the standards in Subsections 24.2.D through 24.2.F, inclusive. Where the state standards conflict with Subsections 24.2.D through 24.2.F, inclusive, the state standards shall control.

(5) Slope of Driveways: Slopes of driveways shall not exceed the standards of the county or city in whose jurisdiction the driveway is located. Driveways shall not exceed ten percent slope, unless TRPA finds that construction of a driveway with a ten percent or less slope would require excessive excavation and that the runoff from a steeper driveway shall be infiltrated as required in Chapter 25. In no case shall the driveway exceed fifteen percent slope.

(6) Best Management Practices: Driveways shall be managed in accordance with Chapter 25.

24.2.D Numbers of Driveways: Additional or transferred development, which does not require a traffic analysis pursuant to Section 93.3, shall be served by a single driveway with no more than two points of ingress/egress from the public right-of-way or other access road. Additional or transferred development, which requires a traffic analysis pursuant to Section 93.3, shall conform to the ingress/egress provisions necessary to mitigate all traffic and air quality impacts under Section 93.3.
24.2.E  **Width of Driveways:** Driveway widths shall conform to the following standards:

1. **Single Family Homes:** Driveways serving single family homes shall have a minimum width of ten feet. Where the single family home includes a garage, the driveway shall be at least as wide as the garage door opening for a distance of fifteen feet from the front of the garage.

2. **Other Residential Uses:** Two-way driveways serving residential uses other than single family homes shall have a minimum width of 20 feet and a maximum width of 24 feet. One-way driveways serving other residential uses shall have a minimum width of ten feet and maximum width of twelve feet.

3. **Commercial, Tourist Accommodation, Recreation, and Public Service Uses:** Two-way driveways serving commercial, tourist accommodation, recreation, and public service uses shall have a minimum width of 20 feet and a maximum width of 30 feet. One-way driveways serving such uses shall have a minimum width of ten feet and a maximum width of fifteen feet. For two-way driveways with median dividers serving such development, each direction shall have a minimum width of ten feet and a maximum width of seven feet.

24.2.F  **Service Drives:** Uses other than single family homes, which do not require the preparation of a traffic analysis pursuant to Section 93.3, may be permitted an additional service driveway for maintenance and garbage removal. The service driveway shall be at least ten feet wide, and no more than twelve feet wide. Uses which require the preparation of a traffic analysis pursuant to Section 93.3 may be permitted an additional service driveway or driveways for maintenance and garbage removal provided the traffic and air quality impacts of such driveways are mitigated under Section 93.3.

24.3  **Parking:** [Reserved]
Chapter 25
BEST MANAGEMENT PRACTICE REQUIREMENTS

Chapter Contents

25.0 Purpose
25.1 Applicability
25.2 Project Compliance Program
25.3 BMP Retrofit Program
25.4 Priority For Installation Of Retrofitting Measures
25.5 Standard BMP Requirements
25.6 Additional Requirements
25.7 Special Circumstances
25.8 Maintenance Of BMPs

25.0 Purpose: This chapter sets forth the requirements for installation of Best Management Practices (BMPs) for the protection or restoration of water quality and attainment of minimum discharge standards. §

25.1 Applicability: BMPs, as described in the Handbook of Best Management Practices (Volume II of the Lake Tahoe Basin Water Quality management Plan), or equivalent practices approved by TRPA, shall be applied to all public and privately owned lands.

25.2 Project Compliance Program: TRPA shall enforce the following project compliance programs:

25.2.A Temporary BMPs: Temporary BMPs in accordance with the Handbook of Best Management Practices, and as required in Chapter 62, shall be implemented on construction sites and maintained throughout the construction period until winterization and permanent BMPs are in place. §

25.2.B Permanent BMPs: Application of required permanent BMPs within the parcel or entire project area boundaries, whichever is greater, shall be a condition of project approval. Standard requirements are set forth in sections 25.4 and 25.5. §

(1) Conditions of project approval shall set forth a schedule for installation of permanent BMPs on the project area, but in no case shall be scheduled later than the date set for the completion of the project (see Chapter 4).

(2) Retrofitting of the project area outside the construction site boundary with BMPs, also shall be made a condition of project approval.

§ Amended 12/18/02
(a) If the project area involves more than one parcel, the entire project area will be treated as one parcel for purposes of this chapter.

(b) TRPA shall keep track of the status of retrofitting of project parcels, and or project areas, as provided in Chapter 38.§

(3) The following categories of projects, if not carried out in conjunction with another type of project, may be exempt from the requirements of Subsection 25.2.B(2):

(a) Installation of erosion control facilities. (b) Restoration of disturbed areas.

(c) SEZ restoration.

(d) Underground storage tank removal, replacement, or maintenance.

(e) Hazardous waste spill control or prevention facilities.

(f) Sewage pump-out facilities for RVs or boats.

(g) Minor utility projects pursuant to Subparagraph 20.5.B(6).

25.3 BMP Retrofit Program: Persons owning property not subject to a retrofit requirement prior to January 1, 1993, under Section 25.2, or a discharge permit under Subsection 25.3.C, shall install and maintain BMPs on their property with existing uses in accordance with the following provisions:

25.3.A Priority System: Properties with existing uses shall install BMPs in accordance with Table E-1, Appendix E, Chapter 37, and the following watershed priority system:§

(1) Priority Group 1: Properties with existing uses in watersheds with a point score less than or equal to 30, shall install BMPs not later than October 15, 2000.

(2) Priority Group 2: Properties with existing uses in watersheds with a point score of 30 to 46, inclusive, shall install BMPs not later than October 15, 2006.

(3) Priority Group 3: Properties with existing uses in watersheds with a point score of 47 or greater shall install BMPs by October 15, 2006, or not later than October 15, 2008 pursuant to a fee schedule to be developed for BMP inspections, evaluations, and certifications.

(4) Disclosure of a property’s BMP status and provision of a copy of the disclosure form to TRPA shall be a requirement of sale.

(5) Parcels and unpaved roadways without appropriate BMPs in place pursuant to the dates described above are subject to enforcement under Article IX Compliance Procedures, Section 9.2, of the Rules of Procedure for violation of Chapter 25.

§ Amended 12/18/02
25.3.B Disclosure Requirements: Effective January 1, 2003, owners of property for sale shall, prior to sale, disclose to a purchaser the property’s BMP status on a TRPA approved form. The purchaser of the property shall provide the disclosure form to TRPA within 30 days of sale. §

25.3.C Discharge Permits: Not later than December 31, 1992, TRPA shall notify property owners with existing uses in the following categories of the requirements of this subsection. Not later than March 31, 1993, the persons so notified shall inform TRPA that: (1) they have an existing valid state or federal stormwater discharge permit, (2) they will apply for a state or federal stormwater discharge permit, or (3) they will submit to TRPA a remedial action plan pursuant to Chapter 9 of the Code of Ordinances. Not later than June 30, 1994, all persons so notified shall have either a valid state or federal stormwater discharge permit or an approved remedial action plan pursuant to Chapter 9. Such permits and action plans shall be consistent with the provisions of the Water Quality Management Plan for the Tahoe Region.

(1) Commercial Uses: Retail or entertainment facilities, greater than one acre; storage yards.

(2) Recreation Uses: Downhill ski areas, marinas, golf courses.

(3) Public Service Uses: Transportation routes, corporation yards.

25.4 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) Walkways and cut and fill slopes;
(d) Vegetate denuded areas; and
(e) Treat surface runoff from land coverage.

25.5 Standard BMP Requirements: Pursuant to section 25.2, standard conditions of approval for projects shall meet the following requirements:

25.5.A Runoff Water: Runoff water from impervious surfaces shall meet the discharge standards of Chapter 81 and shall be controlled as follows:

(1) Infiltration Requirements: Except as provided in section 25.7, infiltration facilities to discharge runoff to groundwater shall be required. Infiltration facilities shall be designed to accommodate the volume from a twenty year, one hour storm. An average intensity of 1 inch per hour can 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

§ Amended 7/24/02
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 twenty 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.

25.5.B Cut And Fill Slopes: Cuts and fills with slopes greater than 2:1 shall be stabilized with methods consistent with the BMPs.

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

25.5.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 though a SEZ shall be designed for a minimum of a 50 year storm.

25.5.E Roads, Driveways, And Parking Areas: All roads, driveways and parking areas proposed for year-round use shall be paved in accordance with Chapter 24.

25.5.F Protection Of BMPs: After installation, all BMPs shall be provided with adequate protection to prevent damage from vehicles.

25.6 Additional Requirements: In addition to the standard requirements of section 25.5, project conditions of approval shall list any other appropriate required BMPs to meet minimum discharge standards§. Construction in stream environment zones on Land Capability Districts 1 through 3, inclusive, normally will require special conditions of approval because of the sensitivity of those areas to disturbance.

25.7 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, and bike trails, existence of high ground water table, unusual up stream or downstream flow conditions, and presence of unusual concentrations of pollutants.

25.8 Maintenance Of BMPs: BMPs shall be maintained to ensure their continued effectiveness.

§ Amended 12/18/02
Chapter 26
SIGNS

Chapter Contents

26.0 Purpose
26.1 Applicability
26.2 Sign Package Review
26.3 List of Exempt Activities
26.4 List of Qualified Exempt Activities
26.5 Substitution of Standards
26.6 General Sign Standards
26.7 Signs in Conservation Plan Areas
26.8 Signs in Recreation Plan Areas
26.9 Signs in Residential Plan Areas
26.10 Signs in Commercial/Public Service Plan Areas
26.11 Signs in Tourist Plan Areas
26.12 Gasoline Price Signs
26.13 Temporary Signs
26.14 Existing Signs

26.0 Purpose: The purpose of this chapter is to promote and protect the public health, welfare, and safety of the general public by implementing regional outdoor advertising regulations pursuant to Article VI of the Compact, to protect property values, create a more attractive economic and business climate, enhance the aesthetic appearance of the physical community, preserve the scenic and natural beauty and provide an enjoyable and pleasing community in accordance with Community Design Subelement of the Land Use Element and related elements of the Goals and Policies. It is further intended to reduce signs or advertising distractions and obstructions that may contribute to traffic accidents.

26.1 Applicability: All signs shall comply with the applicable standards set forth in this Chapter, except as noted below. Except as exempted in Section 26.3, installation, modification or replacement of signs requires review and approval as a project in accordance with this Chapter and other applicable provisions of the Code. In addition, sign projects also may have imposed, as conditions of approval, appropriate provisions of the Design Review Guidelines and the Scenic Quality Improvement Program. Signs within the Meyers Community Plan shall comply with the applicable standards set forth in this Chapter except where the standards have been replaced by substitute community plan standards, in which case the substitute standards shall apply.

26.1.B  **Placer County Substitutions**: The Placer County Standards and Guidelines for Signage, Parking, and Design (November 1997) shall apply to the Tahoe City, Carnelian Bay, Tahoe Vista, Kings Beach Commercial, and Kings Beach Industrial Community Plans. The Placer County Standards and Guidelines for Signage, Parking and Design (November 1997) shall apply to the entire portion of Placer County within the Tahoe Region.  

26.1.C  **City of South Lake Tahoe Substitutions**: The City of South Lake Tahoe Standards and Guidelines for Design, Signage, Parking, Driveway, and Loading Spaces, June 1994, shall apply to the Stateline/Ski Run Community Plan and the entire City of South Lake Tahoe.

26.1.D  **Washoe County Substitutions**: The Signage, Parking, and Design Standards and Guidelines for the Community Plans of Washoe County (November 1996), shall apply to the North Stateline, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch Community Plans.

26.1.E  **Recreation Sign Guidelines**: The Lake Tahoe Recreation Sign Guidelines shall apply to the entire Lake Tahoe Region.  

26.2  **Sign Package Review**: As an integral part of TRPA’s review of a proposed new facility or development, or expansion of an existing use, or change in use not exempted under Chapter 4, or any sign project application, all locations and areas currently occupied, or intended to be occupied, by permanent signage on the project area shall be indicated on the submitted plans or drawings, together with the dimensions of each sign. Sign package review requirements shall not apply to sign project applications for a face change only, in existing sign structures approved by TRPA pursuant to this chapter. See also Subparagraph 26.3, below.

26.3  **List of Exempt Activities**: The following sign activities are not subject to review and approval by TRPA provided they do not result in the creation of additional land coverage or relocation of land coverage, and they comply with all restrictions set forth below.

   1. The changing of the advertising copy of message on a lawfully erected changeable copy sign;

   2. Maintenance or cleaning of a sign. This exception shall not include any structural, electrical, copy, or color changes of a sign;

   3. For each street frontage of the primary use, one sign not over one square foot in area advertising that credit is available;

   4. For each parcel, one identification sign containing no advertising matter, nonelectrical, nonilluminated, two square feet or less in area, which is permanently affixed in a plane parallel to a wall located entirely on private property;

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§ Amended 11/19/97, Subsection 26.1.B.
§§ Amended 1/24/01

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(5) For each parcel, one temporary sign per street frontage which is not greater than 12 square feet in area, is not internally illuminated, and is not displayed for more than 30 days in a calendar year, except that for 60 days preceding a general or special election more than one such sign may be placed on each parcel, provided they are removed immediately after the election;

(6) Construction site identification signs, which may identify the project, the owner or developer, architect or other designer, engineer, contractor and subcontractors, funding sources, and other related information. Not more than one such sign shall be erected per site, and it shall not exceed 32 square feet in area or eight feet in height. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within ten days of site or building occupancy;

(7) Signs or tablets with names of buildings and dates of erection, when cut into masonry surface or when constructed of bronze or other metals;

(8) Signs of public service entities indicating danger and/or service and safety information;

(9) In residential areas, signs not exceeding four square feet in area such as (i) signs giving property identification names or numbers or names of occupants, (ii) signs on mailboxes or newspaper tubes, (iii) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals;

(10) Any sign not visible from a street, public recreation area, bicycle trail, or from Lake Tahoe;

(11) Any sign which is located within a building and which is clearly intended to be visible primarily to people located within the building;

(12) Signs located within structures, including inside window signs intended to be seen from outside of the building when such signs are limited to five percent (5%) of the area of each window. See also Subsection 26.6.R.;

(13) Signs on private property 12" x 18" or smaller which limit access, provide direction, parking admittance or pertain to security provisions; signs 18" x 18" or smaller defining entrance or exit; and octagonal stop signs 24" or smaller;

(14) Signs which are reviewed and approved consistent with this Code [(except for Subparagraph 26.14.C. (10)] by the US Forest Service, a state agency, or a local government pursuant to a memorandum of understanding with TRPA;

(15) Signs which are reviewed and approved by a local government provided the standards used in the review and approval are adopted as substitute standards by TRPA pursuant to Section 26.5;
(16) Until January 1, 1991, signs which are reviewed and approved consistent with the interim sign standards established in Ordinance 87-8, by a local government pursuant to a memorandum of understanding signed before January 25, 1990; and

(17) Replacement of street signs and other regulatory or directional signs when the area or height of the replacement sign does not exceed the area or height of the sign to be replaced, and when the sign conforms to the applicable standards of the Manual On Uniform Traffic Control Devices, 1978. Installation of new street signs and other regulatory or directional signs or replacement of such signs where the area or height of the replacement sign is greater than the area or height of the sign to be replaced shall be reviewed as a project unless specifically exempted by means of a memorandum of understanding or other agreement.

26.4 List of Qualified Exempt Activities: The following sign activities are not subject to review and approval by TRPA provided the applicant certifies on a TRPA Qualified Exempt form that the activity fits within one or more of the following categories, and the activity does not result in the creation of additional land coverage or relocation of existing land coverage and complies with all restrictions set forth below. The statement shall be filed with TRPA at least one working day before the activity commences and shall be made under penalty of perjury.

(1) Installation or replacement of subdivision identification names or letters, provided the name or lettering is installed on an existing wall or similar structure, is not over 12 inches high, and is not internally illuminated; and

(2) Replacement of sign faces on signs approved by TRPA pursuant to this chapter provided the new sign face remains in compliance with this chapter.

26.5 Substitution of Standards: Sign standards may be substituted as follows:

26.5.A Local Government Standards: Local governments may adopt equal or superior sign standards. TRPA, upon finding the local standards are equal or superior to the TRPA sign standards as they may affect attainment and maintenance of TRPA's scenic resources thresholds, may approve the local government sign standards and exempt signs approved in accordance with such local standards from TRPA review.

26.5.B Community Plan Standards: Community plans may establish equal or superior sign standards for use in a specific community plan area if finding (1) or (2) is made. Substitute standards adopted by TRPA are listed as an appendix to this chapter. If adopted by local government, these standards may also be a basis for exemptions as set forth in 26.5.A.

(1) TRPA, upon finding the community plan standards are equal or superior to the TRPA sign standards as they may affect the attainment and maintenance of TRPA's scenic resource thresholds, may adopt the community plan sign standards for use during TRPA review of signs in the specific community plan area, or
(2) TRPA, upon finding the community plan scenic quality improvement program which may include substitute sign standards, is equal or superior to the TRPA scenic quality improvement program for the same plan area as they may effect the attainment and maintenance of TRPA’s scenic resource thresholds, may adopt the community plan scenic quality improvement program for use during TRPA review of projects in the specific community plan area.

26.5.C Findings Required for Substitute Standards: TRPA may adopt a substitute sign ordinance for use in a local jurisdiction or in a community plan area. In making the finding that the substitute standards are equal or superior to TRPA standards, TRPA shall consider the following:

(1) A scenic quality analysis using appropriate methods of visual simulation has been provided and indicates the substitute standards do not result in adverse impacts on applicable scenic resources and community design thresholds.

(2) The substitute ordinance, in combination with the applicable elements of TRPA’s Scenic Resource Management Plan and adopted community plans, redevelopment plans or other TRPA-approved master plans, results in a threshold travel route rating for applicable threshold travel routes of at least 16 for roadway travel routes, or a shoreline travel route rating of at least 8, by July 1, 2007, and does not result in a decline of applicable roadway or shoreline scenic quality ratings.

26.6 General Sign Standards: The following sign standards shall apply to all signs except where specifically provided otherwise:

26.6.A Opaque Background for Internally Illuminated Signs: The background of all internally illuminated signs shall either be of an opaque material which does not transmit light, or shall be of a dark color. This standard shall not apply to signs constructed entirely of neon tubing. Dark colors which meet this standard are listed in Chapter 8 of the Design Review Guidelines Manual.

26.6.B Off-Premise Signs: No sign shall be erected or maintained on a parcel or project area other than the parcel or project area on which the use or activity advertised by the sign is located.

26.6.C Sign Illumination: No sign shall be illuminated by or contain blinking, flashing, intermittent, or moving light or lights, except the time and temperature portion of a sign.

26.6.D Diffuse Lighting: All signs which are illuminated shall be illuminated using indirect or diffuse lighting. No sign shall contain copy which consists of illuminated bulbs or individual lights or light sources. This standard shall not apply to signs constructed entirely of neon tubing.
26.6.E **Roof Signs**: No sign shall be mounted on the roof of a building or other structure, except for signs mounted on mansard roofs and which do not extend vertically above the top of the mansard.

26.6.F **Prohibited Devices**: Strings of pennants, banners, ribbons, streamers, balloons, spinners, or other similar moving or fluttering devices, and searchlights shall be prohibited. Signs within the Meyers Community Plan shall not use or include reflective materials on any part of the sign or sign structure.

26.6.G **Signs Imitating Official Traffic Signs**: No sign shall imitate the color and shape of, or directions given in, an official traffic sign or signal, or use such words as "stop," "caution," "yield," "danger," or "warning".

26.6.H **Signs Obscuring Vision**: No sign shall be placed such that it unsafely obscures the vision of a motorist upon entering or leaving a street.

26.6.I **Signs on Natural Features and Other Structures**: No sign shall be affixed to or painted on trees, rocks, or other natural features, utility poles, street sign poles, traffic signal equipment and poles, garbage receptacles, benches, and other types of street furniture, and fences.

26.6.J **Rotating Signs**: No sign shall rotate or have a rotating or moving part, or parts, except barber poles to the extent required by state law, and clocks and thermometers.

26.6.K **Signs Attached to Motor Vehicles**: No sign shall be attached to or located on stationary motor vehicles, equipment, trailers and related devices, when used in a manner to augment approved signage for a business as opposed to normal operation or parking of the vehicle, equipment, trailer and related device. This subsection shall not apply to business, company, or government identification signs, or nonstationary motor vehicles.

26.6.L **Portable Signs**: No sign shall be permitted which is not permanently affixed to the ground or a building, except for the following temporary sign standards for signs within the Meyers Community Plan.

1. **Temporary Signs For Winter**: Until such time as Caltrans provides a snow haul for plowed snow stored along U. S. 50, businesses located adjacent to U. S. 50 may install temporary signs which meet the design criteria for temporary winter signs listed below provided a permit for the sign is obtained each year. Once the snow haul has begun, no temporary signs will be permitted and the temporary sign provision will be deleted from the Community Plan and substitute sign standards. Design Criteria for Temporary Winter Signs:

   a. Each business located adjacent to U. S. 50 may install one temporary sign when plowed snow along U. S. 50 obscures the visibility of a legally existing freestanding or building sign;

   b. The sign shall be placed on private property and may be placed in such a manner as to be visible from U. S. 50;
(c) The sign shall be a maximum of 12 square feet in area;

(d) The sign shall be constructed of sign board, plywood or sign foam only. No other materials are permitted including, but not limited to, such materials as cloth, banners, pennants, or flags;

(e) The sign face shall have a dark background;

(f) The sign shall not be internally illuminated;

(g) No other temporary signs shall be in place; and

(h) The temporary sign shall be removed once the permanent sign face is completely visible from U. S. 50.

26.6.M State of Repair: All signs and components thereof, including supports, braces, and anchors, shall be kept in a state of good repair.

26.6.N Removal of Sign Message: Any sign for which the sign message or face has been removed, leaving only the supporting frame, can, braces, anchors, or similar components, shall, within 30 days of the removal of the message or face, have the message or face replaced with a blank face or new message or face, or shall have the remaining components of the sign removed. This subsection shall not be construed to alter the effect of Section 26.14, which prohibits the replacement of a nonconforming sign.

26.6.O Noncommercial Copy: No provision of this or any related chapter shall be construed as regulating or restricting the use of noncommercial copy or message on any sign which is permitted under this chapter. "Noncommercial copy or message" for purposes of this provision means copy or other message that does not advertise a business or similar economic means for the production of income.

26.6.P Highway Signs: Highway signs, street signs and other regulatory and directional signs which are located on public rights-of-way shall conform to the applicable sign standards set forth in the Manual On Uniform Traffic Control Devices, 1978, or other standards which may be contained in a memorandum of understanding between TRPA and a public agency with jurisdiction over the travel way.

26.6.Q Increases in Maximum Allowed Sign Area: Sign area for building and freestanding signs, which are visible from highways with a posted speed limit of 45 miles per hour or greater, may be allowed up to 20 percent additional sign area over the maximum allowable area for each sign as calculated based on the applicable provisions of this ordinance. Sign area for building and freestanding signs within the Meyers Community Plan which are visible from highways with a posted speed limit of 40 miles per hour or greater, may be allowed up to 20 percent additional sign area over the maximum allowable area for each sign as calculated based on the applicable provisions of this ordinance.
26.6.R Window Signs: Any window sign which exceeds five percent of the window area of any window shall be included in the maximum allowable square footage calculations for building signs. Permanent signs printed on windows are considered to be building signs and shall be included in the maximum allowable square footage calculations under this chapter.

26.7 Signs in Conservation Plan Areas: The following standards shall apply to signs located in Conservation plan areas:

26.7.A Signs on National Forest Lands: Signs on National Forest lands, including sites permitted for private use, shall conform to standards enforced by the U.S. Forest Service as set forth in the Forest Service Catalog of Posters and Signs, FSH 7109.11a, 1980, as amended.


26.8 Signs in Recreation Plan Areas: The following standards shall apply to signs located in Recreation plan areas.

26.8.A Signs at Recreation Areas: Signs at recreation areas in recreation plan areas shall conform to the following standards:

(1) Recreation Areas and Facilities Operated by the U.S. Forest Service, or California or Nevada State Parks: Signs at recreation areas and facilities which are operated by the U.S. Forest Service shall conform to the standards enforced by the U.S. Forest Service as set forth in the Forest Service Catalog of Posters and Signs, FSH 7109.11a, 1980, as amended. Signs at recreation areas and facilities which are operated by California State Parks shall conform to the standards enforced by the State of California as set forth in the California Department of Parks and Recreation Sign Handbook, 1973, as amended. Signs at recreation areas and facilities which are operated by Nevada State Parks shall conform to the standards enforced by the State of Nevada as set forth in the State of California Department of Parks and Recreation Sign Handbook, 1973, as amended.

(2) Recreation Facilities Operated By Permittees on National Forest Lands, or California or Nevada State Park Lands: Signs at recreation facilities operated by permittees on National Forest lands, or California or Nevada State Parks shall conform to the following standards:
(a) **Recreation Area Identification Signs:** One freestanding sign identifying the recreation area may be allowed for each recreation area. The sign shall conform to the freestanding sign setback, height, and area standards established in Subsection 26.10.B with the following exception: two freestanding signs may be allowed, provided that: the combined sign area for the two freestanding signs does not exceed the maximum area allowed for said one freestanding sign, the height of the second sign is not greater than the first sign, and the setback of the second sign is not less than the first sign.

(b) **Recreation Facility Identification Signs:** Either one freestanding or one building sign may be allowed for each recreational facility or other use at a recreation area. Freestanding signs shall have a maximum sign area of 20 square feet and a maximum height of 5 feet. Freestanding signs shall be located no further than 30 feet from any portion of the facility or other use. Allowable sign area for building signs shall be calculated based on the formula of one square foot of sign area for each one lineal foot of building frontage along the side where the sign is to be displayed up to a maximum of 20 square feet. The maximum height of building signs shall be 15 feet above grade. In instances where the facility has no building frontage as defined in Chapter 2, but does have a frontage without a public entrance on what is defined as a street, TRPA may allow building signage to be erected upon that alternate frontage. The sign area shall be calculated based upon that alternate frontage.

(c) **Directory Signs:** Directory signs identifying facilities at recreation areas may be allowed. Such signs shall have a maximum aggregate sign area of 10 square feet and a maximum height of 6 feet. An additional one foot of height may be allowed if the sign is incorporated into pedestrian seating or a landscape planter.

(3) **Signs at Other Publicly-Owned or Privately-Owned Recreation Areas:** Signs at other publicly-owned or privately-owned recreation areas shall conform to the standards established in Subparagraph 26.8.A(2).


26.8.C **Pedestrian-Oriented Signs:** Each use may be allowed one pedestrian-oriented sign per public entrance provided that the sign is displayed at or near the entrance, is not internally illuminated, has a maximum sign area of 5 square feet, and has a maximum height of 10 feet above grade.
26.8.D **Directional Signs**: Directional signs which are no greater than four square feet in area, no greater than six feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed, and shall not be included in the total allowable sign area for each use. Directional signs which do not meet these standards may be allowed provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable.

26.9 **Signs in Residential Plan Areas**: The following standards shall apply to signs located in Residential plan areas:

26.9.A **Subdivision Entrance Signs**: Residential subdivisions may be allowed one freestanding or wall-mounted sign per public street entrance. Such sign shall be no greater than 40 square feet in area. Freestanding signs shall comply with the height and setback regulations established in Subsection 26.9.C. The height of wall-mounted signs shall be no greater than 10 feet above grade. Two freestanding or wall-mounted signs, or one of each, may be allowed per public street entrance, provided the combined area of both signs is not greater than 40 square feet.

26.9.B **Signs for Multi-Residential Uses**: Signs for multi-residential uses of 5 or more dwelling units shall conform to the standards established in Subsection 26.9.A.

26.9.C **Signs For Non-Residential Uses**: The following standards shall apply to signs for non-residential uses including non-residential uses in plan area special areas, located in Residential plan areas:

(1) **Building Signs**: Each primary use may be allowed one square foot of sign area for each one lineal foot of building frontage up to a maximum of 30 square feet of sign area per building frontage. Maximum height of building signs shall be 15 feet above grade, with a maximum of four building signs permitted per primary use. In instances where the primary use has no building frontage as defined in Chapter 2, but does have a frontage without a public entrance on what is defined as a street, TRPA may allow building signage to be erected upon that alternate frontage. The sign area shall be calculated based upon that alternate frontage. Up to fifty percent of the maximum allowable sign area for building signs may be used in a projecting sign. Projecting signs are defined in Chapter 2.

(2) **Freestanding Signs**: One freestanding sign per project area may be allowed if the eligibility standards listed in Subparagraph 26.10.B(1) are met. Two freestanding signs per project area may be allowed if the eligibility standards listed in Subparagraph 26.10.B(2) are met.

(a) **Freestanding Sign Area**: The maximum allowable sign area for freestanding signs is established in Table A.
(b) **Freestanding Sign Height**: The maximum allowable height of freestanding signs is established in Table B.

(c) **Freestanding Sign Location**: No portion of a freestanding sign shall be closer than five feet to any property line which is adjacent to a public right-of-way.

(d) **Additional Height for Freestanding Signs**: Up to two feet of additional height for freestanding signs may be allowed when the freestanding sign is incorporated into a landscape planter, monument base, or pedestal. The additional height allowed will be the height of the landscape planter, monument base, or pedestal, up to a maximum of two feet. Examples of a landscape planter, monument base, and pedestal are found in the Design Review Guidelines.

(3) **Pedestrian-Oriented Signs**: Each use may be allowed one pedestrian-oriented sign per public entrance provided that the sign is displayed at or near the entrance, is not internally illuminated, has a maximum sign area of 5 square feet, and has a maximum height of 10 feet above grade.

26.9.D **Directional Signs**: Directional signs which are no greater than four square feet in area, no greater than six feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed, and shall not be included in the total allowable sign area for each use. Directional signs which do not meet these standards may be allowed provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable.

26.10 **Signs in Commercial and Public Service Plan Areas**: The following standards shall apply to signs located in Commercial and Public Service plan areas, except for certain signs within the Meyers Community Plan. The Meyers Community Plan substitute sign standards are listed below.

26.10.A **Building Signs**: Each primary use may be allowed one square foot of building sign area for each one lineal foot of building frontage up to a maximum of 40 square feet of sign area per building frontage. Maximum height of building signs shall be 15 feet above grade, with a maximum of four building signs permitted per primary use. In instances where the primary use has no building frontage as defined in Chapter 2, but does have a frontage without a public entrance on what is defined as a street, TRPA may allow building signage to be erected upon that alternate frontage. The sign area shall be calculated based upon that alternate frontage. Up to fifty percent of the maximum allowable sign area for building signs may be used in a projecting sign. Projecting signs are defined in Chapter 2.

For building signs within the Meyers Community Plan, the following increase in maximum allowable building sign height may be permitted. Maximum height of building signs which are painted on the building or appear to be painted on the building may be equal to a line formed by the top of the second floor windows or 20 feet above grade, whichever
is lower, when the building is determined to conform to the Meyers historic architectural design theme. This includes signs which are vertically oriented. This provision is not permitted for signs which are internally illuminated, including illumination by neon.

26.10.B Freestanding Signs: Freestanding signs shall conform to the following standards:

(1) One freestanding sign per project area may be allowed if:
   (a) The street frontage of the project area is greater than 100 feet in length; or
   (b) The sign identifies a building with multiple tenants or a project area with multiple buildings; or
   (c) The use does not contain a structure in its normal operation on which to place a building sign; or
   (d) The building is set back at least 50 feet from the edge of the right-of-way; or
   (e) The freestanding sign is set back beyond the building facade closest to the roadway.

(2) Multiple Freestanding Signs Allowed: Two free-standing signs per project area may be allowed if:
   (a) The street frontage of the project area is greater than 300 feet in length; and
   (b) The project area has more than one major entry point; and
   (c) The freestanding signs face different streets or are at least 1,000 feet apart; and
   (d) The distance between the freestanding signs is at least 100 feet.

(3) Freestanding Sign Area: The maximum allowable sign area of freestanding signs is established in Table C.

(4) Freestanding Sign Height: The maximum allowable height of freestanding signs is established in Table D.

(5) Freestanding Sign Location: No portion of a freestanding sign shall be closer than five feet to any property line which is adjacent to a public right-of-way.

(6) Additional Height for Freestanding Signs: Up to two feet of additional height for freestanding signs may be approved when the freestanding sign is incorporated into a landscape planter, monument base, or pedestal. The additional height permitted will be the height of the landscape planter, monument base, or
26.10.C Pedestrian-Oriented Signs: Each use may be allowed one pedestrian-oriented sign per public entrance provided that the sign is displayed at or near the entrance, is not internally illuminated, has a maximum sign area of 5 square feet, and has a maximum height of 10 feet above grade.

26.10.D Directional Signs: Directional signs which are no greater than four square feet in area, no greater than six feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed, and shall not be included in the total allowable sign area for each use. Directional signs which do not meet these standards may be allowed provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable.

26.10.E Transfer of Certain Building Sign Area Within the Meyers Community Plan: Building sign area for building signs within the Meyers Community Plan which may otherwise be permitted under this chapter may be transferred from the building frontage against which the permissible sign area is determined to another side of the same building which does not have a building frontage as defined by Chapter 2 provided the following conditions are met:

1. The building on which the signage is to be transferred is determined to conform to the Meyers historic architectural design theme;

2. The sign area is completely transferred such that no signage remains or is installed on the front age from which the sign area was transferred;

3. The building side receiving the transferred sign area is the side adjacent to the building front age from which the sign area is transferred;

4. The transfer may occur one time per primary use;

5. The transferred sign area is not internally illuminated, is not used in a projecting sign and is found to be consistent with the Meyers Community Plan Design Review Guidelines for Building Signs on Historic Theme Buildings; and

6. The transfer to the building side receiving the transferred area does not result in a total building sign area greater than 27 square feet, regardless of sign ownership or arrangement of uses within the building.
26.11 Signs in Tourist Plan Areas: The following standards shall apply to signs located in Tourist plan areas:

26.11.A Building Signs: Each primary use may be allowed one square foot of sign area for each one lineal foot of building frontage up to a maximum of 40 square feet of sign area per building frontage. Maximum height of building signs shall be 15 feet above grade, with a maximum of four building signs per primary use. In instances where the primary use has no building front age as defined in Chapter 2, but does have a frontage without a public entrance on what is defined as a street, TRPA may allow building signage to be erected upon that alternate frontage. The sign area shall be calculated based upon that alternate frontage. Up to fifty percent of the maximum allowable sign area for building signs may be used in a projecting sign. Projecting signs are defined in Chapter 2.


26.11.C Signs in Plan Areas 032, 089A, and Portions of 076: Substitute standards for signs in Plan Areas 032 and 089A, and that portion of Plan Area 076 which contains parcels abutting Highway 50, may be adopted if such sign standards, in combination with a scenic quality improvement program adopted specifically for that area, are equal or superior to the adopted TRPA ordinances and programs otherwise applicable, as they affect the attainment and maintenance of TRPA's scenic resource thresholds. In making the finding that the substitute standards are equal or superior to TRPA standards, TRPA shall consider the following:

(1) A scenic quality analysis using appropriate methods of visual simulation has been provided and indicates the substitute standards do not result in adverse impacts on applicable scenic resources and community design thresholds.

(2) The substitute standards, in combination with the applicable elements of TRPA's Scenic Resources Management Plan and adopted community plans, redevelopment plans or other TRPA-approved master plans, results in a threshold travel route rating for applicable threshold travel routes of at least 16 for roadway travel routes, or a shoreline travel route rating of at least 8, by July 1, 2007, and does not result in a decline of applicable roadway or shoreline scenic quality ratings.

26.11.D Pedestrian-Oriented Signs: Each use may be allowed one pedestrian-oriented sign per public entrance provided that the sign is displayed at or near the entrance, is not internally illuminated, has a maximum sign area of 5 square feet, and has a maximum height of 10 feet above grade.

26.11.E Directional Signs: Directional signs, which are no greater than four square feet in area, no greater than six feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed, and shall not be
included in the total allowable sign area for each use. Directional signs which do not meet these standards may be approved provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable.

26.12 Gasoline Price Signs: Signs for gasoline or other motor fuel price signs shall conform to the following standards:

26.12.A Motor Vehicles: A use which includes selling motor vehicle fuel to the public may be allowed one gasoline price sign on each street frontage providing direct vehicular entrance to the use. Such signs may be incorporated into a freestanding sign, however, the gasoline price sign shall not exceed ten feet in height and 15 square feet in area for each side. Gasoline price signs shall have no more than two sides. Portable gasoline price signs are prohibited. Sign area utilized for gasoline price signs shall be included in the total freestanding sign area allowed for each use.

26.12.B Marina Gasoline Price Signs: A marina which sells motor fuel to the public may be allowed one gasoline price sign. Such sign may be incorporated into a freestanding sign, however, the gasoline price sign shall not exceed eight feet in height and nine square feet in area for each side. Gasoline price signs shall have no more than two sides. Portable gasoline price signs are not allowed. Sign area utilized for gasoline price signs shall be included in the total freestanding sign area allowed for each marina. Gasoline price signs located on commercial marina piers shall not exceed four feet in height pursuant to Chapter 54.

26.13 Temporary Signs: Temporary signs shall conform to the following standards:

26.13.A Temporary Signs For Temporary Activities: Temporary signs for temporary activities may be allowed, provided they conform to the standards set forth in Section 26.6, and to the following standards:

(1) Area And Height Limit: Individual temporary signs or a series of temporary signs intended to be read or viewed as one sign, which are part of a temporary activity, shall not exceed 60 square feet in area or six feet in height. Temporary signs which are placed in a temporary activity sign location designated as part of the adopted community plan shall not exceed 240 square feet of sign area per temporary activity.

(2) Time Limit Generally: Temporary signs which are part of a temporary activity may be installed up to 14 days prior to the activity and shall be removed at the end of the activity.

26.13.B Temporary Signs For Temporary Uses: Temporary signs for temporary uses may be allowed as part of a temporary use approval. Standards for temporary signs associated with temporary uses shall be the applicable standards of the plan area in which the temporary use is located as set forth in Sections 26.7 through 26.12, inclusive. All temporary signs shall comply with the standards set forth in Section 26.6. Temporary signs which are allowed as part of a temporary use shall be removed when the permit for the temporary use expires.
26.14 **Existing Signs**: An existing sign is a sign that is legally existing or approved on November 27, 1989.

26.14.A **Conforming Sign**: A sign that is existing as of the effective date of this Chapter, which complies with the standards set forth in this Chapter is a conforming sign.

26.14.B **Nonconforming Sign**: A sign that is existing as of the effective date of this Chapter, which does not comply with the applicable standards set forth in this Chapter is a nonconforming sign.

26.14.C **Removal of Nonconforming Signs**: Nonconforming signs shall be brought into conformance with the applicable standards, if conformance is possible, including substitute standards which may be in effect unless otherwise specified by the substitute sign standards or removed as follows:

1. Where the cost of conforming the sign is less than one hundred dollars or where the sign is valued at less than one hundred dollars, such sign shall be conformed or removed within one year after the effective date of this subparagraph.

2. If a nonconforming sign is destroyed or damaged to an extent in excess of 50 percent of the sign value.

3. If the sign is relocated.

4. If the sign is altered structurally, or if the sign face is altered, except for changeable copy signs and maintenance.

5. If the business or use for which the nonconforming sign(s) was installed is expanded or modified, and if the value of the expansion or modification exceeds 50 percent of the value of the existing improvements. All improvements to a single business or use within any 12-month period shall be treated cumulatively in the administration of this subsection.

6. By the expiration date for any permit for a use authorized by TRPA, which requires Governing Board approval as set forth in Chapter 4, results in an increase of more than 100 additional daily vehicle trips, or has improvements with a total construction cost of $50,000 or greater, or by July 1, 2001, whichever occurs first, unless a conformance schedule is specified by substitute sign standards.

7. Nonconforming signs which are visible in whole, or in part, from any scenic threshold roadway or shoreline travel route shall be made to conform to the standards set forth in this Chapter or shall be removed no later than July 1, 2001, provided that written notice is given by TRPA no later than July 1, 2000, that a nonconforming sign exists, unless otherwise specified by substitute sign standards.
(8) On the happening of any of the events described in Subparagraphs (2), (3), (4), and (5) above, the sign or signs shall be immediately brought into compliance with this chapter with a new permit secured therefor, or shall be removed.

(9) Sign value shall be determined based on an actual sales receipt for the sign, a cost estimate for the replacement cost provided by a qualified professional, or the replacement cost as determined in the current edition of the Signwriters Guide to Easier Pricing, whichever is greater.

(10) Exceptions to subparagraphs (1) through (8) of this subsection may be approved for existing signs provided the following findings can be made:

(a) The exception is in harmony with the purpose and intent of the sign ordinance;

(b) There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property that are not contemplated or provided for by this ordinance;

(c) The approval of the exception will not be materially detrimental to the public health, safety, and welfare;

(d) Alternative signage concepts that comply with the provision to which the exception is requested have been evaluated, and undue hardship would result if the strict adherence to the provision is required;

(e) A scenic quality analysis demonstrates that the exception, if approved, will be consistent with the threshold attainment findings listed in the Scenic Resources Management Package Final Environmental Impact Statement, 1989;

(f) The exception which is approved shall not increase the number, area, and height of the existing sign or signs for which the exception is requested; and

(g) The exception is the minimum departure from the standards.

26.14.D Maintenance And Repair of Nonconforming Signs: Nothing in section 26.14 shall be construed to relieve the owner or user of a nonconforming sign, or owner of the property on which such nonconforming sign is located, from maintaining the sign in a state of good repair; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming.
### TABLE A

**MAXIMUM ALLOWABLE SIGN AREA FOR FREESTANDING SIGNS FOR NON-RESIDENTIAL USES IN RESIDENTIAL PLAN AREAS**

<table>
<thead>
<tr>
<th>Distance of Sign from Property Line</th>
<th>Maximum Sign Area</th>
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<tbody>
<tr>
<td>5 ft.</td>
<td>15 sq. ft.</td>
</tr>
<tr>
<td>6 ft.</td>
<td>16 sq. ft.</td>
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<td>7 ft.</td>
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<td>8 ft.</td>
<td>18 sq. ft.</td>
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<td>9 ft.</td>
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<td>10 ft.</td>
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<td>20 ft. or greater</td>
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### TABLE B

**MAXIMUM ALLOWABLE HEIGHT FOR FREESTANDING SIGNS FOR NON-RESIDENTIAL USES IN RESIDENTIAL PLAN AREAS**

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<thead>
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<th>Distance of Sign from Property Line</th>
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<tbody>
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</tr>
<tr>
<td>10'-1&quot; - 15'-0&quot;</td>
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<td>15'-1&quot; or greater</td>
<td>10 ft.</td>
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### TABLE C

**MAXIMUM ALLOWABLE SIGN AREA FOR FREESTANDING SIGNS IN COMMERCIAL/PUBLIC SERVICE AND TOURIST PLAN AREAS**

<table>
<thead>
<tr>
<th>Distance of Sign from Property Line</th>
<th>Maximum Sign Area</th>
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</thead>
<tbody>
<tr>
<td>5 ft.</td>
<td>25 sq. ft.</td>
</tr>
<tr>
<td>6 ft.</td>
<td>26 sq. ft.</td>
</tr>
<tr>
<td>7 ft.</td>
<td>27 sq. ft.</td>
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<tr>
<td>8 ft.</td>
<td>28 sq. ft.</td>
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<tr>
<td>9 ft.</td>
<td>29 sq. ft.</td>
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<tr>
<td>10 ft.</td>
<td>30 sq. ft.</td>
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<tr>
<td>11 ft.</td>
<td>31 sq. ft.</td>
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<tr>
<td>12 ft.</td>
<td>32 sq. ft.</td>
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<tr>
<td>13 ft.</td>
<td>33 sq. ft.</td>
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<tr>
<td>14 ft.</td>
<td>34 sq. ft.</td>
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<tr>
<td>15 ft.</td>
<td>35 sq. ft.</td>
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<tr>
<td>16 ft.</td>
<td>36 sq. ft.</td>
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<tr>
<td>17 ft.</td>
<td>37 sq. ft.</td>
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<tr>
<td>18 ft.</td>
<td>38 sq. ft.</td>
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<tr>
<td>19 ft.</td>
<td>39 sq. ft.</td>
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<tr>
<td>20 ft. or greater</td>
<td>40 sq. ft.</td>
</tr>
</tbody>
</table>

### TABLE D

**MAXIMUM ALLOWABLE HEIGHT FOR FREESTANDING SIGNS IN COMMERCIAL/PUBLIC SERVICE AND TOURIST PLAN AREAS**

<table>
<thead>
<tr>
<th>Distance of Sign from Property Line</th>
<th>Maximum Sign Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>5’-0” - 10’-0”</td>
<td>6 ft.</td>
</tr>
<tr>
<td>10’-1” - 15’-0”</td>
<td>10 ft.</td>
</tr>
<tr>
<td>15’-1” or greater</td>
<td>12 ft.</td>
</tr>
</tbody>
</table>
Chapter 27
BASIC SERVICE REQUIREMENT

Chapter Contents

27.0 Purpose
27.1 Applicability
27.2 Paved Roads
27.3 Water Service
27.4 Waste Water Treatment Service
27.5 Electrical Service

27.0 Purpose: The Goals and Policies set forth requirements for projects to be served by paved roads and water, electrical and waste water treatment services. This chapter establishes standards to implement those requirements.

27.1 Applicability: All projects proposing a new structure, reconstruction, or expansion of an existing structure, designed or intended for human occupancy, shall meet the standards set forth in this chapter.

27.2 Paved Roads: Except as provided in Chapter 36, all projects described in Section 27.1, and which require vehicular access, shall be served by a paved roadway. To be considered served, a right-of-way or easement shall abut the driveway serving the parcel and shall contain a paved roadway of adequate size and construction to accommodate the vehicular traffic resulting from the project.

27.2.A Waiver: TRPA may permit a waiver of this requirement if it finds that:

(1) The project is subject to a variance for historically significant structures and districts pursuant to Chapter 29;

(2) The roadway is not designated to be paved by the surface water management plan. (Volume I of the 208 Water Quality Plan as amended);

(3) The project is the expansion of a single family dwelling;

(4) The permittee posts a security with TRPA in an amount equal to the permittee’s fair share of the estimated cost of paving the road serving the parcel. TRPA shall apply the procedures established in law by the local jurisdiction to determine a fair share, or, in the absence of such procedures, shall adopt a procedure for determining a fair share. This waiver shall not apply to the construction or reconstruction of a commercial, tourist accommodation or multi-family residential project;

(5) A program has been established which provides assurance the road will be paved within five years.
27.3  **Water Service:** All projects described in Section 27.1 shall have adequate water rights and water supply systems.

27.3.A  **Water Rights:** Additional development requiring water shall not be approved unless:

(1) 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

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

27.3.B  **Water Supply:** Additional development requiring water shall not be approved unless there is 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.

(1) **Fire Flow Requirements:** The applicable local, state, federal or utility district standards shall determine adequate fire flow standards. If no such standards exist, the following standards shall apply:

<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</td>
<td>1500 - 2500 gpm</td>
<td>2 Hours</td>
</tr>
<tr>
<td>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>
(2) Waiver: If the above minimum fire flow requirements cannot be met, TRPA may waive the requirements for I and II above, if TRPA finds that existing conditions are equal, or superior, to the following:

(a) The fire department qualifies as a recognized fire department;

(b) 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 (h)(ii) below;

(c) For more than one unit of apparatus, all assigned apparatus is radio equipped;

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

(e) There is additional staffing, as necessary, to meet the conditions of (g) and (h)(ii) below;

(f) 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;

(g) 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

(h) Apparatus:

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

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

27.4 Waste Water Treatment Service: Except as provided for in Chapter 81, all projects described in Section 27.1 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.

27.5 Electrical Service: Except as provided in Chapter 36, all projects described in Subsection 27.1 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.
Chapter 28
NATURAL HAZARD STANDARDS

Chapter Contents

28.0 Purpose
28.1 Applicability
28.2 Avalanche and Mass Instability (Reserved)
28.3 Flood Plains
28.4 Wildfire (Reserved)

28.0 Purpose: This chapter sets forth regulations pertaining to recognition of natural hazards, prevention of damage to property, and protection of public health relating to such natural hazards. It implements provisions of the Goals and Policies and the Water Quality Management Plan for the Lake Tahoe Region pertaining to avalanche and mass instability, flood plains, and wildfire.

28.1 Applicability: This chapter is applicable to: construction, reconstruction, or replacement of structures in identified avalanche or mass instability hazard areas; additional development in 100-year flood plains; maintenance of public utilities, transportation facilities, and other necessary public uses in 100-year flood plains; and, with respect to fire prevention techniques and measures, all lands within the Tahoe Region. The regulations regarding development within the 100-year flood plain shall not apply to the shorezone of Lake Tahoe, except where TRPA determines it is within the 100-year flood plain of a tributary stream. Development within the shorezone is regulated by the shorezone provisions of this Code.

28.2 Avalanche and Mass Instability [Reserved]

28.3 Flood Plains: To help prevent property damage and protect public health, TRPA shall review additional development in 100-year flood plains and regulate public utilities, transportation facilities, and other necessary public uses located in flood plains, according to the following standards and procedures:

28.3.A 100-Year Flood Plain Defined: The 100-year flood plain is defined as the limits of the intermediate Regional Flood where established for creeks by the U.S. Army Corps of Engineers; the limits of 100-year flood where established for creeks by the U.S. Army Corps of Engineers; the limits of the 100-year flood Insurance Program, Federal Emergency Management Agency; or, in areas where the U.S. Army Corps of Engineers or Federal Emergency Management Agency has not prepared 100-year flood plain maps and where TRPA has reason to believe that a flood hazard may exist, the limits of the 100-year flood plain as determined by application of standard hydrologic data and methods (e.g., rational method, unit hydrograph, watershed cross-sections) applied by a competent professional and approved by TRPA.
28.3.B Prohibition of Additional Development, Grading, and Filling of Lands Within the 100-Year Flood Plain: Additional development, grading, and filling of lands within the 100-year flood plain is prohibited, except as follows:

1. **Public Outdoor Recreation Facilities:** TRPA may permit additional public outdoor recreation facilities within the 100-year flood plain if TRPA finds that:
   
   a. The project is a necessary part of a public agency's long range plans for public outdoor recreation;
   
   b. The project is consistent with the Recreation Element of the Regional Plan;
   
   c. The project, by its very nature, must be sited in a flood plain and is in accordance with the Guidelines Regarding Public Outdoor Recreation Facilities and Activities Which Create Additional Land Coverage or Permanent Disturbance and Which By Their Very Nature Need Not Be Sited in Sensitive Lands (1a, 1b, 1c, 2, 3 or SEZs), Water Quality Management Plan for the Lake Tahoe Region, Volume I, Table 16, dated November, 1988;
   
   d. There is no feasible alternative which would reduce the extent of encroachment in a flood plain; and
   
   e. The impacts on the flood plain are minimized.

2. **Public Service Facilities:** TRPA may permit additional public service facilities within the 100-year flood plain if TRPA finds that:
   
   a. The project is necessary for public health, safety, or environmental protection;
   
   b. There is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment in a flood plain; and
   
   c. The impacts on the flood plain are minimized.

3. **Flood Plain Crossings:** TRPA may permit projects to effect access across a 100-year flood plain to otherwise buildable sites if such projects comply with applicable development standards in Chapter 27 and if TRPA finds that:
   
   a. There is no reasonable alternative which avoids or reduces the extent of encroachment in the flood plain; and
   
   b. The impacts on the flood plain are minimized.
(4) **Water Quality Control Facilities**: TRPA may permit erosion control projects, habitat restoration project, wetland rehabilitation projects, stream environment zone restoration projects, and similar projects, programs, and facilities within a 100-year flood plain if TRPA finds that:

(a) The project, program, or facility is necessary for environmental protection;

(b) There is no reasonable alternative which reduces the extent of encroachment in the flood plain; and

(c) Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to 20.3.C(2)(e) are met.

28.3.C Construction and Maintenance of Public Utilities, Transportation Facilities, and Other Necessary Public Uses Located in the 100-Year Floor Plain: [Reserved]

28.4 Wildfire: [Reserved]
Chapter 29
HISTORIC RESOURCE PROTECTION

Chapter Contents
29.0 Purpose
29.1 Applicability
29.2 Resource Protection
29.3 Discovery Of Eligible Resources 29.4 Designated Historic Resources
29.5 Eligibility As a Historic Resource
29.6 Projects Relating To Historic Resources
29.7 Exceptions For Historical Structures and Districts

29.0 Purpose: This chapter provides for the recognition, protection, and preservation of the Region's significant historical, archaeological, and paleontological resources.

29.1 Applicability: Projects and activities affecting sites, objects, structures, or districts, which have been designated by TRPA or are pending for designation, as historic resources, are subject to the provisions of this chapter. Unless the context of the sentence indicates otherwise, designated historic resources shall include resources pending for designation pursuant to Section 29.4.

29.2 Resource Protection: Sites, objects, structures, or other resources, designated as historic resources or for which designation is pending, shall not be demolished, disturbed, removed, or significantly altered, unless TRPA has approved a resource protection plan to protect the historic.

29.2.A Resource Protection Plan: Resource protection plans shall be prepared by a qualified professional and may provide for surface or subsurface recovery of data and artifacts and recordation of structural and other data.

29.2.B Protection During Construction: Grading, operation of equipment, or other soil disturbance is prohibited in areas where a designated historic resource is present or could be damaged, except in accordance with a TRPA-approved resource protection plan. The resource protection plan shall indicate all such known areas on the site and shall indicate the measures that shall be taken to protect them. See also Section 64.8.

29.3 Discovery Of Eligible Resources: Upon discovery of a site, object, district, structure or other resource, potentially meeting the criteria of Section 29.5, TRPA shall consider the resource for designation as a historic resource and shall consult with the applicable state historic preservation officer (SHPO). 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 29.5 and 29.4.
29.4 **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 following procedure:

29.4.A **Nominations For Designations:** Nominations for designations may be made by TRPA, a state historic preservation officer, the property owner, 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 29.5. 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 29.4.B, 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.

29.4.B **Review and Approval:** TRPA shall review the nomination reports along with the comments of the SHPO, the property owner, and other interested parties, and determine if the resource, pursuant to Section 29.5, is sufficiently significant to be designated as a historic resource.

29.4.C **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 to be designated as a historic resource. TRPA shall consider the request in the same manner as for approval in Subsection 29.4.B.

29.5 **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 following criteria:

29.5.A **Resources Associated With Historically Significant Events And Sites:** Resources shall exemplify the broad cultural, political, economic, social, civic, or military history of the Region, the states, or the nation, or be associated with events that have made a significant contribution to the broad patterns of history, including regional history. Such resources shall meet one or more of the following criteria:

(1) Association with an important community function in the past;

(2) Association with a memorable happening in the past; or

(3) Contain outstanding qualities reminiscent of an early stage of development in the Region.
29.5.B **Resources Associated With Significant Persons**: Resources that are associated with the lives of persons significant in history, including regional history, such as:

(1) Buildings or structures associated with a locally, regionally, or nationally known person;

(2) Notable examples, or best surviving works, of a pioneer architect, designer or master builder; or

(3) Structures associated with the life or work of significant persons.

29.5.C **Resources Embodying Distinctive Characteristics**: Resources that embody the distinctive characteristics of a type, period, or method of construction, that possess high artistic values, or that represent a significant and distinguishable entity but whose components may lack individual distinction, are eligible. Works of a master builder, designer or architect also are eligible. Resources may be classified as significant if they are a prototype of, or a representative example of, a period style, architectural movement, or method of construction unique in the Region, the states, or the nation.

29.5.D **State And Federal Guidelines**: Archeological or paleontological resources protected, or eligible for protection, under state or federal guidelines, are eligible.

29.5.E **Prehistoric Sites**: Sites where prehistoric archeological or paleontological resources, which may contribute to the basic understanding of early cultural or biological development in the Region are eligible.

29.6 **Projects Relating To Historic Resources**: As part of the application for a project affecting designated historic resources, TRPA may require a report documenting compliance with the standards to this chapter. The report may be submitted to the applicable state's historic preservation office for review. Projects and activities affecting designated resources shall comply with the following standards:

29.6.A **Additions**: Additions to historic structures, adjacent to a historic structure, within an historic district, or on an historic site, shall be in compliance with Subsection 29.6.D. Additions shall be eligible for the exceptions in Section 29.7, if such construction is required to attain the objectives of that section. Provisions from the Design Review Guidelines may be required as conditions of approval.

29.6.B **Repairs, Maintenance And Reconstruction**: All repairs, maintenance, reconstruction, or other disturbance of designated historic resources shall comply with, and be maintained in accordance with, Subsection 29.6.D. Provisions from the Design Review Guidelines may be required as conditions of approval.

29.6.C **Demolition**: Historic resources shall not be demolished, disturbed, or removed, unless TRPA finds that:
(1) The action will not be detrimental to the historic significance of the resource;

(2) The action is pursuant to a recovery plan approved by the applicable state historic preservation officer; or

(3) It is the only feasible alternative to protect the health and safety of the public.

29.6.D Construction, Reconstruction, Repair, And Maintenance Standards: Construction, reconstruction, repair, and maintenance of historic resources shall be in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

29.7 Exceptions For Historical Structures And Districts: To encourage the protection, maintenance, or rebuilding of sites, structures, or districts, designated a historic resource, TRPA may grant exceptions to certain provisions of this Code to allow reconstruction or repairs.

29.7.A Findings: Exceptions may be granted if TRPA finds that:

(1) The site, structure, or district is designated as a historic resource; and

(2) The reconstruction, modification, or repair is in the public interest.

29.7.B Conditions: Exceptions granted shall be subject to the following conditions:

(1) Modifications shall not increase nonconforming land coverage, exceed the height of the existing structure, or result in an expanded use subject to an allocation under the terms of the Goals and Policies, or Code, unless an allocation has been obtained pursuant to Chapter 33 or transferred pursuant to Chapter 34.

(2) Modifications to a structure shall conform to the standards in Subsection 29.6.D.

(3) Modifications that will endanger or significantly effect the historical, cultural, or architectural significance shall not be made.

29.7.C Exceptions: Exceptions from the following Code provisions may be granted:

(1) Chapter 24, Driveway and Parking Standards;

(2) Section 27.1, Paved Roads;

(3) Section 30.5, Site Plan Standards;

(4) Section 30.6, Standards For Building Design;
(5) Section 30.9, Standards For Water Conservation;

(6) Section 30.10, Standards For Combustion Appliances; or

(7) Chapters 50 through 56, inclusive, Shorezone
Chapter 30
DESIGN STANDARDS

Chapter Contents

30.0 Purpose
30.1 Applicability
30.2 Design Review Guidelines
30.3 Scenic Quality Improvement Program
30.4 Substitution Of Standards And Guidelines
30.5 Site Design Standards
30.6 Building Design Standards
30.7 Landscaping Standards
30.8 Exterior Lighting Standards
30.9 Water Conservation Standards
30.10 Standards For Combustion Appliances
30.11 Outdoor Advertising
30.12 Scenic Quality Standards
30.13 Establishment of Scenic Highway Corridors
30.14 Soil and Vegetation Protection Standards
30.15 Scenic Quality Review in the Shoreland

30.0 Purpose: The purpose of this chapter is to ensure that projects are designed and constructed consistent with the Community Design Subelement of the Land Use Element and related elements of the Goals and Policies.

30.1 Applicability: All projects shall comply with the standards set forth in this chapter, except as noted below. In addition, exempt activities, as defined in Chapter 4, shall comply with sections 30.6, 30.9 and 30.10. Substitute design standards shall not apply to the review procedures and standards for projects in the shoreland. Appropriate provisions of the Design Review Guidelines and Scenic Quality Improvement Program may be considered as conditions of project approval.


§ Amended 07/24/02
§§ Amended 11/20/02
30.1.C City of South Lake Tahoe Substitutions: The City of South Lake Tahoe Standards and Guidelines for Design, Signage, Parking, Driveway, and Loading Spaces, June 1994, shall apply to the Stateline/Ski Run Community Plan and to the entire City of South Lake Tahoe.

30.1.D Washoe County Substitutions: The Signage, Parking, and Design Standards and Guidelines for the Community Plans of Washoe County (November 1996), shall apply to the North Stateline, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch Community Plans.

30.2 Design Review Guidelines: Design and site planning methods and techniques shall be set forth in a handbook called Design Review Guidelines, except that design review guidelines for the Meyers Community Plan are set forth in the adopted community plan.

30.3 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.

30.4 Substitution Of Standards And Guidelines: Equal or superior standards and guidelines may be substituted as set forth below:

30.4.A Standards: Equal or superior design standards may be adopted by TRPA pursuant to a community plan, redevelopment plan, specific plan or master plan.

30.4.B Guidelines: Local governments may adopt guidelines consistent with the TRPA Design Review Guidelines and Scenic Quality Improvement Program. TRPA, upon finding the local guidelines are equal or superior to the TRPA guidelines and program, may adopt the local guidelines for application in that jurisdiction.

30.5 Site Design Standards: In accordance with section 30.1, the following site design standards shall apply:

30.5.A General Standards: The general standards are:

1. 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 30.14.$

$ Amended 07/24/022

REPLACED MARCH 2012
(2) Projects shall be designed to use existing disturbed areas rather than undisturbed areas for the siting of all improvements except when:

(a) The disturbed area is precluded from development by setbacks or other such limitations;

(b) The disturbed lands are classified as sensitive lands and alternative sites classified as nonsensitive exist on the parcel;

(c) The use of the disturbed lands would require more total disturbance than use of undisturbed lands;

(d) Avoidance of other development impacts are of more importance than the preservation of undisturbed areas; or

(e) The degree of existing disturbance is minor and the area shall be restored as part of the project.

30.5.B 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 are:

(1) Onsite parking areas shall be provided with landscaped perimeters. Onsite parking areas greater than 1/4 acre in size shall be provided with landscaped islands designed in accordance with the Design Review Guidelines.

(2) 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.

(3) Adequate access shall be provided for emergency vehicles and for those persons attempting to render emergency services.

(4) 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 combinations thereof. Screening shall be effective in both winter and summer.

(5) Service yards, maintenance yards, warehousing, and outdoor storage areas shall be located in areas which are not highly visible from major transportation corridors, scenic turnouts, public recreation areas or the waters of lakes in the Region.
30.5.C  Standards For Snow Storage: The standards for snow storage are:

(1) Parking areas shall be sloped at least two percent to prevent ponding and icing.

(2) 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.

30.5.D  Setback Standards: The setback standards are:

(1) For parcels abutting roadways rated in the TRPA’s Scenic Resources Inventory, the minimum building setback from the right-of-way of such roadways shall be 20 feet. 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. 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 will 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.

(2) Buildings, other structures and land coverage shall be setback from SEZs in accordance with Chapter 37.

(3) Other setbacks are set forth in Chapter 64.

30.6  Building Design Standards: In accordance with section 30.1, the following building design standards shall apply:

30.6.A  General Standards: The general standards are§:

(1) 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.

§ Amended 11/20/02
(2) Roofs, including mechanical equipment and skylights shall be constructed of nonglare 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 Earthtone 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§§.

(3) 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. Colors shall be within a range of natural colors that blend, rather than contrast, with the existing backdrop vegetation and soils color. For this subparagraph, earthtone colors shall be medium to dark and shall meet the Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines or other color systems that are equivalent to the adopted hues, values and chromas of Appendix G§§. TRPA may grant exceptions to this provision pursuant to Section 29.6, for scenic roadway corridors designated as urban, for unique situations such as site characteristics, or as set forth in Section 53.10. Structures in the shoreland that were constructed prior to January 1, 1950 may maintain their historic colors when doing exempt maintenance and repair.


30.7 Landscaping Standards: The following landscaping standards shall apply:

30.7.A Plant Species Permitted: Plant species on the TRPA Recommended Native and Adapted Plant List shall be used for lawns and landscaping.

30.7.B Minimum Plant Sizes And Spacings: For projects other than single family home projects, the following sizes and spacing shall be required for woody plant materials at time of planting:

(1) Trees shall be a minimum six feet tall or 1Ω inch caliper size or diameter at breast height;

(2) Shrubs shall be a minimum three gallon pot size where: upright shrubs have a minimum height of 18 inches and minimum spread of 18 inches; and, spreading shrubs have a minimum spread of 18-24 inches.

(3) Groundcovers shall be a minimum four inch pot size or one gallon container and shall be a maximum 24 inches on center spacing.

§§ Amended 1/22/03
§§ Amended 1/22/03
30.7.C Accent Vegetation: Plant species not found on the TRPA Recommended Native and Adapted Plant List may be used for landscaping as accent plantings. Such plants shall be limited to borders, entryways, flower-beds, and other similar locations to provide accents to the overall native or adapted landscape design.

30.8 Exterior Lighting Standards: In accordance with section 30.1, the following exterior lighting standards shall apply:

30.8.A General Standards: The general standards are:

1. Exterior lights shall not blink, flash or change intensity. String lights, building or roofline tube lighting, reflective or luminescent wall surfaces are prohibited.

2. Exterior lighting shall not be attached to trees except for the Christmas season.

3. Parking lot, walkway, and building lights shall be directed downward.

4. Fixture mounting height shall be appropriate to the purpose. The height shall not exceed the limitations set forth in Chapter 22.

5. Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited.

6. The commercial operation of searchlights for advertising or any other purpose is prohibited.

7. Seasonal lighting displays and lighting for special events which conflict with other provisions of this section may be permitted on a temporary basis pursuant to Chapter 7.

30.9 Water Conservation Standards: The following appliances and fixtures shall be installed in new facilities or when replaced in existing facilities: low flow flush toilets; low flow showerheads (3 gpm rated maximum flow); faucet aerators; and water-efficient appliance (e.g., washing machines and dishwashers).

30.10 Standards For Combustion Appliances: All natural gas, oil or propane fired water heaters and space heaters, and all wood heaters, installed within the Region in new facilities, or when replaced in existing facilities, shall meet the standards set forth in Chapter 91.
30.11 **Outdoor Advertising:** The standards for outdoor advertising are set forth in Chapter 26.

30.12 **Scenic Quality Standards:** All projects and activities shall comply with the following standards:

30.12.A **Roadway and Shoreline Unit Scenic Quality:** The project shall not cause a decrease in the numerical ratings assigned to roadway or shoreline units, 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, 13-5, 13-8 and 13-9 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.

30.12.B **Roadway and Shoreline Unit Travel Routes:** The project shall not cause a decrease in the 1982 roadway or shoreline travel route ratings as shown in Tables 13-6 and 13-7, respectively, of the Study Report for the Establishment of Environmental Threshold Carrying Capacities, October 1982. The criteria for rating travel routes as identified in the study report cited herein and as further explained in the report entitled A Scenic Analysis Of Principle Travel Routes In The Lake Tahoe Region, 1970, shall be used to determine if a project will cause a decrease in the numerical rating. For projects in the shoreland, Section 30.15 shall be used to determine if it will contribute to a decrease in the numerical rating for a shoreline travel route rating.\(^\text{§}\)

30.12.C **Public Recreation Areas and Bicycle Trails:** The project shall not cause a decrease in any numerical sub component threshold rating or total threshold rating assigned to a scenic resource identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation. Prior to approving a project which may potentially affect an identified scenic resource, TRPA shall find that the project is consistent with applicable recommendations for preserving scenic quality of the affected recreation area or bicycle trail found in the 1993 Lake Tahoe Basin Scenic Resource Evaluation.

30.13 **Establishment Of Scenic Highway Corridors:** TRPA and other public agencies within the Tahoe Region shall maintain and enhance viewing opportunities, whenever feasible, by establishing scenic highway corridors. TRPA, through the project review process shall ensure that viewsheds and view corridors along the scenic highway corridors are maintained and enhanced.

30.13.A. **Designation Of Scenic Highway Corridors:** All federal and state highways which lie within the Tahoe Region, and Pioneer Trail are designated as scenic highways.

(1) **Urban Corridors:** Urban scenic highway corridors are generally urbanized areas where man-made development is the dominant visual feature. When viewed from areas outside of the urban corridor, man-made developments shall blend into the natural environment. Those portions of federal and state highways and,

\(\text{§ Amended 11/20/02}\)
Pioneer Trail, which lie within the urban areas as shown on TRPA's scenic units map overlay are designated as urban scenic highway corridors. The width of urban scenic highway corridors shall include the highway right-of-way and all properties, or portions thereof, up to 300 feet on either side of the highway right-of-way which are visible from the highway.

(2) **Transition Corridors**: Transition scenic highway corridors are generally areas of transition between urban and natural areas where the built environment is not the dominant visual feature, rather it appears well integrated into and in balance with the natural elements of the landscape. When viewed from areas outside of the transition corridor, man-made developments shall blend into the natural environment. Those portions of federal and state highways, and Pioneer Trail, which lie within the transition areas as shown on TRPA's scenic units map overlay are designated as transition scenic highway corridors. The width of transition scenic highway corridors shall include the highway right-of-way and all properties, or portions thereof, up to 1000 feet on either side of the highway right-of-way which are visible from the highway.

(3) **Natural Corridors**: Natural scenic highway corridors are generally those areas where natural landscape elements and processes are the dominant visual features. Those portions of federal and state highways which lie within the natural areas as shown on TRPA's scenic units map overlay are designated as natural scenic highway corridors. The width of natural scenic highway corridors shall include the highway right-of-way and all properties, or portions thereof, up to one-half mile on either side of the highway right-of-way which are visible from the highway.

30.13.B. **Scenic Viewpoint Corridor Plan Prepared**: The TRPA shall, in cooperation with other interested agencies and private citizens, prepare a comprehensive Scenic Viewpoint Corridor Plan. The purpose of this plan will be the improvement of the public's traveling experience in the Region. The Scenic Viewpoint Corridor Plan shall be a design plan which shall, at a minimum, identify potential scenic viewpoints and pull-off facilities, moving vistas, a signage program identifying the scenic corridor, interpretive signs and displays, opportunities for mass transit service, and implementation of proposed improvements.
30.13.C. **Scenic Highway Corridor Design Standards:** All projects which are within the scenic highway corridors established in 30.13.A. shall meet the design standards listed in 30.13.C(1) and (2), in addition to other applicable design standards. All projects which are within the natural scenic highway corridor shall also meet the design standards listed in 30.13.C(3) in addition to other applicable design standards.

(1) **Utilities:**

(a) All new electrical lines which operate at 32 kilovolts or less, including service connection lines, shall be placed underground. Exceptions to this requirement may be allowed, provided TRPA finds that undergrounding would produce a greater environmental impact than above ground installation. If new electrical lines are permitted to be installed above ground, the new lines, poles, and hardware shall be screened from views from scenic highways to the maximum extent possible.

(b) All new communication lines including telephone lines, cable television lines, and service connection lines, shall be placed underground. Exceptions to this requirement may be allowed, provided TRPA finds that undergrounding would produce a greater environmental impact than above ground installation. If new communication lines are permitted to be installed above ground, the new lines, poles, and hardware shall be screened from views from scenic highways to the maximum extent possible.

(2) **Highway Fixtures:** Guardrails and other highway fixtures, including but not limited to, retaining walls, safety barriers, traffic signals and controllers, light standards, and other structures, shall be limited to the minimum length, height, and bulk necessary to adequately provide for the safety of the highway user. Earth tone colors of dark shades and flat finish shall be used on all highway fixtures. New and replacement guardrails shall not have a shiny reflective finish. Retaining walls and other erosion control devices or structures, shall be constructed of natural materials whenever possible and shall, to the maximum extent possible, be designed and sited as to not detract from the scenic quality of the corridor. Such structures shall incorporate heavy texture or articulated plane surfaces that create heavy shadow patterns. Adopted community plans may establish equal or superior standards for highway fixtures.
(3) **Siting of Development**: All projects, excluding signs, driveways, parking for scenic vista points, trailheads, and pedestrian/bicycle paths, shall be sited in such a manner that they are not visually evident from the scenic highway. All projects, when viewed from a distance of not less than 300 feet, should meet the Visual Magnitude/Contrast Ratings for Natural Scenic Highway Corridors established in Appendix D of the Design Review Guidelines.

30.14 § **Soil and Vegetation Protection Standards**: In accordance with Section 30.1, the following site design standards shall apply:

30.14.A **Construction Area Standards**: To reduce soil disturbance and damage to vegetation, the area of disturbance during the construction of a structure shall be limited to the area between the footprint of the building and the public road. For the remainder of the site the disturbance area shall not exceed 12 feet from the footprint of the structure, parking area or cut/fill slope. These limits shall be shown on the submitted plan. For structures not adjacent to a public road access reasonable construction and staging area shall be identified. These limits shall be fenced according to Section 65.2. Exceptions require prior TRPA approval and may include:

1. When it is demonstrated that equipment will need to access an area,
2. When other site characteristics require a larger area, such as: rock outcrops and topography,
3. When a landscaping or utility plan clearly demonstrates the need for soil disturbance beyond the 12 foot boundary, or
4. Storage of construction materials in areas of existing disturbed lands.

30.15 **Scenic Quality Review in the Shoreland**: To make the scenic findings required by Subsection 30.12.B, all projects within the shoreland of any Shoreline Threshold Travel Route shall be reviewed for compliance with the standards set forth below except for projects within marinas with adopted master plans and certified EISs, or structures designated as historic by TRPA, pursuant to Chapter 29.

30.15.A **Definitions**: The following terms, as used in Section 30.15 shall be defined as:

1. **Lakefront Façade**: Surface area of the lakefront elevation(s) for all primary and accessory buildings and other structures, with visible area for a given project area within the shoreland.

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§ Amended 7/24/02  §§ Amended 11/20/02
(2) **Visible Area:** Surface area of all structures in the shoreland visible from 300 feet offshore and generally perpendicular to and centered on the project area. Surface area blocked by man-made structures in the shorezone shall count as visible area.

(3) **Visual Breaks:** The application of landscaping to man-made structures that results in reducing the contrast and breaking the overall visible area of a structure’s façade. This may be achieved by screening with vegetation, rocks, soil, and other natural appearing materials or by using such techniques between detached structures.

(4) **Visible Structure:** A structure with visible area.

30.15.B **Review Process:** The applicant shall complete a scenic assessment when applying for any activity requiring a TRPA permit; an applicant may apply for a scenic assessment at anytime to document the baseline condition. Review and mitigation of scenic impacts shall be based on Subsection 30.15.C§§ below.

(1) **Scenic Assessment:** A scenic assessment shall be required prior to submittal of a project application for Levels 3, 4, 5, and 6 projects§§. The scenic assessment will establish a baseline scenic condition for all following scenic impact analyses. The baseline shall be the existing condition at the time of the first scenic assessment, unless the site is the subject of an existing TRPA approval, by litigation settlement or otherwise, that contains a scenic analysis, in which case the approved scenic analysis shall be the baseline. For purposes of this Section, unbuilt projects with an active permit shall be considered as existing.

   (a) Description of existing scenic conditions in the project area including, but not limited to, structure color and height, existing visible mass from the Lake, types and areas of materials of existing structures, and identification of needed scenic BMPs.

   (b) Identify existing vegetation types, location, size, and height.

   (c) Photographic inventory of the project area§§ from 300’ and one quarter mile offshore, with at least one photo from center and perpendicular to the project area, and photos of onsite existing conditions.
30.15.C Levels of Scenic Mitigation: The following levels of scenic mitigation shall be required based on the level of the activity or project:

(1) **Level 1**: All non-visible projects in the shoreland or projects and activities on existing visible structures in the shoreland that are considered repair or maintenance. This includes exact in-kind replacement. There are no mitigation requirements required except as noted in Level 2.

(2) **Level 2**: All projects and activities on existing visible structures in the shoreland that are considered painting, re-siding, re-roofing or similar activities that affect the color of the structure. The mitigation requirements for this level shall be the color requirements set forth in Subsection 30.6.A.

(3) **Level 3**: All projects on existing visible structures in the shoreland altering or increasing the lakefront façade area 20 percent or less and the result is 1,500 square feet or less of lakefront façade or non-repair projects on structures adjacent and lakeward of the shoreland. The mitigation requirements for this level shall be the implementation of scenic BMPs in the shoreland. The BMPs shall bring the project area into conformance with a minimum contrast rating score of 21 except where:

   - (a) it is physically impossible to attain a score of 21 through application of scenic BMPs; or
   - (b) the cost of the scenic BMPs required to increase the baseline contrast score to 21 exceeds ten percent of the cost of the project; and
   - (c) if the project is not required to bring the project area into conformance as a result of subparagraphs (a) and (b) above, the applicant shall attain the highest possible score.

(4) **Level 4**: All projects involving existing visible structures in the shoreland which alter or increase the lakefront façade where the altered/added area is 20 percent or less of the existing façade and the result is more than 1,500 square feet of total lake front façade, or where the altered/added area is greater than 20 percent but equal to or less than 50% of the existing lakefront façade, or where the project is a new accessory structure. The mitigation requirements for this level shall be as set forth in Option 1 or Option 2 at the applicant’s choice.

   - (a) **Option 1**: Basic Review. The Project shall meet the following mitigation standards:

      - (i) The project area shall score a minimum of 24 points based on the Contrast Rating System; except where:

      - (A) it is physically impossible to attain a score of 24

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through application of scenic BMPs; or

(B) the cost of the scenic BMPs required to increase the baseline contrast score to 24 exceeds twenty percent of the cost of the project; and

(C) if the project is not required to bring the project area into conformance as a result of subparagraphs (A) and (B) above, the applicant shall attain the highest possible score.

(ii) The allowable visible area square footage in the project area shall not exceed 2200 sq. ft. The visible area square footage may be increased by 165 square feet§§ for each additional 10 ft. of linear lake frontage over 100 ft. Existing structures exceeding the 2200 (or as increased by lake frontage) visible square feet standard shall mitigate any additional area square footage on a 1:1.5 square foot basis.

(iii) A minimum building setback from the backshore boundary line shall be 10% of the lot depth not to exceed 20 feet. Each side yard setback shall be 10% of the lot width or the setback established by the local jurisdiction whichever is greater. Existing structures shall not be required to conform to setback standards. No expansion of structures shall be allowed in the setback area. At grade decks, erosion control structures, stairs, and similar structures are permissible in the setback at the allowed land coverage.

The height standard, including but not limited to the height limitations, findings, and regulations set forth in Chapter 22 for structures shall apply.

(v) Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and horizontally to approximately 10 feet. TRPA may approve equal or superior alternatives to this standard.

(b) Option 2: Visual Magnitude System. A project must score a minimum contrast point score for the desired square footage of visual magnitude based on Appendix H §§, Visual Assessment Tool, of the Design Review Guidelines or if non-complying, shall implement Scenic BMPs as required in Option 1 in 4(a) above; and:

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(i) The visible façade square footage may be increased by 7.5% for each additional 10 ft. of linear Lake frontage over 100 ft;

(ii) Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and approximately 10 linear feet horizontally. TRPA may approve equal or superior alternatives to this standard; and

(iii) Existing projects not complying with visual magnitude shall implement visual breaks and improvements that demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structure.

(5) Level 5: All projects in the shoreland altering or increasing the lakefront façade area of an existing visible structure more than 50 percent or proposing a new visible structure exclusive of new accessory structures§§. The mitigation requirements for this level shall be as set forth in Option 1 or Option 2, at the applicant’s choice.

(a) Option 1: Basic Review. §§ As a result of the project, the project area must score a minimum 28 points based on the Contrast Rating System. The projects shall meet the following mitigation standards:

(i) The allowable visible area square footage in the project area shall not exceed 2200 sq. ft. The visible area square footage may be increased by 165 square feet §§ for each additional 10 ft. of linear lake frontage over 100 ft. Existing structures exceeding the 2200 (or as increased by lake frontage) visible square feet standard shall mitigate any additional area square footage on a 1:2 square foot basis.

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(ii) A minimum building setback from the backshore boundary line shall be 10% of the lot depth not to exceed 20 feet. Each side yard setback shall be 10% of the lot width or the setback established by the local jurisdiction, whichever is greater. Existing structures shall not be required to conform to setback standards unless the proposed modification makes it feasible. No expansion of structures shall be allowed in the setback area. At grade decks, erosion control structures, stairs, and similar structures are permissible in the setback at the allowed land coverage.

(iii) The height standard, including but not limited to the height limitations, findings, and regulations set forth in Chapter 22 for structures shall apply.

(iv) Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and approximately 10 linear feet horizontally. TRPA may approve equal or superior alternatives to this standard.

(b) Option 2: Visual Magnitude System. A project shall attain the minimum contrast point score for the desired square footage of visual magnitude based on Appendix H of the Design Review Guidelines or if non-complying, shall implement Scenic BMPs as required in Option 1 in 5(a) above and:

(i) The visible façade square footage may be increased by 7.5% for each additional 10 feet of linear lake frontage over 100 ft;

(ii) Visual breaks shall be required on all structures. At a minimum, breaks shall be spaced along the lakefront façade to provide approximately 250 square feet screening for every 1000 square feet of lakefront facade. A break should extend vertically to two-thirds of the structure height and horizontally to approximately 10 linear feet. TRPA may approve equal or superior alternatives to this standard; and

(iii) Existing projects not complying with visual magnitude shall implement visual breaks and improvements that demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structure. In no case shall the total visible façade square

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footage exceed the maximum set forth by the visual magnitude system.

(6) **Level 6**: All projects involving new or existing structures in the shoreland that are visible from the Lake and that qualify as public health and safety projects or Environmental Improvement Program projects. The mitigation requirements for this level shall be established on a case-by-case basis. Projects whose primary purpose is implementation of water quality or scenic BMPs that do not increase the lake front façade and show an improvement in the contrast rating score §§ are exempt from mitigation requirements.

30.15.D **General Standards of Review**: The following general standards of review shall apply to projects reviewed pursuant to this Section:

(1) **Prohibition on Segmenting**: Projects may not be segmented in order to qualify for a lower level of mitigation requirements.

(2) **Calculation of Cost and Value**: Whenever required by this Section, cost estimates and replacement values shall be based on Marshall Swift calculations.

(3) **Fire Protection**: The applicant shall not submit vegetative screening inconsistent with local fire protection standards. As used in this Section, the term “physical impossibility” shall not include inconsistency with local fire protection standards.

30.15.E **Independent Review**: If there is a disagreement in the application of the standards of this section, the applicant or TRPA staff may elect to pursue the following independent review option:

(1) **Third Party Expert Review**: In the event there is a disagreement in review of a proposed project, a third party expert review consistent with the process outlined in subparagraphs (i) through (iii) may be initiated. The initiator shall fund the review and the third party expert review shall use the same methodology in the Visual Assessment Tool established in Appendix F of the Design Review Guidelines.

(a) **Third Party Expert**: TRPA shall maintain a list of scenic experts recognized as possessing the necessary qualifications to evaluate impacts to the scenic resources threshold. An expert shall be selected from the list randomly, as long as that expert did not consult on or participate in the design of the proposed project.

(b) **The Third Party Expert shall prepare an analysis of the proposed project. The report shall include;**

(i) A description of the proposed project; and

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(ii) An analysis of the proposed project’s consistency with the standards set forth in this ordinance; and

(iii) Written findings quantifying the project’s impacts and any mitigation, if required.

(c) Use of Third Party Report: The Executive Director shall review the third party expert report and may approve, deny, or require modifications to the project. The expert’s findings shall be included in the review of the project.

(2) Scenic Panel Review: Until November 20, 2004, the applicant or TRPA may elect to initiate a Scenic Panel Review if there is a disagreement in the determination of mitigation required pursuant to this Section. The cost of the panel shall be paid by the initiator. Panels initiated during this period shall continue until the completion of the panel’s review process. An expert panel of three people shall prepare a scenic analysis of the project and its impact including foreseeable reasonable activities on the entire scenic unit. The panel shall recommend appropriate conditions of approval necessary to make the required scenic attainment findings.

(a) TRPA shall select a panel member, the applicant shall select a panel member and the two panel members shall select a third member to review the project.

(b) The analysis may include other professionally accepted methods of evaluating scenic impacts. This Subparagraph may be extended beyond the two-year limitation pursuant to the performance review required in Subsection 30.15.F.

(c) Use of Panel Report: The Executive Director shall review the scenic panel report and may approve, deny, or require modifications to the project. The panel’s findings shall be included in the review of the project.

30.15.F Marina Master Plans: In developing and approving marina master plans pursuant to Chapter 16, the applicant shall use the contrast rating/visual magnitude system outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines or an equal or superior method of evaluating scenic impacts. All significant scenic impacts shall be identified in the environmental document using an approved scenic impact analysis methodology and mitigation measures shall be proposed and incorporated into the master plan to ensure consistency with attainment and maintenance of environmental thresholds.

30.15.G Additional Visual Magnitude: TRPA may permit additional square footage of visual magnitude with visual breaks for a given contrast rating in Appendix H, Visual Assessment Tool, of the Design Review Guidelines as follows:

(1) Public Outdoor Recreation: For public outdoor recreation uses that are subject to Subsection 33.6.C, PAOT allocations, additional
square footage of visual magnitude may be permitted if TRPA finds that:

(a) The project is a necessary part of a long range plan for public outdoor recreation; and

(b) The project is consistent with the Recreation Element of the Regional Plan; and,

(c) There is no reasonable alternative which would avoid or reduce the extent of visual magnitude; and

(d) The additional square footage is mitigated pursuant to Subsection 30.15.H§§ below; or

(e) If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements. Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

(2) Public Service Facilities: For public service uses, additional square footage of visual magnitude may be permitted if TRPA finds that:

(a) The project is necessary for public health, safety or environmental protection; and

(b) There is no reasonable alternative, which would avoid or reduce the extent of visual magnitude; and,

(c) The additional square footage is mitigated pursuant to Subsection 30.15.H§§ below; or

(d) If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements. Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

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Tourist Accommodation and Commercial Projects in Commercial and Public Service Plan Areas and Tourist Accommodation Plan Areas: Additional square footage of visual magnitude may be permitted for projects in Commercial and Public Service Plan Areas, if TRPA finds that:

(a) The additional square footage is necessary as the use customarily requires increased square footage of lakefront façade than that set forth in Levels 4 and 5; and

(b) There is no reasonable alternative, which would avoid or reduce the extent of visual magnitude; and,

(c) The additional square footage is mitigated pursuant to Subsection 30.15.H §§ below; or

(d) If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements. Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

Residential Uses Other Than Single Family Dwelling: Additional square footage of visual magnitude may be permitted for projects, if TRPA finds that:

(a) The additional square footage is necessary as the use customarily requires increased square footage of lakefront façade than that set forth in Levels 4 and 5; and

(b) There is no reasonable alternative, which would avoid or reduce the extent of visual magnitude; and,

(c) The additional square footage is mitigated pursuant to Subsection 30.15.H §§ below; or

(d) If existing structures in the project area are in excess of that permitted by Option 2 in Levels 4 and Levels 5, the additional square footage permissible is a result of a reduction in the visual magnitude consistent with the following requirements. Existing non-complying projects shall implement improvements that result in a contrast score of 25 or demonstrate a percentage toward attainment determined by the cost of the project over the replacement cost of the structures not to exceed 50 percent, whichever is greater.

30.15.H Transfer of Scenic Mitigation Credits (Interim System): Until a permanent scenic mitigation credit system is adopted, certain scenic

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impacts may be mitigated outside the shoreland as follows:

(1) The mitigation source is the adjacent shorezone project area or other shoreland parcels within the same scenic unit.

(2) Project mitigation requirements shall utilize the Visual Magnitude System outlined in Appendix H, Visual Assessment Tool, of the Design Review Guidelines to calculate the square footage mitigation requirement or mitigation may be determined by the full panel review process.

(3) Mitigation in attainment areas shall be on a one-to-one basis and on a one-to-one and a half basis in non-attainment areas.

(4) All structures in the shoreland, both on the receiving and sending project areas, must have implemented scenic BMPs (21 contrast score rating) to be eligible for transfer of mitigation credits.

(5) TRPA shall require restoration securities, deed restrictions, and inspections as appropriate to assure implementation and documentation of scenic mitigation credit.

(6) This interim system may be utilized:
   (a) To mitigate additional square footage associated with shorezone structures or
   (b) To gain additional square footage when permissible (e.g. for commercial, public service, multi-residential, etc.)

(7) Contributions to TRPA-approved non-profit organizations that have qualifying scenic mitigation projects may be accepted for mitigation credit, provided the mitigation credit can be quantified and tracked.

30.15.I Performance Review: For two years after the adoption of the Scenic Quality Review System, TRPA shall monitor the application of the system. No later than two years from the adoption of the system, TRPA shall prepare a report on the system with recommended amendments, if necessary, and present it to the TRPA Governing Board. A long-term performance review shall be included in the next applicable threshold review.
Chapter 31
ENVIRONMENTAL IMPROVEMENT PROGRAM

Chapter Contents

31.0 Purpose
31.1 Applicability
31.2 Definition Of Environmental Improvement Program (EIP)
31.3 Development And Administration Of The EIP
31.4 EIP Relationship To Other Plan Provisions
31.5 Linked Project Status

31.0 Purpose: Consistent with the Implementation Element of the Regional Plan Goals and Policies, the Environmental Improvement Program (EIP) is designed to attain, maintain, or surpass multiple environmental thresholds through an integrated approach. This chapter relates to projects, programs, and studies, identified by TRPA, that address the attainment, maintenance, or surpassing of the environmental thresholds. This chapter defines the program and addresses the role that development projects and land use activities play in the implementation of threshold-related improvements.

31.1 Applicability: This chapter applies to all projects and activities in the Region. All projects and activities that contribute or have the ability to contribute, to the attainment, maintenance, or surpassing of thresholds shall be subject to the Environmental Improvement Program (EIP).

31.2 Definition Of Environmental Improvement Program (EIP): The EIP is a process where identification and implementation of threshold improvements are made. Tools used in the process include the Code of Ordinances, capital improvement planning, programs, studies, a monitoring and tracking system, and a finance plan. The capital improvement component of the EIP identifies physical project needs related to the adopted thresholds. Other needs are identified as continuing programs, which typically require resources beyond a physical improvement project or require a long period of time to implement, and studies that are needed to improve knowledge regarding threshold attainment.

31.3 Development And Administration Of The EIP: TRPA will maintain a master list of threshold-related projects, programs, and studies from which priorities can be derived, and implementation plans prepared. TRPA will also develop a finance plan to implement and guide the EIP.

31.3.A Preparation Of The EIP List: TRPA, in consultation with all appropriate public and private implementation entities, shall prepare a priority list of all projects, studies, and programs which are anticipated or needed to be completed for progressive threshold attainment. At a minimum, TRPA shall update the list annually.

(1) Eligibility For Inclusion On The EIP List: Projects, programs, and studies shall be placed on the list if TRPA determines that:
(a) The project, program, or study is needed for the attainment or maintenance of environmental thresholds;

(b) The project, program, or study complies with the Goals and Policies, the applicable plan area statement, and the Code;

(c) The project, program, or study is consistent with the priorities and schedule of the EIP; and

(d) The project, program, or study meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 in regards to consistency with threshold attainment.

(2) Five-Year Priority List: TRPA shall establish and maintain a five-year priority list of projects, studies and programs. This list shall be based on evaluations of progress toward threshold attainment, funding availability, and feasibility of implementation.

(3) Amendment Of The EIP or Priority Lists: After adoption of the initial lists by TRPA’s Governing Board, the lists of projects, programs, and studies may be amended by TRPA’s Executive Director provided that:

(a) The findings in Subparagraph 31.3.A(1) are met for additions and for substitutes; and

(b) The project, program, or study is of equal or superior value to the one it is replacing.

31.3.B Finance Plan: TRPA shall prepare a finance plan for the EIP that addresses all threshold. It shall include short-term financing of the five-year priority list and long-term financing for threshold attainment. It shall be used to guide the implementation of the EIP and be updated annually.

31.4 EIP Relationship To Other Plan Provisions: The projects, studies, and programs listed in the EIP shall be consistent with applicable provisions of the Regional Plan.

31.4.A Mitigation Fees: Priority for the release of mitigation fees collected under the requirements of Chapters 56, 82, 93, or 95, shall be given to EIP projects or related improvement needs. The EIP list may also be used for securing the release of mitigation fees as provided in Section 31.5.

31.4.B Residential Allocations: Pursuant to Subparagraph 33.2.B(5), the number of residential allocations assigned to local government for distribution shall be contingent upon the development and implementation of an annual five-year water quality capital improvement project (CIP) list that is consistent with the EIP. The CIP list shall be submitted to TRPA annually for review and approval.
31.4.C  **Commercial Special Project Allocations:** Pursuant to Subparagraph 33.3.D(3), a project must be identified in the EIP to qualify as a special project eligible for a commercial floor area allocation.

31.4.D  **Relationship To State Transportation Department Responsibilities:** In the case of the state transportation departments, the development of a five-year water quality improvement project list and performance shall be related to the implementation of their respective obligations under the Water Quality Management Plan for the Lake Tahoe Region (208 Plan).

31.4.E  **Relationship to 208 Plan Capital Improvement Program and the Regional Transportation Plan/Air Quality Plan:** Projects, studies, and programs listed in the EIP shall be considered as part of the capital improvement programs for the 208 Plan and the Regional Transportation Plan/Air Quality Plan.

31.5  **Linked Project Status:** The Governing Board may, upon making the findings in 31.5.A(1) below, and after holding a public hearing, designate a project application within a special category: "Linked Project Status" or, "Linked Industrial Project Status." Designation allows the applicant and TRPA to engage in negotiations for approval of a development project that encompasses, or is linked to, a parcel beyond the proposed project area, and accomplishment of one or more EIP improvement projects. Linked Industrial Project Status may be granted to noncontiguous parcels for land coverage calculations pursuant to subparagraph 20.3.D(1)(v).§

31.5.A  **Designation Parameters:** Upon designation of a project to this special category, the applicant and TRPA staff shall have a maximum of two years to obtain TRPA approval. Failure to meet this deadline shall void the designation of the project's "linked project status" unless an extension of time is approved by the Board.

   (1)  **Criteria:** A development project may be designated as a candidate for linked project, or linked industrial project§ status if:
   
   (a)  The development project is linked to accomplishment of one or more EIP projects, but is not an EIP project itself; and

   (b)  Participation in creating environmental improvements goes beyond that otherwise required on site for the non-EIP project; and

   (c)  There is more than one stakeholder required to accomplish the EIP improvements; and

   (d)  Accomplishment of the EIP project(s) may require an agreement between TRPA and implementation partners; and

   (e)  A combination of public and private funds may be required to accomplish the affected EIP projects; and

   (f)  Status designation is justified as the best approach to EIP implementation.

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31.5.B Acceptance Of Pre-Development Agreement: In the event a pre-development agreement is needed, the Board shall approve it prior to submittal of a project application. Completion of this step does not guarantee Board adoption of any proposed ordinance amendments that may be identified.

31.5.C Findings for Linked Project Status Designation: TRPA shall make the following findings prior to acceptance of a pre-development agreement:

(1) That the applicant has acknowledged in writing that there is no guarantee a non-EIP project will be approved as a result of linked project status, and has agreed to follow all TRPA rules and regulations if the application is approved by the TRPA Governing Board; and

(2) That the project confers public benefit or use, and results in threshold improvement beyond that which would be required to mitigate the threshold impacts of the non-EIP project; and

(3) That the applicant has submitted appropriate fees related to review and identified mitigation, consistent with current fee schedules for a completed project, and agrees to pay all added necessary fees for the negotiated project; and

(4) That at a minimum, the project shall contribute to the construction of at least one EIP project larger than that required on the subject parcel; and

(5) That the project will need a combination of private and public funding support, and demonstrates the necessity of a partnership approach in order to accomplish an EIP project with substantial threshold improvement.

31.5.D§ Findings for Linked Industrial Project Status: The TRPA Governing Board may designate projects as “Linked Industrial Project Status” if it is found that:

(1) The project qualifies for linked project status pursuant to 31.5.A; and

(2) The noncontiguous parcel to be developed is in a Community Plan designated as a Preferred Industrial Area; and

(3) The noncontiguous parcels are within the same hydrologic area; and

(4) The parcel on which the EIP project occurs is classified as sensitive and will be restored pursuant to the conditions of the approved EIP project; and

(5) The land coverage for the noncontiguous parcel within the community plan does not exceed the maximum coverage limits of 70 percent, pursuant to subsection 20.3.

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Chapter 32
REGIONAL PLAN AND THRESHOLD REVIEW

Chapter Contents

32.0 Purpose
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32.9 Local, state, and federal air and water quality standards
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32.0 Purpose: The purpose of this chapter is to identify the means and time schedules by which environmental threshold carrying capacities ("thresholds") and applicable local, state, and federal air and water quality standards ("standards") shall be attained or maintained, pursuant to the requirements of the Tahoe Regional Planning Compact and the Goals and Policies. This chapter also sets forth the procedures for determining the status of progress on attainment of thresholds and standards; identifying supplemental measures to ensure progress on attainment of thresholds and standards; and reviewing projects in light of progress on attainment of thresholds and standards.

32.1 Applicability: The provisions of this chapter implement and monitor the Regional Plan package, including, but not limited to, the Goals and Policies, Plan Area Statements, and this Code. This chapter also applies to the findings required for approval of any project, or to amend the Regional Plan, as set forth in Chapter 6 of this Code.

32.2 Definitions:

32.2.A Additional factors: A factor related to attainment or maintenance of a threshold or standard which, unlike an indicator, does not have a direct, quantifiable relationship to attainment or maintenance of that threshold or standard. (Examples: allocations of residential development; funding commitments for erosion control projects.)

32.2.B Compliance measure: A program, regulation, or measure including, but not limited to, capital improvements; operational improvements; or controls on additional development, to reduce, avoid, or remedy an environmental impact of activities within the Tahoe Region or to promote attainment or maintenance of any threshold or standard.
32.2.C **Indicator:** Any measurable physical phenomena within the Tahoe Region whose status, according to the best available scientific information, has a direct relationship to the status of attainment or maintenance of one or more threshold or standard. (Example: traffic volume.)

32.2.D **Interim target:** A goal, expressed in terms of the applicable measurement standard, reflecting the status of a threshold or standard which TRPA expects to achieve at a major evaluation interval specified for that threshold or standard.

32.2.E **Major evaluation interval:** A fixed period of time during which TRPA will monitor and at the end of which TRPA will evaluate and report upon the interim status of a threshold or standard. Such intervals may be different for each threshold or standard.

32.2.F **Measurement standard:** A standard scientific unit for the measurement of the status of a threshold, standard, or indicator. (Example: for suspended sediment concentrations in a water body, milligrams per liter (mg/l).)

32.2.G **Target date:** A specific calendar date on which TRPA expects to attain a threshold or standard which is not now in attainment.

32.2.H **Supplemental compliance measure:** A compliance measure which is not being implemented at a given time, but which TRPA may employ to attain or maintain a threshold or standard at a later date.

32.3 **Indicators of threshold and standard attainment and maintenance:** The TRPA shall identify and apply indicators applicable to each threshold and standard according to the following provisions:

32.3.A **Identification and monitoring of indicators:** TRPA shall identify sufficient indicators for each threshold and standard so that, evaluated separately or in combination, the indicators will accurately measure, on a continuing basis, the status of attainment or maintenance of that threshold or standard, taking into account the impacts of both development in the Region and implementation of compliance measures. In monitoring and reporting on the status of indicators, as called for in this chapter, TRPA shall use the appropriate measurement standards for those indicators. TRPA shall use consistent measurement standards over time, so that reports will provide easily comparable data throughout the evaluation period.

1. **Sub-Regional Indicators:** Most indicators will have Region-wide applicability. However, where necessary to insure compliance with sub-regional thresholds or standards, sub-regional indicators shall be identified as well.

32.3.B **List of Indicators:** TRPA shall maintain and update from time to time a list of all indicators and the threshold or thresholds to which they apply.
32.3.C Identification of Current Status: Within 120 days of the effective date of the Regional Plan and as necessary thereafter to ensure adequate monitoring of progress toward attaining and maintaining thresholds and standards, but at least annually, TRPA shall report:

(1) List the current status, expressed using the appropriate measurement standard, of each indicator for which TRPA has reliable data, and

(2) List those indicators for which TRPA lacks reliable data sufficient to identify current status, and a program, including an implementation timetable, to provide sufficient reliable data to allow TRPA to report, on a continuing basis, the status of that indicator.

32.3.D Reliance on Indicators: For so long as TRPA lacks reliable data sufficient to identify the current status of any indicator identified pursuant to subsection 32.3.A, TRPA shall not rely on that indicator to determine the status of, or progress toward, attainment and maintenance of any affected threshold or standard.

32.3.E Additional Factors: TRPA shall identify and report on the status of additional factors which may be useful as short-term or indirect measures of attainment or maintenance of thresholds and standards. Such factors shall not substitute for or override the indicators identified pursuant to 32.3.A, but may be used to evaluate progress toward threshold attainment or maintenance.

32.4 Threshold Attainment Schedules: TRPA shall identify the attainment status of each threshold and standard, and applicable target dates, taking into account compliance measures and expected development and supported by adequate evidence in the record, according to the following provisions:

32.4.A Listing of Attainment Status and Target Dates: Within 120 days of the effective date of the Regional Plan, TRPA shall list each threshold and standard which is then in attainment status. At the same time, TRPA shall establish a target date to achieve attainment of all other thresholds and standards. Thereafter, if TRPA finds that any threshold or standard is not in attainment, and without a target date for attainment, TRPA shall promptly establish a target date for that threshold or standard.

32.4.B Interim Targets: At the time of establishment of any target date, TRPA shall identify major evaluation intervals for each threshold and standard, whether in attainment or not. The major evaluation intervals for each threshold shall be correlated with interim targets for that threshold.

32.4.C Use of Measurement Standards: In establishing the dates and targets pursuant to subsections 32.4.A and 32.4.B, TRPA shall utilize the measurement standards applicable to the indicators for each threshold.

32.5 Compliance Measures: TRPA shall identify and evaluate compliance measures necessary to ensure attainment and maintenance of the thresholds and standards.
standards according to the following provisions:

32.5.A **List of Compliance Measures**: Within 120 days of the effective date of the Regional Plan, TRPA shall maintain a separate list for each threshold and standard of all compliance measures actually being implemented to attain or maintain that threshold or standard.

32.5.B **Effectiveness of Compliance Measures**: The list maintained pursuant to subsection 32.5.A shall include, for each compliance measure, a schedule showing how much and at what rate that measure is contributing, and is expected to contribute, to the attainment or maintenance of the affected threshold or standard. These schedules shall be at a level of detail consistent with the best scientific information available on cause and effect relationships. Each schedule shall be consistent with the dates and targets called for pursuant to 32.4.A and 32.4.B.

32.5.C **Updating of Compliance Measure List**: Based on the reports produced pursuant to subsection 32.5.C and other relevant data, TRPA shall periodically update the information set forth in the list of compliance measures maintained pursuant to subsections 32.5.A and 32.5.B.

32.5.D **Adequacy of Compliance Measures**: At all times, TRPA shall ensure that attainment or maintenance of thresholds and standards will be achieved in accordance with the target dates established pursuant to 32.4.A and 32.4.B, taking into account the actual and anticipated impacts of all projects permitted and expected to be permitted in the Region and the implementation of compliance measures listed in subsection 32.5.A and supplemented as necessary by measures listed in subsection 32.6.A. When a compliance measure listed in subsection 32.6.A, or any other measure, is actually implemented, it shall be added to the list maintained pursuant to subsection 32.5.A.

32.6 **Supplemental Compliance Measures**: To ensure attainment and maintenance of thresholds and standards, TRPA may employ supplemental compliance measures according to the following provisions:

32.6.A **List of Supplemental Compliance Measures**: In addition to the compliance measures implemented pursuant to section 32.5, TRPA shall maintain a list of compliance measures which it plans to implement, or could implement if necessary, to ensure the attainment and maintenance of all thresholds and standards, pursuant to subsection 32.5.D.

32.6.B **Effectiveness of Supplemental Compliance Measures**: The list maintained pursuant to subsection 32.6.A shall include, for each
measure, a schedule showing how much and at what rate that measure will contribute to the attainment or maintenance of thresholds and standards. These schedules shall be at a level of detail consistent with the best scientific information available on cause and effect relationships. The expected contribution of each supplemental compliance measure shall be expressed, as to any threshold, in the applicable measurement standards.

32.6.C Updating of Supplemental Compliance Measure List: TRPA shall periodically update the information set forth in its list of supplemental compliance measures maintained pursuant to subsections 32.6.A and 32.6.B.

32.6.D Identification of Additional Compliance Measures: TRPA shall endeavor to identify additional compliance measures, to provide maximum flexibility in determining compliance with subsection 32.5.D. Whenever TRPA identifies an additional compliance measure appropriate for possible implementation pursuant to subsection 32.5.D, TRPA shall add that measure to the list maintained pursuant to subsection 32.6.A until it is removed from the list or implemented, in which case it shall be added to the list maintained pursuant to subsection 32.5.A.

32.7 Effects of Projects on Attainment and Maintenance of Thresholds and Standards: TRPA shall utilize the information developed pursuant to sections 32.4, 32.5, and 32.6 in the project review process according to the following provisions:

32.7.A Project Review: For each proposed project, TRPA shall, as part of its record of review, identify the nature, extent, and timing of impacts on any threshold which would be affected by the project, including mitigation measures required as part of the proposal. Positive and negative impacts shall be identified separately, using, wherever possible, measurement standards consistent with the indicators identified pursuant to subsection 32.3.A.

32.7.B Cumulative Account: Using the information identified pursuant to subsection 32.7.A, and in conjunction with the Tracking and Accounting provisions of Chapter 38, TRPA shall maintain a current cumulative account, for the purpose of assessing cumulative impacts on interim targets established pursuant to subsection 32.4.B, for projects approved after the effective date of the Regional Plan, of at least the following items:

(1) Units of use: residential, commercial, tourist, and recreational allocations

(2) Resource utilization: additional vehicle miles traveled, vehicle trip ends, impervious coverage, water demand, sewage disposal capacity, area of SEZ disturbance

(3) Threshold attainment and maintenance: value of investments in water quality, air quality, transportation and coverage mitigation programs; area of SEZ restoration
32.8 **Reports:** TRPA shall prepare periodic reports on the attainment and maintenance of thresholds and standards as follows:

32.8.A **Periodic Progress Reports:** No later than five years from the effective date of the Regional Plan, and every five years thereafter, and more frequently if necessary to ensure adequate monitoring of progress toward attainment and maintenance of thresholds and standards, TRPA shall issue a progress report. The report shall include, at a minimum:

1. A report on the amount and rate of actual progress toward threshold and standard attainment contributed by each compliance measure listed pursuant to section 32.5, and toward the interim targets established pursuant to Section 32.4, using the applicable measurements standards for each compliance measure,

2. A report on the current cumulative impacts on each threshold of projects approved by TRPA from the effective date of the Regional Plan and from the date of the previous periodic report, including but not limited to the information maintained by TRPA pursuant to subsection 32.7.B,

3. A report on the status of each of the additional factors identified pursuant to subsection 32.3.E,

4. A report on the extent to which the Region, or applicable sub-region, is making progress toward achieving each threshold and standard; the current status of any applicable indicators identified pursuant to 32.3.A, and the relationship of that status to meeting or failing to meet applicable target dates and interim targets established pursuant to section 32.4, and

5. Recommendations, as necessary, based on the information provided in (1) through (5), inclusive, for implementation of any supplemental compliance measures identified pursuant to section 32.6 or otherwise, or modification or elimination of compliance measures listed pursuant to section 32.5, to ensure that progress toward attainment and maintenance of all thresholds and standards is consistent with the target dates established pursuant to 32.4.A.

32.8.B **Annual Reports:** At least annually, TRPA shall issue a report on the status of each program identified by TRPA pursuant to subsection 32.3.C to ensure the provision of reliable and sufficient data for all indicators.

32.8.C **Other Reports:** State or federal laws may require TRPA to prepare evaluation reports on specific subjects and schedules (e.g., Reasonable Further Progress Reports under the federal Clean Air Act, triennial review of state 303(e) basin plans under the federal Clean Water Act.) To the extent feasible, the TRPA will coordinate these reviews with the evaluation process and reports described herein, while still complying with the requirements of other agencies or state or federal law.
32.9 **Local, State, and Federal Air and Water Quality Standards:** Pursuant to Article V(d) of the Tahoe Regional Planning Compact, TRPA must provide for attaining and maintaining local, state, and federal air and water quality standards, whichever are strictest, in the portions of the Region to which they are applicable. To the extent that such standards are more stringent than the TRPA thresholds, TRPA will monitor and ensure the attainment and maintenance of such standards consistent with the provisions of this chapter.

32.10 **Monitoring Program:** Pursuant to the Goals and Policies and as required to implement this chapter, TRPA shall prepare and carry out a Monitoring Program, including a long-term monitoring strategy and short-term monitoring work plans. The monitoring program shall evaluate environmental quality, indicators, compliance measures, interim targets, and other related items by the specific methods set forth in the Monitoring Program.
Chapter 33

ALLOCATION OF DEVELOPMENT

Chapter Contents

33.0 Purpose
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33.6 Regulation Of Additional Recreation Facilities
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33.0 Purpose: This chapter sets forth the requirements for regulating the rate and timing of growth within the region. In conjunction with other provisions of this Code and the Goals and Policies, this chapter, through issuance of allocations, distributes, in an orderly fashion, growth and development within the confines of attainment and maintenance of the environmental thresholds. An allocation issued pursuant to this chapter does not give the recipient thereof a right to develop a project.

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

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

33.2.A Requirement Of Allocation:\footnote{Amended 12/18/02}: No person shall construct a project or commence a use, which creates one or more additional residential units, without first receiving an allocation approved by TRPA. This requirement does not apply to affordable housing units approved after January 1, 1986, but shall apply to conversions of such affordable housing to nonaffordable status. In order to construct the project or commence the use, to which the allocation or the exemption therefrom pertains, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.
(1) **Applicable Residential Uses**: The following residential uses referred to in Chapter 18 contain residential units: secondary residences; employee housing; mobile home dwellings; multiple family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single family dwellings; and summer homes.

(2) **Definition Of "Additional Residential Unit"**: Residential unit is defined in Chapter 2. A residential unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1986. The conversion of an existing nonresidential use to a residential use constituting a residential unit is an additional residential unit requiring an allocation under this chapter. The following are not "additional" residential units:

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

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

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

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

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

(f) The relocation of a legally established mobile home dwelling with existing water, sewer, and electrical services to a mobile home development or to a multi-family dwelling of five units or more, pursuant to a transfer approved by TRPA;

(g) An existing, legally established mobile home pad with water, sewer and electrical services, whether or not a mobile home is located thereon; or

(h) One or more new residential units permitted by TRPA prior to February 24, 2010, provided that:

   i. Applications is made to TRPA prior to the expiration of the permit, as determined in Section 4.9, to re-issue a permit for a project for which an allocation(s) was assigned;

   ii. All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit, are updated to meet
the requirements of the Code and all other applicable TRPA ordinances, rules, or regulations at the time of permit re-issuance; and

iii. Subparagraph 33.2.A(2)(h) has not previously been used in relation to the same project.

(3) Maximum Number Of Units And Distribution Of Allocations Among Jurisdictions: §From January 1, 2002 to December 31, 2006 a maximum of 1,475 additional residential units may be authorized to receive permits for construction. §§Commencing on January 1, 2007, the maximum number of allocations that may be authorized to receive permits for construction from the allocation Pool will be determined in accordance with Goal and Policies Implementation Policy II. The allocation and distribution of allocations each year shall not exceed the following yearly maximums:

<table>
<thead>
<tr>
<th>MAXIMUM YEARLY ALLOCATIONS$</th>
<th>YEAR 2002</th>
<th>Post 2002$\textsuperscript{3}</th>
</tr>
</thead>
<tbody>
<tr>
<td>EL Dorado County</td>
<td>92</td>
<td>111</td>
</tr>
<tr>
<td>City of SLT</td>
<td>38</td>
<td>47</td>
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<tr>
<td>Placer County</td>
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<td>66</td>
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<tr>
<td>Washoe County</td>
<td>59</td>
<td>49</td>
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<tr>
<td>Douglas County</td>
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<td>21</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>299</strong></td>
<td><strong>294</strong></td>
</tr>
</tbody>
</table>

(a) A total of 1400 additional multi-residential development rights shall be available\textsuperscript{5} as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of this Plan. Multi-residential units shall be subject to the foregoing allocation limitations.

(b) Unused allocations from 1987-1996 shall be assigned to the allocation pool. The 236 unused allocations from 1997 to 2002 shall also be assigned to the allocation pool on January 1, 2007. Beginning January 1, 2002, those allocations earned by local jurisdictions through the Performance Review System and unused by December 31 are returned to the Allocation Pool. Beginning January 1, 2009 and until adoption of the Regional Plan update, local jurisdictions may elect to retain those allocations earned through the annual performance review process and unused by December 31\textsuperscript{5}$\textsuperscript{5}$

(c) Allocations assigned to the City of South Lake Tahoe and the STPUD service area within El Dorado County may be assigned to parcels within either jurisdiction provided the
sending jurisdiction approves the reassignment. Such reassignment shall not be considered an allocation transfer.

(d) Allocations shall not be distributed to a local jurisdiction if TRPA determines, based on reliable facts, that the jurisdiction lacks sufficient water or sewer capacity to serve new residential development. If the jurisdiction demonstrates to TRPA’s reasonable satisfaction that there is sufficient capacity, the TRPA shall distribute the affected allocations to the jurisdiction.

(e) In the event a lack of water and sewage capacity results in an imbalance of allocations to a jurisdiction, a program to recognize the imbalance shall be developed if capacity becomes available.

(4) Allocation Pool: At the beginning of each year, unused allocations from the previous year shall be assigned to an allocation pool administered by TRPA.§ Beginning January 1, 2009 and until adoption of the Regional Plan update, local jurisdictions may elect to retain those allocations earned through the annual performance review process and unused by December 31st. §§§ § Amended 4/28/04

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

(b) TRPA may assign up to, but not exceed 200 allocations to parcels throughout the Region provided the local jurisdiction maintains a Certified Local Government Moderate Income Housing Program as described in 35.2.G. §

(c) §§§§ Repealed.

(d) §§§§ TRPA may assign allocations to local jurisdictions earned under Subsection 33.2.B(5).

33.2.B Distribution And Administration Of Residential Allocations: Residential allocations shall be distributed and administered in accordance with the Goals and Policies, this Code, and the Rules of Procedure.

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

(a) TRPA shall reserve ten percent of each jurisdiction’s annual allocations for distribution to parcels below the IPES line. The reserved allocations shall be distributed by a method of random selection by TRPA. A county or city may elect to

§ Amended 4/28/04
§§§§ Amended 10/25/06
distribute the reserved allocations, or may be exempt from the set-aside requirement, provided TRPA finds the substitute system or the city/county distribution system, as the case may be, provides an equal or superior opportunity for participation of parcels below the IPES line.

(b) Allocations distributed by TRPA under this subsection may either be transferred or returned to TRPA for reissuance to the jurisdiction of origin. Unclaimed reserved allocations after June 1, shall be given to the appropriate jurisdiction for issuance.

(c) (Deleted)

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

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

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

(b) Owners of parcels located within jurisdictions that maintain a Certified Local Government Moderate Income Housing Program as described in 35.2.G, may apply to TRPA on a first-come, first-serve basis for available allocations in the allocation pool.

(c) Allocations received under the Certified Local Government Moderate Income Housing Program are not limited to areas designated for the Multi-residential Incentive Program.

(d) After 2006, Annual Allocations distributed pursuant to Subsection 33.2(1) shall be assigned from the Allocation Pool.

(e) Annual Allocations, sensitive lots retirements and moderate-income housing allocations shall be made available on a first-come, first-served basis. Should the number of allocations in the Allocation Pool be reduced such

§§ Amended 12/18/02
§§§ Amended 4/27/05
§§§§§ Amended 7/22/2009
§ Amended 4/28/04
§§ Amended 10/25/06
that the minimum number of Annual Allocations pursuant to the Performance Review System is not available, the number of allocations issued to each jurisdiction shall be prorated. If the Allocation Pool is exhausted, no further allocations will be distributed from the pool.

(3) Distribution Requirements: Distribution of allocations, within the limits set in Subsection 33.2.A and consistent with subparagraph (1) above, shall be determined by the counties and city. If any county or city chooses not to distribute allocations within its jurisdiction, then TRPA shall distribute the allocations pursuant to an allocation system adopted by TRPA.

(a) Each county and the city shall notify TRPA, in writing, of its election to not distribute allocations for a given year or years. Notification must be received by TRPA no later than December 31 of the preceding year. The Governing Board may waive this deadline for good cause.

(b) TRPA shall deliver allocations to the counties and city no later than January 15, of the year for which the allocations are reserved, or within 15 days of the effective date of an ordinance providing for residential allocations for that year, whichever is later.

(c) Delivery of allocations shall be accomplished by providing each county and city with the number of allocation forms which corresponds to the allocations available to each county and city in that year. The counties and city shall determine the receiving parcels pursuant to their respective allocation systems and shall indicate the assessor’s parcel number (APN) of the receiving parcel on the allocation form. The counties and city shall provide TRPA with a list of assessor parcel numbers which received an allocation. The original allocation forms shall be delivered to the owner of record of the receiving parcel and shall, in addition to the list, constitute evidence of receipt of an allocation.

(d) TRPA shall number each allocation as follows:

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

(ii) The first set of numbers shall signify the year of issuance (e.g., 87, 88, 89, 90, 91);

(iii) The second set of letters shall signify the type of allocation (e.g., O for original, R for reissued, LS for litigation settlement, AP, allocation pool);

(iv) The second set of numbers shall signify the sequence of the allocation (e.g., for Douglas County the sequence will be 1 through 23).

(Example PL - 87 - R – 56; County-Year-Type-Number)
(e) The counties and city shall notify each owner of a parcel receiving an allocation.

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

(g) TRPA shall adopt a Revised Fertilization Management Program in accordance with section 81.7 and the recommendations of the 2001 Threshold Evaluation, prior to the release of 2003 residential allocations. §

(4) Administration: An allocation shall entitle the owner of the receiving parcel to either apply for a TRPA permit to construct an additional residential unit or to transfer the allocation to another parcel pursuant to Chapter 34. Distribution of, and other transactions concerning allocations, shall be tracked, accounted for and otherwise treated in accordance with Chapter 38.

(a) Upon receipt of the allocation form from the county, TRPA, or city, the owner of the parcel may file an application with TRPA to either construct a residential unit or transfer the allocation. Failure to either file a complete application or complete a transfer by the deadlines set in subparagraphs (b) and (c) below, shall result in the forfeiture of the allocation to the county, TRPA, or city of origin.

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

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

(d) Upon transfer of an allocation, a complete application for an

§ Amended 12/18/02
§§ Amended 7/22/09
additional residential unit shall be filed no later than June 1 of the year after the issuance of the allocation. Failure to file a complete application by June 1 shall result in the forfeiture of the allocation to the city or county of origin.

(e) All unused allocations previously distributed to each jurisdiction as of January 1 of each year shall be assigned to the allocation pool. Potential allocations not earned pursuant to (5) below do not exist and shall not be placed in the allocation pool. §§ Beginning January 1, 2009 and until adoption of the Regional Plan update, local jurisdictions may elect to retain those allocations earned through the annual performance review process and unused by December 31st.

(5) Performance Review System: Starting January 1, 2003, each jurisdiction shall receive a base allocation according to the Allocation Performance Table below. The base allocation may be enhanced or reduced incrementally according to subparagraphs (a) through (g) below. After the submittals for the 2003 allocations, annual submittals will be due October 1, 2003, and every year thereafter, the Performance Review Committee (PRC) shall review the performance of the local jurisdictions and TRPA. The review committee shall consist of representatives of the participating counties, City and TRPA and shall review the performance criteria contained in subparagraphs (a) through (g) below. TRPA may establish guidelines to establish consistent evaluations and/or audits for (a) through (g) to assist the Performance Review Committee’s review. No jurisdiction shall receive more allocations than the maximum or fewer allocations than the minimum allocations for that jurisdiction shown in the Allocation Performance Table below. §§ When the total number of allocations available for distribution are fewer than the number shown in the Allocation Performance Table below, TRPA shall apply the Performance System proportionality to the remaining allocations.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Minimum Allocation with Deductions</th>
<th>Deduction Increments</th>
<th>Base Allocation</th>
<th>Enhancement Increments</th>
<th>Maximum Allocation with Enhancements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas</td>
<td>9</td>
<td>-1</td>
<td>13</td>
<td>1</td>
<td>21</td>
</tr>
<tr>
<td>Washoe</td>
<td>13</td>
<td>-3</td>
<td>25</td>
<td>3</td>
<td>49</td>
</tr>
<tr>
<td>El Dorado</td>
<td>27</td>
<td>-7</td>
<td>55</td>
<td>7</td>
<td>111</td>
</tr>
<tr>
<td>CSLT</td>
<td>11</td>
<td>-3</td>
<td>23</td>
<td>3</td>
<td>47</td>
</tr>
<tr>
<td>Placer</td>
<td>18</td>
<td>-4</td>
<td>34</td>
<td>4</td>
<td>66</td>
</tr>
<tr>
<td>Total</td>
<td>78</td>
<td>150</td>
<td>294</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: One deduction or enhancement increment equals the number of allocations shown for individual jurisdictions.

(a) Permit Monitoring and Compliance: Starting October 1,
2002, TRPA shall conduct a representative sample audit of residential permits issued, and compliance inspections performed the prior year, by the counties, City, and TRPA. A passing score of 70% for both permit monitoring and tracking is expected. The base allocation shall be enhanced or reduced as follows:

(i) A jurisdiction shall receive one increment of enhancement for a 75% to less than 90% score for both the project review portion and the compliance portion of the audit, or

(ii) A jurisdiction shall receive two increments of enhancement for scores 90% or greater for both the project review portion and the compliance portion of the audit, or

(iii) A jurisdiction shall be penalized one increment of deduction for audit scores below 65%.

(b) EIP Implementation 2003: TRPA must receive from each jurisdiction, a Water Quality and Air Quality EIP Project list (EIP Component List) that includes project components and their schedule of completion for years 2003-07, in addition to a Maintenance Efficiency Plan (MEP) for water quality project maintenance by October 2002. The base allocation shall be enhanced or reduced as follows:

(i) A jurisdiction shall receive one increment of enhancement for TRPA approval of the EIP Component List and MEP, and

(ii) A jurisdiction shall receive one increment of enhancement for achievement of 71–100% of permitted projects for the yearly CIP performance target in implementation of the local jurisdictions Water Quality CIP/EIP 2000-05 list previously submitted in 2000, or

(iii) A jurisdiction shall be penalized one increment of deduction for not submitting and gaining TRPA approval of the EIP Component List and MEP.

(c) EIP Implementation 2004 and beyond: TRPA must receive and approve an updated 5 year EIP Component List for years 2006-2011, in addition to a Maintenance Efficiency Plan (MEP) by the October prior to the allocation year. The base allocation for years 2004 and beyond shall be enhanced or reduced as follows:

(i) A jurisdiction shall receive one increment of enhancement for a 71-100% completion of project component scores for the EIP Component List, or

(ii) A jurisdiction shall receive two increments of enhancement for performance greater than 100% completion of project component scores for the EIP

§ Amended 10/25/06
Component List, or

(iii) A jurisdiction shall be penalized one increment of deduction for performance 50% below completion of project component scores for the EIP Component List, or not having an approved EIP Component List and MEP.

(d) **BMP Retrofit Implementation 2003**: TRPA shall establish BMP Retrofit Targets for 2003-06 for all parcels in need of retrofit by jurisdiction. The minimum targets for parcels retrofitted/parcels in need of retrofit shall be 5 percent for FY 02-03, 25% for FY 03-04, 65% for FY 04-05, and 85% for FY 05-06. The base allocation shall be enhanced or reduced as follows:

(i) A jurisdiction shall receive one increment of enhancement for developing a TRPA approved program to assist the implementation of the BMP retrofit targets, and

(ii) A jurisdiction shall receive a second increment of enhancement for adopting a TRPA approved program and demonstrating an adequate resource commitment based on the annual target (e.g. funding, staff resources) to the program to assist in the implementation of BMP retrofit targets, or

(iii) A jurisdiction shall be penalized one increment of deduction if baseline targets for BMP retrofit are not established by October 31, 2002.
(e) **BMP Retrofit Implementation 2004 and beyond**: The base allocation for years 2004 and beyond shall be enhanced or reduced as follows:

(i) A jurisdiction shall receive one increment of enhancement for maintaining the jurisdiction specific BMP Retrofit Implementation program and making progress toward meeting established targets equal to 50% to 100% compliance, or

(ii) A jurisdiction shall receive two increments of enhancement for greater than 100% compliance with the established annual retrofit targets for implementation of BMPs for years 2003 §f and beyond, or

(iii) A jurisdiction shall be penalized one increment of deduction for not maintaining the jurisdiction’s specific BMP Retrofit Implementation program or not making progress toward meeting established targets.

(f) **Transit Level Of Service 2003**: TTD, in consultation with TRPA staff, shall establish baseline Transit Level of Service (TLOS) for each jurisdiction as well as establish targets for improving the TLOS for 2004-06 as set forth in the TLOS Guidelines Handbook. Failure to comply will be deducted from the next year’s allocation. The 2003 base allocation shall be enhanced or reduced as follows:

(i) A local jurisdiction shall receive one increment of enhancement for committing by letter of intent/resolution to increasing FY 2003-04 total transit operating funds by at least 5% above FY 2002-03 total funding levels for project(s)/program(s) to improve TLOS selected from TRPA/TTD adopted transportation plans. The TTD shall provide input regarding these projects(s)/program(s). Washoe County shall work with the Washoe County Regional Transportation Commission for the purpose of securing additional funding. The funding source and project(s)/program(s) shall be for the purpose of improving TLOS and agreed to by the PRC, or.

(ii) A local jurisdiction shall receive two increments of enhancement for committing by letter of intent/resolution to increasing FY 2003-04 total transit operating funds by at least 10% above FY 2002-03 total funding levels for project(s)/program(s) to improving TLOS selected from TRPA/TTD adopted transportation plans. The TTD shall provide input regarding these project(s)/program(s). Washoe County shall work with the Washoe County Regional Transportation Commission for the purpose of securing additional funding. The funding source and project(s)/program(s) shall be for the purpose of improving TLOS and agreed to by the PRC, or.

§ Amended 10/25/06
program(s) shall be for the purpose of improving TLOS and agreed to by the PRC, or

(iii) A jurisdiction shall be penalized one increment of deduction for any decrease in FY 2003-04 total transit operating funding levels below that from FY 2002-03 if it results in a decrease in TLOS.

(g) Transit Level Of Service 2004 and beyond: The base allocation for years 2004 and beyond shall be enhanced or reduced, with recommendation from the TTD, as follows:

(i) A jurisdiction shall receive one increment of enhancement for improving the previous year’s three of nine of the TLOS criteria by 5-10% as determined by the jurisdiction specific TLOS Criteria Matrix in the TLOS Guidelines Handbook, or

(ii) A jurisdiction shall receive two increments of enhancement for improving the previous year’s five of nine TLOS criteria by greater than 5%, as determined by the jurisdiction specific TLOS Criteria Matrix in the TLOS Guidelines Handbook, or

(iii) In the event a jurisdiction does not qualify for either increment of enhancement but improves a minimum of one (1) TLOS criteria by at least 5% under subsection (g)(i), or three (3) criteria by at least 5% under subsection 33.2.B (5)(g)(ii), a jurisdiction can qualify for an initial or second increment if other measurable commitments to transit (listed below), approved by TRPA and TTD at least one (1) year in advance, are met. Other measurable commitments to transit that may increase ridership include, but are not limited to, one or more of the following: expenditure of new transit funds on transit, development/implementation of a parking management plan, establishment of a regional or local revenue source to fund transit operations, establishment/extension of inter-jurisdictional service, provide transit passenger incentives such as free fares, implementation of new transit marketing and/or promotional programs.

(iv) A jurisdiction shall be penalized one increment of deduction for a 5% or greater decrease in the previous year’s four of nine TLOS criteria as determined by the jurisdiction specific TLOS Criteria Matrix.

(6) Monitoring Requirement: TRPA hereby establishes a monitoring fee of $100 which shall be collected by the entity issuing the allocation from each allocation recipient. The fee shall be used to monitor water quality impacts and permit conformance.

§§§ Amended 10/25/06
§§ Amended 05/28/03
§ Amended 7/24/02
33.2.C Multi-Residential Allocations: A portion of the residential allocations set forth in subparagraph 33.2.A(3) may be reserved for multi-residential use. These reserved allocations shall be used for the Multi residential Incentive Program established in Chapter 35 and in connection with transfer of development rights pursuant to Chapter 34.

(1) Reservation Pool: On a yearly basis, a pool of allocations representing the desired level of multi-residential development for a given jurisdiction may be established by TRPA after consultation with such jurisdiction. Allocations assigned to the pool shall be within the limitations of the Allocation Table set forth in Subparagraph 33.2.A(3). Unused allocations may be carried over to the next year's pool.

(2) Allocations For Multi-Residential Projects: Except for allocations obtained by transfer pursuant to Chapter 34, or obtained directly as provided in Subsection 33.2.B, allocations for multi residential projects shall be made upon project approval. Previously issued allocations or a letter from the appropriate county or city indicating allocations are available from the reservation pool or have been reserved from a future year's allocation, shall be required as part of the project application. TRPA may review multi-residential projects for which allocations are reserved from future years except that project approval shall be limited to units for which allocations are available at the time of approval. Projects may receive bonus units prior to project approval pursuant to Chapter 35.

33.3 Allocation Of Additional Commercial Floor Area: TRPA shall allocate the development of additional commercial floor area as follows:

33.3.A Requirement Of Allocation: No person shall construct a project or commence a use, which creates additional commercial floor area, without first receiving an allocation approved by TRPA. In order to construct the project or commence the use, to which the allocation pertains, the recipient of the allocation shall comply with all other applicable provisions of this code.

(1) Applicable Commercial Uses: The commercial uses set forth in Chapter 18 contain commercial floor area. The allocation of additional commercial floor area pursuant to this chapter also applies to commercial activities that are not primary commercial uses, except that accessory uses as to which TRPA makes the following findings shall be deemed not to contain additional commercial floor area:

(a) The accessory use meets all criteria specified by Chapter 18 for an accessory use; and

(b) The accessory use is designed to serve the noncommercial primary use, as determined by reference to the following criteria:
There is no separate entrance for the accessory use;

The accessory use is compatible with the size and patronage of the primary use;

The accessory use does not rely on separate parking;

The accessory use is not separately advertised;

The use season of the accessory use corresponds to that of the primary use;

The accessory use does not generate additional vehicle trips; and

In applicable instances, the accessory use is principally for service or repair rather than sales. The following are examples of accessory uses of a commercial nature not subject to the allocation of additional commercial floor area: ski rental shops in ski areas; gift shops in airports; tackle shops used by patrons of marinas; newsstands in motels; pro shops at golf courses; and cafeterias in hospitals.

(2) "Additional" Commercial Floor Area: Commercial floor area is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987.

(a) Additional commercial floor area includes, but is not limited to, the following:

(i) The construction of commercial floor area, which did not exist before January 1, 1987; or

(ii) Conversion of legally existing or approved floor area from noncommercial use to commercial use.

(iii) The construction of, or conversion to, floor area that is primarily utilized for commercial enterprise regardless if it is classified as public service or is publicly owned, except when such floor area is for an accessory use excluded in Subsections 33.3.A(1)(a) and (b) or such floor area is excluded by Subsection 33.3.A(2)(b).

(b) Additional commercial floor area excludes the following:

(i) Changes in commercial use per se, not involving any increase in commercial floor area;

(ii) Additions to, or expansions of, legally existing commercial floor area of 500 square feet or five percent of the existing commercial floor area, whichever is less, provided the existing structure and any subsequent additions or expansions physically exist and were completed at least one year prior to an application pursuant to this subparagraph, the exempt addition or expansion is not applied for or built in conjunction with any other addition or expansion, there is no change in use, any increase in traffic is in
significant as defined in Chapter 93, the exempt addition or expansion occurs within a single project area and the exempt addition or expansion does not occur within the same project area more frequently than once every ten years;

(iii) The relocation, replacement or reconstruction on the same parcel of commercial floor area, which either existed as of January 1, 1987, or which contains floor area allocated and approved pursuant to this Code;

(iv) The replacement, reconstruction or relocation of commercial floor area legally existing as of January 1, 1987, pursuant to a TRPA-approved redevelopment plan;

(v) The TRPA-approved transfer of legally existing commercial floor area;

(vi) The construction of floor area associated with a publicly owned assembly and entertainment facility with a fire rated capacity of less than 1,100 people; or

(vii) New commercial floor area permitted by TRPA prior to February 24, 2010, provided that:

   A. Application is made to TRPA prior to the expiration of the permit, as determined in Section 4.9, to re-issue a permit for a project for which an allocation was assigned;

   B. All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit, are updated to meet the requirements of the Code and all other applicable TRPA ordinances, rules, or regulations at the time of permit re-issuance; and

   C. Subparagraph 33.3.A (2)(b)(vii) has not previously been used in relation to the same project.

(3) Allocations to Sensitive Lands: Allocations of commercial floor area to projects located in land capability districts 1, 2, 3, or SEZ shall not be permitted unless:

(a) The allocation is matched by a transfer from an equal or more sensitive land capability district at a ratio of one square foot of commercial floor area allocation to two square feet of transferred commercial floor area; or,

(b) The parcel receiving the allocation is in an adopted community plan where one or more SEZ restoration projects have been completed and the local jurisdiction has submitted a CIP list pursuant to the residential allocation

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4 Added 2/24/2010
requirements in subparagraph 33.2.B(5).

33.3.B Definition And Calculation Of Commercial Floor Area: Square footage of commercial floor area shall be calculated by reference to the gross square footage of floor area within the outer wall of a commercial building, not including stairwells and airshafts. The square footage of other facilities relating to such building, including but not limited to, decks, which are designated for commercial use under a permit, shall be considered commercial floor area. Square footage for the following shall not constitute commercial square footage:

1. Parking areas, driveways, parking structures, outside stairways and walkways;
2. Accessory uses determined by TRPA not to contain additional commercial floor area pursuant to subparagraph 33.3.A(1);
3. Temporary projects pursuant to Chapter 7;
4. The area of play in an indoor tennis court, the area of water in an indoor swimming pool and the area for skating in an indoor roller or ice skating rink, provided these are the permanent primary uses.
5. Commercial square footage allocated or transferred, to a project in a designated preferred industrial area may be doubled if the area has implemented area-wide Best Management Practices (BMPs), or the local government of jurisdiction has committed to implement area-wide BMPs on its five-year CIP list submitted to TRPA. Transfers of commercial floor area out of a preferred industrial area shall be reduced by 50 percent unless the floor area was acquired through a TRPA-approved transfer on a 1:1 ratio or through a community plan allocation system. Transfers and relocations of commercial floor within a preferred industrial area shall be at a one-to-one ratio.

33.3.C Maximum Amount And Distribution Of Allocations For Additional Commercial Floor Area For Years 1987 To 1996 And §§ And Beyond: A maximum of 400,000 square feet of additional commercial floor area may be permitted from January 1, 1987 to December 31, 1996, except as set forth in subparagraph (3) below. The allocation and distribution of this floor area shall be as follows:

1. Within Community Plans: From January 1, 1987 to December 31, 1996, except as set forth in subparagraph (3) below, the maximum amount of additional commercial floor area allocated to community plan areas is 376,340 square feet.

   a. Administration: The 376,340 square feet of additional commercial floor area shall be allocated by TRPA,
distributing 286,340 square feet initially to the local jurisdictions. The 286,340 square feet shall be assigned to community plans pursuant to (i) below. TRPA shall retain 54,000 square feet in reserve as bonus square footage to be assigned to community plans upon their adoption pursuant to (ii) below. TRPA shall retain 36,000 square feet for approval of commercial projects prior to adoption of community plans. The foregoing allocations, including the division of the 286,340 square feet among local jurisdictions, are reflected in the following table.
COMMERCIAL FLOOR AREA ALLOCATIONS
WITHIN COMMUNITY PLAN AREAS (“CP”)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Initial Allocation to CPs (75%)</th>
<th>Bonus Adopted CPs (15%)</th>
<th>Before CP Adoption (10%)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>So. Lake Tahoe/El Dorado County</td>
<td>79,100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Placer County</td>
<td>112,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washoe County</td>
<td>55,990</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Douglas County</td>
<td>38,750</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Square Feet</td>
<td>286,340</td>
<td>54,000</td>
<td>36,000</td>
<td>376,340</td>
</tr>
</tbody>
</table>

(i) **Initial Allocation**: TRPA shall distribute the initial allocation of additional commercial floor area to a community plan by taking into consideration such factors as demonstrated need, the expected ability to achieve or maintain environmental thresholds, the reasonableness of projected time schedules, the degree of certainty for obtaining the needed funds for implementation, compatibility with other community plans, and other relevant factors. The amount initially allocated shall be from the 75 percent portion designated for local jurisdictions for planning purposes as shown in the above table in the first column. TRPA has reviewed a sufficient number of proposed community plans to adequately assess the cumulative impacts of development and proposed mitigation, TRPA shall distribute any remaining or additional commercial floor area retained pursuant to Subsection 33.3.C(1)(a). This distribution shall reward those community plans which best demonstrate the ability to achieve and maintain environmental thresholds, and have a clearly demonstrated need for the additional allocation. TRPA shall retain a sufficient reserve to adequately address the needs of community plans not yet presented for review. It is TRPA’s goal, acting in partnership with local interests, to achieve completion of community plans by December 31, 1989, in all areas where sufficient local interest and initiative exists to do such planning. Accordingly, TRPA expects to allocate the remaining unallocated floor area by that date, so long as the allocation is supported by local needs assessments.

(b) **Before Adoption Of A Proposed Community Plan**: Projects having an aggregate commercial floor area not exceeding the 36,000 square feet set forth in (a) of subparagraph 33.3.C(1) and located within the boundaries of proposed community plans, may be approved by TRPA. The 36,000 square feet allocation shall be apportioned to the local
jurisdictions as follows:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Lake Tahoe/El Dorado County</td>
<td>10,008</td>
</tr>
<tr>
<td>Placer County</td>
<td>14,976</td>
</tr>
<tr>
<td>Washoe County</td>
<td>6,516</td>
</tr>
<tr>
<td>Douglas County</td>
<td>4,500</td>
</tr>
</tbody>
</table>

A local jurisdiction may transfer its above allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limits set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction. No single commercial project shall be allocated more than 4,500 square feet of the 36,000 square feet in a ten year period for use within the project area.

(c) After Adoption Of A Community Plan: Upon the adoption of a community plan, the rate of utilization of square footage of additional commercial floor area shall be in accordance with the provisions of the community plan. When all community plans within a jurisdiction are adopted, any remaining unallocated initial floor area assigned to the jurisdiction shall be assigned by TRPA to the adopted community plan areas within the jurisdiction.

(2) Outside Community Plans: From January 1, 1987 to December 31, 1996, except as set forth in Subparagraph (3) below, the maximum amount of additional commercial floor area allocated to areas outside community plan boundaries is 40,000 square feet.

(a) Administration: A maximum of 40,000 square feet of additional commercial floor area shall be allocated and distributed by TRPA for commercial development outside community plan boundaries, proposed or adopted. The 23,660 square feet shall be apportioned to the local jurisdictions as follows:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Lake Tahoe/El Dorado County</td>
<td>7,020</td>
</tr>
<tr>
<td>Placer County</td>
<td>16,640</td>
</tr>
<tr>
<td>Washoe County</td>
<td>0</td>
</tr>
<tr>
<td>Douglas County</td>
<td>0</td>
</tr>
</tbody>
</table>

A local jurisdiction may transfer its above-allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limitations set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project

§ Amended 8/26/98
shall be accepted for review by TRPA without a written recommendation from the local jurisdiction.

(b) **Limitations:** No single commercial project shall be allocated more than 4,500 square feet of the 40,000 square feet in a ten year period for use within the project area.

33.3.D **Maximum Amount And Distribution Of Allocations For Additional Commercial Floor Area For Years 1997 and beyond:** A maximum of 400,000 square feet of additional commercial floor area may be permitted from January 1, 1997. The allocation and distribution of this floor area shall be as follows:

(1) **Within Adopted Community Plans:** A maximum of 250,000 square feet of commercial floor area may be permitted in an adopted community plan in which all irrevocable commitments, as defined in the applicable community plan as a requirement to release allocations, have been satisfied. The applicable local jurisdiction shall distribute the allocation subject to the adopted allocation system for that community plan. The distribution of this floor area shall be as follows:

(a) TRPA shall apportion 10,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. Allocations not assigned by December 31, 1998 shall be reassigned to the Special Projects as set forth in (3) below.

(b) By January 1, 1999, TRPA shall apportion 50,000 square feet of commercial floor area allocation to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's accomplishment of environmental improvements set forth in the adopted community plans within that jurisdiction. The performance review committee (referred to in subparagraph 33.2.B.(5) shall recommend the ranking to TRPA by October 31, 1998. The apportionment shall be according to the following table.

(c) TRPA shall apportion 50,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's performance on the approved Five-Year Water Quality and Air Quality EIP Lists within the jurisdiction between January 1, 2002 and December 1, 2005. The apportionment shall be according to
the following table:\textsuperscript{5}

<table>
<thead>
<tr>
<th>Ranking</th>
<th>Allocations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>20,000</td>
</tr>
<tr>
<td>2.</td>
<td>15,000</td>
</tr>
<tr>
<td>3.</td>
<td>8,000</td>
</tr>
<tr>
<td>4.</td>
<td>5,000</td>
</tr>
<tr>
<td>5.</td>
<td>2,000</td>
</tr>
</tbody>
</table>

(2) \textbf{Outside Community Plans:} Allocations permitted in (1) above may be distributed outside community plans subject to the limitations in subparagraph 33.3.C.(2) and the local jurisdiction has adopted a commercial allocation system that assists in implementing Environmental Improvement Program projects outside CP areas.

(3) \textsuperscript{§§} \textbf{Special Projects:} A maximum of 187,770 square feet of commercial floor area remains for distribution to Special Projects after January 1, 2007. This CFA includes the 100,000 sf of CFA that had been held in reserve through 2006 and it may be permitted in adopted community plans or adopted TRPA master plans, in which all irrevocable commitments have been made. TRPA shall administer the special project allocations. The distribution of this floor area shall be as follows:\textsuperscript{§}

(a) \textbf{Goals:} The program goals are to promote major projects that result in the construction of threshold-related environmental improvements, to promote transfer of development that results in substantial environmental benefits, and to rehabilitate substandard development.

(b) \textbf{Eligibility:} All projects in adopted community plans, adopted TRPA master plan areas, or in designated plan areas that are preparing a community plan or a TRPA master plan are eligible for special project allocations. No permits shall be issued for Special Projects until and unless TRPA has approved a community plan or TRPA master plan for the subject area.\textsuperscript{§§}

(c) \textbf{Evaluation Criteria:} Approval of special projects shall be evaluated and conditioned upon the implementation of environmental improvement projects or transfers of development out of sensitive lands. These projects shall:

(i) Assist in the attainment of the environmental thresholds by constructing projects listed in the TRPA Environmental Improvement Program, that address a Threshold standard found not to be in attainment per the 2001 Threshold Evaluation, and \textsuperscript{§}

(ii) Provide substantial environmental benefits or mitigation in excess of TRPA’s project mitigation requirements.

\textsuperscript{§§ Amended 10/25/06  
§ Amended 12/18/02  
§§§ Amended 10/24/07}
(d) Public Assistance: Public and private partnerships are encouraged. Public assistance through redevelopment agencies, conservancies, local governments, and other means may be considered in evaluating special projects.

(e) Maximum Amount: The maximum allocation that may be approved for a special project area within a calendar year is 50,000 square feet of floor area.

(f) Time Limit: Initial assignments of allocations shall expire in one year unless extended by TRPA upon a showing of adequate progress toward a project approval.

(g) Applications: Each year, TRPA shall consider applications for available special project allocations. Applications shall include a project prospectus that includes site plans, elevations, and preliminary environmental documentation.

(h) Notifications: TRPA shall give adequate public notice 90 days in advance of any action assigning allocations. Notifications shall include the general criteria by which the special project will be evaluated.

(i) APC Recommendation: The Advisory Planning Commission shall review the applications for special project allocations and make a recommendation to the Governing Board on the awards of commercial and tourist allocations. The performance review committee, referred to in subparagraph 33.2.B(5), shall assist the Advisory Planning Commission and staff in developing review criteria.

(4) §§ Deleted

33.3.E Administration Of Allocations For Additional Commercial Floor Area: For purposes of Subsection 33.3.C and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional commercial floor area establishes the year to which the allocation is attributed.

(1) Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The allocation shall be set forth in the approval for the project.

(2) An allocation for additional commercial floor area shall not be transferred to, or otherwise used for, a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the square footage of commercial floor area represented by the allocation shall automatically return to the pool from which it originated.

§§ Amended 10/25/06
(3) TRPA shall monitor the issuance, use and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public, through the Governing Board, as to the status of the allocation of commercial floor area.

33.4 Allocation Of Additional Tourist Accommodation Units: TRPA shall allocate the development of additional tourist accommodation units as follows:

33.4.A Requirement Of Allocation: No person shall construct a project or commence a use, which creates additional tourist accommodation units, without first receiving an allocation approved by TRPA. In order to construct the project or commence the use, to which the allocation pertains, the recipient of the allocation must comply with all other applicable provisions of this Code.

(1) Applicable Tourist Accommodation Uses: The tourist accommodation uses set forth in Chapter 18 contain tourist accommodation units.

(2) Definition Of "Additional" Tourist Accommodation Units: A tourist accommodation unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987 in accordance with Section 33.4. The conversion of an existing nontourist accommodation use to a tourist accommodation use constituting a tourist accommodation unit is an additional tourist accommodation unit requiring an allocation under this chapter. The following are not "additional" tourist accommodation units:

(a) The reconstruction or replacement, on the same parcel, of a tourist accommodation unit legally existing or approved on January 1, 1987;

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

(c) Modifications to legally existing tourist accommodation structures and accessory uses thereto;

(d) The relocation of a legally existing tourist accommodation unit, through a transfer approved by TRPA, pursuant to Chapter 34; or

(e) The conversion of legally existing multi family dwellings of six units or more, allocated and approved pursuant to this Code, to timesharing (residential design) units, provided the conversion is provided for in the relevant plan area statement or adopted community plan.

(3) §§ Maximum Number And Distribution Of Allocations For Additional Tourist Accommodation Units: A maximum of 400 additional tourist accommodation units may be approved for construction.

§§ Amended 10/25/06
After January 1, 2007, the original 200 tourist accommodation bonus units (with 172 units remaining) shall be limited to special projects (in accordance with sub-section 33.3.D.(3))§ and shall only be permitted when matched by transfers of existing units (pursuant to Chapter 34) from sensitive lands that have been restored. After January 1, 2007, TRPA shall allocate the 200 tourist accommodation bonus units, (with 170 units remaining) to projects within adopted community plans in accordance with Chapter 35. Distribution of units within the community plan shall be pursuant to the provisions of the adopted community plan and the following criteria:

(a) The additional concentration of tourist accommodation units is consistent with the TRPA Regional Transportation Plan and would better promote transit and pedestrian forms of transportation;

(b) The additional units are part of an overall program to rehabilitate and upgrade existing tourist accommodation units;

(c) The existing infrastructure capacity, such as sewage disposal and highway capacities, are sufficient to accommodate the additional units; and

(d) A demonstration of need for additional units is shown pursuant to Chapter 14.

33.4.B Administration Of Allocations For Additional Tourist Accommodation Units: For purposes of subparagraph 33.4.A(3) and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional tourist accommodation units establishes the year to which the allocation is attributed.

(1) Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The allocation shall be set forth in the approval for the project.

(2) An allocation for additional tourist accommodation units shall not be transferred to, or otherwise used for, a project other than that for which it pertains. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the tourist accommodation units represented by the allocation shall automatically return to the pool from which they originated.

(3) TRPA shall monitor the issuance, use and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public, through the Governing Board, as to the status of the allocation of tourist accommodation units.

§ Amended 12/20/00
33.5 Regulation Of Additional Public Service Facilities: TRPA shall regulate the rate and distribution of additional public service development as follows:

33.5.A Required Findings for Approval of Additional Public Service Facilities: Approval of additional public service facilities shall only be permitted for projects for which the sponsoring entity demonstrates, and TRPA finds that:

(1) There is a need for the project;

(2) The project complies with the Goals and Policies, applicable plan area statements, and Code;

(3) The project is consistent with the TRPA Environmental Improvement Program;

(4) The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 as they are applicable to the project's service capacity;

(5) If the proposed project is to be located within the boundaries of the community plan area, then, to the extent possible consistent with public health and safety, the project is compatible with the applicable community plan; and

(6) Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a construction schedule outweighs the need for the prior completion of the community plan process.

33.5.B Definition Of "Additional" Public Service Facilities: Public service facilities are considered "additional" if they are to be created pursuant to a TRPA approval issued on or after January 1, 1987. The conversion of an existing nonpublic service facility use to a use constituting a public service facility is an additional public service facility subject to this chapter. The following are not "additional" public service facilities:

(1) The reconstruction or replacement, on the same parcel, of legally existing public service facilities;

(2) Modifications to legally existing public service facilities and accessory uses thereto, that do not create additional service capacity;

(3) Public or quasi-public utility service connections;

(4) Replacement or reinforcement of pipelines or transmission lines which result in no significant increase in service capacity; and

(5) Telephone lines, local distribution facilities and similar facilities.

33.5.C Provisions Regarding Commercial Floor Area Allocation for Public Service Projects: If the owner of the project area is the operator of the public service use pursuant to Chapter 18, then the provisions of Subsection 33.5.A apply. If the owner of the project area leases his property to an operator of a public service use, the facilities shall be...
considered a commercial use and subject to the allocation limitations of Section 33.3 unless:

(1) A deed restriction describing the use restrictions is recorded and TRPA and the local government of jurisdiction are included as parties to the deed restriction; and

(2) The lease contains adequate assurances that public service use will remain for a minimum of 7 years; and

(3) Local government has committed to enforcement of any change of use through permits and business licenses; and

(4) All lien holders on the property have been notified of the deed restrictions.

33.5.D Transfer or Relocation Onsite of Commercial Floor Area Related to a Public Service Use: Transfer or Relocation of commercial floor area from an existing commercial use may be permitted when a public service use is approved that displaces commercial floor area. The transfer shall be approved only in conjunction with a project approval at the receiving site. The transfer is subject to the standards of Chapter 34 and the following standards:

(1) The owner of sending project area complies with Subparagraphs (1) through (4) of Subsection 33.4.C above; and

(2) The public service use displacing the commercial use is one of the following: Local Public Health and Safety Facilities, Regional Public Health and Safety Facilities, Collection Stations, Cultural Facilities, Day Care Centers/Pre-Schools, Government Offices, Local Post Offices, Social Service Organizations, and Transit Stations and Terminals; and

(3) The commercial floor area displaced is transferred to a site in a designated community plan area; and

(4) In order for a receiving project area to qualify for transferred commercial floor area, the receiving project area shall meet the criteria applicable to allocations under the applicable CP allocation system. If the CP area does not have an adopted allocation system, the applicable local jurisdiction shall be required to adopt a system pursuant to the requirements of Subparagraph 33.3.D(2) before the transfer may occur; and

(5) TRPA determines, that when combined with all other public service-commercial transfers since January 1, 1998, the additional public service floor area associated with the transfer is within the 60,000 square feet of additional public service floor area estimated to be created by such transfers.

§ Amended 10/28/98
33.6 Regulation Of Additional Recreation Facilities: TRPA shall regulate the rate and distribution of additional recreation as follows:

33.6.A Required Findings for Approval of Additional Recreation Facilities: Approval of additional recreation facilities shall only be permitted for projects, for which the sponsoring entity demonstrates, and TRPA finds that:

1) There is a need for the project;
2) The project complies with the Goals and Policies, the applicable plan area statements, and Code;
3) The project is consistent with TRPA's targets for outdoor recreation, which are 6,114 people at one time ("PAOT") in overnight facilities, 6,761 PAOT in summer day-use facilities, and 12,400 PAOT in winter day-use facilities, as well as the allocations set forth in the plan area statements, or the pools of reserved PAOT capacity;
4) The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 as they are applicable to the project's recreational service capacity; and
5) If the project requires PAOT allocations, it is consistent with the TRPA Environmental Improvement Program.

33.6.B Definition Of "Additional Recreation": Recreation is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987 and results in an increase in vehicle trips that requires a traffic analysis pursuant to Subsection 93.3.B, or increased floor space of five percent, or 500 square feet, or would increase PAOT capacity. (See Subsection 13.5.L.) The conversion of an existing non-recreational use to a use constituting a recreation facility is additional recreation subject to this chapter. The following are not "additional" recreation facilities:

1) The reconstruction or replacement, on the same parcel, of recreation facilities legally existing on, or approved before, January 1, 1987;
2) Modifications to legally existing recreation and accessory uses thereto, that do not create additional service capacity;
3) Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 34; or
4) Dispersed recreation.

33.6.C Allocation of Additional Recreation PAOTs: No person shall construct a project or commence a use which requires additional PAOTs without first receiving an allocation approved by TRPA. In order to construct the

§ Amended 10/25/06
recreation project or commence the additional recreation use, the person proposing same shall comply with all other applicable provisions of this Code.

(1) **Applicable Recreation Uses:** The following recreation uses are subject to PAOT allocation consistent with the PAOT standards set forth in subparagraph 33.6.C(2).

(a) **Summer Day Use:** Additional summer day use capacity shall be subject to PAOT allocations as follows:

(i) Uses subject to summer day use PAOT allocation include marinas, boat launching facilities, rural sports, golf courses, visitor information centers, and off-road vehicle courses.

(ii) Recreation centers, participant sport facilities, sport assembly, beach recreation, and day use areas, operated by the states' Departments of Parks and Recreation or their permittees, or by federal agencies or their permittees shall be subject to summer day use PAOT allocation.

(iii) Shorezone uses requiring summer day use PAOT allocations include tour boat operation and those portions of beach recreation, commercial boating, or water-oriented outdoor recreation concessions, which provide additional outdoor recreation capacity.

(b) **Winter Day Use:** Additional winter day use capacity shall be subject to PAOT allocation as follows:

(i) Uses subject to winter day use allocation include all downhill ski facilities.

(c) **Overnight Use:** Additional overnight use capacity shall be subject to PAOT allocation as follows:

(i) Uses subject to overnight PAOT allocation include developed campgrounds, group facilities, and recreational vehicle parks.

(2) **Definition Of Additional PAOTs:** A PAOT is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987 and results in an increase in the design capacity of a facility or increases the overall primary recreational use in the area of a project subject to PAOT limitation, (see Subsection 13.5.L.). The conversion of an existing recreation use not requiring PAOTs to a use which does constitute additional PAOTs. The following are not "additional" PAOTs:

(a) The reconstruction or replacement, on the same parcel, of
recreation facilities legally existing on, or approved before, January 1, 1987;

(b) Modifications to legally existing recreation and accessory uses thereto, that do not create additional service capacity;

(c) Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 34; or

(d) Dispersed recreation.

(3) §Maximum Amount and Distribution of PAOT Allocations: A maximum amount of recreational PAOT capacity is targeted and permitted for development after January 1, 1987. TRPA shall keep a cumulative accounting of recreation allocation in people at one time (PAOT) as applicable.

(a) General: PAOT capacity shall apply to the primary recreational use of a facility.

(i) PAOT allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The PAOT allocation shall be set forth in the approval for the project.

(ii) An allocation for additional PAOTs shall not be transferred to, or otherwise used for, a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the recreation capacity represented by the allocation shall automatically return to the pool from which it originated.

(iii) TRPA shall monitor the issuance, use and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public, through the Governing Board, as to the status of the allocations of PAOTs.

(iv) New developed cross country ski and snowmobile courses shall be encouraged where appropriate as seasonal adjuncts to existing or new summer day use or overnight facilities.

(b) Summer Day Use: Summer day use capacity shall be allocated and distributed as follows:

(i) There shall be a pool of 6,761 PAOT for summer day use facilities. A minimum of 2,000 of the summer day use PAOT pool shall be reserved for expansion of marinas and boat launching facilities.

(ii) PAOT allocation for expansion of marinas and boat launching facilities shall require approval of a master

§ Amended 10/25/06
plan except as noted in Section 16.1.

(iii) PAOTs may be assigned to a plan area statement for future allocation.

(c) **Winter Day Use:** Additional winter day use capacity shall be allocated and distributed as follows:

(i) There shall be 12,400 winter day use PAOTs for downhill ski areas. All winter day use PAOTs shall be distributed in the plan area statements.

(ii) Expansion of use in downhill ski areas requires the adoption of a master plan pursuant to Chapter 16.

(d) **Overnight Use:** Additional overnight use capacity shall be allocated and distributed as follows:

(i) There shall be 6,114 PAOTs for overnight uses, of which 5,114 shall be distributed in the plan area statements. The remaining pool of 1,000 overnight PAOTs may be allocated to overnight uses meeting the criteria set forth in Subsection 33.6.A and subparagraph 33.6.C(3)(d)(ii) below and which uses are located in plan areas where there are no PAOTs specified in the plan area or the amounts specified are insufficient for the proposed use.

(ii) To be eligible for overnight PAOT allocation from the pool, the project area must retain, or be restored to, a near natural state, include outdoor living amenities such as tables and fire pits, and offer access to outdoor recreational opportunities such as hiking trails, public beaches, and fishing.

(4) **Other Recreational Facilities:** Other permissible recreation facilities including riding and hiking trails, undeveloped campgrounds, outdoor recreation concessions and dispersed recreation support facilities shall be subject to Subsection 33.6.A, but shall not be subject to PAOT allocations.

33.7 **Election Of Conversion Of Use:** Existing residential units may be converted to tourist accommodation units or commercial floor area and existing tourist accommodation units may be converted to residential units or commercial floor area subject to the following limitations. The proposed conversion shall be evaluated for adverse impacts using the IEC and the addenda developed by TRPA for conversions and shall not be permitted if adverse impacts cannot be mitigated. Residential and tourist accommodation units shall be converted on a ratio of one unit for one unit. Residential and tourist accommodation units shall be converted to commercial floor area at a ratio of one square foot of existing floor area, using the Subsection 33.3.B criteria for measurement of floor area, to one square foot of commercial floor area. A maximum of 200 residential units and 200 tourist units may be converted within a calendar year for the Region. §

§ Amended 10/28/98
33.7.A Transfer From Sensitive Lands: Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted when a residential or tourist unit is transferred from a parcel classified as land capability districts 1, 2, 3, or SEZ, and the parcel is restored, or;

33.7.B Removal of a Nonconforming Use: Conversion of an existing residential or tourist accommodation unit to a residential, tourist, or commercial use may be permitted in conjunction with a project approval if the conversion results in the elimination of the unit of nonconforming use. The structures containing the converted use shall meet TRPA standards for new construction, or;

33.7.C Uses Modified to Meet Development Standards for New Projects: Conversion of an existing residential unit of use to a tourist or commercial use or an existing tourist accommodation unit of use to a commercial use, or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences, not to include single family residential,§§ may be permitted onsite or for transfer in conjunction with a project approval if all structures and uses within the project area are modified to meet the TRPA standards applicable for a project proposed on an undeveloped project area, or;

33.7.D Uses Linked to an EIP Project: Conversion of a residential unit of use to a tourist or commercial use of an existing tourist accommodation unit of use to a commercial use, or a residential use when it is certified to meet the local jurisdiction health and safety standards for residences, not to include single family, may be permitted onsite or for transfer if the converted use is included as part of a project that has linked status pursuant to Chapter 31, Environmental Improvement Program.§

33.7.E Uses to Provide Deed Restricted Affordable Housing Projects: Conversion of existing tourist accommodation units of use to residential may be permitted onsite if the converted units are used for deed restricted affordable housing, the converted units are certified by the local jurisdiction that they meet their public health and safety standards for residences, and the project area meets TRPA standards applicable for modifications on a developed project area. §

33.8 Other Permits: Issuance of a permit by a county or city building department, of a permit for, or relating to, the construction, conversion, or use of units, floor area, service capacity or other development subject to the requirements of this chapter, including, but not limited to, a permit for a foundation, grading, clearing or removal of vegetation, is prohibited unless the permit is issued in conjunction with a TRPA approval, in accordance with this chapter.

§§ Amended 06/27/01
§ Amended 06/27/01
Chapter 34
TRANSFER OF DEVELOPMENT

Chapter Contents

34.0 Purpose
34.1 Applicability
34.2 Transfer Of Residential Development Right
34.3 Transfer Of Residential Allocations
34.4 Transfer Of Existing Development
34.5 Restriction Of Parcels
34.6 Basic Service Requirements

34.0 Purpose: This chapter sets forth the provisions for the transfer of residential development rights, residential allocations, and existing development, from one parcel to another as provided in the Goals and Policies, Development and Implementation Priorities Subelement, Implementation Element, Goal #3, Policies 1 - 6. The transfer of land coverage is addressed in Chapter 20.

34.1 Applicability: This chapter applies to the transfer of residential development rights, residential allocations, and existing development. All such transfers require TRPA approval. Transfer of a residential development right or residential allocation does not constitute a project approval. Transfers of existing development can occur only in conjunction with a project approval.

34.2 Transfer Of Residential Development Right: A residential development right, as defined in Chapters 2 and 21, may be transferred to another parcel pursuant to the following provisions:

34.2A Vacant Parcel: The parcel from which the development right is transferred shall have a residential development right.

34.2B Parcel Restriction: The parcel from which the development right is transferred is restricted pursuant to Section 34.5 at the time of transfer.

34.2C Receiving Area: The parcel receiving the development right shall be in a plan area or adopted community plan, where residential uses are permissible and shall meet the following criteria:

(1) Parcels Eligible To Receive One Or More Development Rights: Parcels located in a plan area or adopted community plan, designated as a receiving area for multi-residential units, shall be eligible to receive one or more development rights; or

(2) Parcels Eligible To Receive One Development Right: The following parcels are eligible to receive one development right:
(a) One development right may be transferred to a parcel for the purpose of constructing a secondary residence, provided the building site for the secondary residence is in Land Capability Districts 4, 5, 6 or 7; or

(b) One development right may be transferred to a parcel that was not assigned a development right provided the parcel has a building site in Land Capability Districts 4, 5, 6 or 7, or, if applicable, is above the initial IPES line of 726.

34.2.D Density: The transfer complies with the density of use provisions for the receiving parcel.

34.2.E Local Approval: For an inter-county transfer, the approval of affected local governments shall be obtained.

34.3 Transfer of Residential Allocations: If, pursuant to Chapter 33, a parcel is assigned a residential allocation, the allocation may be transferred to another parcel, pursuant to the following provisions:

34.3.A Parcel Classification: The allocation transfer is from a parcel determined to be in Land Capability Districts 1a, 1c, 2, 3, or SEZ; shorezone tolerance districts 1, 2, 3, or 4; below the initial IPES line of 726, if applicable; or unsuitable for development due to the inability of the property to meet TRPA or local government development standards.

34.3.B Building Site: The receiving parcel has a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES, subject to the limitation in 34.3.C below.

34.3.C IPES Limitation: An allocation shall not be transferred to a parcel that is below the initial IPES line of 726 unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than 1/2 the total inventory in that jurisdiction.

34.3.D Permissible Use: The receiving parcel is in a plan area or adopted community plan where residential uses are a permissible use on the receiving parcel.

34.3.E One Transfer: Subject to the limits in Chapter 33, an allocation may be transferred only one time and shall continue to count against the jurisdiction to which it was originally issued.

34.3.F Local Approval: For an inter-county transfer, the approval of affected local governments shall be obtained.

34.3.G Parcel Restriction: The sending parcel shall be restricted pursuant to Section 34.5 at the time the allocation is transferred.

34.4 Transfer Of Existing Development: Certain elements of existing development
may be transferred from one parcel or project area to another, if the receiving parcel is in a plan area or adopted community plan area, designated as a receiving area for existing development. Existing residential development may be transferred to any plan area or adopted community plan where residential use is a permissible use. The transfer of existing development shall not be considered additional development and is exempt from the applicable allocation system.

34.4.A Eligibility: The following elements of existing development shall be eligible for transfer:

(1) **Units Of Use**: Units of use may be transferred within the same major use classifications e.g., residential, tourist accommodation, commercial, and recreation. The amount of use transferred shall be measured in appropriate units of use, e.g. residential units, tourist accommodation units, commercial floor area, and PAOTs.

(2) **Land Coverage**: Existing land coverage may be transferred pursuant to Chapter 20.

34.4.B Requirements: Transfers of existing development may be permitted subject to the following requirements: §

(1) The transfer shall be limited to the units of use existing on the parcel from which the development is to be removed;

(2) The use transferred shall be a permissible use on the receiving parcel as set forth in the plan area statement or adopted community plan;

(3) The receiving parcel shall comply with the site development provisions established by this Code and the plan area statement for the receiving parcel;

(4) The findings required for a special use in Chapter 18 shall have been made if the use transferred is a special use in the receiving area;

(5) The approval of affected local governments shall be obtained;

(6) The parcel from which the existing development is transferred shall be restricted pursuant to Section 34.5, no later than the time of commencement of construction of the related project;

(7) All facilities, including building and structures, shall be appropriate for removal considering conformance with TRPA plans and the Code, such as the provisions for historical structures, and affordable housing;

(8) The proposed transfer shall evaluated for adverse impacts using the IEC and the addenda developed by TRPA for transfer and shall not be permitted if adverse impacts cannot be mitigated;

§ Amended 10/28/98
(9) The receiving parcel shall have a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES unless:

(i) There is a 25 percent or greater reduction in existing land coverage and restoration on the receiving parcel and there is no increase in vehicle trips, parking, cubic volume of the structures, or adverse impacts; or

(ii) The transfer of commercial, tourist, or residential units of use to a site inside a designated community plan area, is from sensitive lands to an equal or less sensitive land capability district, and a reduction of land coverage and restoration occurs at the receiving site or sending site, equal to 300 square feet of land coverage per tourist unit transferred, 1,200 square feet of land coverage per residential unit transferred, or one square foot per one square foot of land coverage of commercial floor area transferred; or

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

(10) Existing residential development shall not be transferred to any parcel that is below the initial level defining the top rank under IPES (726) unless the number of vacant parcels in the top rank at the time of the proposed transfer is less than 1/2 the total inventory in that jurisdiction.

34.4.C Limitations: The following limitations apply to transfers of existing development:

(1) Units of use transferred shall have been legally established.

(2) Transfers of units of use shall not be permitted for development that has become derelict.

34.4.D Verification of Existing Residential Units of Use for Transfer or Banking: Prior to transfer or banking, an existing residential unit of use shall be verified as legally established pursuant to the following criteria:

(1) At a minimum, an existing residential unit of use shall contain cooking facilities, bathing and toilet facilities, and living and sleeping areas. (2) Residential units of use to be transferred or banked shall have been legally established as verified by County Assessor, local jurisdiction, and utility records:

(a) The existing residential unit shall have been assessed as such by the County Assessor's office as of October 15, 1986, except for residential units approved under Chapter 33.
Permits and planning department records shall confirm that the unit is a permitted use and structure.

To be verified as a legally established unit of use, all utility service connections (e.g., water, sewer, gas, and electrical service) must have been legal as of October 15, 1986, except for residential units approved under Chapter 33.

34.5 Restriction Of Parcels: Restriction of parcels for the purposes set forth in this Code, shall comply with the following requirements:

34.5.A Land Coverage: Parcels from which land coverage has been transferred are subject to provisions of Chapter 20.

34.5.B Residential Allocation Transfer: Parcels from which residential allocations have been transferred shall be permanently restricted from residential development.

(1) For parcels in private ownership, deed restrictions, or other covenants running with the land, permanently restricting the parcel from residential development shall be recorded by the owner.

(2) For parcels in public ownership, the public agency shall provide TRPA with binding assurance that the parcel has been permanently restricted from residential development.

34.5.C Existing Development Transfer: For parcels from which units of existing development have been transferred, the structures or facilities accounting for that use shall be removed or modified, consistent with the transfer, and the land restored and maintained in as natural a state as is possible, so as to eliminate the units transferred.

34.5.D Payment Of Bonds and Freedom From Nuisance: The sending parcel shall be free of nuisance and hazard. All bonds, assessments, back taxes, fees and liens affecting the parcel to be restricted pursuant to a transfer under this chapter shall be paid in full.

34.5.E Transfer Of All Existing Development From Sensitive Lands: Parcels in Land Capability District 1a, 1b, 1c, 2, or 3, or SEZ, from which all units of existing development have been transferred, shall be restored pursuant to Subsection 34.5.C and shall be permanently restricted to open space by a deed restriction, or other covenant running with land, recorded by the owner.

34.5.F Transfer Of Some Existing Development From Sensitive Lands: Parcels in Land Capability District 1a, 1b, 1c, 2, or 3, or SEZ, from which less than all units of existing development have been transferred, shall be permanently restricted from transferring development back to the parcel by deed restriction, or other covenant running with the land, recorded by the owner.
34.5.G Transfer Of Existing Development From Non-Sensitive Lands: Parcels located in Land Capability Districts 4, 5, 6, or 7, from which units of existing development have been transferred, shall document the transfer and be restricted by deed restriction, or other covenant running with the land, recorded by the owner. The restriction shall limit the units of use to any remaining, until or unless:

(1) A transfer back to the parcel, is approved by TRPA pursuant to this chapter; or

(2) An allocation is obtained pursuant to Chapter 33.

34.5.H Development Rights Transfers From Sensitive Lands: Parcels in Land Capability District 1a, 1b, 1c, 2, or 3, or SEZ, from which all residential development rights have been transferred, shall be permanently restricted from residential development.

(1) For parcels in private ownership, deed restrictions, or other covenants running with the land, permanently removing the development rights from the parcel shall be recorded by the owner.

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

34.5.I Development Rights Transfers From Non-Sensitive Lands: Parcels located in Land Capability Districts 4, 5, 6 or 7, or parcels at or above the initial IPES line (726), from which all residential development rights have been transferred, shall be restricted from constructing new residential units by deed restriction, or other covenant running with the land, recorded by the owner, but shall be eligible to receive future transfers of coverage or units of use if otherwise permitted in (1) or (2) of Subsection 34.5.G above.

34.5.J Consolidation: Where appropriate, TRPA may approve a consolidation of parcels in lieu of a deed restriction for a transfer of a residential development right or allocation, or in addition to a deed restriction, to accomplish the restriction of the parcel consistent with this chapter and other applicable Code provisions.

34.5.K Relation To Chapter 38: TRPA shall record the appropriate changes created by transfers in its records pursuant to Chapter 38.

34.5.L Sequential Transfers: Residential development rights and allocations may be transferred independently provided that when both the residential development right and an allocation have been transferred from a parcel, the parcel shall be permanently restricted to open space. Land coverage transfers may also occur independently subject to the provisions of Chapter 20.
Chapter 35
BONUS UNIT INCENTIVE PROGRAM

Chapter Contents

35.0 Purpose
35.1 Applicability
35.2 Multi-Residential Incentive Program
35.3 Tourist Accommodation Bonus Unit Program
35.4 Determination of Project Cost

35.0 Purpose: This chapter sets forth provisions for assigning multi-residential and tourist accommodation bonus units in accordance with the Goals and Policies, Land Use Element, Land Use Subelement, Goal #2, Policies 5A and 5B, and Implementation Element, Development and Implementation Subelement, Goal #2, Policies 2F and 3, and Goal #3, Policies 1 and 2.

35.1 Applicability: The assignment of multi-residential and tourist accommodation bonus units shall comply with the provisions set forth in this chapter. Such assignments shall occur only in conjunction with a project approved by TRPA.

35.2 Multi-Residential Incentive Program: Multi-residential bonus units may be approved for use only on parcels located in plan areas or community plans with multi-residential uses as an allowed use, or a special use for which the findings required in Section 18.1 have been made.\footnote{Amended 04/27/05}

35.2.A Assignment Of Bonus Units: Pursuant to Chapter 13, a maximum of 1,400 multi-residential bonus units shall be available to plan areas with multi-residential uses as an allowed use, or a special use for which the findings required in Section 18.1 have been made.\footnote{Amended 07/23/03}

35.2.B Criteria: All projects receiving multi-residential bonus units pursuant to this chapter shall comply with the following criteria:

1. The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the plan area statement, applicable community or redevelopment plan, or this Code.

2. Multi-residential uses shall be designated in the plan area or community plan as an allowed use, or a special use for which the findings required in Section 18.1 have been made.\footnote{Amended 04/24/02}

3. To be eligible for the Multi-Residential Incentive Program, the Plan Area shall have multi-residential uses as a permissible use.\footnote{Amended 04/27/05}
(4)§ Except for affordable housing units as defined in Chapter 2, an allocation shall be required pursuant to Chapter 33 in order to utilize multi-residential bonus units.§§

(5)§ A maximum of 200 out of the 1,400 multi-residential bonus units shall be made available to moderate income housing projects.§§§

35.2.C Determination Of The Number Of Bonus Units: Applications for projects proposing the use of residential bonus units shall include a list and description of all mitigation measures identified in Subsection 35.2.D that are proposed as part of the project. Based on review of the list and description of the mitigation measures proposed, TRPA shall determine a score for the project in accordance with Subsection 35.2.D. One residential bonus unit may be approved for each ten points received by a project. Bonus units, so determined, may be reserved for projects based on the proposals submitted prior to project approval to enable applicants to accumulate allocations. Bonus units shall be assigned to a parcel and may be reserved as credits, unused, for no more than five years. TRPA may reissue those credits to the same parcel for an additional five years, if TRPA finds that the bonus units are likely to be used during that period.

(1) Projects Within A Community Plan: The score received pursuant to Subsection 35.2.D by projects located within an approved community plan shall be multiplied by a factor of 1.5; or

(2) Projects Providing Affordable Employee Housing: The score received pursuant to Subsection 35.2.D by projects designed to provide affordable employee housing shall be multiplied by a factor of 2.0.

(3) Post-1987 Projects Proposing Subdivision of Units: In order to subdivide a post-1987 multi-residential project which does not meet the standards for low cost housing as defined in Subsection 41.2.F, the score received pursuant to Subsection 35.2.D shall be multiplied by a factor of .67.

35.2.D Mitigation Measures: Projects proposing the use of multi-residential bonus units shall receive a score only when one or more of the following mitigation measures are proposed as part of the project. Any and 35.2.D(5)(b) combination of the listed measures may be proposed. Only those mitigation measures that would not otherwise be required by the Code shall be considered in determining the score received by a project. This subsection establishes the maximum number of points that may be awarded for each mitigation measure. When a mitigation measure satisfies the requirements of two or more of the mitigation measures listed below, points shall be awarded based on the mitigation measure resulting in the highest score. The total point score shall be rounded down to a number which is a multiple of ten.

§ Amended 4/27/05
§§ Amended 7/23/03
§§§ Amended 4/28/04
(1) Participation in a Capital Improvements or EIP project included in the Action Element of TRPA’s Regional Transportation Plan - (project cost divided by $8,000) x 10 points.  

(2) Participation in a Capital Improvements or EIP project included in TRPA’s Water Quality Management Plan - (project cost divided by $8,000) x 10 points.

(3) Provision of stream zone restoration pursuant to TRPA’s Stream Environment Zone Restoration Program (excluding restoration required as mitigation for new SEZ disturbance) - (project cost divided by $8,000) x 20 points.

(4) Retirement, in accordance with Chapter 34, of an undeveloped parcel located in Land Capability Districts 1a, 1b(SEZ), 1c, 2, or 3: 
   (a) If the parcel is in Land Capability Districts 1a, 1c, 2, or 3 - 10 points per transferred unit.
   (b) If the parcel is in Land Capability District 1b or in a stream environment zone - 30 points per transferred unit.

(5) Transfer of existing residential unit and retirement of the parcel in accordance with Chapter 34: 
   (a) If the parcel is in Land Capability Districts 1a, 1c, 2, or 3 - 10 points per transferred unit.
   (b) If the parcel is in Land Capability District 1b or in a stream environment zone - 40 points per transferred unit.

(6) Provision of public access to recreation areas, lakes, streams, or vista points to which access was previously nonexistent - (project cost divided by $8,000) x 10 points (maximum 50 points).

(7) Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 20 shall receive one point for each such reduction of 600 square feet onsite.

(8) Participation in projects identified in the TRPA approved Scenic Quality Improvement Program and/or the EIP (project cost divided by $8,000) x 10 points.

35.2.E Affordable and Moderate Income Housing: Housing development projects proposing to use multi-residential bonus units shall not be subject to 35.2.D if the following criteria are met: 

   (1) Housing meeting the criteria for affordable or government assisted housing as set forth in policies 1, 3 and 4 of Goal 1 of the Housing Subelement. Bonus units for such projects are assigned on the basis of project need.

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5 Amended 4/28/04
55 Amended 7/24/02
(2) Housing meeting the definition of moderate income housing as defined in Chapter 2, and the local jurisdiction wherein the project is located maintains a TRPA certified Local Government Moderate Income Housing Program as determined by 35.2.G. Bonus units for such projects are assigned on the basis of project need.

35.2.F Bonus Unit Substitution: Bonus units may be assigned for existing residential units of use in a project area or residential units of use that are the result of TAU conversion pursuant to Subsection 33.7.E on a unit for unit basis, provided that the following conditions are met:

(1) The project area shall be brought up to TRPA development standards applicable for modifications on a project area containing existing development and shall meet scenic quality standards if the project is visible from a roadway travel route, shoreline travel route, or designated recreation site or bike path.

(2) The local jurisdiction shall inspect and certify that each unit remaining in the project area meets its health and safety requirements for residences;

(3) A deed restriction shall be recorded with TRPA and the local jurisdiction ensuring that the units remaining in the project area meet TRPA’s affordable or moderate income housing definition and will be so maintained; and

(4) The existing units of use not used in the project area are only transferable to multi-residential facilities.

35.2.G TRPA Certified Local Government Moderate Income Housing Program: TRPA may certify by resolution a local government moderate income housing program upon a finding that the program adequately addresses:

(1) Housing needs and issues of the jurisdiction pursuant to state standards within in an adopted Housing Element.

(2) Standards that guide the development of moderate income housing using the principles of transit oriented development, including:

(a) Appropriate proximity to government services; and

(b) Appropriate proximity to commercial and employment centers; and

(c) Appropriate proximity to mass transit opportunities and other alternative modes of transportation; and

(d) Appropriate residential and commercial densities to facilitate transit use.

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§ Amended 9/25/02
§§ Amended 7/23/2008
§§§ Amended 4/28/04
(3) The housing program shall, through deed restriction or other covenant running with the land, limit the project area to the approved use and restrict both rental rates and occupants’ household income to moderate income housing limits. Moderate income units approved under this program shall be made available for long-term occupancy and shall be occupied for at least 10 months in each calendar year. Units found not to be in compliance with use, rental and/or sales rates, household income levels, or occupancy requirements as more specifically described in the deed restriction or other covenant running with the land, shall not be occupied until the non-complying element of the program is rectified.

(4) Each local jurisdiction with a certified Moderate Income Housing Program shall document, monitor, annually report and enforce the provisions of the deed restrictions. It shall be the responsibility of the local jurisdiction to ensure full compliance with the provisions of the deed restriction.

35.3 Tourist Accommodation Bonus Unit Program: Tourist accommodation bonus units may be approved by TRPA only on parcels located within an adopted community plan and only when at least one existing tourist accommodation unit is transferred in accordance with Chapter 34 for each tourist accommodation bonus unit approved.

35.3.A Assignment Of Bonus Units: A maximum of 400 tourist accommodation bonus units may be approved by TRPA. §

35.3.B Criteria: Projects receiving tourist accommodation bonus units pursuant to this chapter shall comply with the following criteria:

(1) The proposed density, including any tourist accommodation bonus units, shall not exceed the maximum density limits set forth in the adopted community or redevelopment plan.

(2) Tourist accommodation units shall be designated in the plan area or community plan as an allowed use, or a special use for which the findings required in Section 18.1 have been made.

(3) The project shall be located on a parcel designated in an adopted community or redevelopment plan as being eligible to receive tourist accommodation bonus units and the project shall not exceed the density set forth in the community or redevelopment plan.

(4) All tourist accommodation bonus units shall be allocated in accordance with Chapter 33.

35.3.C Determination Of The Number Of Bonus Units: Applications for projects proposing the use of tourist accommodation bonus units shall include a list and description of all mitigation measures identified in Subsection 35.3.D that are proposed as part of the project. Based on review of the

§ Amended 10/25/2006
§§ Amended 03/22/2000
list and description of the mitigation measures proposed, TRPA shall determine a score for the project in accordance with Subsection 35.3.D.

(1) The points earned pursuant to Subsection 35.3.D may be converted to bonus units only in conjunction with the transfer of existing tourist accommodation units in accordance with Chapter 34 and this Section.

(2) Points earned shall be converted to bonus units as follows:

(a) Each ten points matched by a transfer of a tourist accommodation unit from land in Land Capability Districts 4, 5, 6, or 7 equals one bonus unit;

(b) Each seven points matched by a transfer of a tourist accommodation unit from land in Land Capability Districts 1a, 1c, 2, or 3, which land is retired pursuant to Chapter 34, equals one bonus unit; or

(c) Each five points matched by a transfer of a tourist accommodation unit from land in Land Capability District 1b or a stream environment zone, which land is retired pursuant to Chapter 34, equals one bonus unit.

(3) Points earned but not matched by transfers shall not be converted to bonus units.

(4) Bonus units shall be awarded at the time of project approval, including the portion of the project that includes the transfer of units. Bonus units shall be assigned to a parcel and may be reserved, as credits, if unused, for no more than five years. TRPA may reissue those credits for an additional five years, if TRPA finds that the bonus units are likely to be used during that period.

35.3.D Mitigation Measures: Projects proposing the use of tourist accommodation bonus units shall receive a score only when one or more of the following mitigation measures are proposed as part of the project. Any combination of the listed measures may be proposed. Only those mitigation measures that would not otherwise be required by the Code shall be considered in determining the score received by a project. This subsection establishes the maximum number of points that may be awarded for each mitigation measure. When a mitigation measure satisfies the requirements of two or more of the mitigation measures listed below, points shall be awarded based on the mitigation measure resulting in the highest score. The total point score shall be rounded down to a number which is a multiple of ten.

(1) Participation in a Capital Improvements project included in the Action Element of TRPA’s Regional Transportation Plan - (project cost divided by $24,000\textsuperscript{1}) \times 10\text{ points}.

\textsuperscript{1} Amended 7/24/02
(2) Participation in a Capital Improvements project included in TRPA's Water Quality Management Plan - (project cost divided by $24,000) x 10 points.

(3) Provision of stream zone restoration pursuant to TRPA's Stream Environment Zone Restoration Program (excluding restoration required as mitigation for new SEZ disturbance) - (project cost divided by $24,000) x 20 points.

(4) Provision of public access to public recreation areas, lakes, streams, or vista points to which access was previously nonexistent - (project cost divided by $24,000) x 10 points.

(5) Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 20 shall receive one point for each such reduction of 1,000 square feet.

(6) Participation in projects identified in the TRPA approved Scenic Restoration Program - (project cost divided by $24,000) x 10 points.

(7) Provision of fish habitat restoration pursuant to the approved TRPA Fish Habitat Restoration Plan (project cost divided by $24,000) x 10 points.

(8) Accessory services that provide improvements in the following threshold categories; VMT reduction or public outdoor recreation, such as providing restroom facilities or access to a pier for the general public - (project cost divided by $24,000) x 10 points.

(9) Retirement of an undeveloped parcel in Land Capability District 1b or in a stream environment zone - 10 points per retired parcel.

(10) Transfer of an existing residential unit from a parcel in Land Capability District 1b or in a stream environment zone - 30 points per retired unit and parcel.

35.3.E Example: An example of a project is as follows: A project transfers ten existing units from an SEZ, (1) invests $57,500 in a water quality improvement project, (2) pays $28,000 for a traffic signalization project, and (3) provides access to the lakeshore worth $84,000. Points earned:

(1) $57,500
(2) $28,000
(3) $84,000

($169,500 divided by $28,000) x 10 = 60.5 points

60.5 divided by 5 = 12.1 units to match with transfers from SEZ.

Units transferred from SEZ = ten which is less than 12.1. Therefore

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Amended 7/24/2002
bonus units equals ten. Units available for new project is ten units transferred plus ten bonus units equals 20 units total.

35.4 Determination of Project Cost: The value of work proposed to be done pursuant to Subsections 35.2.D and 35.3.D shall be based on an engineer's estimate approved by TRPA as being reasonable for the work described.
Chapter 36
INTERIM SINGLE FAMILY REVIEW SYSTEM

Chapter Contents

36.0 Purpose
36.1 Applicability
36.2 Allocation Requirements
36.3 Eligibility To Receive A Permit
36.4 Post-January 1, 1989 Applications
36.5 Tyrolian Village

36.0 Purpose: In accordance with Goal #1, Policy 2 of the Development and Implementation Priorities Subelement, Implementation Element of the Goals and Policies, this chapter sets forth interim standards for determining which vacant parcels are eligible to receive a TRPA permit to construct a new residential unit.

36.1 Applicability: Through December 31, 1988, until the Individual Parcel Evaluation System is implemented, or until December 31, 1991 in the case of certain residential parcels in Tyrolian Village, Units #1 through 5, inclusive, TRPA shall not approve a permit for construction of a new residential unit unless the parcel on which the unit is to be constructed meets the eligibility requirements set forth in this chapter.

36.2 Allocation Requirements: TRPA approval shall not be granted for the construction of a new residential unit unless a residential allocation has been obtained pursuant to Chapter 33.

36.3 Eligibility To Receive A Permit: The following categories of projects shall be eligible to receive a permit for the construction of a new residential unit, provided TRPA makes the findings specified in subsection 36.3.B.

36.3.A Categories Of Projects: The eligible categories are:

(1) Parcels in California which received 1983 allocations;

(2) Parcels with Placer County building permits which were extended by county ordinance to August 1, 1986, have expired CTRPA/TRPA permits, and on which construction has not commenced;

(3) Parcels with local county building permits which were issued prior to December 19, 1980, and have been continuously renewed, and upon which construction has not commenced; and

(4) Other parcels with a residential allocation pursuant to Chapter 33.
36.3.B  **Required Findings:** The categories of parcels in subsection 36.3.A(1), (2) and (3) shall be eligible to receive a permit to construct a new residential unit if TRPA makes findings (1), (2) and (3). The category of parcels in Subsection 36.3.A(4) shall be eligible to receive a permit to construct a new residential unit if TRPA makes findings (4), (5), (6) and (7).

1. The construction is to be on land within Land Capability Districts 4, 5, 6, or 7 as determined by a field verification or land capability or man-modified challenge, in accordance with Chapter 20;

2. The parcel contains sufficient land area in Land Capability Districts 4, 5, 6 or 7, to be allowed at least 1,200 square feet of land coverage under the Bailey coefficients;

3. The parcel meets at least three of the basic service requirements: section 27.1 with respect to paved roads; section 27.2 with respect to water service; section 27.3 with respect to waste water treatment service; or section 27.4 with respect to electrical service;

4. The parcel contains sufficient land area in land capability districts 4, 5, 6 or 7 so that a single family house and related land coverage can be constructed in compliance with applicable land coverage standards set forth in Chapter 20;

5. The parcel meets all four requirements for basic services set forth in Chapter 27;

6. The project shall not result in disturbance or land coverage in Land Capability Districts 1a, 1b (stream environment zones), 1c, 2 or 3, except as provided for in Chapter 20; and

7. The parcel is otherwise eligible for development under the Regional Plan.

36.3.C  **Wastewater Treatment:** Finding (3) in Subsection 36.3.B shall not operate to exempt a project from compliance with wastewater discharge provisions in Chapter 81.

36.4  **Post-January 1, 1989 Applications:** Applications for construction of a new or transferred residential unit shall be reviewed pursuant to this Chapter provided that application is made in accordance with one of the following subsections:

36.4.A  **Allocation Issued:** Applications filed in connection with a 1989 residential allocation, which allocation was issued by the county on or before July 1, 1989, shall be reviewed pursuant to Chapter 36, and subsection 20.3.A (excluding subparagraph (4) thereof), provided a complete application is filed with TRPA not later than December 31, 1989.

1. For purposes of this Section, the date of issuance by the county shall be the date on which the county delivers the executed original allocation form to the parcel owner or, in the case of
delivery by mail, the date of deposit in the U.S. Mail. The date of issuance, and the assessor's parcel number of the parcel to which the allocation is being issued, shall be stated on the allocation form. Allocations which are carried over from previous years shall be treated as 1989 allocations.

(2) Allocations which are subsequently reissued to a different parcel shall be deemed issued on the date of reissuance and shall not relate back to the date of issuance of the prior allocation. This provision shall not be construed to affect the replacement of lost original allocation forms reissued to the same parcel.

36.4.B Transfers of Allocations: Applications for transfer of a residential allocation issued on or before July 1, 1989, shall be reviewed pursuant to Section 34.3 of the Code except that the top rank of IPES shall not be applicable to the receiving or sending parcel provided that the transfer is complete, in accordance with Subsection 33.2.B, no later than December 31, 1989.

(1) Upon transfer of an allocation, a complete application for an additional residential unit shall be filed no later than December 31, 1989. Failure to file a complete application by December 31, 1989, shall result in the forfeiture of the allocation to the city or county of origin. Such applications shall be reviewed pursuant to Chapter 36 and subsection 20.3.A (excluding subparagraph (4) thereof).

36.4.C Transfer of Existing Residential Units of Use: Transfers of existing residential units of use shall be reviewed in accordance with Section 34.4 of the Code except that the top rank of IPES shall not be applicable to the sending or receiving parcel provided that:

(1) A complete application for the transfer is filed with TRPA not later than July 1, 1989; and

(2) The transfer is complete, in accordance with Subsection 33.2.B, on or before December 31, 1989; and

(3) Upon transfer of the existing residential unit of use, a complete application for a residential unit shall be filed no later than December 31, 1989. Such applications shall be reviewed pursuant to Chapter 36 and subsection 20.3.A (excluding subparagraph (4) thereof).

36.5 Tyrolian Village: Parcels in Tyrolian Village, Units #1 through 5, inclusive, for which complete applications were filed and accepted by TRPA pursuant to the "Agreement Between The Tyrolian Village, Inc. And The Tahoe Regional Planning Agency Regarding Erosion Control Improvements And Reclassification Of Upper Tyrolian Village" dated May 26, 1983, shall be eligible to receive a permit for the construction of a new residential unit provided an allocation is obtained pursuant to Chapter 33 and the project complies with the standards set forth below. Parcels eligible for review under this section shall also be eligible for review under IPES in accordance with Chapter 37.
36.5.A **Coverage**: Allowable base land coverage shall be calculated pursuant to subparagraph 20.3.A(3) and transferred coverage may be permitted up to the limits set forth in subparagraph 20.3.B(1)(b).

36.5.B **Transfer**: Transfer of coverage shall comply with subsection 20.3.C and may be accomplished by payment of a land coverage transfer fee to TRPA in the amount of $6.50 per square foot, to be used for coverage retirement by a designated land bank or other TRPA-approved coverage retirement program.

36.5.C **Slope**: The slope of the building site shall not exceed 30 percent.

36.5.D **General**: Except as otherwise provided in this section, the project shall comply with the TRPA Regional Plan and Code.
Chapter 37
INDIVIDUAL PARCEL EVALUATION SYSTEM

Chapter Contents

37.0 Purpose
37.1 Applicability
37.2 Evaluation Criteria
37.3 Procedures For Establishing SEZ Boundaries And Setbacks
37.4 Area To Be Evaluated
37.5 Evaluation Teams
37.6 Parcels Eligible For Evaluation
37.7 Most Likely Building Site
37.8 Ranking Of Parcels
37.9 Notification Of Property Owners
37.10 Change In IPES Score
37.11 Allowable Base Land Coverage

37.0 Purpose: This chapter establishes the Individual Parcel Evaluation System (IPES), and related procedures, in accordance with Goal #1, Policy #1 of the Development and Implementation Priorities Subelement, Implementation Element of the Goals and Policies. By December 31, 1988 all vacant residential parcels shall be evaluated, assigned a numerical score and ranked within each local jurisdiction from most suitable to least suitable for development in accordance with this chapter.

37.1 Applicability: Commencing on January 1, 1989, review and approval by TRPA of the construction of single family dwellings shall be in accordance with IPES. Review and approval of applications for construction of single family dwellings under IPES shall not commence until all vacant residential parcels have been scored and ranked in accordance with IPES.

37.2 Evaluation Criteria: IPES shall evaluate and assign a numerical score in accordance with the following criteria:

37.2.A Relative Erosion Hazard: The maximum score for relative erosion hazard is 450 points. The formulae set forth in Section A of the Technical Appendices shall be used to assign a Relative Erosion Hazard (REH) score to each parcel.
37.2.B Runoff Potential: The maximum score for runoff potential is 200 points. Each parcel shall receive a score for runoff potential in accordance with Table B-1 of the Technical Appendices. The Hydrologic Soil Group shall be determined for each soil series from Table 6 of the report entitled, "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service, and dated March 1974. The categories under Hydrologic Conditions in Table B-1 shall be defined as follows:

1. Poor - Thin or sparse cover denoting less than 50 percent of the ground surface protected by litter, or by plant cover.
2. Fair - Moderate or scattered cover denoting from 50 percent to 75 percent of the ground surface protected by litter or by plant cover.
3. Good - Heavy or dense cover denoting more than 75 percent of the ground surface protected by litter or plant cover.

37.2.C Degree Of Difficulty To Access Building Site: The maximum score for degree of difficulty to access building site is 170 points. Each parcel shall receive a score in accordance with the provisions of Subparagraphs (1), (2) or (3), and Subparagraph (4), below. Parcels that are not required to provide vehicular access to the building site, such as parcels in plan unit developments where common parking areas exist, shall receive the maximum score for this subsection.

1. Upsloping Parcels Without Existing Access: Parcels without existing access, that slope predominantly upward within the first 20 feet from the public right-of-way or other access road, shall receive an initial score in accordance with Table C-1 of the Technical Appendices. The height of the cut slope shall be measured at the center of the most likely point of access. The Degree of Difficulty for Excavation shall be determined for each soil series from Table 6 of the report entitled "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service and dated March, 1974. Where construction of access will intercept natural ground water or subsurface flow, or result in disturbance in a SEZ, the parcel shall receive the appropriate score from the column in Table C-1 headed "SEZ."

(a) Adjustment For Gradient Above Cut Slope: The initial score received in accordance with the procedure set forth in Subparagraph (1), above, shall be multiplied by the factor from Table C-2 of the Technical Appendices according to the average gradient of the ground for a distance of 20 feet above the top of the cut slope at the access point.

2. Downsloping Parcels Without Existing Access: Parcels that slope predominantly downward within the first 20 feet from the public right-of-way or other access road shall receive an initial score in accordance with Table C-3 of the Technical Appendices. The height of the fill slope shall be measured at the center of the most likely point of access. Where construction of access will intercept...
natural ground water or subsurface flow, or result in disturbance in a SEZ, the parcel shall receive the appropriate score from the column in Table C-3 headed SEZ.

(a) Adjustment For Gradient Below Fill Slope: The initial score received in accordance with the procedure set forth in Subparagraph (2), above, shall be multiplied by the factor from Table C-4 of the Technical Appendices according to the average gradient of the ground for a distance of 20 feet below the toe of the fill slope at the access point.

(3) Parcels With Existing Driveways: Parcels that contain existing driveways shall receive a score in accordance with Table C-5 of the Technical Appendices. Where the existing driveway has intercepted natural ground water or subsurface flow, or resulted in disturbance in a SEZ, the parcel shall receive the appropriate score from the column headed "SEZ" in Table C-5.

(a) Extent Of Grading Required On Access: The categories under the column headed "Extent of Grading Required on Access" in Table C-5 shall be defined as follows:

(i) No Appreciable Grading: To achieve a maximum slope of ten percent on the driveway, the only grading required prior to paving is minor smoothing or leveling of the existing surface or the driveway is paved.

(ii) Minor Grading: To achieve a maximum slope of ten percent on the driveway, the extent of grading does not exceed a depth of 3 feet at any point.

(iii) Major Grading: To achieve a maximum slope of ten percent on the driveway, the extent of grading does exceed a depth of three feet at any point.

(b) Excavation For Parking Area Or Garage: The categories under the column headed "Excavation for Parking Area or Garage" in Table C-5 shall be defined as follows:

(i) None: The excavation required to construct a parking area or garage does not exceed the amount necessary to construct a conventional foundation.

(ii) Less Than Three Feet: The excavation required to construct a parking area or garage exceeds the amount necessary to construct a conventional foundation, but does not exceed a depth of three feet at any point.

(iii) Greater Than Three Feet: The excavation required to construct a parking area or garage exceeds a depth of three feet at any point.
(4) Parcels Requiring Access Through A Stream Environment Zone:
Parcels requiring construction of, or with existing access in, a
stream environment zone, or parcels where access will intercept
natural ground water or subsurface flow, shall receive a score, in
addition to the score received under Subparagraph (1), (2) or (3)
in this subsection, in accordance with Table C-6 of the Technical
Appendices.

(a) Location Of Disturbance: The categories under the column
headed "Location of Disturbance" in Table C-6 shall be
defined

(i) No Disturbance In Stream Environment Zone Or
Interception Of Ground Water: Provision of access to
the building site will not result in any disturbance,
including the removal of vegetation, in a stream
environment zone or interception of ground water.

(ii) Disturbance Only In Secondary Riparian Vegetation Or
Setback: Provision of access to the building site will
result in disturbance only to secondary riparian
vegetation, or within the setback to a stream
environment zone, but will not result in disturbance to
primary riparian vegetation, a stream channel or
interception of ground water.

(iii) Disturbance In Primary Riparian Vegetation Or
Intercepts Ground Water, But Not In Stream Channel:
Provision of access to the building site will result in
disturbance to primary riparian vegetation, or intercept
of ground water but will not result in disturbance to a
stream channel.

(iv) Disturbance In Stream Channel: Provision of access to
the building site will result in disturbance to a stream
channel.

37.2.D Stream Environment Zone: The maximum score for stream environment
zone is 110 points. Each parcel shall receive a score in accordance
with Table D-1 of the Technical Appendices.

(1) Type Of Disturbance In Stream Environment Zone: Construction
of vehicular access through a SEZ is accounted for under
Subparagraph (4) of Subsection 37.2.C, and is not considered
under this subsection. The categories under the column headed
"Extent Of Disturbance In SEZ" in Table D-1 shall be defined as
follows:

(a) None: Trenching for utility connections will not result in
disturbance in a SEZ.

(b) Utility Connections: Trenching for utility connections will
result in disturbance in a SEZ.
(2) **Location Of Disturbance**: The categories under the column headed "Location Of Disturbance" in Table D-1 shall be defined as follows:

(a) **Inside Secondary Riparian Vegetation Or Setback**: Trenching for utility connections will result in disturbance to secondary riparian vegetation or within a setback, but not to primary riparian vegetation or a stream channel.

(b) **Inside Primary Riparian Vegetation But Not In Stream Channel**: Trenching for utility connections will result in disturbance to primary riparian vegetation but not to a stream channel.

(c) **In Stream Channel**: Trenching for utility connections will result in disturbance to a stream channel.

37.2.E **Condition Of Watershed**: The maximum score for condition of watershed is 70 points. Each parcel shall receive the score given in Table E-1 of the Technical Appendices to the watershed in which the parcel is located. This element estimates the overall ability of a drainage basin to deliver nutrients and sediments to Lake Tahoe. Consideration was given to three broad categories:

(1) Geomorphic, precipitation and stream flow characteristics;

(2) Nutrients and sediments in stream flow, expressed in production per unit area of drainage basin, e.g. pounds of nitrate nitrogen per square mile of drainage basin; and

(3) Existing land coverage compared to allowable land coverage.

37.2.F **Ability To Revegetate**: The maximum score for ability to revegetate is 50 points. Each parcel shall receive a score in accordance with the following provisions:

(1) **Vegetative Groups**: Parcels shall receive a score from Table F-1 of the Technical Appendices based on the vegetative group identified in Table 6 of the report entitled, "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service, and dated March 1974 for the soil series in which the parcel is located. If Vegetative Group J is identified for a parcel, the IPES field evaluation team shall determine which of the other five groups listed in Table F-1 best describes the vegetation on the parcel and points shall be assigned accordingly. The five vegetative groups, Groups A, B, E, F, and G are described in Section F of the Technical Appendices.

(2) **Climatic Conditions**: Parcels shall receive a score for climatic conditions as follows:

(a) **Aspect And Gradient**: Each parcel shall receive a score in accordance with Graph F-1 of the Technical Appendices, based on the aspect and average gradient of the parcel.
(b) **Elevation:** Each parcel shall receive a score in accordance with Table F-2 of the Technical Appendices. The elevation of a parcel, for purposes of determining a score from Table F-2, shall be the highest elevation within the area evaluated as determined pursuant to Section 37.4. Elevation readings shall be taken from TRPA's 2" = 1 miles base map.

37.2.G **Need For Water Quality Improvements In Vicinity Of Parcel:** The maximum score for need for water quality improvements in vicinity of parcel is 50 points.

(1) **Preparation Of Map:** TRPA shall prepare a map identifying areas within which the need for the water quality improvements listed in Table G-1 of the Technical Appendices is the same. The Lake Tahoe Basin Water Quality Management Plan (208 Plan) maps shall be used as a guideline for determining the level of improvements needed. Areas shall be assigned point values in accordance with Table G-1 of the Technical Appendices. The points assigned shall be equal to the mathematical difference between 50 points and the total of the negative points received due to the combination of water quality improvements needed.

(2) **Assigning Scores To Parcels:** Each parcel shall receive the score assigned to the area, established under Subparagraph (1), above, in which the parcel is located.

37.2.H **Proximity To Lake Tahoe:** The maximum score for proximity to Lake Tahoe is 50 points.

(1) **Preparation Of Map:** TRPA shall prepare maps identifying the following areas; Area A - from the highwater line (6229.1 feet Lake Tahoe Datum) of Lake Tahoe to elevation 6240 feet; Area B from elevation 6240 feet to one mile from the high water line; Area C - from one mile to two miles from the high water line; Area D - from two miles to three miles from the high water line; Area E - from three miles to four miles from the high water line; and Area F - beyond four miles from the high water line. Point values shall be assigned to the areas set forth above as follows; Area A - 0 points; Area B - 10 points; Area C 20 points; Area D - 30 points; Area E - 40 points; and Area F - 50 points.

(2) **Assigning Scores To Parcels:** Each parcel shall receive the score assigned to the area, established under Subparagraph (1), above, in which the parcel is located.

37.2.I **Additional Mitigation:** A parcel's score may be increased by an amount, not to exceed that permitted under Subparagraph (2) below, upon approval by TRPA of a water quality improvement project, submitted by the owner of the parcel. A project that qualifies a parcel for an increase in its point score shall be located on a parcel other than the parcel for which the score increase is proposed, and shall be improvements such as slope stabilization, energy dissipators, sediment ponds, and rock-lined channels. A parcel's score shall not be increased unless, as a condition of approval, TRPA requires the water quality improvement...
project to be completed prior to construction commencing on the parcel receiving the increase in score. Approvals for additional points shall not be granted under the provisions of this subsection until TRPA makes the following findings:

(1) **Required Findings**: The required findings are:

(a) The water quality improvements proposed under the provisions of this subsection are consistent with TRPA's 208 Plan;

(b) The increase in the IPES score for the applicant's parcel is in compliance with paragraph (2) below; and

(c) The proposed water quality improvements would not otherwise be required of the owner to comply with the standards set forth in Chapter 25.

(2) **Limitations On Amount Of Increase In Score**: A parcel's score shall not be increased in an amount greater than ten percent of the IPES score at which the line is located establishing the top-ranked parcels in the affected jurisdiction at the time the water quality improvement project is approved. TRPA shall adopt a list assigning point values to types of water quality improvements. Point values shall be based on projected reductions in nutrient or sediment loading resulting from construction of such improvements and shall be intended to result in benefits that fully offset the difference in impacts between developing the subject parcel and developing a parcel with a rating equivalent to the subject parcel's rating without applying the bonus points.

37.2.J **Man-Modified Areas**: Where an area has been determined by TRPA to be man-modified in accordance with Subsection 20.2.F, or prior to the effective date of the Regional Plan in accordance with Section 8.29 of the TRPA Land Use Ordinance, the IPES filed evaluation team shall use the information on which such a determination was made, where applicable, in its evaluation of parcels located in such areas.

37.3 **Procedure For Establishing SEZ Boundaries And Setbacks**: The IPES field evaluation teams shall use the following procedures and definitions for purposes of determining the presence and boundaries of an SEZ and establishing SEZ setbacks.

37.3.A **Definitions**: The definitions are as follows:

(1) **Alluvial Soils** - All the following soil types owe their major characteristics to the presence of surface or subsurface water:

(a) Loamy alluvial land (Lo)

(b) Elmira loamy coarse sand, wet variant (Ev)

(c) Celio gravelly loamy coarse sand (Co)
(d) Marsh (Mh)

(e) Gravelly alluvial land (Gr)

(f) Fill land (Fd)

(2) Confined - Stream types classified under major categories A and B, and stream type C2, as defined in the report entitled "A Stream Classification System," David L. Rosgen, April, 1985.

(3) Designated Flood Plain - The limits of the Intermediate Regional Flood where established for creeks by the U.S. Army Corps of Engineers, or the limits of the 100-year flood where established for creeks by the U.S. Army Corps of Engineers.

(4) Ephemeral Stream - Flows sporadically only in response to precipitation, with flows lasting a short time.

(5) Groundwater Between 20-40 Inches - Evidence of ground water between 20 and 40 inches below the ground surface (somewhat poorly drained soil).

(6) Intermittent Stream - Flows in response to precipitation or snow melt.

(7) Lake - A water body greater than 20 acres in size, exceeding two meters deep at low water and lacking trees, shrubs, persistent emergents, emergent mosses or lichens with greater than 20 percent aerial coverage.

(8) Man-Made Channel - A channel constructed by man for the purpose of conveying water or a channel created by water being discharged from a man-made source, such as a culvert or pipe.

(9) Near Surface Groundwater - Evidence of ground water within 20 inches of the ground surface (poorly drained soil).

(10) Perennial Stream - Permanently inundated surface stream courses. Surface water flows throughout the year except in years of infrequent drought. Perennial streams shall be those shown as solid blue lines on USGS Quad Maps, or streams determined to be perennial by TRPA.

(11) Pond - A standing water body less than 20 acres in size and/or less than two meters deep at low water.

(12) Primary Riparian Vegetation - The following vegetative community types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"

(a) Type 0: Open water - Open water, Swamps and pools and Vernal pools.
(b) **Type 2**: Herbaceous - Wet marsh or meadow and Sphagnum bog.

(c) **Type 7**: Riparian shrub - Willow thicket and Alder thicket.

(d) **Type 9**: Broadleaf - Low elevations.

(13) **SEZ Setbacks** - A strip of land adjacent to the edge of a SEZ, the designated width of which is considered the minimum width necessary to protect the integrity of the various characteristic of the SEZ. The width of the setback shall be established in accordance with the procedure set forth in Subsection 37.3.D.

(14) **Secondary Riparian Vegetation** - The following vegetative types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning."

(a) **Type 2**: Herbaceous - Wet mesic meadow.

(b) **Type 9**: Broadleaf - High elevations.

(c) **Type 19**: Lodgepole - Wet type.

(15) **Slope Condition** - The condition of the slope located adjacent to the stream channel or edge of the SEZ shall be defined as follows. The extent of existing slope protection, which is defined as the percent cover of original duff layer, down logs, low growing vegetation or rock fragments greater than 1-2 inches in diameter, shall be given primary consideration when determining slope condition.

(a) **Good** - Slopes show little or no evidence of surface (sheet, rill, gully) erosion or mass wasting. Slopes are typically covered 90 percent or more with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly less than 30 percent. Soil horizons are usually cohesive and consolidated.

(b) **Average** - Slopes show evidence of surface (sheet, rill, gully) erosion or mass wasting over 5 to 25 percent of the slope surface. Slopes are typically covered between 50 to 90 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly between 30 and 70 percent. Soil horizons are typically moderately cohesive and consolidated.

(c) **Poor** - Slopes show evidence of active and pronounced surface (sheet, rill, gully) erosion or mass wasting over more than 50 percent of the slope surface. Slopes are typically covered less than 50 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is often
greater than 70 percent. Soil horizons are typically non-cohesive and unconsolidated. Evidence of seeping is often present.

(16) **Terrace** - A moderately flat land area, above the flood plain, generally less than 20 percent slope.

(17) **Unconfined** - Stream types classified under major categories C (excluding stream type C2), D and E as defined in the report entitled "A Stream Classification System," David L. Rosgen, April 1985.

37.3.B **Identification**: A stream environment zone (SEZ) shall be determined to be present if any one of the following key indicators is present or, in absence of a key indicator, if any three of the following secondary indicators are present. Plant communities shall be identified in accordance with the definitions and procedures contained in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning."

1. **Key Indicators**: Key indicators are:
   (a) Evidence of surface water flow, including perennial, ephemeral and intermittent streams, but not including rills or man-made channels;
   (b) Primary riparian vegetation;
   (c) Near surface groundwater;
   (d) Lakes or ponds;
   (e) Beach (Be) soil; or
   (f) One of the following alluvial soils:
      (i) Elmira loamy coarse sand, wet variant (Ev).
      (ii) Marsh (Mh).

2. **Secondary Indicators**: Secondary indicators are:
   (a) Designated flood plain;
   (b) Groundwater between 20 - 40 inches;
   (c) Secondary riparian vegetation;
   (d) One of the following alluvial soils:
      (i) Loamy alluvial land (Lo);
      (ii) Celio gravelly loamy coarse sand (Co); or
(iii) Gravelly alluvial land (Gr).

37.3.C **Boundaries:** The boundaries of an SEZ shall be the outermost limits of the key indicators; the outermost limits where three secondary indicators coincide; or, if Lo, Co, or Gr soils are present, the outermost limits where two secondary indicators coincide, which ever limits establish the widest SEZ at any particular point. The outermost boundaries of a stream shall be the bank full width of such stream, which shall be defined as the level of frequent high flow, i.e., the level of flood with a recurrence interval of approximately 1.5 years.

37.3.D **SEZ Setbacks:** No buildings, other structures or land coverage shall be permitted in SEZ setbacks, except in accordance with Subsection 20.4.B and the exception for the backshore set forth in Subsection 55.4.D. The restoration requirements set forth in Subparagraph 20.4.A(2)(c) shall not apply within SEZ setbacks. The allowable base land coverage within SEZ setbacks shall be in accordance with Subsection 20.3.A, and may be combined with the allowable base land coverage for the remainder of the parcel to establish a total allowable base land coverage. A portion of the total allowable base land coverage for the parcel may be used to allow construction in the SEZ setback only in accordance with Subsection 20.4.B and the exception for the backshore set forth in Subsection 55.4.D. SEZ setbacks shall be established in accordance with the following criteria (see also Section I of the Technical Appendices).

(1) **Confined Perennial Stream:** When a confined perennial stream is present, the following setbacks shall be established based on the corresponding slope condition:

   (a) **Good Slope Condition:** When the slope condition is identified as good, the setback shall be 25 feet from the edge of the SEZ or 15 feet from the edge of a terrace, if present, whichever is less.

   (b) **Average Slope Condition:** When the slope condition is identified as average, the setback shall be 35 feet from the edge of the SEZ or 20 feet from the edge of a terrace, if present, whichever is less.

   (c) **Poor Slope Condition:** When the slope condition is identified as poor, the setback shall be 60 feet from the edge of the SEZ or 35 feet from the edge of a terrace, if present, whichever is less.

(2) **Unconfined Perennial Stream:** When an unconfined perennial stream is present, the setback shall be 50 feet from the edge of the SEZ.

(3) **Confined Ephemeral Or Intermittent Stream:** When a confined ephemeral or intermittent stream is present the following setbacks shall be established based on the corresponding slope conditions:
(a) **Good Slope Condition:** When the slope condition is identified as good, the setback shall be 15 feet from the edge of the SEZ or ten feet from the edge of a terrace, if present, whichever is less.

(b) **Average Slope Condition:** When the slope condition is identified as average, the setback shall be 25 feet from the edge of the SEZ or 15 feet from the edge of a terrace, if present, whichever is less.

(c) **Poor Slope Condition:** When the slope condition is identified as poor, the setback shall be 40 feet from the edge of the SEZ or 25 feet from the edge of a terrace, if present, whichever is less.

(4) **Unconfined Ephemeral Or Intermittent Stream:** When an unconfined ephemeral or intermittent stream is present the setback shall be 25 feet from the edge of the SEZ.

(5) **Channel Absent:** When there is an SEZ present but there is no associated channel identified, the setback shall be ten feet from the edge of the SEZ.

(6) **Lakes and Ponds:** Where a lake or pond is present, the SEZ setback shall be 10 feet from the high water line or 10 feet from the edge of the SEZ, whichever is greater, except where a backshore is established in accordance with Section 55.2 in which case there shall be no SEZ setback established.

37.3.E **SEZ Documentation:** Where the IPES field team identifies the existence of an SEZ on an individual parcel, it shall prepare a permanent written record or drawing applicable to that parcel showing the boundaries of the SEZ, the setback line from the SEZ and setting forth the reasons for its determination. At the time a project is reviewed applicable to a parcel evaluated under IPES as having an SEZ, the SEZ boundaries and setback shall be verified or adjusted based upon additional information then available.

37.4 **Area To Be Evaluated:** The score received by a parcel shall be based on evaluation of an area established in accordance with the following provisions.

37.4.A **Parcels Of 1/3 Acre Or Less:** Parcels of 1/3 acre or less in size shall be evaluated in accordance with the following procedures:

(1) **Area To Be Evaluated:** The evaluation team shall evaluate the entire parcel, except as provided for under Subparagraph (3), below.

(2) **Slope Length And Gradient Readings:** Slope length and gradient readings shall be taken in accordance with the following procedures:
(a) Segment readings shall be taken perpendicular to the natural contours and through the middle of the most likely building site as determined by the evaluation team in accordance with Section 37.7;

(b) Enough segments shall be recorded for each parcel so that the sum of all segment lengths is equal to approximately 120 feet. In cases where segment lengths totaling 120 feet cannot be obtained within a parcel's boundaries, segment readings shall be taken on adjacent parcels; and

(c) Segment readings shall begin 60 feet above the middle of the most likely building site or at the top of the cut slope or toe of the fill slope adjacent to the public right of-way or other access road.

(3) Parcels Containing A SEZ: Where a parcel contains an SEZ, the evaluation team shall evaluate only that portion of the parcel located outside the SEZ. The score received by parcels containing less than 5,000 square feet outside an SEZ shall be multiplied by a factor equal to the area outside the SEZ divided by 5,000 square feet. Parcels containing no area outside an SEZ or SEZ setback shall receive a total score of zero.

(4) Parcels Less Than 10,000 Square Feet Or With Less Than 10,000 Square Feet Outside An SEZ: The score received by parcels that are less than 10,000 square feet in size or with less than 10,000 square feet outside an SEZ shall be multiplied by a factor derived from the equation set forth in Section H of the Technical Appendices.

(a) The score received by parcels that contain less than 5,000 square feet outside an SEZ shall be multiplied by the factors established in Subparagraphs (3) and (4), above.

(b) The procedure set forth in Section 37.3 shall be used by the field evaluation teams to establish the area of a parcel outside a SEZ.

37.4.B Parcels Greater Than 1/3 Acre But Less Than Five Acres: Parcels that are greater than 1/3 acre but less than five acres in size shall be evaluated in accordance with the following procedures:

(1) Area To Be Evaluated: The evaluation team shall evaluate an area of approximately 1/3 acre in size that includes the most likely building site as determined by the evaluation team in accordance with Section 37.7. In determining the location of the area to be evaluated, the team shall select the 1/3 acre that results in the highest score.

(2) Slope Length And Gradient Readings: Slope length and gradient readings shall be taken in accordance with Subparagraph 37.4.A(2).
(3) Parcels Containing A SEZ: In the case where the best 1/3 acre contains a SEZ the procedures set forth in Subparagraphs 37.4.A(3) and (4) shall be followed.

37.4.C Parcels That Are Five Acres Or Greater: Owners of parcels that are five acres or greater in size shall be contacted by TRPA and asked to identify the location of the 1/3 acre portion of the parcel which includes their desired building site. Once the 1/3 acre portion has been identified, the evaluation team shall evaluate this portion of the parcel to determine the parcel's score. Slope length and gradient readings shall be taken in accordance with Subparagraph 37.4.A(2) and, if the 1/3 acre contains an SEZ, the procedures set forth in Subparagraphs 37.4.A(3) and (4) shall be followed.

37.5 Evaluation Teams: The members of each evaluation team shall be selected by TRPA and shall consist of professionals in the fields of soil science, hydrology and engineering or planning.

37.6 Eligibility Criteria: Parcels shall be determined to be eligible for evaluation, scoring and ranking under IPES in accordance with the following provisions.

37.6.A Vacant Parcels: Vacant parcels that are permitted a single family dwelling as an allowed or special use in accordance with Chapter 18 shall be eligible, provided the parcel is otherwise eligible under Subsection 37.6.C.

37.6.B Parcels That Are Not Vacant: Parcels that are not vacant and do not contain a single family dwelling shall be eligible as though they are vacant upon receipt by TRPA of a written request by the parcel owner that the parcel be evaluated and provided the parcel is otherwise eligible under Subsection 37.6.C.

37.6.C Special Situations: In the following special situations, parcels are ineligible, except as otherwise stated.

(1) Right Of Entry: Parcels for which the owner refuses to grant TRPA the right of entry pursuant to Subsection 37.9.A shall not be eligible, unless the owner subsequently grants TRPA the right of entry.

(2) Building Site Identification: Parcels of five acres or greater in size for which the owner does not identify the desirable building site pursuant to Subsection 37.4.C shall not be eligible, unless the owner subsequently identifies the desirable building site.

(3) Parcels Owned By A Public Or Quasi-Public Entity: Parcels owned by a public or quasi-public entity as defined in the definition of "Public Service" in Chapter 2, including parcels owned by a local, a state or the federal government, or a public utility district shall not be eligible, unless such public or quasi-public entity requests in writing to TRPA that a parcel be evaluated under IPES and the parcel is otherwise eligible under this section.
(4) **Dedicated Open Space:** Parcels that are restricted to open space pursuant to a final subdivision map or other recorded document shall not be eligible.

(5) **No Physical Access:** Except for parcels in planned unit developments, parcels for which there is no road providing physical access to the parcel shall not be eligible, unless TRPA receives a written request from the parcel owner that the parcel be evaluated, the parcel is otherwise eligible under this section, and the parcel owner asserts the existence of an access easement and demonstrates that:

(a) The basic service requirements can be provided in accordance with Chapter 27; and

(b) The corners of the parcel are staked and flagged, if requested by TRPA. TRPA shall notify parcel owners of determinations made under this subparagraph.

(6) **Insufficient Area To Construct A Single Family Dwelling:** Parcels that, due to size, configuration, or an easement, may not have a sufficient area to allow construction of a single family dwelling shall not be eligible, unless TRPA receives a written request from the parcel owner that the parcel be evaluated, the parcel is otherwise eligible under this section, and the corners of the parcel are staked and flagged, if requested by TRPA. TRPA shall notify parcel owners of determinations made under this subparagraph.

(7) **Local Zoning Restrictions:** Parcels that TRPA determines are prohibited residential uses by local government zoning ordinances shall not be eligible, unless TRPA receives a written request from the parcel owner that the parcel be evaluated and the parcel is otherwise eligible under the provisions of this section. TRPA shall notify parcel owners of determinations made under this paragraph. TRPA review pursuant to IPES is not a determination by TRPA that residential uses are permitted by local government.

37.7 **Most Likely Building Site:** In determining the location of the most likely building site, the evaluation team shall consider: local building setbacks and open space easements, the relationship between the building site and access from public right-of-way, and minimizing excavation and general site disturbance resulting from construction. Where the IPES field evaluation team has determined a most likely building site in order to undertake its evaluation, it shall make a permanent record of that determination.

37.7.A **Alternative Building Site:** If at a later time a project proponent selects a site other than the most likely building site, then TRPA shall score the alternative building site selected and shall, upon a written election by the project proponent, adjust the IPES score accordingly. In order to be deemed an alternative building site, the selected site shall not overlap the most likely building site areally by more than 25 percent. The cost of scoring the alternative building site shall be paid by the project proponent.
37.8 Ranking Of Parcels: Once all eligible parcels within a particular jurisdiction have received a numerical score, the parcels shall be ranked, by jurisdiction, from the most suitable (those parcels receiving the highest numerical score) to the least suitable (those parcels receiving the lowest numerical score).

37.8.A Deadline For Ranking: Ranking of all eligible parcels shall be completed and considered for adoption by December 31, 1988.

37.8.B Establishment Of Level Defining Top Ranked Parcels: By January 1, 1989, TRPA shall establish an initial numerical level in the rankings immediately above the most sensitive parcels. The initial level shall be at the same numerical value for all jurisdictions. Parcels having scores above the level established herein, and as lowered pursuant to Subsection 37.8.C, shall be the top ranked parcels within each jurisdiction.

(1) Procedure For Establishing Initial Numerical Level: Once all eligible parcels have received a score under IPES and TRPA has taken a final action on requests for reevaluation pursuant to Subsection 37.10.C, the initial numerical level defining the top ranked parcels shall be established by TRPA in accordance with the following procedures. Parcels determined by the IPES field evaluation teams to be located in a soil series not identified in the report entitled "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service and dated March 1974, shall be excluded from this procedure.

(a) A numerical value shall be established such that the number of vacant residential parcels located above the value equals the number of vacant residential parcels that on March 1, 1988 are shown on TRPA's Land Capability Overlay maps as having at least 51 percent of their area located in Land Capability Districts 4, 5, 6 and 7.

(b) A zone shall be established between the numerical values that are ten percent greater than and ten percent less than the numerical value established under (a), above.

(c) Based on the soil series and average slope determined by the IPES field evaluation teams, parcels that would otherwise be classified as Land Capability District 3, in accordance with the soil series and slope ranges set forth for Land Capability District 3 lands in the Bailey Report, shall be identified and the arithmetic mean of the scores received by these parcels shall be determined.

(d) Based on the soil series and average slope determined by the IPES field evaluation teams, parcels that would otherwise be classified as Land Capability District 4, in accordance with the soil series and slope ranges set forth for Land Capability District 4 lands in the Bailey Report, shall be identified and the arithmetic mean of the scores received by these parcels shall be determined.
(e) The arithmetic mean of the values established under (c) and (d), above, shall be determined.

(f) If the value established under (e), above, is within the zone established in (b), above, then the initial numerical level shall be set at the value established under (e), above. If the value established under (e), above, is outside the zone established in (b), above, then the initial numerical level shall be set at the numerical value of the zone boundary that is closest to the value established under (e), above.

37.8.C Lowering Numerical Level Defining Top Ranked Parcels: Provided TRPA makes the findings required under Subparagraph (1) of this Subsection, the numerical level defining the top ranked parcels in any jurisdiction shall be lowered, on an annual basis commencing on January 1, 1990, to include in the top rank a number of parcels equal to the number of parcels in that jurisdiction that used allocations during the previous year in accordance with Chapter 33.

(1) Required Findings: The numerical level defining the top ranked parcels shall not be lowered unless TRPA makes the following findings with respect to the applicable local jurisdiction:

(a) All parcels included in the top rank are otherwise eligible for development under the applicable state water quality management plan for the Lake Tahoe Basin (208 plans) and other legal limitations;

(b) The monitoring program for that jurisdiction is in place pursuant to Chapter 32 and the TRPA monitoring plan.

(c) Demonstrable progress is being made on capital improvement programs for water quality within that jurisdiction;

(d) The level of compliance with conditions of project approvals within any jurisdiction is satisfactory; and

(e) For any jurisdiction, the number of parcels having scores below the level defining the top ranked parcels, divided by the number of parcels in that jurisdiction that were identified as sensitive by TRPA on January 1, 1986, does not exceed the following percentages;

(i) El Dorado County - 20 percent
(ii) Placer County - 20 percent
(iii) Douglas County - 33 percent
(iv) Washoe County - 33 percent

37.8.D Limitation On Issuance Of Allocations To Parcels Below Level Defining Top Ranked Parcels: In jurisdictions that do not issue building
allocations by random selection, the percentage of allocations issued to parcels that were below the line defining the top ranked parcels on January 1, 1989, shall be no greater than the percentage resulting from dividing the number of vacant parcels below the initial line that eventually become located above the line defining the top ranked parcels by the total number of vacant parcels in that jurisdiction.

37.8.E **Eligibility To Compete For Allocation:** All parcels receiving a score under IPES shall be eligible to compete for residential allocations. Top ranked parcels that receive a residential allocation may pursue issuance of a TRPA permit to construct a new single family house. Parcels with score below the level defining the top ranked parcels may, if in receipt of a residential allocation, exercise any of the options listed below:

(1) Transfer the allocation in accordance with Chapter 34;

(2) Relinquish the allocation; or

(3) Transfer other development rights in accordance with Chapter 34.

37.9 **Notification Of Property Owners:** Property owners shall be notified as follows:

37.9.A **Right Of Entry:** TRPA shall not enter a parcel for purposes of evaluation under IPES, if the property owner, has refused to grant the right of entry, and the refusal is in writing, delivered by certified or registered mail, to TRPA or by personal delivery, within the deadline set forth in the notification. Parcels for which the owner refuses right of entry shall be scored zero.

37.9.B **IPES Score:** Owners of parcels evaluated under IPES shall be notified of IPES scores in accordance with the following provisions:

(1) When eligible parcels evaluated have been assigned a score, the owner of each such parcel shall be notified by mail, in accordance with TRPA's Rules of Procedures, of the parcel's assigned score, the procedures for requesting a reevaluation in accordance with Subsection 37.10.C and an appeal in accordance with Subsection 37.10.D, and other information determined by TRPA to be necessary.

(2) Once TRPA has taken action on requests for reevaluation in accordance with Subsection 37.10.C and has established the numerical level defining the top ranked parcels in accordance with Subsection 37.8.B and the formula for determining allowable base land coverage in accordance with Section 37.11, the owners of parcels evaluated under IPES shall be notified by mail, in accordance with TRPA's Rules of Procedure, of the parcel's total score, percentage of allowable base land coverage and the numerical value at which the line identifying the top ranked parcels is located. This notification shall also identify the score received under each element of IPES and the procedure for filing an appeal.
(3) TRPA shall notify each parcel owner of the score resulting from the procedure established in Subparagraph 37.10.D(1) once TRPA has completed its review of the appeal application. This notification shall include the parcel's total score, percentage of allowable base land coverage, the score received under each element of IPES and the procedure for requesting that the appeal be heard by the Governing Board.

(4) For purposes of notification under this subsection, the owner of a parcel shall be as shown on the most current county tax assessor rolls.

37.10 Changes In IPES Score: IPES scores may be changed as follows:

37.10.A Installation Of Water Quality Improvement In Vicinity Of Parcel: If water quality improvements of the type considered in Subsection 37.2.G are installed in an area subsequent to TRPA preparing the map in accordance with Subparagraph 37.2.G(1), TRPA shall amend the map by increasing the point value for such area according to the point values identified in Table G-1 for the improvements installed. The scores received by parcels located in areas where point values are increased in accordance with this subsection shall be increased to reflect the new point value.

37.10.B Changes In Condition Of Watershed: If the TRPA finds that the estimated overall ability of a drainage basin to deliver nutrients and sediments to Lake Tahoe has changed, based on consideration of the three categories listed in Subsection 37.2.E, the point value given that watershed shall be changed to reflect the new condition and the score received by parcels located in that watershed shall be changed accordingly. Such changes in the condition of a watershed may cause the score received by a parcel to increase or decrease.

37.10.C Reevaluation Procedure: TRPA or the owner of a parcel receiving a score under IPES may request a reevaluation based on the existence of information that was not known to, or considered by, the evaluation team at the time the evaluation was performed, such as existing access easements and lot consolidations. Reevaluation shall not include determination, with respect to the IPES criteria being properly applied. That determination is included under an appeal. To be eligible for reevaluation, a complete application requesting reevaluation shall be filed with TRPA. This procedure shall not apply where a building site other than the most likely building site is selected by a project proponent pursuant to Subsection 37.7.A.

37.10.D Appeal Procedure: The owner of a parcel who has received notification of the parcel’s score under IPES may file an appeal with TRPA by submitting a complete written appeal application no later than 180 days from the date notification, in accordance with Subparagraph 37.9.B(2). Complete applications shall include, at a minimum, identification of the IPES criteria the parcel owner feels was improperly or incorrectly applied and any data, reports, or other information in support of the appeal.
Upon receipt of an appeal, the parcel shall be reevaluated by an evaluation team other than the one that performed the original evaluation. A second notification, pursuant to TRPA's Rules of Procedure and in accordance with Subparagraph 37.9.B(3), shall be given to the parcel owner. The determinations of the second evaluation team shall be final, unless the owner of the parcel requests in writing to the Executive Director that the appeal be heard by the Governing Board. The written request must be received by TRPA within 15 working days from the date that the second notification was given pursuant to TRPA's Rules of Procedure.

Appeals to the Governing Board shall be processed in accordance with TRPA's Rules of Procedure. The Governing Board may change the score for a parcel only if it finds that the IPES criteria were not applied correctly and then the score shall be changed only to the degree resulting from proper application of the criteria.

37.10.E Alternative Appeal Procedure: Those individuals that did not file an appeal pursuant to Section 37.10.D shall be allowed to file an appeal as set forth herein. The Agency shall publish and post notice of the filing period in the same manner required for ordinance amendments. Those parties wishing to appeal shall do so by submitting an application with the proper filing fee to the TRPA office on or before June 29, 1990, at 5:00 p.m. Said application and fee must be received by the Agency at that time. After receipt, the procedure set forth in Chapter 37.10.D(1) and (2) shall be followed. In addition, notice of this procedure shall be mailed to those who have requested notice and to the individuals who in the first appeal had notices returned by the Post Office as being undeliverable.

37.10.F Reversal Of Denial Of Entry: An owner of a parcel for which right of entry was denied, may request in writing, by certified or registered mail or by personal delivery, the scoring and ranking of the parcel. The owner shall bear the cost of the field team evaluation. Upon receipt of the score in accordance with Subsection 37.9.B, the parcel owner may request reevaluation or an appeal in accordance with Subsections 37.10.C and 37.10.D.

37.11 Allowable Base Land Coverage: The allowable base land coverage for residential parcels evaluated under IPES shall be a function of the parcel's combined score under the IPES criteria for relative erosion hazard and runoff potential as correlated with the coverage coefficients and land capability districts of the Bailey Report. The allowable base land coverage under IPES shall be established in accordance with the following procedures and shall be considered for adoption by TRPA no later than January 1, 1989.

37.11.A Procedure For Establishing Allowable Base Land Coverage: Once eligible parcels have received a score under IPES, and TRPA has taken action on requests for reevaluation pursuant to Subsection 37.10.C, the percentage of allowable base land coverage shall be established by TRPA in accordance with the following procedures:
(a) Based on the soil series and average slope determined by the IPES evaluation teams, all parcels receiving a score under IPES shall be identified as to which of the seven capability classes established in the Bailey Report each parcel would have been classified. Parcels determined by the IPES evaluation teams to be located in a soil series not identified in the report entitled "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service and dated March 1974, shall be excluded from this procedure.

(b) The combined scores for Relative Erosion Hazard and Runoff Potential representing the central tendency within each capability class shall be determined. The central tendency shall be described by determining the mode value, or by alternative statistical methods, including mean or median values, whichever is appropriate.

(c) The central tendency scores established in (b), above, shall be plotted, in graph form, against percentages of allowable base land coverage ranging from one percent to thirty percent. The central tendency score for Land Capability Districts 1a, 1c, and 2, shall be plotted at one percent; for Land Capability District 3 at five percent; for Land Capability District 4 at 20 percent; for Land Capability District 5 at 25 percent; and for Land Capability Districts 6 and 7 at 30 percent. If the central tendency scores of any of the capability classes set forth in (c), above, are determined to be statistically indistinguishable, such classes shall be combined for purposes of establishing a central tendency score. If capability classes are combined, the central tendency score shall be plotted at the percentage that is the average of the percentages established for those classes in Subsection 20.3.A of the TRPA Code.

(d) TRPA shall develop a formula for a line passing through the points of central tendency plotted in accordance with (c), above. No parcel shall be allowed more than 30 percent, or less than one percent base land coverage.

(e) Allowable base land coverage for parcels receiving a score under IPES shall be established in accordance with the formula developed in (d), above.

37.11.B Application Of Allowable Base Land Coverage Percentages: The percentages of allowable base land coverage established in accordance with Section 37.11 shall be applied as follows to determine the total allowable base land coverage:

(1) Parcels Of 1/3 Acre Or Less In Size: The percentage of allowable base land coverage shall be applied to the entire parcel area, except in cases where the parcel contains areas classified as SEZ or backshore. In such cases, the percentage of allowable base land coverage shall be applied to only that area outside the SEZ.
and backshore. The allowable base land coverage of one percent in the SEZ and backshore may be combined with the allowable base land coverage for the remainder of the parcel to establish a total allowable base land coverage for the parcel. A portion of the total allowable base land coverage for the parcel may be used to allow construction of access only through the SEZ, provided TRPA makes the findings required in Subparagraph 20.4.B(1), and through the backshore, provided TRPA makes the findings required in Section 55.4.

(2) Parcels Greater Than 1/3 Acre But Less Than 5 Acres In Size: The percentage of allowable base land coverage shall be applied to the 1/3 acre evaluated by the evaluation team. If the owner of the parcel is able to identify a larger and contiguous area that has the same characteristics as the 1/3 acre originally evaluated and TRPA concurs, the percentage of allowable base land coverage shall be applied to the larger area. Allowable base land coverage on parcels that contain a SEZ shall be calculated in accordance with Subparagraph (1) above.

(3) Parcels Of Five Acres Or Greater In Size: The percentage of allowable base land coverage shall be applied to all that portion of the parcel that the evaluation team identifies as having the same characteristics as and being contiguous to the area evaluated.
Chapter 37
TECHNICAL APPENDICES

A. Relative Erosion Hazard Formulae

B. Runoff Potential
   Table B-1, Runoff Potential

C. Degree of Difficulty To Access Building Site
   Table C-1, Upsloping Parcels Without Existing Access.
   Table C-2, Factors For Grading Of Ground Above Cut Slopes.
   Table C-3, Downsloping Parcels Without Existing Access.
   Table C-4, Factor For Gradient Of Ground Below Fill Slope.
   Table C-5, Parcels With Existing Access.
   Table C-6, Disturbance In Stream Environment Zone (SEZ) For Access.

D. Degree of Difficulty To Access Building Site
   Table D-1, Extent Of Disturbance In SEZ.

E. Condition Of Watershed
   Table E-1, Condition Of Watershed.

F. Ability To Revegetate
   Table F-1, Vegetative Groups - Description of Vegetative Groups.
   Graph F-1, Aspect And Gradient Of Parcel.
   Table F-2, Elevation Of Parcel.

G. Need For Water Quality Improvements In Vicinity Of Parcel
   Table G-1, Needed Water Quality Improvements.

H. Area To Be Evaluated
   IPES Score Factor’s Equation

I. Setbacks From SEZs

J. List Assigning Point Values To Off-Site Water Quality Improvements in The Individual Parcel Evaluation System (IPES) Pursuant To Code Subsection 37.21
   Table C-1, Upsloping Parcels Without Existing Access.
A. Relative Erosion Hazard Formulae

(1) \((K)(R)(LS) = x\)

Where:

(a) \(K = \text{Soil Erodibility Factor}\): The soil erodibility factor \((K)\) shall be as shown on the latest edition of the Single Phase Interpretation Sheets prepared by the Soil Conservation Service for the soil series identified in the Tahoe Basin.

(b) \(R = \text{Climatic Conditions Factor}\): The climatic condition factor \((R)\) shall be taken from the \(R\) Factors Map for the Tahoe Basin, dated __________ and prepared by TRPA.

(c) \(LS = \text{Slope Length And Gradient Factor}\): The slope length and gradient factor \((LS)\) shall be derived from the following formula:

\[
LS = \frac{\sum_{j=1}^{n} (S_j)(\lambda_j)^{1.5} - (S_j)(\lambda_j - 1)^{1.5}}{1022.47}
\]

where:

(i) \(n\) = number of segments

(ii) \(S_j\) = value of \(s\) for segment, where; for slopes of 10\% or steeper;

\[
s = \left[\frac{\sin(\tan^{-1} s_1)}{0.9}\right]^{1.4}
\]

and for slopes of 9\% or flatter;

\[
s = 65.41\sin^2(\tan^{-1} s_1) + 4.56\sin(\tan^{-1} s_1) + 0.65
\]

\(s_1 = \text{slope in \%/100}\)

(iii) \(\lambda_j\) = distance in feet from top of slope to lower end of any segment \(j\); and

(iv) \(\lambda_j - 1\) = slope length in feet above segment \(j\); and
(2) \[ REH = \frac{899.72 - \sqrt{809,496.1 - 4(x^2 - 1065.45x + 202,612)}}{2} \]

where:

(a) \( x = (K)(R)(LS) \)

(b) \( REH = \text{Relative Erosion Hazard score} \)

B. Runoff Potential

**TABLE B-1**

**RUNOFF POTENTIAL**

<table>
<thead>
<tr>
<th>Hydrologic Conditions</th>
<th>Hydrologic Soil Group</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Poor</td>
<td>135 pts.</td>
</tr>
<tr>
<td>Fair</td>
<td>167 pts</td>
</tr>
<tr>
<td>Good</td>
<td>200 pts</td>
</tr>
</tbody>
</table>

C. Degree Of Difficulty To Access Building Sites

**TABLE C-1**

**UPSLOPING PARCELS WITHOUT EXISTING ACCESS**

<table>
<thead>
<tr>
<th>Height of Cut Slope at Access</th>
<th>Degree of Difficulty for Excavation</th>
<th>Slight</th>
<th>Moderate</th>
<th>Severe</th>
<th>SEZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤1’</td>
<td></td>
<td>120</td>
<td>120</td>
<td>120</td>
<td>50</td>
</tr>
<tr>
<td>&gt;1’ - 2’</td>
<td></td>
<td>110</td>
<td>107</td>
<td>104</td>
<td></td>
</tr>
<tr>
<td>&gt;2’ - 3’</td>
<td></td>
<td>100</td>
<td>94</td>
<td>88</td>
<td>25</td>
</tr>
<tr>
<td>&gt;3’ - 4’</td>
<td></td>
<td>90</td>
<td>81</td>
<td>62</td>
<td></td>
</tr>
<tr>
<td>&gt;4’ - 5’</td>
<td></td>
<td>80</td>
<td>58</td>
<td>46</td>
<td>5</td>
</tr>
<tr>
<td>&gt;5’ - 6’</td>
<td></td>
<td>60</td>
<td>45</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>&gt;6’ - 7’</td>
<td></td>
<td>50</td>
<td>32</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>&gt;7’ - 8’</td>
<td></td>
<td>40</td>
<td>19</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>&gt;8’ - 9’</td>
<td></td>
<td>30</td>
<td>6</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&gt;9’ - 10’</td>
<td></td>
<td>20</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>&gt;10’ - 11’</td>
<td></td>
<td>10</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>&gt;10’</td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE C-2
**FACTORS FOR GRADIENT OF GROUND ABOVE CUT SLOPE**

<table>
<thead>
<tr>
<th>Gradient Above Cut Slope</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤ 4%</td>
<td>1.0</td>
</tr>
<tr>
<td>&gt; 4% - 8%</td>
<td>0.9</td>
</tr>
<tr>
<td>&gt; 8% - 12%</td>
<td>0.8</td>
</tr>
<tr>
<td>&gt; 12% - 16%</td>
<td>0.7</td>
</tr>
<tr>
<td>&gt; 16% - 20%</td>
<td>0.6</td>
</tr>
<tr>
<td>&gt; 20% - 24%</td>
<td>0.5</td>
</tr>
<tr>
<td>&gt; 24% - 30%</td>
<td>0.3</td>
</tr>
<tr>
<td>&gt; 30%</td>
<td>0.1</td>
</tr>
</tbody>
</table>

### TABLE C-3
**DOWNSLOPING PARCELS WITHOUT EXISTING ACCESS**

<table>
<thead>
<tr>
<th>Height of Fill Slope at Access</th>
<th>No SEZ</th>
<th>SEZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤3’</td>
<td>120</td>
<td>40</td>
</tr>
<tr>
<td>&gt;3’ - 6’</td>
<td>110</td>
<td>30</td>
</tr>
<tr>
<td>&gt;6’ - 10’</td>
<td>90</td>
<td>20</td>
</tr>
<tr>
<td>&gt;10’ - 15’</td>
<td>70</td>
<td>10</td>
</tr>
<tr>
<td>&gt;15’</td>
<td>50</td>
<td>0</td>
</tr>
</tbody>
</table>

### TABLE C-4
**FACTORS FOR GRADIENT OF GROUND BELOW FILL SLOPES**

<table>
<thead>
<tr>
<th>Gradient Below Fill Slope</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>10%</td>
<td>1.0</td>
</tr>
<tr>
<td>10% - 15%</td>
<td>0.9</td>
</tr>
<tr>
<td>15% - 20%</td>
<td>0.8</td>
</tr>
<tr>
<td>20% - 30%</td>
<td>0.7</td>
</tr>
<tr>
<td>30%</td>
<td>0.6</td>
</tr>
</tbody>
</table>

**TABLE C-5**
### PARCELS WITH EXISTING ACCESS

<table>
<thead>
<tr>
<th>Extent of Grading Required on Access</th>
<th>Excavation for Parking Area or Garage</th>
<th>SEZ</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
<td>Less Than 3’</td>
</tr>
<tr>
<td>No Appreciable Grading</td>
<td>120</td>
<td>110</td>
</tr>
<tr>
<td>Minor Grading</td>
<td>80</td>
<td>70</td>
</tr>
<tr>
<td>Major Grading</td>
<td>40</td>
<td>30</td>
</tr>
</tbody>
</table>

### TABLE C-6

**DISTURBANCE IN STREAM ENVIRONMENT ZONE (SEZ) FOR ACCESS**

<table>
<thead>
<tr>
<th>Location of Disturbance</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>No disturbance in stream environment zone or interception of ground water.</td>
<td>50 pts.</td>
</tr>
<tr>
<td>Disturbance only in secondary riparian vegetation or setback.</td>
<td>20 pts.</td>
</tr>
<tr>
<td>Disturbance in primary riparian vegetation or intercepts ground water, but not in stream channel.</td>
<td>5 pts</td>
</tr>
<tr>
<td>Disturbance in stream channel.</td>
<td>0 pts.</td>
</tr>
</tbody>
</table>
D. Stream Environment Zone

TABLE D-1
EXTENT OF DISTURBANCE IN SEZ

<table>
<thead>
<tr>
<th>Type Of Disturbance In SEZ</th>
<th>Location of Disturbance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Inside Secondary Riparian Vegetation Or Setback</td>
</tr>
<tr>
<td>None</td>
<td>110 pts.</td>
</tr>
<tr>
<td>Utility Connection</td>
<td>40 pts.</td>
</tr>
</tbody>
</table>

E. Condition of Watershed

TABLE E-1
CONDITION OF WATERSHED

<table>
<thead>
<tr>
<th>Watershed No</th>
<th>Name</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Tahoe State Park</td>
<td>54</td>
</tr>
<tr>
<td>2.</td>
<td>Burton Creek</td>
<td>70</td>
</tr>
<tr>
<td>3.</td>
<td>Barton Creek</td>
<td>67</td>
</tr>
<tr>
<td>4.</td>
<td>Lake Forest Creek</td>
<td>58</td>
</tr>
<tr>
<td>5.</td>
<td>Dollar Creek</td>
<td>67</td>
</tr>
<tr>
<td>6.</td>
<td>Cedar Flats</td>
<td>58</td>
</tr>
<tr>
<td>7.</td>
<td>Watson</td>
<td>53</td>
</tr>
<tr>
<td>8.</td>
<td>Carmelian Bay Creek</td>
<td>61</td>
</tr>
<tr>
<td>9.</td>
<td>Carmelian Canyon</td>
<td>61</td>
</tr>
<tr>
<td>10.</td>
<td>Tahoe Vista</td>
<td>54</td>
</tr>
<tr>
<td>11.</td>
<td>Griff Creek</td>
<td>44</td>
</tr>
<tr>
<td>12.</td>
<td>Kings Beach</td>
<td>54</td>
</tr>
<tr>
<td>13.</td>
<td>East Stateline Point</td>
<td>26</td>
</tr>
<tr>
<td>14.</td>
<td>First Creek</td>
<td>22</td>
</tr>
<tr>
<td>15.</td>
<td>Second Creek</td>
<td>0</td>
</tr>
<tr>
<td>16.</td>
<td>Burnt Cedar Creek</td>
<td>54</td>
</tr>
<tr>
<td>17.</td>
<td>Wood Creek</td>
<td>18</td>
</tr>
<tr>
<td>18.</td>
<td>Third Creek</td>
<td>30</td>
</tr>
<tr>
<td>19.</td>
<td>Incline Creek</td>
<td>18</td>
</tr>
</tbody>
</table>
F. Ability To Revegetate

**TABLE F-1**

**VEGETATIVE GROUPS**

<table>
<thead>
<tr>
<th>Vegetative Groups</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group A</td>
<td>35</td>
</tr>
<tr>
<td>Group E</td>
<td>20</td>
</tr>
<tr>
<td>Group B</td>
<td>10</td>
</tr>
<tr>
<td>Group G</td>
<td>5</td>
</tr>
</tbody>
</table>

Description of Vegetative Groups

**Group A**: Choice of plants is not limited. Soils have no major limitation. Soils are more than 40 inches deep. Texture of the surface layer is stony sandy loam. Drainage is good, permeability is moderate in the subsoil, and the available water capacity for the entire profile is generally more than 5 inches.

**Group B**: Choice of plants is limited by droughtiness and low fertility. Soils are mostly more than 40 inches deep over weathered rock, but some are only 20 inches deep. Texture of the surface layer ranges from loamy coarse sand to gravelly loam and in places is stony or very stony. Drainage is moderately good to somewhat excessive, permeability is very rapid to slow in the subsoil, and the available water capacity is mostly less than 5 inches.

**Group C**: Choice of plants is limited by wetness. Soils are more than 30 inches deep over peat or clay, or are saturated, but some are only 30 inches deep. Texture of the surface layer ranges from peat to clay and in places is soggy or waterlogged. Drainage is poor, permeability is slow in the subsoil, and the available water capacity is mostly less than 5 inches.
deep. Texture of the surface layer ranges from and through silt loam and in places is very gravelly. Natural drainage is poor to somewhat poor and the available water capacity for the entire profile is mostly more than 2 inches.

Group G: Choice of plants is limited by depth. Soils are as shallow as 20 inches over bedrock or a hardpan. Texture of the surface layer ranges from coarse sandy loam to very stony sandy loam. Drainage is moderately good to good. Permeability is moderate to slow, and the available water capacity for the entire profile is more than 3 inches.

Group J: Choice of plants depends on on-site investigation. The group includes all soils and land types in capability classes VII and VIII and steep and very steep soils. For soils listed in this group the evaluation team shall determine which of the other vegetative groups most closely describes the limitations.
TABLE F-2
ELEVATION OF PARCEL

<table>
<thead>
<tr>
<th>Elevation of Parcel</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 7,000 feet</td>
<td>7</td>
</tr>
<tr>
<td>7,000 feet or above</td>
<td>0</td>
</tr>
</tbody>
</table>
G. **Need For Water Quality Improvements In Vicinity Of Parcel**

<table>
<thead>
<tr>
<th>Needed Improvement</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>50</td>
</tr>
<tr>
<td>Revegetation</td>
<td>-6</td>
</tr>
<tr>
<td>Rock-lined or Vegetated Ditches</td>
<td>-8</td>
</tr>
<tr>
<td>Curb Gutter or Paved Swales</td>
<td>-8</td>
</tr>
<tr>
<td>Storm Drain Pipes</td>
<td>-8</td>
</tr>
<tr>
<td>Retaining Walls</td>
<td>-4</td>
</tr>
<tr>
<td>Rock Slope Protection</td>
<td>-4</td>
</tr>
<tr>
<td>Paved Roads</td>
<td>-8</td>
</tr>
<tr>
<td>Sediments Basin</td>
<td>-4</td>
</tr>
</tbody>
</table>

H. **Area To Be Evaluated**

IPES Score Factor’s Equation

\[
Y = \sqrt{\frac{100^2 - (100 - (0.01)X)^2}{100}}
\]

where:

- \(Y\) = Factor
- \(X\) = Area of parcel outside SEZ if less than 1/3 acre.
I. Setbacks From SEZs

**CHANNEL PRESENT**

**Perennial Stream**

- Confined
- Unconfined

**Ephemeral or Intermittent Stream**

- Confined
- Unconfined

**Slope**

- Good
- Average
- Poor

**Condition**

**CHANNEL ABSENT**

10’ from Edge of SEZ

**MAN-MADE CHANNELS**

10’ from Edge of Channel or Primary Riparian Vegetation, Whichever is Greater
Instructions: Pursuant to Subsection 37.2.I of the Code of Ordinances, TRPA may increase a parcel's IPES score upon TRPA approval of a water quality improvement project submitted by the parcel owner. To qualify for the additional points, a parcel owner has two options:

1. Pay a non-refundable and non-transferable fee of $672 per point to be deposited into the water quality mitigation fee fund, in which case TRPA will unconditionally award the points to the subject parcel; or

2. Implement a water quality improvement project consistent with TRPA's 208 plan and of equal or superior value to the fee calculated in (1), above. Per-unit costs in this appendix will be used to estimate the project's value. TRPA will conditionally award the additional points to the subject property until completion of the water quality improvement project, at which time the condition will be removed.

If option 1 is selected, the applicant is advised that the fee is non-refundable and non-transferable. The applicant shall be required to sign an acknowledgement accepting these restrictions prior to TRPA awarding points.

If option 2 is selected, the applicant shall:

1. submit detailed plans of the proposed water quality improvement project for TRPA review and approval, including a cost breakdown of the project utilizing the per-unit costs contained herein;

2. obtain all necessary authorizations for the required encroachment on the public right-of-way; and

3. make appropriate arrangements for long-term maintenance of the project after its completion.
### PER UNIT COST

<table>
<thead>
<tr>
<th>Treatment</th>
<th>Unit</th>
<th>Unit Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Slope Stabilization</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rock Retaining Wall (4’)</td>
<td>L.F.</td>
<td>$60.00</td>
</tr>
<tr>
<td>Wooden Retaining Wall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 2’ High</td>
<td>L.F.</td>
<td>$30.00</td>
</tr>
<tr>
<td>• 3’ High</td>
<td>L.F.</td>
<td>$40.00</td>
</tr>
<tr>
<td>• 4’ High</td>
<td>L.F.</td>
<td>$50.00</td>
</tr>
<tr>
<td>• 5’ High</td>
<td>L.F.</td>
<td>$60.00</td>
</tr>
<tr>
<td>Gabions (3’ High)</td>
<td>L.F.</td>
<td>$60.00</td>
</tr>
<tr>
<td>Rock Rip-Rap</td>
<td>S.F.</td>
<td>$2.00</td>
</tr>
<tr>
<td>Grouted Rock Rip-Rap</td>
<td>S.F.</td>
<td>$4.00</td>
</tr>
<tr>
<td>Wattling</td>
<td>L.F.</td>
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</tr>
<tr>
<td>Slope Bottom Bench</td>
<td>L.F.</td>
<td>$8.00</td>
</tr>
<tr>
<td>Slope Serration</td>
<td>L.F.</td>
<td>$.02</td>
</tr>
<tr>
<td>Slope Stepping</td>
<td>L.F.</td>
<td>$.03</td>
</tr>
<tr>
<td><strong>Runoff Conveyance, Infiltration, and Collection</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street, Driveway, and Ditch Runoff Conveyance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concrete Curb and Gutter</td>
<td>L.F.</td>
<td>$20.00</td>
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<tr>
<td>A/C Curb and Gutter</td>
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<tr>
<td>A/C Rolled Curb</td>
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<td>A/C Swale</td>
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<tr>
<td>Rocklined “V” Ditch</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Type A (1’ x 2’)</td>
<td>L.F.</td>
<td>$10.00</td>
</tr>
<tr>
<td>• Type A (2’ x 3’)</td>
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<tr>
<td>• Type A (3’ x 4’)</td>
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<td>$30.00</td>
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<tr>
<td>• Type A (4’ x 6’)</td>
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<td>Slotted Drain</td>
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<td>Wide Valley Gutter</td>
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<tr>
<td><strong>Collection</strong></td>
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<td></td>
</tr>
<tr>
<td>Catch Basin</td>
<td>Each</td>
<td>$5,000</td>
</tr>
<tr>
<td>Detention Basin</td>
<td>Each</td>
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<tr>
<td>Storm Drain (24”)</td>
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<tr>
<td>Discharge Apron (5’x6’x1’)</td>
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<td>Check Dam</td>
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<tr>
<td>Grease and Oil Trap</td>
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### Vegetative Matter
<table>
<thead>
<tr>
<th>Service Description</th>
<th>Unit</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawn Seeding (Hand)</td>
<td>S.F.</td>
<td>$.03</td>
</tr>
<tr>
<td>Erosion Control Grass Seeding (Hand)</td>
<td>S.F.</td>
<td>$.05</td>
</tr>
<tr>
<td>Erosion Control Grass Seeding and Mulch (Hand)</td>
<td>S.F.</td>
<td>$.10</td>
</tr>
<tr>
<td>Erosion Control Grass Seeding, Mulch and Fertilizer</td>
<td>S.F.</td>
<td>$.15</td>
</tr>
<tr>
<td>Hydroseeding</td>
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<td>$.02</td>
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<tr>
<td>Revegetated Channel</td>
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**Erosion Control Tree and Shrub Planting**

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bare Root Native or Adaptive Trees and Shrubs</td>
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</tr>
<tr>
<td>Containerized Native or Adaptive Tree and Shrubs</td>
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<td></td>
</tr>
<tr>
<td>• Tublings</td>
<td>Each</td>
<td>$2.00</td>
</tr>
<tr>
<td>• 1 Gallon</td>
<td>Each</td>
<td>$8.00</td>
</tr>
<tr>
<td>• 2 Gallon</td>
<td>Each</td>
<td>$10.00</td>
</tr>
<tr>
<td>• 5 Gallon</td>
<td>Each</td>
<td>$50.00</td>
</tr>
<tr>
<td>• 10 Gallon</td>
<td>Each</td>
<td>$70.00</td>
</tr>
<tr>
<td>• 15 Gallon</td>
<td>Each</td>
<td>$160.00</td>
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</table>

**SEZ Restoration**

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mile</td>
<td>$66,000-$113,000</td>
</tr>
</tbody>
</table>

Note:  
- L.F. = Linear Foot  
- S.F. = Square Foot
Chapter 38
TRACKING, ACCOUNTING AND BANKING

Chapter Contents:

38.0 Purpose
38.1 Applicability
38.2 General Provisions
38.3 Tracking And Accounting Procedures
38.4 Basic Data Information For Account Files
38.5 Land Coverage Information For Account Files
38.6 Density And Gross Floor Area Information For Account Files
38.7 Regional Allocation Accounting
38.8 Land Banks
38.9 Cumulative Account

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

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

38.2 General Provisions: The following are general provisions:

38.2.A Responsibility For Tracking And Accounting System: TRPA shall be responsible for establishing and maintaining a tracking and accounting system. TRPA shall coordinate record keeping efforts with local governments and land banks established pursuant to this chapter. TRPA shall integrate the tracking and accounting system with environmental threshold maintenance efforts to minimize duplication of data gathering and processing. (See Chapter 32.)

38.2.B Coordination And Cooperation With Land Banking Programs: TRPA shall develop and implement a program for coordinating files and data tracking systems with land banks. Land bank files shall be audited not less than once a year by TRPA to assure data base accuracy and consistency with TRPA files.
38.2.C  Accounting And Crediting Limitations: Land coverage, and units of use subject to allocation or transfer limitations, may be removed from a parcel and credited for future use pursuant to the Code. Land coverage and units of use may be credited to the parcel account, if such coverage or units is verified by TRPA as legally existing on or after October 15, 1986.

38.3  Tracking And Accounting Procedures: Tracking and accounting procedures are as follows:

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

38.3.B  Establishment Of Account Files: TRPA shall establish a program for establishing account files for each parcel. If an application is made for credit on a parcel for which no account file has been established, TRPA shall promptly establish a file.

38.3.C  Responsibility And Timing For Filing Tracking Reports: Upon completion of any action taken by TRPA which affects a parcel in regards to allocation of development or transfer of development or land coverage, a tracking form shall be completed and filed with TRPA. The filing of the report shall be the responsibility of the party initiating the action affecting the status of the parcel.

38.3.D  Verification And Recording Of Tracking Reports: Tracking reports shall be stamped by TRPA on the date received and recorded in the account file within 30 days of their receipt. TRPA shall verify the information contained in the tracking report prior to recordation.

38.3.E  Cross-Referencing Tracking Reports: Where a tracking report refers to a transfer of credit from one parcel to another, all affected parcel account files shall be properly adjusted and cross-referenced.

38.3.F  Mergers: Where parcels are merged, data for each parcel shall be combined and a tracking and accounting file established for the newly created parcel.

38.3.G  Non-Parcel Accounts: TRPA may create a separate non-parcel account for each county and city and state highway department for the purpose of receiving and crediting land coverage and units of use for future use or transfer. The sending parcel shall be restored and retired in accordance with Chapters 34 and 20, as applicable. The non-parcel account shall be in accordance with this Chapter except that the account file number shall not be an assessor’s parcel number and certain other basic data and information may not be applicable.

38.4  Basic Data For Account Files: The following basic information shall be maintained for each parcel for which an account file has been created:
38.4.A **Account File Number:** The account file number shall be the assessor parcel number (APN).

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

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

38.4.D **IPES Score:** If applicable, IPES score and allowable land coverage.

38.4.E **Parcel Size:** Size of parcel in square feet or acres, and building site size if rated under IPES.

38.4.F **Plan Area Statement Status:** Name, number, primary designation and special designations of the applicable plan area statement.

38.4.G **Community Plan Status:** If applicable, identification of the community plan in which the parcel is located.

38.4.H **Master Plan Or Specific Plans:** If applicable, name of master or specific plan in which the parcel is located.

38.4.I **Redevelopment Area:** If applicable, name of redevelopment plan in which the parcel is located.

38.4.J **Existing Use:** Land uses existing on the parcel and date of construction, if known.

38.4.K **TRPA Permits:** TRPA permits granted on the parcel, date of issuance, permit number and other relevant information.

38.4.L **BMP Status:** Status and, if applicable, retrofit schedule of BMPs on parcel.

38.4.M **Deed Restrictions:** CTRPA or TRPA-required deed restrictions, date, number and location of recorded restriction.

38.4.N **Other Information:** Information TRPA determines to be necessary.

38.5 **Land Coverage Information For Account Files:** The following land coverage information shall be tracked, verified and recorded for each parcel, and updated upon receipt of new tracking reports:

38.5.A **Total Existing Coverage:** Total existing coverage in square feet, distinguished as hard, soft or potential coverage, and estimated date of coverage placement, including coverage credited but not yet transferred.
38.5.B **Allowable Base Coverage:** Allowable base coverage in square feet pursuant to the Bailey coefficients, or, if applicable, IPES.

38.5.C **Record of Coverage Transfers:** Coverage transfers shall be recorded as follows:

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

   (a) Project permit number and sending parcel account file number.

   (b) Date of transfer (date transaction is final).

   (c) The cost of transfer in dollars per square foot for each coverage type.

   (d) The mechanism for transfer (e.g., private transaction; land bank and land bank account number).

   (e) The type of coverage transferred in square feet of each type transferred.

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

   (a) Receiving parcel account number and project permit number.

   (b) Date of transfer (date transaction is final).

   (c) The cost of transfer in dollars per square foot for each coverage type.

   (d) The mechanism for transfer (e.g., private transaction; land bank and land bank account number).

   (e) The type of coverage transferred in square feet of each type transferred.

   (f) The mechanism for assuring retirement.

   (g) Coverage reduced in exchange for additional height pursuant to Chapter 22.

38.5.D **Land Coverage Mitigation Program:** The following information shall be recorded for the excess land coverage mitigation program:

(1) When fees are paid for coverage mitigation, the following information shall be recorded:

   (a) The date and amount, in square feet, of coverage credited.

   (b) The type of coverage credited.
(c) The cost per square foot of coverage credited.

(d) The mechanism for coverage mitigation (e.g., land bank, offsite restoration or retirement of coverage).

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

(a) The date and amount of coverage retired in square feet.

(b) The type of coverage retired.

(c) The mechanism for assuring retirement.

38.5.E Existing Authorized Coverage: Existing authorized coverage in square feet with date of entry.

38.5.F Excess Coverage: Excess land coverage in square feet with date of entry.

38.5.G SEZ Restoration: The following information shall be recorded for projects which include SEZ restoration:

(1) If the restoration mitigates new disturbance in an SEZ: the amount (in square feet) of restoration required; the amount restored; and the amount, if any, to be credited for future projects.

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

38.6 Units of Use and Other Information For Account Files: The following information shall be tracked, verified and recorded for each parcel, and updated upon receipt of new tracking reports:

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

(1) Number Of Existing Units: Date of approval and number of units approved, including units credited but not yet transferred.

(2) Number Of Transfer Units:

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

(i) Sending site account number or land bank and project permit number.

(ii) Date of transfer (date transaction is final).

(iii) Cost of transfer per unit, if applicable.
(iv) The mechanism for transfer (e.g., land bank, private transaction or other).

(v) Number of units added through transfer, including type and date of retirement or credit.

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

(i) The receiving parcel and project permit number.

(ii) Date of transfer (date transaction is final).

(iii) Cost of transfer per unit, if applicable.

(iv) The mechanism for transfer (e.g., land bank, private transaction or other).

(v) Number of units retired.

(3) **Number Of Bonus Incentive Units:** Date, number, and reason for units awarded.

(4) **Number Of Affordable Units:** Date of construction and number of units exempted from the allocation.

(5) **Number Of Residential Unit Allocations Assigned:** Number of allocations assigned to the parcel.

(6) **Number Of Development Rights:** Number of development rights assigned to the parcel.

38.6.B **Commercial Use:** Account files for parcels containing existing commercial gross floor area (GFA), or for parcels that are related to a commercial project approved by TRPA, shall have the following information:

(1) Amount of existing GFA in square feet and date of entry. Where transferred GFA is being held as credit on a parcel and not yet transferred, the amount of the GFA credit shall be included.

(2) Where GFA has been transferred, the following additional information shall be recorded:

(a) Sending parcel account number, land bank account, receiving parcel account number and project permit number.

(b) Cost of transfer in GFA per square foot, if applicable.

(c) Retired GFA, date of retirement, and verification.

(3) Amount of GFA allocated; project permit number and date permit issued.
(4) For improvements of 500 square feet or less, or five percent of total floor area, the amount of GFA, project permit number and date permit issued.

(5) Identification of the parcel as part of a community plan, as shall be part of a community plan, or as outside of a community plan.

38.6.C Tourist Accommodation Use: Account files for parcels containing existing tourist accommodation uses, or for parcels that are related to a tourist accommodation project approved by TRPA, shall have the following information:

(1) Number of existing units and date of entry. Where the transfer unit is being held as credit on a parcel and not yet transferred, the number of units credited shall be included.

(2) When units have been transferred, the following additional information shall be recorded:

(a) Sending parcel account number, land bank account number, receiving parcel account number and the project permit number.

(b) Cost of the transfer units per unit, if applicable.

(c) Number of retired transferred units, date of retirement, and verification.

(3) Amount of tourist accommodation units allocated; project permit number and date permit issued.

(4) Identification of parcel as part of a community plan, as shall be part of a community plan, or as outside of a community plan.

38.6.D Public Service Use: Account files for parcels containing existing public service uses, or for parcels that are related to a public service project approved by TRPA, shall have the following information.

(1) The primary existing public service use and, if applicable, the capacity.

(2) Use and dates proposed on the public service plan five-year list.

(3) For approved uses, project permit number and date permit issued.

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

(1) Primary existing use and, if applicable, capacity in Persons At One Time (PAOT).

(2) PAOT allocation proposal on the Recreation Plan Five-year list, including dates, and use.
(3) Where a recreational unit is transferred the following additional information shall be recorded:

(a) Sending parcel account number, receiving parcel account number and project permit number.

(b) Cost per unit transferred, if applicable.

(c) Retired units and date retired.

(d) Where transferred PAOT is being held as a credit on a parcel and is not yet transferred, the amount of credit shall be included.

(4) For approved uses, the project permit number and date permit issued and PAOTs allocated.

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

38.7.A Residential Allocation Report Contents: For residential allocation reports:

(1) For new allocations:

(a) Total number of allocations allowed.

(b) Total number of allocations allocated.

(c) Total number of units (from allocation) constructed.

(2) For bonus residential allocations:

(a) Total number of allocations allowed.

(b) Total number of allocations allocated.

(c) Total number of units (from allocation) constructed.

(3) The total number of affordable units constructed.

38.7.B Commercial Allocation Report Contents: For commercial allocation reports:

(1) Total number of allocations allowed in GFA.

(2) Total number of allocations issued in GFA.

(3) Total number of GFA constructed.

38.7.C Tourist Accommodations Allocation Report Contents: For tourist accommodation reports:
(1) Total number of allocations allowed.

(2) Total number of allocations issued.

(3) Total number of allocations constructed.

38.7.D **Recreation Allocation Report Contents:** For recreation allocation reports:

(1) Total number of units allowed in PAOTs.

(2) Total number of allocations issued.

(3) Total number of allocations used.

38.8 **Land Bank:** Transfers of land coverage and land coverage mitigation programs, pursuant to Chapter 20, and transfer of development programs pursuant to Chapter 34, may use a TRPA-approved land bank.

38.8.A **Designation Of Land Bank:** TRPA may designate one or more entities, whose functions include land acquisition and land restoration, as a land bank.

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

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

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

38.9 **Cumulative Account:** TRPA shall maintain a current cumulative account for all projects approved in accordance with Subsection 32.7.B.
Chapter 41
PERMISSIBLE SUBDIVISIONS

Chapter Contents

41.0 Purpose
41.1 Applicability
41.2 Definitions
41.3 Limitations on New Subdivisions

41.0 Purpose: In accordance with Goal #2, Policy 7 of the Land Use Subelement, Land Use Element of the Goals and Policies, this chapter establishes limitations on new subdivisions.

41.1 Applicability: This chapter applies to new subdivisions and modifications to existing subdivisions or parcels.

41.2 Definitions: The following terms are defined as follows:

41.2.A Community Apartment: A community apartment is an undivided interest in land coupled with the right of exclusive occupancy of a unit.

41.2.B Condominium: A condominium is an interest in real property, or combination of such interests, recognized under applicable state law as a condominium.

41.2.C Condominium Development: Condominium development is the division of real property into, or use of real property for, condominiums, including all structures relating to such division or use.

41.2.D New Development Potential: New development potential is the regional potential for additional residential, commercial, tourist accommodation, public service, recreation and related growth, as limited by the number of existing development rights currently remaining, and the Bailey coefficients for land coverage. The number of existing development rights is the number of development rights created on July 1, 1987 pursuant to Chapter 21, as amended, minus development rights which have been extinguished. New development potential for piers is limited by subparagraph 54.4.A(1) of the Code.

41.2.E Parcel Consolidation: Parcel consolidation is the merging of two or more contiguous parcels into one parcel.

41.2.F Moderate Income Housing$: For purposes of the subdivision ordinances only (Chapters 40-49, inclusive), moderate income housing are residential units which are sold or rented at prices and rates affordable to households or tenants that earn not more than 120 percent of the

§ Amended 4/28/04
applicable county median income. Moderate-income housing shall not include units with a rental rate that exceeds 30% of the tenant’s monthly gross income. Subdivision projects shall be reviewed by TRPA Certified Local Jurisdiction Moderate-Income Housing Programs, for purposes of determining appropriate income and sales price limitations for the sales rate of moderate-income housing. In the absence of a certified local program, project proponents shall use the 4.2 multiplier, to be multiplied by 120% of median family income, to determine a maximum sales price for housing. Moderate-income units are subject to deed restriction, for long-term occupancy, at least 10 months in each calendar year, in accordance with Subsection 35.2.G.(3). The multiplier is subject to periodic amendment, to adjust for changes to median family income resulting in a numerical increase in the multiplier. §§

41.2.G Parcel Line Adjustments: A parcel line adjustment is a change in the legal boundary or boundaries of a parcel.

41.2.H Public Entity: A public entity is a public service or quasi-public entity which is responsible for public transportation, linear public facilities, utility services, public health and safety, public education, environmental protection, or public open space.

41.2.I Stock Cooperative: A stock cooperative is a form of subdivision in which the buyers hold their right to occupancy through ownership of stock or membership in a cooperative corporation.

41.2.J Subdivision: Subdivision is defined in Chapter 2.

41.3 Limitations on New Subdivisions: New subdivisions shall not create new development potential in the Region. New subdivisions shall be reviewed in accordance with the applicable provisions of this Code. Only the following types of subdivisions may be approved provided TRPA finds they do not increase new development potential:

41.3.A Conveyance to Public Entity: Subdivisions of land for the purpose of conveying the newly created parcel to a government agency, or public entity as defined above, provided the subdivision is in compliance with the following standards:

(a) Acquisition Program Conveyances: The standards for conveyances to the United States, the California Tahoe Conservancy, or the Nevada Division of State Lands, pursuant to a program established by statute for the purposes of acquiring lands for open space, water quality, or recreational uses, are:

§ Amended 7/24/02
§§ Amended 11/16/05
would have been permitted prior to the subdivision.

(b) The TRPA subdivision approval shall only take effect upon the transfer of the subdivided parcel to either the United States, the California Tahoe Conservancy, or the Nevada Division of State Lands.

(2) General Conveyances: The standards for other conveyances are:

(a) If the original parcel had an existing residential development right, a deed restriction, or other covenant running with the land shall be recorded establishing which parcel shall be assigned the residential development right.

(b) The parcel conveyed to the government agency or public entity shall be permanently restricted by deed restriction or other covenant running with the land to the public service, public recreation, public resource management use, or open space.

(c) If the original parcel contains existing land coverage, deed restrictions, or other covenants running with the land, a deed restriction or other covenant running with the land shall be recorded against the original and newly created parcels ensuring that the allowable and maximum coverages on the parcels shall not exceed the amount which would have been permitted prior to the subdivision. In the case where existing land coverage exceeds the Bailey coefficients, the restriction shall ensure that future land coverage calculations shall be made as if the parcels had not been subdivided.

41.3.B Cemetery Lots: Divisions of land for the purpose of creating cemetery lots.

41.3.C Litigation: Division of land ordered by a federal or state court of competent jurisdiction as a result of bona fide, adversary legal proceedings to which TRPA is a party or is otherwise legally bound. Any such division of land or approval of any other project or action resulting from such legal proceedings, shall be pursuant to an evaluation of the effect of such division or approval upon the Regional Plan, the environmental thresholds, and other requirements of the Compact. Based on the above evaluation, TRPA shall make appropriate adjustments to the regional plan.

41.3.D Modifications to Existing Parcels and Subdivisions: Modifications to existing subdivisions or parcels, including parcel consolidations, which do not have adverse impacts upon the health, safety, general welfare, or environment of the Region. Modifications shall be reviewed in accordance with the applicable provisions of Chapter 42 of this Code. Modifications to an existing subdivision or parcel shall not create a greater number of parcels than that which currently exists.

41.3.E Conversions of Pre-1987 Structures: Conversion of an existing structure, as defined in Chapter 2, and which was approved prior to the
effective date of the 1987 Regional Plan (July 1, 1987), to a stock cooperative, community apartment, condominium, or any other form of divided interest; which does not have an adverse impact upon the health, safety, general welfare or environment of the Region. Conversions of eligible existing structures shall be reviewed in accordance with the applicable provisions of Chapter 43 of this Code.

41.3.F **Resubdivision**: Resubdivision, adjustment, or consolidation, or parcels within an existing urban area, as part of a TRPA-approved redevelopment plan. Such projects shall be reviewed in accordance with the applicable provisions of Chapter 43.

41.3.G **Subdivision of Post-1987 Projects**: Subdivision through condominiums, community apartments, or stock cooperatives, within an existing urban area, in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of the Regional Plan and Code. In order to subdivide a project under this subsection, the project shall be new development approved pursuant to the 1987 Regional Plan, as amended, prior to the approval of the subdivision. The subdivision shall not result in a greater amount, a different location, or a greater rate of development than otherwise permitted by the Regional Plan and Code. Subdivisions under this subsection shall be reviewed and approved in accordance with the applicable provisions of Chapter 43 of this Code.
Chapter 43
SUBDIVISION STANDARDS

Chapter Contents

43.0 Purpose
43.1 Applicability
43.2 Subdivision of Pre-1987 Structures
43.3 Resubdivisions
43.4 Subdivision of Post-1987 Projects

43.0 Purpose: The purpose of this chapter is to regulate the creation of new subdivisions to ensure attainment and maintenance of the environmental thresholds and the goals of the Regional Plan.

43.1 Applicability: This chapter applies to the review of permissible new subdivisions.

43.2 Subdivision of Existing Structures: Subdivision of eligible existing structures, as set forth in subsection 41.3.E, may be permitted subject to the following requirements:

43.2.A Permissible Use: Subdivisions of existing structures which result in a change of use shall comply with the requirements of Chapter 18. Subdivision of a structure shall be deemed an intensification of use and shall not be permitted if the new use is prohibited in the applicable plan area statement.

(1) Election of conversion of use pursuant to Section 33.7 shall be made in conjunction with or prior to an application to subdivide an existing structure. If the election is made after a TRPA approval for subdivision, then the election shall void the prior approval if the election modifies the major use classification of the subdivision.

43.2.B Moderate Income Housing: Existing residential units which are moderate income housing, as defined by 41.2.F, shall not be subdivided unless mitigation is provided on a unit for unit basis for the loss of moderate income housing. Mitigation shall be in the form of construction of an equal number of moderate income units, conversion of other structures to moderate income housing, restriction of subdivided units to moderate income housing units, or a combination of the above.

(1) To determine whether a unit is moderate income housing, the applicant shall submit a rental/sale history for each unit for the previous five years. TRPA shall review the history and determine whether the unit has, on the whole, been available as moderate income housing. TRPA shall utilize the appropriate state and federal data on median income and rental rates and mortgages for

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moderate to very low income households in making the determination. If a rental/sale history is unavailable or incomplete, an appraisal of the structure prepared by a qualified appraiser shall be submitted by the applicant.

(2) Restriction of subdivided units to moderate income housing shall include recordation of deed restrictions or other covenants running with the land, limiting the rental rates and sale price to those which are affordable to households or tenants that earn not more than 120 percent of the applicable county median.

43.2.C Land Coverage: Prior to approving a subdivision of an existing structure, TRPA shall require submittal of a site plan showing all existing land coverage.

(1) Conversions of existing structures shall be subject to the excess coverage mitigation requirements in Section 20.5 to the extent the subdivision includes, or is approved in conjunction with, building modifications.

43.2.D Density: Subdivision of existing structures which exceed the density standards in Chapter 21, or the applicable plan area statement, by more than ten percent shall not be permitted.

(1) Conversions of existing structures which exceed the density standards in Chapter 21 by no more than ten percent may be permitted provided TRPA finds that the resultant excess density is not inconsistent with the surrounding uses and the goals of the applicable plan area statement.

(2) For purposes of this chapter, the density standard for single family residential units shall be the multi-family density standard in the applicable plan area statement.

(3) If multi-family is not a permitted use, then the density standard for single family residential units in a subdivision or planned unit development shall be the density shown on the subdivision map provided the map depicts a specific density. If there is no subdivision map, or the subdivision map does not depict a specific density, then the density standard for single family residential units shall be four units per acre.

43.2.E Parking: Subdivisions of existing structures shall comply with the parking standards set forth in Chapters 24 and 30 and Ordinance 87-8, or the adopted community plan, as applicable.

43.2.F BMPs: Existing structures approved for subdivision shall be retrofitted with BMPs. Where the subdivision includes, or is done in conjunction with, reconstruction or relocation of the existing structure, the project area shall be retrofitted no later than the completion of the reconstruction or relocation. Where the subdivision does not include reconstruction or relocation, the project area shall be retrofitted no later than one year after the recordation of the map, or other similar legal instrument, documenting the subdivision. Performance of BMP retrofitting shall be secured in accordance with Chapter 8.
43.2.G **Basic Services**: Subdivisions of existing structures shall comply with the standards in Chapter 27, except that TRPA shall not waive the paved road requirement in Section 27.2.

43.2.H **Signage**: All signage associated with, or located within the subdivision shall conform to the standards for new signs in Chapter 26.

43.2.I **Design Review Guidelines**: Existing structures approved for subdivision shall be retrofitted to comply with the standards set forth in Chapter 91 for combustion appliances, including fireplaces. Subdivisions of existing structures shall conform to the following standards in Chapter 30:

1. Lighting (Section 30.8);
2. Snow Storage (Subsection 30.5.C); and
3. Landscaping (Section 30.7).

43.2.J **Air Quality Mitigation Fees**: If the subdivision of an existing structure effects a change in use (e.g., multi-family to single family), which results in an increase in daily vehicle trips, then an air quality mitigation fee shall be assessed pursuant to Subsection 93.3.D.

43.2.K **Common Areas**: If subdivision of an existing structure creates common area, then TRPA shall require covenants, conditions and restrictions (CC&Rs), as needed, to ensure compliance with the Code and conditions of approval.

43.2.L **Shorezone Structures**: Subdivision of an existing structure in the shorezone shall not be permitted except in accordance with an adopted marina master plan pursuant to Chapter 16.

43.2.M **Substitution of Local Housing Plans**: If a local jurisdiction adopts and implements a program which addresses the need for moderate income housing§ within its jurisdiction, then TRPA may, by ordinance, exempt projects within that jurisdiction from the provisions of Subsection 43.2.B.

43.2.N **General Standards**: Except as otherwise expressly set forth in this section, subdivisions of existing structures shall conform to the standards set forth in the TRPA Code. TRPA shall not approve the subdivision of an existing structure which was not constructed in accordance with the applicable local, regional and state laws.

1. In conjunction with the subdivision of an existing structure, TRPA may also approve the reconstruction or relocation of the structure, within the same project area, as otherwise permitted in the Code.

2. This section shall not be construed to permit the transfer of an existing structure to create a lot and block subdivision, planned unit development or similar division of land.

3. A final map, or similar document, for an approved subdivision, shall contain a signature block for TRPA to document regional approval.

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(4) TRPA shall require compliance with applicable pre-existing permit conditions and subdivision approvals through the recordation of deed restrictions or other covenants running with the land, as deemed necessary.

43.3 Resubdivisions: [Reserved]

43.4 Subdivision of Post-1987 Projects: Subdivision of projects approved after July 1, 1987 pursuant to the 1987 Regional Plan, as it may be amended, may be permitted subject to the following requirements:

43.4.A Existing Urban Areas: Subdivisions may only be permitted in urban areas existing on December 31, 1994 or as amended pursuant to subsection 13.7.D.

43.4.B Permissible Use: Subdivisions which result in a change in use shall comply with the requirements of Chapter 18. Subdivision shall be deemed an intensification of use and, consistent with Subsection 18.5.B, shall not be permitted if the new use is prohibited in the applicable plan area statement.

43.4.C Multi-residential Bonus Units and Allocations: Multi-residential projects which received development rights ("bonus units") under Section 35.2 after January 1, 1993, or residential allocations under Subsection 33.2.A(4), or multi-residential allocations under Subsection 33.2.C, shall be permitted to subdivide provided the resulting units are deed restricted in accordance with the Chapter 2 definitions for moderate income or affordable housing.

43.4.D Moderate Income Housing: Subdivision of moderate income housing projects, as defined in Subsection 41.2.F may be permitted provided TRPA finds that the resultant use qualifies as moderate income housing and appropriate deed restrictions or other covenants running with the land are recorded to document the restriction of units to moderate income housing. §

43.4.E Land Coverage: Projects which include transferred land coverage approved pursuant to subparagraph 20.3.B(3) shall not be permitted to subdivide if the resulting use is not eligible for transferred land coverage in the amount approved.

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43.4.F Affordable Housing: Subdivisions of post-1987 residential projects in plan areas designated preferred affordable housing areas Approval of subdivisions after December 31, 1995 of post-1987 residential projects which do not qualify as affordable housing are prohibited until TRPA finds the city or county, with zoning jurisdiction, has demonstrated its commitment to assume its "fair share" responsibility to provide lower and very low income housing within existing urban areas pursuant to Goal #1 of the TRPA Housing Subelement of the Regional Plan Goals and Policies.\(^\text{§}\)

43.4.G Density: Subdivisions shall comply with the applicable density standard for the resulting use. For purposes of this chapter, the density standard for single family residential units shall be the multi-family density standard in the applicable plan area statement. If multi-family is not a permitted use, then the density standard for single family residential units shall be four units per acre.

43.4.H Basic Services: Subdivisions shall comply with the standards in Chapter 27, except that TRPA shall not waive the paved road or fireflow requirements.

43.4.I Parking: Subdivisions of post-1987 projects shall comply with the parking standards for the resultant use, as set forth in Chapters 24 and 30 and Ordinance 87-8, or the adopted community plan, as applicable.

43.4.J Signage: Subdivisions of post-1987 projects shall comply with the signage standards for the resultant use as set forth in Chapter 26 or the adopted community plan, as applicable.

43.4.K Air Quality Mitigation Fees: Subdivisions which result in a change of use which increases daily vehicle trips shall be assessed an air quality mitigation fee pursuant to subsection 93.3.D. Approval of a subdivision shall not be cause for a partial refund of mitigation fees assessed in connection with the underlying project approval.

43.4.L Secondary Residences: Secondary residences approved on or after July 1, 1987 shall not be subdivided.

43.4.M Covenants, Conditions and Restrictions: TRPA may require covenants, conditions and restrictions (CC&Rs), or deed restrictions, as appropriate, to ensure compliance with the Code and conditions of approval. The final subdivision map shall include a reference to any CC&Rs or deed restrictions, as appropriate.

43.4.N Shorezone Structures: Subdivision of shorezone structures shall not be permitted except in accordance with an adopted master plan pursuant to Chapter 16.

43.4.O General Standards: Except as otherwise expressly set forth in this section, subdivision of post-1987 projects shall conform to the standards set forth in the Code for the resulting use, including without

\(^{\text{§}}\) Amended 4/28/04
limitation, signage, BMPs, design review, parking and drive ways.

(1) This section shall not be construed to permit the transfer or modification of an approved multi-residential project to a lot and block subdivision or similar division of land.

(2) A final map, or similar document, for an approved subdivision shall contain a signature block for TRPA to document regional approval.

(3) TRPA shall only approve subdivisions of post-1987 projects after approval of the underlying project. The subdivision approval shall expire if the underlying project approval expires or the project is not completed. TRPA shall require compliance with the project conditions of approval and the subdivision approval through recordation of deed restrictions, CC&R's, or other covenants running with the land, as deemed necessary.
Chapter 50
REVIEW OF PROJECTS
IN THE SHOREZONE AND LAKEZONE

Chapter Contents
50.0 Purpose
50.1 Applicability
50.2 Definitions
50.3 Required Findings

50.0 Purpose: The Shorezone Subelement, Conservation Element of the Goals and Policies identifies special qualities, including physical, biological and visual, that shall be considered when reviewing a project in the shorezone or lakezone. In accordance with those policies, this chapter sets forth findings that must be made by TRPA prior to approving a project in the shorezone or lakezone.

50.1 Applicability: All projects and activities in lagoons or the shorezone or lakezone of any lake in the Region shall comply with the provisions of this chapter.

50.2 Definitions: The following terms are defined as set forth below: Backshore Stability: The extent to which the backshore resists erosion or mass wasting due to factors such as the presence of naturally occurring existing vegetation, the gradient and geological composition of the backshore and the absence of structures that may affect stability or disrupt natural littoral processes.

Littoral Processes: The redistribution of sediments within the foreshore or nearshore in response to energy generated by waves or longshore currents which have not been disrupted by man-made structures.

50.3 Required Findings: A project in the shorezone or lakezone shall not be approved unless TRPA finds that:

50.3.A Significant Harm: The project will not adversely impact:

(1) Littoral processes;

(2) Fish spawning;

(3) Backshore stability; or

(4) On-shore wildlife habitat, including wildfowl nesting areas;

50.3.B Accessory Facilities: There are sufficient accessory facilities to accommodate the project;
50.3.C  **Compatibility:** The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility;

50.3.D  **Use:** The use proposed in the foreshore or nearshore is water dependent;

50.3.E  **Hazardous Materials:** Measures will be taken to prevent spills or discharges of hazardous materials;

50.3.F  **Construction:** Construction and access techniques will be used to minimize disturbance to the ground and vegetation;

50.3.G  **Navigation And Safety:** The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake’s navigable waters; and

50.3.H  **Other Agency Comments:** TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on the project.
Chapter 51
PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE

Chapter Contents

51.0 Purpose
51.1 Applicability
51.2 Permissible Uses
51.3 Accessory Structures
51.4 Use Definitions
51.5 Existing Uses

51.0 Purpose: This chapter sets forth the allowable uses and accessory structures in the shorezone and lakezone. The concept of "use" includes any activity within the Region, whether related to land, water, air or other resources of the Region. The primary uses are classified as "allowed," "special," and "nonconforming." The applicability of such classification to a parcel is determined by reference to the applicable plan area statement and map, community plan, redevelopment plan, and specific or master plan. Generic primary uses for the shorezone and lakezone are set forth in Section 51.2 and accessory structures for the nearshore and foreshore are set forth in Section 51.3. Provisions applicable to continuing existing uses in the shorezone and lakezone are set forth in Section 51.5.

51.1 Applicability: All existing and proposed uses within lagoons or the shorezone and lakezone shall be identified as one or more of the primary uses listed in this chapter, except for parcels that are undeveloped or unimproved. Such parcels shall be considered vacant parcels. Vacant parcels are entitled to apply for a use pursuant to the provisions of this Code. Dispersed water-oriented outdoor recreational uses, as described in Subsection 51.2.C, are considered an established primary use on littoral parcels. Regulation of projects and activities pursuant to primary uses shall be as follows:

51.1.A Allowed Uses: Uses listed in applicable plan area statements, community plans, redevelopment plans, specific or master plans or Subsection 51.2.A as "allowed" ("A") are appropriate uses for the specified area, and projects and activities pursuant to such uses may be permitted. Allowed uses are assumed to be compatible with the direction of the Regional Plan and surrounding uses.
51.1.B **Special Uses:** Uses listed in applicable plan area statements, community plans, redevelopment plans, specific or master plans or Subsection 51.2.A as "special" ("S"), may be found to be appropriate uses for the specified area, and projects and activities pursuant to such uses may be permitted. To allow a special use, TRPA shall conduct a public hearing in accordance with the procedures in TRPA’s Rules of Procedure. Before issuing an approval, TRPA shall make the following findings:

1. The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

2. The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region.

3. The applicant has taken reasonable steps to protect the land, water and air resources of both the applicant’s property and that of surrounding property owners.

4. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable plan area statement, community, redevelopment, specific, or master plan as the case may be.

51.1.C **Nonconforming Uses:** Uses legally commenced prior to the effective date of the Regional Plan, July 1, 1987, which would be prohibited if new, are nonconforming uses and may be continued, subject to the provisions of Section 51.5. Existing development in a special use category for which the findings in Subsection 51.1.B have not been or cannot be made shall be non-conforming uses.

51.1.D **Prohibited Uses:** Proposed uses not listed in applicable plan area statements, community plans, redevelopment plans, specific or master plans or Subsection 51.2.A are prohibited. Proposed special uses for which the findings in Subsection 51.1.B can not be made shall be prohibited uses.

51.2 **Permissible Uses:** This section identifies the permissible uses in the shorezone and lakezone. Each permissible use is defined in Section 51.4. Any use not listed in Section 51.2 is prohibited. Plan area statements, and community, specific, master, and redevelopment plans establish whether uses are allowed (A) or special (S) in all areas except the lakezone. Subsection 51.2.A establishes whether uses are allowed (A) or special (S) in the lakezone.

51.2.A **Permissible Uses In The Lakezone:** The following list identifies the permissible uses in the lakezone;

1. Safety and navigational facilities (A).

2. Salvage operations (S).
51.2.B Permissible Uses In The Shorezone: The following list identifies the permissible uses in the shorezone:

(1) Beach recreation.

(2) Boat launching facilities.

(3) Construction equipment storage.

(4) Marinas.

(5) Safety and navigational facilities.

(6) Salvage operations.

(7) Seaplane operations.

(8) Tour boat operation.

(9) Water borne transit.

(10) Water-oriented outdoor recreation concessions.

51.2.C Permissible Uses In The Shorezone And Lakezone: Dispersed water-oriented outdoor recreational uses which do not require developed facilities and which occur in the shorezone or on lakes, such as recreational boating, windsurfing, ballooning, swimming, skin diving, snorkeling, sunbathing, and fishing are allowed uses in the shorezone and lakezone. Rental of equipment and services related to such uses are included in water oriented outdoor recreation concessions. Commercial boating, parasailing, fish habitat restoration and scientific study projects are special uses in the shorezone and lakezone. Uses resulting from construction of the following structures or facilities are allowed uses in the shorezone:

(1) Shoreline protective structures and other erosion control and environmentally oriented projects and facilities in accordance with Subsection 55.4.C.

(2) Public service facilities in accordance with Subsection 55.4.B.

(3) Public outdoor recreation facilities in accordance with Subsection 55.4.A.

(4) Access to the foreshore in accordance with Subsection 55.4.D.
51.3 **Accessory Structures**: Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel. Structures not listed in this section are prohibited. Shoreline protective structures and water intake lines may be permitted independently of a primary use on the littoral parcel:

2. Breakwaters or jetties.
4. Fences.
5. Floating docks and platforms.
6. Piers.
7. Shoreline protective structures.
8. Water intake lines.

51.4 **Use Definitions**: The following uses are defined as set forth below:

- **Beach Recreation**: Recreational use of a beach, supported by developed facilities such as sanitation facilities, parking, picnic sites, piers, boat ramps, floating docks and platforms and mooring buoys.

- **Boat Launching Facilities**: Recreational establishments which provide boat launching, parking and short term trailer storage for the general public. Long term storage, mooring and maintenance of boats is included under "marinas."

- **Commercial Boating**: Commercial use of pleasure craft or other vessel on a body of water.

- **Construction Equipment Operation**: The operation of equipment, such as barges, pile drivers and amphibious vehicles, for the purpose of repairing or constructing structures located in the shorezone.

- **Construction Equipment Storage**: The storage of equipment, such as barges, pile drivers and amphibious vehicles, used for the repair or construction of structures located in the shorezone. Construction equipment storage does not include stock piling of materials.

- **Marinas**: Establishments providing water-oriented services, such as yachting and rowing clubs; boat rentals; storage and launching facilities; sport fishing activities; excursion boat and sight seeing facilities; and other marina-related activities, including, but not limited to, fuel sales and boat and engine repair.
Recreational Boating: Noncommercial use of pleasure craft on a body of water, including regattas and speedboat races.

Safety and Navigation Facilities: Structures in the shorezone or lakezone whose purpose is the protection of the public health, safety, and general welfare, such as navigational buoys, lighthouses, scientific monitoring devices, and radio communication devices.

Salvage Operations: The act of bringing a vessel, or its cargo to the water's surface.

Seaplane Operations: Use of a permanent facility for the landing and take-off of aircraft on a body of water. Includes the fueling, maintenance, and storage of such aircraft.

Tour Boat Operation: Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at a single site.

Water Borne Transit: Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at different sites.

Water-Intake Lines: Pipelines and accessory structures, located within a body of water, whose purpose is to draw in and transport water to the backshore or beyond.

Water-Oriented Outdoor Recreation Concessions: Water-oriented outdoor recreation uses, such as food and beverage facilities at public beaches; fishing guide services; parasailing; recreation equipment rental (e.g., boats, wind surfing and beach equipment); but not including, boat slips, boat and engine repair or the sale of fuel.

51.5 Existing Uses: Existing uses in the shorezone or lakezone shall be regulated as follows:

51.5.A Right To Continue Existing Uses: Uses legally commenced prior to the effective date of the Regional Plan, July 1, 1987, are recognized as existing uses and may be continued, except as otherwise set forth in Subparagraphs 51.5.A(1) and 51.5.A(2). Continuation of an existing use includes a change in ownership, tenancy, or management, where the nature and character of the existing use remains substantially unchanged. Short-term or seasonal uses existing pursuant to legally issued TRPA permits may continue only for the duration of the permits authorizing them. Neither this section nor this chapter shall be construed as a limitation upon TRPA's authority to regulate all uses, present or future, by permit, prohibition or other wise.

(1) Nonconforming Uses: If an existing nonconforming use is discontinued for a period of one year or more, any subsequent use shall comply with the use regulations set forth in the plan area statement. Discontinuance of use for periods found by TRPA to be beyond the applicant's control, such as weather caused calamity, governmental seasonal regulations and periods during which TRPA was prohibited by court order from accepting applications for repairs related to the use, shall not be counted in establishing discontinuance of use pursuant to this section.

(2) Uses Subject To A Specific Program Requiring Discontinuance Or Modification Of The Uses: A use subject to a specific program requiring discontinuance or modification of the use shall be discontinued or modified in accordance with the requirements of...
such program. Such specific programs shall be further defined and adopted by ordinance. Such specific programs shall be further defined and adopted by ordinance.

51.5.B Changes, Expansions Or Intensifications Of Existing Uses: Expansions and intensifications of existing uses, or changes in use to the extent permitted by this chapter, are subject to the requirements for a permit set forth in Chapter 4. Modifications, expansions and other changes to structures are governed by other provisions of the Code and also are subject to the requirements of Chapter 4.

(1) Allowed Uses: Uses identified as allowed uses may be changed, expanded or intensified in conformance with this Code. Any change, expansion or intensification, resulting in a special use, shall be subject to the special use requirements.

(2) Special Uses: Uses identified as special uses and for which the required findings pursuant to Subsection 51.1.B have been made by TRPA, may be changed, expanded or intensified subject to Subsection 51.1.B.

(3) Nonconforming Uses: Uses identified as nonconforming shall not be expanded or intensified. A nonconforming use shall not be changed unless the new use conforms to the use regulations set forth in this Code. Expansions of structures containing a nonconforming use shall not be permitted. Modifications may be permitted only when TRPA finds that the modifications do not increase the extent of nonconformity.
Chapter 52
EXISTING STRUCTURES

Chapter Contents
52.0 Purpose
52.1 Applicability
52.2 Definitions
52.3 Existing Structures In The Nearshore Or Foreshore
52.4 Existing Structures In The Backshore

52.0 Purpose: Policy 11, Goal #1 of the Shorezone Subelement, Conservation Element of the Goals and Policies requires that TRPA regulate the maintenance, repair and modification of piers and other existing structures in the nearshore and foreshore. Since some existing structures do not conform to the Code standards for new structures, the policy requires that, for maintenance, repair and modification, the Code set requirements, appropriate for the situation, to correct environmental and navigational problems. This chapter sets forth standards in accordance with that policy.

52.1 Applicability: Structures legally existing in the shorezone or lagoons in the Region prior to the effective date of the Regional Plan, July 1, 1987, or structures legally constructed after the effective date of the Regional Plan, July 1, 1987, are recognized as existing structures, provided the structure has not been unserviceable beyond the time limits set forth in Subsection 52.3.G. The maintenance, repair, or expansion of existing structures in the shorezone or lagoons shall comply with the provisions of this chapter.

52.2 Definitions: The definitions of the terms listed are as follows.

52.2.A Expansion: An increase in size or extent, including an increase in the dimensions of a structure, change in configuration of a structure, and the addition of any structure or edifice to an existing structure.

52.2.B Major Structural Repair: Replacement or reconstruction of, or modification to, the members of a structure that affect the weight bearing or strength capacity of the structure, and the total cost of materials exceeds $8,500.00 per year. Structural members of a pier are members such as piling, crib timbers and rocks, stringer and decking. Rocks placed to create jetties or breakwaters are structural members. This amount shall be calculated on an objective market valuation of the materials involved.

52.2.C Minor Structural Repair: Replacement or reconstruction of, or modification to, the members of a structure that affect the weight bearing or strength capacity of the structure, and the total cost of materials is less than $8500 per year. This amount shall be calculated on an objective market valuation of the materials involved.

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52.2.D **Unserviceable:** Unserviceable shall be defined as a structure that can no longer serve the function for which it was designed. In calculating the time period that a structure has been unserviceable, the period of time shall not be counted when TRPA was restrained from accepting applications for repairs to structures in the shorezone due to the preliminary injunction filed on August 9, 1984 in the matter of State of California/League to Save Lake Tahoe v. TRPA.

52.3 **Existing Structures In The Nearshore Or Foreshore:** Activities related to existing structures in the nearshore or foreshore shall be exempt from, or subject to, TRPA review as set forth below:

52.3.A **Maintenance And Repair Of Structures:** The ordinary maintenance and repair of structures in the nearshore or foreshore shall be in accordance with the following standards:

1. Owners of structures in the nearshore or foreshore are responsible for maintaining them in a proper condition and in accordance with the provisions of this Code.

2. Repairs to existing structures shall be performed in compliance with the provisions of this Code.

52.3.B **List Of Exempt Activities:** The following activities are not subject to review and approval by TRPA provided they comply with Subsection 53.10.A, do not result in the creation of additional land coverage, or in an increase in the dimensions of the structure, including height, width and length.\(^\text{§}\)

1. Ordinary maintenance and repair, which is the replacement of, or modification to parts of a structure that do not affect the weight bearing or strength capacity of the structure, including replacement and repair of windows, doors, and electrical and mechanical equipment.

2. The replacement and repair of mooring buoys, excluding replacement of their anchoring devices.

3. Parcel consolidations in accordance with Subparagraph 4.2.A(11).

52.3.C **List Of Qualified Exempt Activities:** The following activities are not subject to review and approval by TRPA provided the applicant certifies, on a TRPA qualified exempt form, that the activity fits within one or more of the following categories and the activity does not result in the creation of additional land coverage or relocation of existing land coverage and complies with all restrictions set forth below. The statement shall be filed with TRPA at least one working day before the activity commences except as required for demolition activities in Subparagraph (4) below, and shall be made under penalty of perjury.

\(^\text{§}\) Amended 11/20/02
(1) Minor structural repair as defined in Subsection 52.2.C and painting, staining, reroofing, residing and the installation or replacement of deck coverings, provided such activities conform to the design standards set forth in Section 53.10 and do not result in a change in use or an increase in the dimensions of the structure, including height, width and length.

(2) Repair of fences, provided the fence complies with the applicable development standards in Subsection 54.11.B and the design standards in Subsections 53.10.A and 53.10.C.

(3) The replacement and repair of the anchoring device for a mooring buoy provided TRPA has issued a permit for such mooring buoy pursuant to Subsection 52.3.J.

(4) Demolition of structures, improvements or facilities in accordance with Subparagraph 4.3.A.(7).

(5) Construction, reconstruction, repair and modification of piers, floating docks and platforms and shoreline protective structures in lagoons pursuant to memorandums of understanding as provided for in Section 54.10.

(6) Changes in operation resulting in the generation of less than 100 additional vehicle trips are exempt provided the resulting use is an allowed use and the applicant pays an air quality fee in accordance with Subsection 93.3.D.

52.3.D Loss Of Exemption: An exempt activity shall be considered a project if TRPA finds that, because of unusual circumstances, the activity may have a substantial effect on the land, air, space or any other natural resource in the Region.

52.3.E Projects: An activity in the shorezone or lakezone which is not exempt, pursuant to Subsections 52.3.B or 52.3.C is a project subject to TRPA review and approval.

52.3.F Emergency Projects: Emergency projects shall be reviewed and acted upon in accordance with Article V of TRPA's Rules of Procedure.

52.3.G Major Structural Repair And Expansion: Major structural repair to, and expansion of, existing structures in the nearshore or foreshore shall comply with the following standards:

(1) Structures That Comply With All Development Standards: Major structural repair and expansions to existing structures that comply with all development standards may be allowed provided the TRPA finds that:

(a) The structure, including any expansion, remains in compliance with applicable development standards;
(b) The repair and any expansion conforms to the design standards in Section 53.9;

(c) The project complies with the requirements to install BMPs as set forth in Section 25.2.

(2) Structures That Comply With Certain Development Standards:

Major structural repair and expansions to existing structures that comply with the length standard for piers set forth in Subparagraph 54.4.A(4); the setback standard for piers set forth in Subparagraph 54.4.A(5); the 90 percent open foundation standard for piers set forth in Subparagraph 54.4.B(3); the location standards for jetties, breakwaters and fences set forth in Subsection 54.11.A; and the standards for openings in jetties, breakwaters and fences set forth in Subparagraphs 54.11.B(1), (2), (3), and (4); but do not comply with other applicable development standards, may be allowed if TRPA finds that:

(a) The repair does not increase the extent to which the structure does not comply with the development standards;

(b) The expansion decreases the extent to which the structure does not comply with the development standards and/or improves the ability to attain or maintain the environmental thresholds;

(c) The project complies with the requirements to install BMPs as set forth in Chapter 25;

(d) The project complies with the design standards in Section 53.10; and

(e) The structure has not been unserviceable for more than five years.

(3) Structures That Do Not Comply With Certain Development Standards:

Major structural repairs and expansions to existing structures that do not comply with one or more of the standards set forth in Subparagraph 52.3.G(2) above, may be approved if TRPA makes the following findings based on information contained in the initial environmental checklist (IEC) and other information known to TRPA; the finding in Subparagraph 5.2.B(1); that the structure is not an obstacle to navigation, is not causing significant shoreline erosion or interference with sediment transport, and is not contributing to noncompliance with a scenic threshold; and findings (a), (b), (c), and (d) in Subparagraph (2) of this subsection. In addition it shall be found by TRPA that the structure has not been unserviceable for more than three years. If TRPA determines the IEC provides insufficient information to make the findings cited above, major structural repairs and expansions may be approved by TRPA only in accordance the following provisions:
(a) Preparation Of Environmental Assessment: TRPA shall prepare an environmental assessment (EA) in accordance with Subsection 5.3.A. In addition to the elements required in Subsection 5.3.A, the EA shall include:

(i) The significance of impacts resulting from the structure being an obstacle to navigation, causing shoreline erosion, interfering with sediment transport and contributing to noncompliance with a scenic threshold; and

(ii) The modifications to the structure necessary to reduce the impacts identified in paragraph (i) above, to a less than significant level.

(b) Repairs Less Than 50 Percent Of The Replacement Value: Major structural repair costing less than 50 percent of the replacement value of a structure, including labor and materials, shall not be allowed unless TRPA approves a schedule, submitted by the applicant as part of the project, requiring the structure to be modified to reduce the impacts identified in the EA to a less than significant level by no later than December 31, 1999.

(c) Repairs More Than 50 Percent Of The Replacement Value Of The Structure: Major structural repair costing more than 50 percent of the replacement value of a structure, including labor and materials, shall not be approved unless TRPA requires the structure to be modified to reduce the impacts identified in the EA to a less than significant level.

(d) Expansion: Expansions shall not be approved unless TRPA requires the existing structure to be modified in accordance with paragraph (c).

52.3.H Modification Or Removal Of Structures: Modification or removal of structures shall be pursuant to the following provisions:

(1) Removal Or Modification Due To Navigation Problem Or Shoreline Impacts: By December 31, 1990, TRPA shall prepare an EA, in accordance with Subparagraph 52.3.G(3), for existing structures that do not comply with the development standards cited in Subparagraph 52.3.G(2) and for which an assessment has not been prepared. TRPA shall determine, based on the EA, which existing structures are; (a) not causing a significant impact of a nature described in paragraph (a)(i) of Subparagraph 52.3.G(3); (b) causing a significant impact that can be reduced to a less than significant level by modifying the structure; (c) causing a significant impact that can only be reduced to a less than significant level by removing the structure. TRPA shall notify the owners of such structures, in accordance with TRPA's Rules of Procedure of the determinations made under this subsection no later than December 31, 1994. Structures requiring modifications or removal pursuant to this subsection shall be so modified or
removed by December 31, 1999. Removal of such structures shall be required only if the Governing Board finds that removal is the only feasible method to mitigate the impacts to a less than significant level.

(2) Removal Of Structures Based On Fish Habitat And Spawning Study: TRPA may require structures, including mooring buoys, to be removed or modified, pursuant to Chapter 9, if TRPA, based on the study required in Section 54.3 finds that such structures have a significant adverse impact on fish spawning. Removal of such structures shall be required only if the Governing Board finds that removal is the only feasible method to mitigate the impacts to a less than significant level. At least five years after notice by TRPA shall be allowed for any such modification or removal.

52.3.I Compliance With Best Management Practices (BMPs): No approval shall be granted under the provisions of Subparagraph 52.3.G(3) or Subsection 52.3.H, unless the project complies with the requirements to install BMPs as set forth in Chapter 25.

52.3.J Relocation Or Removal Of Mooring Buoys: Mooring buoys and their anchoring devices, that have not received a permit from TRPA, shall be removed or modified and have a permit issued by TRPA within two years from the date of notice to the owners of such mooring buoys of the requirement to obtain said permit. Notice shall be given pursuant to TRPA's Rules of Procedure.

52.3.K TRPA approved mooring buoys shall display a TRPA Buoy Identification Tag at all times.\(^\S\)

52.4 Existing Structures In The Backshore: Repair, reconstruction, modification, expansion and relocation of existing structures located in the backshore shall be regulated in accordance with the standards set forth in Chapters 18 and 4. When a structure in the foreshore extends into the backshore, that portion of the structure in the backshore shall be regulated pursuant to Section 52.3 and Chapter 55.

\(^\S\) Amended 04/24/02
Chapter 53
SHOREZONE TOLERANCE DISTRICTS AND DEVELOPMENT STANDARDS

Chapter Contents

53.0 Purpose
53.1 Applicability
53.2 Establishment And Effect
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53.9 Shorezone Tolerance Districts 6, 7 And 8
53.10 Design Standards Within The Shorezone

53.0 Purpose: Policies 4, 5, 6 and 7, Goal 1 of the Shorezone Subelement, Conservation Element of the Goals and Policies establish management strategies and development restrictions with respect to the eight shorezone tolerance districts described in the 1973 Shorezone Plan for Lake Tahoe. Policy 9, Goal #1 of the Shorezone Subelement requires TRPA to regulate structures in the foreshore and nearshore to avoid interference with the attainment of scenic thresholds. Policy 15, Goal #1 of the Shorezone Subelement permits the designation of shorezones as man-modified and sets forth the findings necessary for designation. In accordance with these policies, this chapter sets forth development standards for the eight tolerance districts, standards for designating shorezones as man-modified, design standards and standards for other related matters.

53.1 Applicability: All projects and activities within the shorezone shall comply with the regulations and standards applicable within the shorezone tolerance district in which the project or activity is located.

53.2 Establishment And Effect: There are eight shorezone tolerance districts identified along the shorelines of Lake Tahoe, Fallen Leaf Lake and Cascade Lake. These districts are described in the 1973 Shorezone Plan for Lake Tahoe and are depicted on TRPA Shorezone Tolerance District and Land Capability Overlay Maps, pursuant to Chapter 12. The 1973 Shorezone Plan was used as a guideline in establishing the use and development standards and regulations as set forth in this chapter.
53.3 **Precise Boundaries:** The location of precise boundaries of shorezone tolerance districts shall reflect the physical and other considerations that led to the classifications of the lands in the districts that the boundary lines separate. Determinations of precise boundaries on a parcel may be made by TRPA as part of a project approval without amendment to the shorezone maps consistent with the procedures for field verification in Chapter 20. Such determinations may not result in a major adjustment of the boundaries (i.e., creation of new districts, elimination of districts, etc.) that would otherwise require an amendment pursuant to Section 53.4. Boundary line determinations shall be consistent with the criteria set forth in the report entitled Toward a Shore-Zone Plan For Lake Tahoe, Orme, A.R., 1972.

53.4 **Shorezone Tolerance District Challenge:** In the event TRPA or the owner of a littoral parcel is of the opinion the shorezone adjacent to the parcel is not properly classified pursuant to Section 53.2, either may initiate a shorezone tolerance district challenge with respect to such parcel. The person or entity initiating the challenge shall bear the cost thereof. For parcels one acre or less in size, the cost to be charged an owner initiating the challenge shall not exceed an amount prescribed by resolution of the Governing Board.

53.4.A **Team Of Experts:** A team of experts retained by TRPA shall evaluate the shorezone tolerance district challenge. Depending on the nature of the challenge, the team may include, as determined by TRPA, a geomorphologist, soil scientist, geologist, hydrologist, and fisheries biologist, selected by TRPA. Such persons shall be recognized as possessing special qualifications to evaluate soils, geomorphology, hydrology, fisheries, vegetation and other characteristics and related environmental factors pertinent to the subject shorezone area. TRPA shall consider data provided by experts retained by the owner, and TRPA's team of experts shall comment on the accuracy of the owner's data. No expert retained by the owner shall be a member of TRPA's team.

53.4.B **Shorezone Tolerance District Report:** TRPA's team of experts shall prepare a shorezone tolerance district report analyzing the shorezone tolerance district challenge. The report shall include:

1. A description of the parcel;
2. Detailed information concerning topography; soil capabilities and limitations; compositional and geometric properties; surface and ground water conditions; geomorphology; vegetation characteristics and related environmental factors pertinent to the subject shorezone area.
3. An analysis identifying limitations on use and disturbance in the shorezone due to: compositional and geometric properties; surface and subsurface hydrologic conditions; erosion hazard; littoral processes and lake bottom material composition; biological characteristics such as fish, wildlife and vegetation; and visual and aesthetic factors.
Identification by a qualified expert of the shorezone tolerance district generally exhibiting the characteristics of the section of shorezone analyzed in the report.

Additional information required by TRPA to properly assess the merits of the application.

53.4.C Review Of And Action On The Report: The Executive Director shall review the shorezone tolerance district report and, if it recommends no change in shorezone district, may deny the shorezone tolerance district challenge, subject to an appeal to the Governing Board. If the report recommends a change in shorezone tolerance district, the change shall be approved or denied by the Governing Board. The challenge may be approved if the Governing Board finds that the pertinent shorezone, due to natural characteristics specifically identified, properly belongs in a shorezone tolerance district other than that in which it is presently classified.

53.4.D Notification Procedure: An appeal of the Executive Director's denial of a shorezone tolerance district challenge and the action by the Governing Board upon a report recommending a change in shorezone tolerance shall be pursuant to notification to affected property owners in accordance with TRPA's Rules of Procedure.

53.4.E Procedure After Action On Shorezone Tolerance District Challenge: Once TRPA has completed its action on the shorezone tolerance district challenge, it shall:

1. Give written notification to the owners of all parcels affected by the action taken;

2. Include the information set forth in the report prepared pursuant to Subsection 53.4.B and the action pursuant to Subsection 53.4.C in TRPA's data base for purposes of Chapter 38;

3. Recognize the action pursuant to Subsection 53.4.C as superseding the TRPA Shorezone Tolerance District Overlays with respect to the pertinent parcel; and

4. Affix a symbol to the shorezone tolerance district overlays denoting the action pursuant to Subsection 53.4.C as applicable to all parcels affected by the action.

53.4.F Amendment Of Shorezone Tolerance District Overlay Maps: Amendments to the tolerance district overlay maps shall be processed as amendments to the Regional Plan.

1. Minimum Land Area: Amendments to the shorezone tolerance district overlay maps shall be limited to sections of shoreline that are 400 feet or greater in length.
(2) **Line Adjustments**: Adjustments of existing shorezone tolerance district lines, other than minor adjustments which occur under Section 53.3 shall require amendment to the shorezone tolerance district maps. Such adjustments shall not create new or eliminate existing districts; however, the adjustment may substantially affect permitted uses and apply to more than one property.

(3) **New Shorezone Tolerance Districts**: The creation of a new shorezone tolerance district shall require amendment to the shorezone tolerance district maps. New shorezone tolerance districts shall include all the adjoining land area which exhibits the characteristics of the new district.

53.5 **Man-Modified Challenge**: The Shorezone Tolerance District Overlay Maps may be amended for man-modified areas through an amendment of the Regional Plan in the manner set forth in this subsection. The amendment may be initiated by TRPA or the owner of the pertinent land, provided there is sufficient information demonstrating a reasonable possibility the requirements of this subsection can be met.

53.5.A **Team Of Experts**: A team of experts retained by TRPA shall evaluate the man-modified challenge in accordance with the requirements of Subsection 53.4.A.

53.5.B **Man-Modified Report**: TRPA's team of experts shall prepare a man-modified report in accordance with the requirements of Subsection 53.4.B. In addition to the foregoing information, the report shall contain information showing that the area in question was modified by man's placement of fill, dredging or grading, in so substantial a fashion as to generally exhibit the characteristics of a shorezone tolerance district other than the one depicted for said land on TRPA's Shorezone Tolerance District Overlay Maps. In the case where the shorezone has been so modified that it no longer exhibits characteristics similar to any of the established tolerance districts the report shall recommend the limitations, standards and regulations that should be applied within the new tolerance district.

53.5.C **Criteria**: An amendment to the shorezone tolerance district maps may be approved only if TRPA finds that:

1. Further development will not exacerbate the problems caused by development in shorezones that the original tolerance rating was meant to avoid;

2. The area no longer exhibits the characteristics of the original shorezone tolerance rating;

3. Restoration of the area is infeasible because of factors such as the cost thereof, a more positive cost-benefit ratio would be achieved by offsite restoration, onsite restoration would cause environmental harm, restoration onsite would interfere with an existing legal use, and the area is not identified for restoration by any TRPA program;
(4) The impacts from further development will be mitigated offsite;

(5) Mitigation to offset the losses caused by modification of the area and pertinent shorezone tolerance district, shall be as follows:

(a) Onsite and offsite mitigation;

(b) Pursuant to a maintenance program, including a schedule of maintenance proposed by the owner and approved by TRPA; and

(c) Collection of a security, if deemed necessary by TRPA, to guarantee mitigation.

(6) The area in question was modified to the extent being recognized prior to February 10, 1972.

53.5.D Review And Action: The man-modified report shall be reviewed and acted upon in accordance with Subsection 53.4.C.

53.5.E Notification Procedure: Notification procedures shall be in accordance with Subsection 53.4.D.

53.5.F Procedure After Action On Man-Modified Challenge: After action is taken on a man-modified challenge, TRPA shall comply with the provisions of Subsection 53.4.E.

53.5.G Amendment Of Shorezone Tolerance District Overlay Maps: Amendment to the shorezone tolerance district overlay maps resulting from a man-modified challenge shall be in accordance with the provisions of Subsection 53.4.F.

53.6 Shorezone Tolerance District 1: Shorezone Tolerance District 1 is described and regulated as follows:

53.6.A Nature Of District: The beach that forms the shoreline in these districts is a low sandy barrier that separates the lake proper from marshes and wetlands. Generally, the shorezone is ecologically fragile and any substantial use or alteration can lead to excessive sedimentation, beach erosion, and water turbidity.

53.6.B Development Standards: In addition to the standards set forth in Chapters 54 and 55, the following standards shall be applicable to Shorezone Tolerance District 1:

(1) Access to the shoreline shall be restricted to planned footpaths which minimize the impact to the backshore.

(2) Vegetation shall not be manipulated or otherwise disturbed except when permitted under Chapter 55.

(3) No drainage or modification of backshore wetlands shall be permitted.
53.7 Shorezone Tolerance Districts 2 And 3: Shorezone Tolerance Districts 2 and 3 are described and regulated as follows:

53.7.A Nature Of The Districts: The natures of the districts are:

1. Tolerance District 2: Tolerance District 2 is typically volcanic and morainic debris shorezones with slopes thirty percent (30%) and over and alluvial soils at nine to thirty percent (9-30%) slopes. Potential for disturbance in the nearshore is high as is potential for erosion and cliff collapse in the backshore.

2. Tolerance District 3: Tolerance District 3 is armored granite shorezones with slopes exceeding thirty percent (30%). The erosion potential is high immediately above the shore, with moderate potential for disturbance in the steep nearshore zone. Removal of vegetation in the backshore may lead to mass movement and erosion.

53.7.B Development Standards: In addition to the standards set forth in Chapters 54 and 55, the following standards shall be applicable to Shorezone Tolerance Districts 2 and 3:

1. Permitted development or continued use may be conditioned upon installation and maintenance of vegetation to stabilize backshore areas and protect eroding areas from further destruction.

2. Projects shall not be permitted in the backshore unless TRPA finds that such project is unlikely to accelerate or initiate backshore erosion.

3. Access to the shoreline shall be restricted to stabilized access ways which minimize the impact to the backshore.

53.8 Shorezone Tolerance Districts 4 And 5: Shorezone Tolerance Districts 4 and 5 are described and regulated as follows:

53.8.A Nature Of Districts: The natures of the districts are:

1. Tolerance District 4: Tolerance District 4 exhibits volcanic rock shorelines with moderate potential for erosion. The potential increases where colluvium of volcanic debris is present and stoney, sandy loams lie on fifteen to thirty percent (15-30%) slopes; on morainic debris shorezones with high erosion potential above the shoreline; and alluvial shorezones where the shoreline is characterized by steep, crumbling cliffs with continuing erosion
problems.

(2) **Tolerance District 5**: Tolerance District 5 exhibits armored granite shorezones with fifteen to thirty percent (15-30%) slopes with less erosion potential than similar lands in Shorezone Tolerance District 4.

### 53.8.B Development Standards

In addition to the standards set forth in Chapters 54 and 55, the following standards shall be applicable to Shorezone Tolerance Districts 4 and 5:

(1) Permitted development or continued use maybe conditioned upon installation and maintenance of vegetation to stabilized backshore areas and protect existing cliffs from accelerated erosion.

(2) Projects shall not be permitted in the backshore unless TRPA finds that such project is unlikely to require the cliff area to be mechanically stabilized or that the project will not accelerate cliff crumbling, beach loss or erosion.

(3) Access to the shoreline shall be restricted to stabilized access ways which minimize the impact to the backshore.

(4) Access to buoys shall be designed to cause the least possible environmental harm to the foreshore and backshore.

(5) Access to piers, floating platforms and boat ramps shall be designed to cause the least possible alteration to the natural backshore.

### 53.9 Shorezone Tolerance Districts 6, 7 And 8

Shorezone Tolerance Districts 6, 7 and 8 are described and regulated as follows:

#### 53.9.A Nature Of Districts

The natures of the districts are:

(1) **Tolerance District 6**: Tolerance District 6 is underlain by weathered volcanic or morainic debris with slopes of five to fifteen percent (5-15%).

(2) **Tolerance District 7**: Tolerance District 7 is comparatively level shorezone underlain by morainic and alluvial materials with slopes of zero to nine percent (0-9%).

(3) **Tolerance District 8**: Tolerance District 8 is gently sloping, armored granite shorezone with high capability for development. Shorelines are in equilibrium and potential for erosion in foreshore and nearshore is low. Backshore possesses a moderate erosion potential in some cases.

#### 53.9.B Development Standards

In addition to the standards set forth in Chapters 54 and 55, the standards set forth in Subsection 53.8.B for Tolerance Districts 4 and 5 shall be applicable to Tolerance Districts 6, 7 and 8. The following standards also shall apply:
(1) Vehicular access to the shoreline shall not be permitted except where TRPA finds that such access will not cause environmental harm.

(2) Boat launching facilities and marinas shall be located where the nearshore shelf is of sufficient width to enable construction and use without potential for significant shelf erosion.

53.10 Design Standards Within The Shorezone: Design standards within the shorezone are as follows:

53.10.A Color: The color of structures, including fences, shall be compatible with its surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within a range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish-brown, brown, tan, ochre, umber, sand and dark green. Colors shall be medium to dark and shall meet the Munsell Color value as set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines or other color systems that are equivalent to the adopted hues, values and chromas of Appendix G.

Structures in the shoreland that were constructed prior to January 1, 1950 may maintain their historic colors when doing exempt maintenance and repair.

53.10.B Roofs: Roofs shall be composed of nonglare earthtone or wood tone materials that minimize reflectivity. Metal roofs shall be compatible with their surroundings and composed of non-glare earthtone colors. Metal roofs colors shall meet the Munsell Color value as set forth in Appendix G, TRPA Approved Earthtone 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.

53.10.C Fences: Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or dark green vinyl, including fence poles.

§ Amended 11/20/02
§§ Amended 1/22/03
Chapter 54
DEVELOPMENT STANDARDS
LAKEWARD OF HIGH WATER

Chapter Contents

54.0 Purpose
54.1 Applicability
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54.3 Fish Habitat And Spawning Study
54.4 Piers
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54.0 Purpose: The Shorezone Subelement, Conservation Element of the Goals and Policies requires TRPA to regulate the placement of new piers, buoys and other structures in the nearshore and foreshore to avoid degradation of fish habitats, creation of navigation hazards, interference with littoral drift, interference with the attainment of scenic thresholds and other relevant concerns. The Goals and Policies also requires TRPA to conduct studies, as necessary, to determine potential impacts to fish habitats and apply the results of such studies and previous studies on shoreline erosion and shorezone scenic quality in determining the number of, location of, and standards of construction for facilities in the nearshore and foreshore. The Shorezone Subelement indicates that provisions should be made to allow multiple-use piers when such uses are intended to reduce the number of single use piers on adjoining properties. This chapter sets forth standards and provisions in accordance with these policies.

54.1 Applicability: All projects and activities in the nearshore or foreshore of any lake or in lagoons in the Region shall comply with the standards and provisions set forth in this chapter.
54.2 Review Of Support Facilities: Whenever review of a structure, use or activity is required pursuant to the terms of this chapter, review shall encompass the structures, uses and activities in the backshore, nearshore, foreshore and on the adjacent littoral parcel to ensure adequacy of all facilities related to the new or expanded structure, use or activity.

54.3 Fish Habitat And Spawning Study: TRPA shall prepare a study assessing the impacts resulting from the construction and use of structures, including mooring buoys, on fish habitat and spawning areas in Lake Tahoe and the mouths of its tributaries. The study shall also evaluate and recommend methods for restoring fish habitat.

54.3.A Schedule For Completion Of Study: The study required pursuant to this section shall be completed in accordance with the following schedule:

(1) Funding shall be secured by December 31, 1987. (2) The final report shall be completed by October 31, 1989.

54.3.B Reconsideration of Location Standards: within 90 days of a determination by TRPA that funding will not be secured by December 31, 1987 or the report completed by October 31, 1989, but not later than January 24, 1990, TRPA shall reconsider the standards set forth in Subsection 54.3.A(2) and (3) for piers, in Subparagraph 54.5.A(2) for boat ramps, in Subparagraph 56.A(2) for mooring buoys, and in subparagraph 54.7.A(2) for floating docks and platforms.

54.4 Piers: Where otherwise allowed pursuant to Chapters 51 and 52, the placement and design of piers shall conform to the following standards:

54.4.A Location Standards: Location standards are:

(1) A maximum of one pier may be permitted per littoral parcel existing on July 1, 1987.

(2) The placement of piers shall be prohibited within 200 feet of the stream inlets of the following creeks and rivers:

(a) Third Creek;
(b) Incline Creek;
(c) Wood Creek;
(d) Slaughterhouse Creek;
(e) Upper Truckee River;
(f) Taylor Creek;
(g) Tallac Creek;
(h) Cascade Creek;
(i) Eagle Creek;
(j) Lake Tahoe Tributary at Mouth of Paradise Flat;
(k) Lonely Gulch Creek;
(l) Meeks Creek;
(m) General Creek;
(n) McKinney Creek;
(o) Quail Creek;
(p) Madden Creek;
(q) Blackwood Creek;
(r) Ward Creek;
(s) Truckee River;
(t) Dollar Creek;
(u) Watson Creek;
(v) Griff Creek;
(w) Baldy Creek; and
(x) Snow Creek.

(3) The placement of piers shall be prohibited in areas identified as "Feeding And/Or Escape Cover Habitat," "Spawning Habitat" or "Areas Targeted For Habitat Restoration" on TRPA's Prime Fish Habitat map, adopted on April 26, 1984 or as amended, except when a boat ramp is removed in conjunction with a new pier application within the same project area and there is a net reduction in habitat disturbance to the areas identified above. When an existing boat ramp is removed to construct a pier, the shorezone use should be considered existing; however, the proposed pier shall be considered a new structure. 

§ Amended 9/27/00

(4) Piers shall not extend beyond lake bottom elevation 6219.0 feet, Lake Tahoe Datum, or beyond the pierhead line, whichever is more limiting. The pierhead line is established as depicted on the TRPA Shorezone Tolerance/Pierhead Line Maps.

(5) The setback for existing piers shall be five feet and for new piers it shall be 20 feet. Piers shall be placed within the setback lines established by TRPA. TRPA shall establish the setback lines by measuring the applicable distance inward from each property line along the high water line. From this point, a setback line shall be projected lakeward and perpendicular to the tangent of the shoreline. TRPA may adjust angle of projection to compensate for unique circumstances such as a small cove.

(6) The standards set forth in Subparagraphs (1), (4) and (5), above, may be waived for piers recognized by TRPA as multiple-use pursuant to Section 54.8.
54.4.B **Design And Construction Standards:** Design and construction standards are:

1. The width of piers shall be a maximum of 10 feet, which shall include all appurtenant structures except for a single low-level boat lift and a single catwalk. A catwalk below the level of the main deck, and not exceeding three feet in width by 45 feet in length, may be permitted. Additional width for a single catwalk may be permitted where TRPA finds it is necessary to facilitate barrier free access but at no time shall the entire width of the pier and catwalk exceed 13 feet. A low level boat lift with forks not exceeding 10 feet in width may be permitted.

2. Pier decks shall not extend above elevation 6232.0 feet, Lake Tahoe Datum. Boat lifts, pilings, and handrails and other similar safety devices, shall not extend more than four feet above the pier deck. Pier decks may extend up to elevation 6234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons or that local wave characteristics represent a real threat to the integrity of the structure.

3. To permit free circulation of water, piers shall be floating, or shall be built on an open piling foundation, but in no case shall a pier be supported on a foundation that is less than 90 percent open.

4. Superstructures shall not be permitted on any lake or lagoon in the Region unless the structure is assured to be removed upon discontinuation of the use or the need for the structure; and it is either:
   - for the purpose of conducting research identified in the Environmental Impact Program or conducting ongoing monitoring of environmental conditions identified in TRPA’s monitoring program; the nature of the research or environmental monitoring requires an “over the water” location for data gathering instrumentation and is the minimal size necessary; and no watercraft will be housed in or on the superstructure; or
   - required by a public agency for public health and safety purposes (such as a radio transmitter or a light beacon); by its very nature the superstructure requires an over the water location and is the minimum size necessary; and no watercraft will be housed in or on the superstructure.

5. Fueling facilities shall not be permitted on piers located adjacent to littoral parcels on which the primary use is residential.

6. The standards set forth in Subparagraph (1), above, may be waived for piers recognized by TRPA as multiple use pursuant to Section 54.8.

__§__ Amended 02/25/98
54.5 **Boat Ramps**: When otherwise allowed pursuant to Chapters 51 and 52, the placement and design of boat ramps shall conform to the following standards:

54.5.A **Location Standards**: Location standards are:

1. A maximum of one boat ramp may be permitted per littoral parcel.
2. The placement of boat ramps shall be subject to the prohibitions set forth in Subparagraphs 54.4.A(2) and (3).
3. Boat ramps shall be placed only within the area prescribed in Subparagraph 54.4.A(5).
4. Boat ramps shall not extend lakeward beyond an elevation of 6219.0 feet, Lake Tahoe Datum, but not to exceed 75 feet in length as measured from high water line except for marine railways, which may be permitted additional length.
5. The standards set forth in Subparagraphs (1) and (3), above, may be waived for boat ramps recognized by TRPA as multiple-use pursuant to Section 54.8.

54.5.B **Design And Construction Standards**: Design and construction standards are:

1. Boat ramps shall not exceed 10 feet in width.
2. Boat ramps shall be constructed from prefabricated materials. Metal grates or rails are the preferred construction material. Pre-cast concrete shall be permitted only when metal grates are infeasible.
3. The standard set forth in Subparagraph (1), above, may be waived for boat ramps recognized by TRPA as multiple-use pursuant to Section 54.8.

54.6 **Mooring Buoys**: Where otherwise allowed pursuant to Chapters 51 and 52, the placement and design of buoys shall conform to the following standards:

54.6.A **Location Standards**: Location standards are:

1. A maximum of two mooring buoys may be permitted per littoral parcel.
2. The placement of mooring buoys shall be subject to the prohibitions set forth in Subparagraphs 54.4.A(2) and (3).
3. Mooring buoys shall not be located any further lakeward than necessary to provide for safe mooring, but not to exceed 350 feet lakeward of the high water line.
4. Mooring buoys shall be placed within the setback lines established by TRPA. TRPA shall establish the setback lines by measuring 20 feet inward from each property line along the highwater line. From this point, a setback line shall be projected...
lakeward and perpendicular to the tangent of the shoreline. TRPA may adjust angle of projection to compensate for unique circumstances such as a small cove.

(5) Mooring buoys shall display a TRPA Buoy Identification Tag at all times.\(^8\)

(6) The standards set forth in Subparagraphs (1) and (3) may be waived for mooring buoys recognized by TRPA as multiple-use pursuant to Section 54.8.

54.6.B **Design And Construction Standards:** Mooring buoys shall comply with the construction specifications set forth in the California Waterway Marking System or as otherwise recommended by the U. S. Army Corps of Engineers or Coast Guard.

54.7 **Floating Docks And Platforms:** Where otherwise allowed pursuant to Chapters 51 and 52, the placement and design of floating docks and platforms shall conform to the following standards:

54.7.A **Location Standards:** Location standards are:

(1) A maximum of one floating dock or platform may be permitted per littoral parcel.

(2) The placement of floating docks or platforms shall be subject to the prohibitions set forth in Sub paragraphs 54.4.A(2) and (3).

(3) Floating docks and platforms shall not extend beyond lake bottom elevation 6219.0 feet, Lake Tahoe Datum, or beyond the pierhead line, whichever is more limiting.

(4) Floating docks and platforms shall be placed only within the area prescribed in Subparagraph 54.4.A(5).

(5) The standards set forth in Subparagraphs (1) and (4), above, may be waived for floating docks and platforms recognized by TRPA as multiple-use pursuant to Section 54.8.

54.7.B **Design And Construction Standards:** Design and construction standards are:

(1) Floating docks and platforms shall not exceed an area of 100 square feet or a dimension along any side of 15 feet.

(2) Floating docks and platforms shall not project more than three feet above the surface of a lake or other body of water.

(3) Floating docks and platforms attached to a pier shall conform to the standards set forth in Subsection 54.4.B.

\(^8\) Amended 04/24/02
(4) Superstructures shall not be permitted on floating docks or platforms.

(5) The standard set forth in Subparagraph (1) above, may be waived for floating docks and platform recognized by TRPA as multiple-use pursuant to Section 54.8.

54.8 Multiple-Use Facilities: Where otherwise allowed pursuant to Chapters 51 and 52, the placement and design of piers, boat ramps, mooring buoys, and floating docks and platforms designed to serve individuals on a multiple- or commercial-use basis shall conform to the following standards. If any such structure is accessory to a marina, the provisions of Section 54.12 also shall apply.

54.8.A Limitations On Single-Use Facilities When Served By Multiple-Use Facilities: No facility shall be approved which is intended for the use of one individual or family and guests if the following circumstances apply:

(1) Proposed Residential Development: Where the littoral parcel is part of a residential land development which is being developed for use by, or sale or lease, to more than one person or family;

(2) Existing Residential Development: Where the littoral parcel is held in common ownership by owners of parcels within a residential land development, or by an association representing them, or by a person for use of such owners; or

(3) Littoral Property Owners Within An Area Of Common Ownership: Where individual lots fronting the shoreline are within a residential land development served by multiple-use facilities, such as described in Subparagraphs (1) and (2) above.

54.8.B Location Standards: Multiple-use facilities shall comply with the location standards set forth in Subsection 54.4.A for piers, Subsection 54.5.A for boat ramps, Subsection 54.6.A for mooring buoys, and Subsection 54.7.A for floating docks and platforms; except that, for facilities recognized by TRPA as multiple-use pursuant to Subsection 54.8.D, the location standards set forth in Subparagraphs 54.4.A(1), (4) and (5), Subparagraphs 54.5.A(1) and (3), Subparagraphs 54.6.A(1) and (3) and Subparagraphs 54.7.A(1) and (4) shall serve as guidelines.

54.8.C Design And Construction Standards: Multiple-use facilities shall comply with the design and construction standards set forth in Subsection 54.4.B for piers, Subsection 54.5.B for boat ramps, Subsection 54.6.B for mooring buoys and Subsection 54.7.B for floating docks and platforms; except that, for facilities recognized by TRPA as multiple-use pursuant to Subsection 54.8.D, the design and construction standards set forth in Subparagraph 54.4.B(1), Subparagraph 54.5.B(1), and Subparagraph 54.7.B(1) shall serve as guidelines.

54.8.D Recognition Of Facilities As Multiple-Use: Facilities recognized by TRPA as multiple-use are subject to the following provisions:

(1) Deviation From Standards: Deviation from those standards identified in Subsections 54.8.B and 54.8.C as guidelines for
multiple-use facilities, shall be allowed only if TRPA recognizes such facilities as multiple-use. The extent of deviation from the standards shall be approved by TRPA and shall be dependent on:

(a) The reduction in development potential of shorezone facilities associated with the application such that the facility will be shared by other littoral property owners; and

(b) The number of people utilizing the facility or the extent to which the facility is available for general public use.

(2) Reductions In Development Potential: Reductions in development potential shall be established through the recordation by the owner of permanent deed restrictions or other covenants running with the land, reflecting use agreements and development limitations approved by TRPA on the affected properties.

54.9 Safety And Navigation Devices: New safety and navigational structures may be permitted only upon the recommendation of the Army Corps of Engineers or the Coast Guard.

54.10 Structures And Uses In Lagoons And Lakes Other Than Lake Tahoe: All projects and activities permitted by this chapter in the nearshore and foreshore of Lake Tahoe may be permitted by TRPA in lagoons and other lakes in the region pursuant to the permissible use regulations set forth in the plan area in which the project or activity is located. The location, design and construction standards for such structures shall be determined using the standards in this chapter as guidelines. These standards may be established in memorandums of understanding between TRPA and appropriate homeowner associations.

54.11 Jetties, Breakwaters, Rock Cribs And Fences: Jetties, breakwaters, rock cribs and fences may be permitted as follows:

54.11.A Location: Jetties, breakwaters, and rock cribs shall not be permitted in locations where beach erosion or loss of sediment from the shorezone is likely. Fences shall not be permitted lakeward of the high water line of any lake or body of water except to protect the health or safety of the general public or to protect property located adjacent to areas of public access to any such lake or body of water from trespass and provided such fences are approved by agencies having jurisdiction.

54.11.B Design And Construction Standards: The design, construction and maintenance of jetties, breakwaters and fences shall comply with the following standards:

(1) Except as provided in Subparagraph 54.11.B(2), jetties and breakwaters shall have openings which allow adequate free circulation of water and sediment.

(2) No jetty or breakwater shall be a solid or nearly solid structure unless TRPA finds that it will not interfere with littoral processes, cause shoreline erosion, or harm water quality or clarity and;
(a) The solid or nearly solid jetty or breakwater is a necessary part of a marina for which TRPA has approved a master plan; or

(b) The solid or nearly solid jetty or breakwater is necessary to protect the safety of persons using a public boat launching facility.

(3) The size, number and locations of openings in jetties or breakwaters shall be sufficient to avoid interference with littoral drift, shoreline erosion, harm to underlying land and harm to water quality and clarity.

(4) Fences in the nearshore or foreshore shall be at least 90 percent open and shall be maintained to be kept free of debris.

(5) Rock and other material for construction of structures permitted under this subsection shall not be obtained within the shorezone or lakezone in the region.

54.11.C Report: In order to provide the information required for the findings for the structures described in Section 54.11 TRPA shall use the procedures set forth for environmental assessments in Chapter 5.

54.12 Marinas: Marinas may be permitted as follows:

54.12.A Location: Where otherwise permitted by this Code, applications for new marinas and major expansions of existing marinas shall include an EIS pursuant to Chapter 5 and a master plan pursuant to Chapter 16. At a minimum, the EIS shall assess potential impacts on beach erosion, prime fish habitat, water quality and clarity. The EIS also shall determine the public need for such facilities.

54.12.B Boat Access: Marinas are encouraged to provide public boat launching facilities. All commercial and tour boat facilities shall be located within a marina facility.

54.12.C Marina Support Facilities: All new marinas and expansions of more than 10 boat slips in existing marinas shall comply with the standards listed below. TRPA may require projects of modifications of existing marinas to comply with these standards as conditions of approval.

(1) Public restrooms, fueling facilities, chemical fire retardant distribution system, trash receptacles, and pump-out facilities for boat sewage shall be provided at commercial marinas and harbors;

(2) Boat washing facilities if any, shall be connected to a sewer system or an acceptable alternate shall be provided;

(3) Gas pumping facilities shall include emergency and standard shut-off systems to avoid gas leakage to the Lake;
(4) Adequate parking shall be provided to accommodate all uses and activities associated with a marina; and

(5) Water treatment system for waters contained within marinas shall be provided.

54.12.D Monitoring Information Requirements: Monitoring of water quality, current patterns and intensities, wind patterns, shore alterations, and any other conditions which may be altered by the construction of the marina may be required by TRPA for a reasonable period after completion of the construction. Remedial measures shall be required to mitigate adverse impacts, when necessary.

54.13 Shoreline Protective Structures: Shoreline protective structures may be permitted as follows:

54.13.A Findings: Shoreline protective structures may be approved by TRPA to prevent erosion in the backshore if TRPA makes the following findings:

(1) Structures in the backshore or environmental threshold values will be enhanced by the construction and maintenance of the protective structures;

(2) The protection of structures in the backshore or the enhancement of environmental threshold values more than offset the adverse environmental effects of the construction and maintenance of the shore line protective structures;

(3) Each protective structure has been designed to be sloping and permeable; provided, however, that this finding is not necessary if TRPA concurrently makes the findings required under Subparagraph 54.13.B(1); and

(4) Each protective structure has been designed so that backshore erosion on adjacent properties will not be accelerated as a result of the erection of the protective structure.

54.13.B Design And Construction Standards: Design and construction standards are:

(1) Sloping permeable revetments are the preferred design for shoreline protective structures. Bulk heads, gabions and other vertical revetments shall not be permitted unless, in addition to the findings required under Subsection 54.13.A, TRPA finds that;

(a) A sloping permeable revetment is not feasible; and

(b) The alternative structure will not cause significant erosion or modification of the foreshore.

(2) Where a shoreline protective structure is necessary, it shall be of sufficient strength and depth to prevent movement of backfill materials into lake waters; and
(3) Shoreline protective structures shall be constructed of natural materials to blend with the surrounding backshore or, if man-made materials are necessary, will be of earthtone colors.

54.14 Filling And Dredging: Filling and dredging are permitted as follows:

54.14.A Artificial Beach Replenishment: If beaches are to be artificially replenished, only non-organic, chemically and biologically inert material shall be used. The preferred method of beach replenishment is bypass dredging.

54.14.B Filling: There shall be no fill placed in the lakezone or shorezone, except as otherwise associated with approved bypass dredging, shoreline protective structures, or beach replenishment projects, or as otherwise found by TRPA to be beneficial to existing shorezone conditions or water quality and clarity.

54.14.C Dredging: There shall be no removal or materials within the lakezone or shorezone, except at those locations where such removal or rearrangement is found by TRPA to be beneficial to existing shorezone conditions, and water quality and clarity. Maintenance dredging may be permitted where TRPA finds it is necessary to continue an existing use.

54.14.D Temporary Structures in Lieu of Dredging: Where it is found that low lake levels prevent or significantly reduce access to open water recreation and that dredging cannot be permitted pursuant to Subsection 54.14.C., temporary structures that extend beyond lake bottom elevation 6219 feet or the pier headline may be permitted to facilitate lake access. Permits for the temporary use of structures shall be subject to the provisions outlined in Chapter 7, with the exception that the temporary use of a structure may be extended indefinitely provided that TRPA finds that lake levels remain at or below a level that prevents or significantly reduces lake access. The use of temporary structures in conjunction with single use piers shall not be allowed.

54.14.E Disposal Of Dredged Material: Where dredging, other than bypass dredging, is permitted, spoil materials shall not be deposited in the lakezone or shorezone, in wetlands or within the 100 year flood plain of any tributary to a lake except as provided under Subsection 54.14.B.

54.14.F Prohibition of Siltation of Spawning Habitat: No dredging, filling, or other project may be permitted which results in the permanent siltation of spawning habitat. Temporary siltation associated with construction activities may be permitted provided that the spawning area disturbed is subsequently restored within 60 days or before September 15 when the spawning season begins, whichever is sooner.

54.15 Man-made Lagoons And Artificial Islands: Construction of man-made lagoons connected to any lake in the Region and artificial islands is prohibited.

54.16 Motorized Watercraft: The operation of motorized watercraft shall be subject to the following standards except that operation of watercraft for the protection of public health and safety shall be exempt from the standards.
54.16.A **No Wake Zone:** The creation of a wake or speeds in excess of 5 MPH by motorized watercraft within 600 feet of the waterline of Lake Tahoe shall be prohibited.

54.16.B **Prohibition of Motorized Watercraft on the Tributaries of the Region:** The operation of motorized watercraft on the tributaries of the Region, exclusive of other lakes in the Region, shall be prohibited. The prohibition shall commence at a line across the mouth of the tributary representing an extension of the existing water line across the mouth.
Chapter 55
DEVELOPMENT STANDARDS IN THE BACKSHORE

Chapter Contents

55.0 Purpose
55.1 Applicability
55.2 Limits Of Backshore
55.3 Allowable Land Coverage
55.4 Prohibition Of New Land Coverage
55.5 Replacement Of Excess Land Coverage
55.6 Vegetation
55.7 Project Review
55.8 Special Development Standards
55.9 Man-Modified Backshore

55.0 Purpose: Policies 1 and 2, Goal #1 of the Shorezone Subelement, Conservation Element of the Goals and Policies, establish limitations on disturbance to vegetation and construction activity within the backshore. Policy 1 recognizes that the existing vegetation in the backshore; (1) is the last naturally occurring measure for stabilizing soils and absorbing nutrients in runoff from upland areas; (2) prevents accelerated shoreline erosion due to wave action; (3) reduces the need for engineered structures to stabilize eroding cliffs; (4) is an important element of wildlife and fish habitats occurring in the shorezone; and (5) provides screening of development adjacent to the backshore. Policy 1 generally defines the backshore as the zone that includes backshore cliffs and other unstable lands influenced, in part or in total, by littoral or wave processes. In addition, Policy 2 requires that buildings be set back from the backshore to minimize the risk of accelerated erosion, cliff collapse, or slumping. This chapter sets forth standards and regulations in accordance with these policies.

55.1 Applicability: All projects and activities located within the backshore shall comply with the standards and regulations set forth in this chapter.

55.2 Limits Of Backshore: The limits of the backshore shall be established using the following criteria, whichever establishes the wider backshore. The lakeward limit of the backshore shall be at the high water elevation.

55.2.A Wave Run-Up: The area of wave run-up, plus ten feet;

55.2.B Instability: The area of instability, plus ten feet. The area of instability shall be established pursuant to the following procedures;

(1) The area of instability shall be measured landward from the high
water line a horizontal distance equal to 1.5 times the height of the bluff located adjacent to the shoreline. The height of the bluff shall be the difference between the high water elevation and the elevation of the top of the bluff; or

(2) The area of instability as identified in a report submitted by the applicant and prepared by a licensed geological, geotechnical or soils engineer or engineering geologist. The area of instability established under this provision may be greater or less than such area established under subparagraph (1), above.

55.3 Allowable Land Coverage: The allowable base land coverage in the backshore shall be one percent. The allowable base land coverage in the backshore may be combined with the allowable base land coverage for the remainder of the littoral parcel to establish a total allowable base land coverage for the parcel. A portion of the total allowable base land coverage may be used to allow construction in the backshore in accordance with Section 55.4.

55.4 Prohibition Of New Land Coverage: Additional land coverage or other permanent land disturbance shall not be permitted in the backshore, except as follows:

55.4.A Public Outdoor Recreation: Land coverage and land disturbance may be permitted in the backshore for public outdoor recreation facilities if TRPA finds that:

(1) The project is a necessary part of a public agency's long range plans for public outdoor recreation;

(2) The project is consistent with the Recreation Element of the Goals and Policies;

(3) The project, by its very nature, must be sited in the backshore;

(4) There is no feasible alternative which avoids or reduces the amount of land coverage or disturbance proposed in the backshore; and

(5) The impacts of the coverage and disturbance are mitigated to the extent feasible through means including, but not limited to, the following:

(a) Application of BMPs; and

(b) Restoration in accordance with Subsection 20.4.C of land in the backshore or a stream environment zone in the amount of 1.5 times the area of land in the backshore covered or disturbed for the project beyond that permitted in Section 55.3.

55.4.B Public Service: Land coverage and land disturbance may be permitted in the backshore for public service facilities if TRPA finds that:

(1) The project is necessary for public health, safety or environmental protection;

(2) There is no reasonable alternative which avoids or reduces the
amount of land coverage or disturbance in the backshore; and

(3) The impacts of coverage and disturbance are mitigated in the manner prescribed in Subparagraph 55.4.A(5).

55.4.C Erosion Control And Similar Projects: Land coverage and land disturbance may be permitted in the backshore for erosion control projects, habitat restoration projects, forest management programs, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs and facilities if TRPA finds that:

(1) The project, program or facility is necessary for environmental protection; and

(2) There is no reasonable alternative, which avoids or reduces the extent of encroachment in the backshore.

55.4.D Access To Structures Or Uses In The Nearshore Or Foreshore: Land coverage and land disturbance may be permitted in the backshore to provide access to an approved or legally existing structure or use located in the nearshore or foreshore, provided TRPA finds that the amount of land coverage proposed is the minimum necessary to provide access to the structure or use and the impacts of coverage and disturbance are mitigated in the manner prescribed in Subparagraph 55.4.A(5).

55.5 Replacement Of Excess Land Coverage: The replacement or modification of existing, excess land coverage in the backshore shall be in accordance with Chapter 20.

55.6 Vegetation: Indigenous vegetation, appropriate to the backshore shall not be removed or damaged in the backshore, unless otherwise authorized under TRPA permit pursuant to Sections 55.4 or 74.2. Landscaping installed for the purpose of scenic quality may be maintained pursuant to Section 74.2. Species used in the backshore for revegetation or landscaping shall be those listed on the TRPA-approved plant list as species appropriate for the backshore type and site conditions (e.g. barrier beach, sedimentary bluff).§

55.7 Project Review: In imposing special conditions of approval on projects in the backshore, TRPA shall be guided by an appraisal of the nature of the backshore, as set forth in Section 55.0 and Subsection 30.15, in relation to the unique characteristics of the project area and shall consider the following objectives:§

(1) The protection of significant vistas;

(2) Minimizing the visual impact of the proposed project on the shorezone and area surrounding the project;

(3) The preservation of the site and shorezone from environmental harm both during and after construction;

§ Amended 11/20/02
(4) Protection of views of adjoining development; and

(5) Providing sufficient space for proper infiltration of runoff and nutrient uptake through natural processes.

55.8 **Special Development Standards**: All regulations set forth in Chapter 53 for the shorezone tolerance districts shall apply to projects and activities in the backshore.

55.9 **Man-Modified Backshore**: Areas recognized by TRPA as man-modified pursuant to Subsection 53.4.B shall be regulated in accordance with the recommendations contained in the man-modified report approved by TRPA.
Chapter 56
MITIGATION FEE REQUIREMENTS

56.0 Purpose: The environmental threshold for fisheries includes a management standard requiring restoration of fish habitat in Lake Tahoe as well as a standard for nondegradation of fish habitat in Lake Tahoe. To assist in providing funds for restoration of fish habitat and to mitigate any possible degradation, a fee shall be assessed pursuant to this chapter.

56.1 Applicability: Mitigation fees shall be collected for the new construction and the expansion of piers, boat ramps and marinas.

56.2 Piers: New pier construction and the expansion of existing piers shall be assessed mitigation fees as follows:
   (1) New pier - $30 per foot
   (2) Additional length to an existing pier - $30 per foot
   (3) Other additions - $500 per application

56.3 Boat Ramps: Boat ramp construction and the expansion of existing boat ramps shall be assessed mitigation fees as follows:
   (1) New boat ramp - $30 per foot
   (2) Additional length to an existing ramp - $30 per foot
   (3) Additional width to an existing ramp - $100 per foot

56.4 Marinas: Marina construction and the expansion of existing marinas shall be assessed mitigation fees as follows:
   (1) New boat slip - $200 per slip.
   (2) New mooring buoy - $200 per buoy.
(3) Other additions - $500 per application.

56.5 **Use Of Mitigation Fees:** Mitigation fees collected pursuant to this chapter shall be used to fund studies assessing existing or potential impacts created by shorezone structures, or methods for achieving restoration within the shorezone, or to fund fish habitat restoration projects.

56.6 **Repair Of Existing Structures:** No mitigation fees shall be charged for the repair of existing piers, boat ramps and marinas, or for the reconstruction of such facilities for the purpose of bringing the facilities into conformance with development standards of this Code, provided the repair or reconstruction does not result in the expansion of the facilities. The requirements set forth in Chapter 25 for BMP implementation shall apply to all such repair and reconstruction.

56.7 **Definition Of Existing Structure:** For the purposes of this chapter, piers, boat ramps and marinas shall be determined to be existing in accordance with Section 52.1.

56.8 **Mitigation Fee Refunds:** Mitigation fees imposed by this chapter may be refunded, under certain conditions, in accordance with TRPA's Rules of Procedure.
Chapter 61
SPECIAL INFORMATION REPORTS AND PLANS

Chapter Contents

61.0 Purpose
61.1 Applicability
61.2 Subsurface Investigations and Reports
61.3 Additional Investigations and Reports
61.4 Slope Stabilization Plan

61.0 Purpose: This chapter provides for special investigations, reports, and plans, determined to be necessary by TRPA to protect the environment against significant adverse effects from grading projects.

61.1 Applicability: Applicants for projects may be required to submit the investigations, reports or plans, as specified in this chapter, as part of an application, or as a condition of project approval.

61.2 Subsurface Investigations And Reports: When TRPA determines that stability on or in the vicinity of the project area may be lessened by the proposed grading, or that grading will be performed at any of the locations listed below, TRPA may require a subsurface investigation and preparation of a subsurface soil and geographical report, by a qualified professional. The report shall provide information sufficient to determine the grading’s effect on stability, groundwater, or antiquities.

61.2.A List Of Locations: Grading at any of the following locations may be grounds for requiring subsurface investigations and reports:

(1) Fault zones;

(2) Contact zones between two or more geologic formations;

(3) Zones of trapped water or high water tables; (4) Areas where bodies of intrusive materials, such as rocks or boulders are prevalent;

(4) Historic landslide areas or where the topography indicates prehistoric landslides;

(5) Adversely-sloped bedding planes, short-range folding areas, overturned folds, fractures, and other geologic formations of similar importance;

(6) Proposed or existing fill slopes above a cut slope;
(7) Proposed or existing cuts exceeding twenty (20) feet in height, unless in competent rock;

(8) Proposed or existing fills exceeding twenty (20) feet in height;

(9) Areas where groundwater from either the grading or adjoining parcels, is likely to reduce substantially the subsurface stability;

(10) Areas showing characteristics of seeped soils or areas of water influence; or

(11) Areas in the vicinity of historic resources (see Chapter 29), as identified by TRPA Historic Resource map, or in other locations where antiquities could be located.

61.3 Additional Investigations And Reports: At the request of TRPA, the applicant shall procure and furnish, at his own expense, additional engineering, geologic and ownership reports, plans or surveys and other material, necessary to determine and evaluate project area conditions and the effect of the grading on adjoining properties, public right-of-ways and the public welfare.

61.4 Slope Stabilization Plan: At the request of TRPA, the applicant shall submit a slope stabilization plan prepared by a qualified professional. The plan shall include a complete description of the erosion control and slope stabilization measures to be installed in connection with the project.
Chapter 62
GRADING AND CONSTRUCTION SCHEDULES

Chapter Contents

62.0 Purpose
62.1 Applicability
62.2 Grading And Construction Schedules

62.0 Purpose: This chapter sets forth the requirements for grading and construction schedules when grading or construction is to occur pursuant to a TRPA permit.

62.1 Applicability: Under certain circumstances, a schedule for grading and construction shall be required. Inspections shall determine if conditions of approval and other requirements of TRPA are being met. Other provisions with respect to construction timing are in Chapter 4.

62.2 Grading And Construction Schedules: For projects presenting special problems with regard to project completion, site development or water quality management, such as crossings of stream environment zones, major earthworks, or major clearing projects, TRPA may require, as a condition of approval, submittal and approval of project schedules prior to site disturbance. Changes in the schedules shall be provided to TRPA prior to commencing the activity on the schedule. As appropriate, the grading and construction schedule shall identify dates for the following:

(1) When installation of temporary erosion control, and vegetation protection and construction site boundary fencing will occur;
(2) When construction will start;
(3) When all disturbed areas will be stabilized;
(4) When initial grading will be completed;
(5) When all construction slash and debris will be removed;
(6) When driveways, parking areas and other surfaces will be paved;
(7) When installation of permanent mechanical erosion control devices will occur;
(8) When installation of permanent drainage improvements will occur;
(9) When vegetation will be planted;
(10) When construction will be completed;
(11) When the site will be winterized; and
(12) Other information deemed necessary by TRPA to assure compliance with the purpose of this chapter.
Chapter 64
GRADING STANDARDS

Chapter Contents

64.0 Purpose
64.1 Applicability
64.2 Seasonal Limitations
64.3 Discharge Prohibitions
64.4 Dust Control
64.5 Disposal of Materials
64.6 Cuts And Fills
64.7 Excavation Limitations
64.8 Discovery Of Historic Resources

64.0 Purpose: This chapter protects the environment against significant adverse effects from excavation, filling, and clearing due to such conditions as exposed soils, unstable earthworks, or groundwater interference.

64.1 Applicability: This chapter applies to excavation, filling, clearing of vegetation, or other disturbance of the soil. It does not apply to falling, limbing, or removal of vegetation related to resource management activities, which are addressed in the Resource Management Provisions. Except for Sections 64.3 and 64.8, it also does not apply to activities exempt from TRPA review pursuant to Chapter 4. Except as exempted in Chapter 4, grading requires the review and approval of TRPA.

64.2 Seasonal Limitations: The following seasonal limitations apply:

64.2.A Grading Season: Excavation, filling and clearing of vegetation or other disturbance of the soil shall not occur between October 15 and May 1 of each year, unless approval has been granted by TRPA pursuant to Subsection 64.2.B. Prior to October 15, all construction sites shall be winterized pursuant to Subsection 64.2.D.

64.2.B Grading Season Exceptions: TRPA may approve grading after October 15 if TRPA finds either that an emergency exists and the grading is necessary for the protection of public health or safety, or that the grading is for erosion control purposes or protection of water quality.

64.2.C Prohibition Of Grading During Periods Of Precipitation: Except as provided in subsection 64.2.B, grading is prohibited at any time of the year during periods of precipitation and for the resulting period of time when the site is covered with snow or is in a saturated, muddy or unstable condition.
64.2.D **Winterization**: All construction sites shall be winterized by October 15 to reduce the water quality impacts associated with winter weather as follows:

(1) For sites that will be inactive between October 15 and May 1:
   
   (a) Temporary erosion controls shall be installed;
   
   (b) Temporary vegetation protection fencing shall be installed;
   
   (c) Disturbed areas shall be stabilized;
   
   (d) Onsite construction slash and debris shall be cleaned up and removed;
   
   (e) Where feasible mechanical stabilization and drainage improvements shall be installed; and
   
   (f) Spoil piles shall be removed from the site.

(2) For sites that will be active between October 15 and May 1, in addition to the above requirements:

   (a) Permanent mechanical erosion control devices shall be installed, including paving of driveway and parking areas; and
   
   (b) Parking of vehicles and storage of building materials shall be restricted to paved areas.

64.3 **Discharge Prohibitions**: The following discharges are prohibited:

64.3.A **Direct Discharge**: Direct discharges to the waters of the Region of solid or liquid waste materials, including soil, silt, clay, sand or other organic or earthen materials, are prohibited unless approved by TRPA.

64.3.B **Indirect Discharge**: Indirect discharges to the waters of the Region of solid or liquid waste materials, including soil, silt, clay, sand or other organic or earthen materials, are prohibited unless controlled by discharge devices approved by TRPA.

64.3.C **Discharge Control Devices**: Approved erosion and siltation control devices and measures shall be required for all grading. Approved control devices and measures include, but are not limited to, temporary and permanent erosion and sedimentation control devices and facilities and measures pursuant to the Handbook of Best Management Practices.

64.4 **Dust Control**: Dust control measures shall be required for any grading activity creating substantial quantities of dust. Dust control measures shall be approved by TRPA.
64.5 Disposal Of Materials: The methods of disposal of solid or liquid materials, including soil, silt, clay, sand or other organic or earthen materials shall be reviewed and approved by TRPA. These methods shall include, but are not limited to:

(a) Temporary Stockpiling all or some of the top soil on the site for use on areas to be revegetated;

(b) Disposal of the material at a location approved by TRPA; or

(c) Export of the materials outside the Region.

64.6 Cuts And Fills: The following standards shall apply to cutting and filling of earthen material:

64.6.A Cuts: Standards for cuts are:

(1) The maximum cut slope shall be determined on the basis of the risk of soil instability or soil erodibility. Additional information, which may include a subsurface soil and geological report, pursuant to Chapter 61, or other available information may be required.

(2) If the material of the slope is of such composition and character as to be unstable under anticipated conditions, TRPA shall require such measures as are necessary to ensure the stability of the slope. Such measures may include, but are not limited to, reduction of the slope angle and mechanical stabilization of the slope.

(3) TRPA may impose setbacks as set forth in the Design Review Guidelines.

(4) Where mechanical stabilization or containment of the slope by other than the use of natural material is employed, conditions of approval may require screening by vegetation.

64.6.B Fills: Standards for fills are:

(1) The maximum fill slope shall be determined on the basis of the risk of instability or soil erodibility. Additional information, which may include a subsurface soil and geological report pursuant to Chapter 61, or other available information, may be required.

(2) No organic material, such as vegetation or rubbish, or any other material not capable of proper compaction, or otherwise not conducive to stability, or which has the potential for environmental impact, shall be permitted in fills.

(3) Borrowing for fill is prohibited unless approved by TRPA. Borrowing of material from rockfalls and slides may be allowed pursuant to memorandums of understanding between TRPA and road maintenance organizations. Approved borrow sites shall be subject to subsection 64.6.A.
TRPA may impose setbacks as set forth in the Design Review Guidelines.

64.7 **Excavation Limitations:** The following excavation limitations apply:

64.7.A **Groundwater Interception:** Groundwater interception or interference is prohibited except as set forth below:

1. Excavation is prohibited that interferes with or intercepts the seasonal high water table by:
   - (a) Altering the direction of groundwater flow;
   - (b) Altering the rate of flow of ground water;
   - (c) Intercepting ground water;
   - (d) Adding or withdrawing ground water;
   - (e) Raising or lowering the water table.

2. TRPA may approve exceptions to the prohibition of groundwater interception or interference if TRPA finds that:
   - (a) Excavation is required by the Uniform Building Code (UBC) or local building code for minimum depth below natural ground for above ground structures;
   - (b) Retaining walls are necessary to stabilize an existing unstable cut or fill slope;
   - (c) Drainage structures are necessary to protect the structural integrity of an existing structure;
   - (d) It is necessary for the public safety and health;
   - (e) It is a necessary measure for the protection or improvement of water quality;
   - (f) It is for a water well;
   - (g) There are no feasible alternatives for locating mechanical equipment, and measures are included in the project to prevent groundwater from leaving the project area as surface flow and groundwater, if any is interfered with, is rerouted in the ground water flow to avoid adverse impacts to riparian vegetation, if any would be so affected;
   - (h) It is necessary to provide two offstreet parking spaces, there is no less environmentally harmful alternative, and measures are taken to prevent groundwater from leaving the project area as surface flow; or
(i) It is necessary to provide below grade parking for projects, qualifying for additional height under Subsection 22.4.D, to achieve environmental goals including scenic improvements, land coverage reduction, and areawide drainage systems; and measures are included in the project to prevent ground water from leaving the project area as surface flow and that groundwater, if any is interfered with, is rerouted into the groundwater flow to avoid adverse impacts to hydrologic conditions, SEZ vegetation, and mature trees.

(j) It is necessary for a marina expansion approved pursuant to Chapter 16, and the environmental documentation demonstrates that there will be no adverse effect on water quality.

64.7.B Excavations: Excavations in excess of 5 feet in depth or where there exists a reasonable possibility of interference or interception of a water table, shall be prohibited unless TRPA finds that:

(1) A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation; and

(2) The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 65.2.E, including root systems, and hydrologic conditions of the soil. To ensure the protection of vegetation necessary for screening, a special vegetation protection report shall be prepared by a qualified professional identifying measures necessary to ensure damage will not occur as a result of the excavation; and

(3) Excavated material is disposed of pursuant to Section 64.5 and the project area's natural topography is maintained pursuant to Subparagraph 30.5.A(1); or if groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, the excavation can be made as an exception pursuant to Subparagraph 64.7.A(2) and measures are included in the project to maintain groundwater flows to avoid adverse impacts to SEZ vegetation, if any would be affected, and to prevent any groundwater or subsurface water flow from leaving the project area as surface flow.

64.7.C Minimum Excavation: The area and extent of all excavation shall be minimized to avoid unnecessary soil disturbance.
64.8 **Discovery Of Historic Resources:** Whenever during the conduct of grading any historical, pre-historical, or paleontological materials appearing to be fifty years or older are discovered which have not been accounted for previously pursuant to Section 29.2, grading shall cease and TRPA shall be notified immediately. TRPA shall suspend grading and consult with the appropriate local, state, or federal entities and determine whether the site should be nominated as a historic resource. The property owner shall provide protection for the discovered material during this period. If a nomination is made, the site shall be subject to the provisions of Chapter 29.
Chapter 65
VEGETATION PROTECTION DURING CONSTRUCTION

Chapter Contents

65.0 Purpose
65.1 Applicability
65.2 General Provisions

65.0 Purpose: This chapter sets forth requirements for the protection of vegetation during construction.

65.1 Applicability: All projects and activities involving construction shall be subject to the provisions of this chapter.

65.2 General Provisions: The following vegetation protection provisions shall apply to construction:

65.2.A Vegetation: Vegetation shall not be disturbed, injured, or removed except in accordance with the Code or conditions of project approval. All trees, major roots, and other vegetation, not specifically designated and approved for removal in connection with a project, shall be protected according to methods approved by TRPA. All vegetation outside the construction site boundary, as well as other vegetation designated on the approved plans, shall be protected by installing temporary fencing as per Sections 65.2.I and 65.2.J. §

65.2.B Equipment: Use of equipment of a size and type that, under prevailing site conditions, will do the least amount of damage to the environment may be specified as a condition of approval. Construction equipment and materials shall be restricted to the construction site boundary.

65.2.C Debris: Slash, trees cut for the project, uprooted stumps, or other vegetative debris shall not remain on the project area after October 15 of each year, or final inspection, whichever comes first, except trees bucked into firewood in TRPA-designated areas. Any remaining stump shall be cut within six inches of the ground on the uphill side of the tree.

65.2.D Tree Treatment Plan: A plan to treat trees on the project area, in accordance with Chapter 71, may be required as a condition of approval. At a minimum, the plan shall include the following:

(1) Provisions for identification and treatment of diseased or insect infested trees;

§Amended 7/24/02
(2) Provisions for identification and removal of hazardous trees; and

(3) Provisions for optimum stocking levels of trees including the protection and establishment of younger-aged trees.

65.2.E Tree Removal: Trees may be removed from within six feet of a foundation, or when other approved construction activities involving soil compaction, excavation or paving encroach into more than 25 percent of a tree's dripline. Falling, uprooting, or removal of trees and other materials shall be accomplished so as to avoid damage to remaining trees, vegetation and soil.

65.2.F Tree Roots: Tree roots four inches in diameter and larger encountered during excavation of utility trenches should not be severed, if avoidable. All tree roots four inches in diameter or larger severed during excavation shall be cut flush with the surface of the excavation.

65.2.G Prohibition: Trees shall not be used for the purpose of sign posts, telephone wires or temporary power, bracing for forms, or other similar types of uses.

65.2.H Revegetation Plan: Areas outside the construction site boundary that sustain vegetation damage during construction shall be revegetated according to a revegetation plan in accordance with Chapter 77.

65.2.I Standards for Soil and Vegetation Protection:§

(1) The location and type of protective fencing shall be shown on approved plans.

(2) No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas without prior approval from TRPA.

(3) Protective fencing for soil and vegetation shall be constructed with metal posts, industry standard mesh fencing, and at least 4 feet tall, unless an alternative protection method is approved by TRPA.

(4) All protective fencing shall be adequately maintained and provide a functional barrier during construction.

65.2.J Standards for Retained Tree Protection:§ All trees designed to be retained during construction shall be protected as follows:

(1) Fencing shall be placed at a minimum along the dripline of the tree(s) unless an alternative placement is approved prior by TRPA.

(2) The location and type of the protective fencing shall be shown on approved plans.

§Amended 7/24/02
(3) No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas without prior approval from TRPA.

(4) Protective fencing for trees shall be constructed with metal posts, industry standard mesh fencing, and at least 4 feet tall, unless an alternative method is approved by TPRA.

(5) All protective fencing shall be adequately maintained and provide a functional barrier during construction.

(6) An alternative method of tree protection may be required if conditions warrant due to location of tree or the importance of the tree for visual screening. A tree treatment plan may be required as per section 65.2.D.
Chapter 71
TREE REMOVAL

Chapter Contents

71.0 Purpose
71.1 Applicability
71.2 Late Seral/Old Growth Enhancement and Protection
71.3 General Standards
71.4 Minimum Standards For Tree Removal
71.5 Reasons For Tree Removal
71.6 Commercial Tree Removal

71.0 The purpose of this chapter is to regulate the management of forest resources to achieve and maintain the environmental threshold standards for species and structural diversity, to promote the long term health of the natural resources, to restore and maintain suitable habitats for native wildlife species, and to reduce accumulations of hazardous fuels, by land managers and fire protection districts, in order to decrease the likelihood of catastrophic wildfire events.

71.1 Applicability: All projects and activities affecting the forest resources and components of the forest community, such as snags and fallen logs, understory, shrubs, and forbs and grasses, in addition to trees of all ages from seedlings to overmature, shall be subject to the provisions of this chapter. Refer also to Vegetation Protection During Construction (Chapter 65), Open Space Protection (Chapter 75), Landscaping (Chapter 30), Snag and Coarse Woody Debris Retention Standards (Chapter 78), and Revegetation Requirements (Chapter 77). (Except as exempted in Chapter 4, tree removal requires the review and approval of TRPA.)

71.1.A Delegation of Project Review and Permit Determination: Qualified agencies, or third party designees, may be delegated authority for permit determinations set forth in this chapter. Stream environment zone areas (SEZ’s) may be excluded from the delegation. TRPA may, on a case-by-case basis, designate the review of SEZ’s if the agency or third party has demonstrated expertise in hydrology, ecology, 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.

71.2 Late Seral/Old Growth Enhancement and Protection: In addition to other code sections the following standards will govern forest management activities and projects.

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5 Amended 5/23/01
55 Amended 1/28/04
71.2.A Standards for Conservation and Recreation Lands: Within lands classified by TRPA as conservation or recreation land use or Stream Environment Zones, any live, dead or dying tree greater than or equal to 30 inches diameter at breast height (dbh) in westside forest types shall not be cut, and any live, dead or dying tree greater than or equal to 24 inches diameter at breast height in eastside forest types shall not be cut. Except as follows:

(1) Trees and snags larger than 30 inches dbh in the westside forest types and 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 30 inches dbh or larger in the westside forest types and 24 inches dbh or larger 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) 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 to TRPA within two working days.

(3) Where immediate treatment and removal is warranted to help control an outbreak, severely insect-infested or diseased trees 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) Trees larger than 30 inches dbh in the westside forest types and 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 must be made by a qualified interdisciplinary team and approved by TRPA. The marking of these trees shall be done by TRPA.

(5) In limited cases, trees larger than 30 inches dbh in the westside forest types and 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 cut only the large trees necessary to achieve ecosystem objectives at a specific site. Each tree greater than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types must be approved by TRPA. The marking of these trees shall be done by TRPA.

(6) In ski areas with existing TRPA-approved master plans, trees larger than 30 inches dbh in the westside forest types and 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 24 inches dbh in eastside forest types may be removed when it is demonstrated that the removal is necessary for the activity.

(7) In case of extreme fuel loading some snags larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types may be cut if the removal is consistent with 78.2.D.

(8) Large trees may be removed for large public utilities projects if TRPA finds there is no other reasonable alternative.

(9) Tree Removal During Emergency Fire Suppression Activities: Trees may be removed when an emergency fire suppression need exists as determined by the local, state or federal fire suppression agency involved in a fire suppression activity.

(10) Private landowners may cut trees larger than 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types provided the landowner follows one of the planning processes articulated in 71.2.C.

71.2.B Standards for Non-SEZ Urban Lands: Within non-SEZ urban areas: Individual trees larger than 30 inches dbh that are healthy and sound shall be retained as desirable specimen trees having aesthetic and wildlife value, unless 1) all reasonable alternatives are not feasible to retain the tree, including reduction of parking areas or modification of the original design, or 2) paragraphs 71.2.A (1), 71.2.A (2), 71.2.A (3), 71.2.A (7), 71.2.A (8), or 71.2.A (9) can be applied.

71.2.C Alternative Private Landowner Process: A private landowner may follow the regulations within Subsections 71.2.A or a private landowner may follow one of the following planning processes to achieve or maintain the late seral/old growth threshold, goals, and polices.

(1) A private landowner, in the development of a forest management plan, shall follow the planning process described in Chapter 16 of TRPA Code of Ordinances except as follows:

(a) In relation to Subsection 16.7.A.(1) only the private landowner may initiate the private forest management planning process.
(b) In relation to Subsection 16.7.A.(2) the project team shall consist of a designee of the Executive Director, appropriate regulatory and land management agencies, the proponent’s qualified forester, and in consultation with the appropriate public land management agencies if the private land is adjacent to public land.

(c) In relation to Section 16.8, the content of a forest master plan is described in the TRPA Forest Master Plan Guidelines. The content shall include enough information to make the required findings of Section 16.9; shall provide guidelines for salvage harvest, insect control and fire salvage. The document shall be organized by described and mapped planning units. As an example, a non-industrial timber management plan that contains enough information to make the required findings of Section 16.9 can be submitted provided it is developed with approval of the steering committee.

(d) The harvest practices shall comply with local and state regulations.

(e) A proposed schedule (and seasonality) of harvest projects and improvement projects shall be included within the plan.

(f) Individual harvest projects proposed under the master plan within the planned schedule and proposed method shall receive a streamlined review.

(2) Private landowners may prepare a limited forest plan when there is limited proposed impact to large trees.

(a) A limited forest plan may be prepared if 10% or less of the trees over 30 inches dbh in the westside forest types and 24 inches dbh in eastside forest types within the project site are proposed to be cut within the life of the plan.

(b) The content of a limited forest plan shall include:

(i) The relative state permit application, if available;

(ii) Description of harvest activities;

(iii) Description of management activities;

(iv) Explanation of how thresholds, goals and policies will be attained under the forest plan;

(v) The expiration date of the plan. A minimum lifespan of 10 years and a maximum lifespan of 50 years will be accepted.

§ Amended 1/28/04
(3) TRPA shall review proposed cutting of trees 30 inches dbh in the westside forest types and 24 inches dbh in eastside or larger forest types on a tree-by-tree basis consistent with the forest plan.

71.3 §General Standards The cutting, moving, removing, killing, or materially damaging of live trees, the removal of disease-infested and hazardous trees, and the attachment of appurtenances to trees, shall comply with this chapter. The removal of trees 14 inches d.b.h. or less is exempt from TRPA approval under subsection 4.2.A(13) and requirements of this chapter, except as provided herein. Removal of trees greater than fourteen inches d.b.h. shall require approval by TRPA except as provided in subsections 71.5.B, and 71.5.J. Permits shall be granted or denied in conformity with the provisions of this chapter. Such tree-related projects and activities also shall conform to the other provisions of the Code.

(1) If vegetative screening is required by an existing permit for any property, the vegetative screening cannot be removed without prior approval from TRPA except for defensible space purposes pursuant to Code Section 75.3.

(2) If vegetation removal of trees 6 inches d.b.h and greater is required on lakefront properties pursuant to Code Section 75.3 where the trees to be removed provide vegetative screening of existing structures as viewed from Lake Tahoe, a permit must be obtained from TRPA prior to vegetation removal.

(3) If vegetation removal is required pursuant to Code Section 75.3 on any non-lakefront properties where an existing permit requires retention of vegetation, alternative scenic mitigation must be proposed to TRPA within 30 days of vegetation removal and is subject to review and approval by TRPA notwithstanding the permit exemption in Section 4.2.A(13).

71.3.A Findings: Before tree-related projects and activities are approved by TRPA, TRPA shall find, based on a report from a qualified forester, that the project or activity is consistent with this chapter and the Code. TRPA may delegate permit issuance to a federal, state, or other qualified agency through a memorandum of understanding.

71.3.B Harvest Or Tree Removal Plan: In cases of substantial tree removal, as set forth in subsection 71.4.I, the applicant shall submit a harvest plan or tree removal plan, prepared by a qualified forester. The plan shall set forth prescriptions for tree removal, water quality protection, vegetation protection, residual stocking levels, reforestation, slash disposal, fire protection, and other appropriate considerations. The plan, as approved by TRPA, shall become a part of the project and prescriptions contained in the plan shall be conditions of approval.

§ Amended 5/23/01
§ Amended 11/18/2009
§§§§ Amended 7/28/04

TRPA Code of Ordinances
CHAPTER 71 - TREE REMOVAL
71-5
71.4  Minimum Standards For Tree Removal: The minimum standards for tree removal are:

71.4.A Management Techniques: Management techniques shall be employed which are consistent with the following objectives, where applicable:

(1) Restoration and expansion of stream environment zones and riparian vegetation;

(2) Improvement of the structural diversity of all forests including the protection and establishment of younger-aged trees;

(3) Enhancement of native wildlife species and/or native wildlife habitat diversity;

(4) Enhancement and protection of tree species of limited occurrence, such as aspen, black cottonwood, ponderosa pine, Douglas-fir, incense-cedar, sugar pine, western white pine, mountain hemlock, whitebark pine, and western juniper;

(5) Protection of sensitive lands;

(6) Minimization of construction of new roads;

(7) Revegetation of existing temporary roads;

(8) Avoidance of disturbance of stream environment zones, unless such project is to remove trees within SEZ in accordance with Subsection 71.4.C;

(9) Utilization of existing openings or disturbed areas as landings; or

(10) Provisions for revegetation.

(11) The promotion of late seral or old growth characteristics.

(12) Early successional stage vegetation management; or

(13) Fuels management for fire hazard reduction.

71.4.B Cutting Practices: The following cutting practice standards apply:

(1) Sufficient trees shall be reserved and left uncut and undamaged to meet the minimum acceptable stocking standards, except where patch cutting is necessary for regeneration harvest or early successional stage management.

(2) A stand of timber shall be considered to be adequately stocked or to have minimum acceptable stocking when it has thrifty trees well distributed over the growing area (rocky areas, brush fields, meadows, and bodies of water excepted) in which the residual stocking meets the requirements of the appropriate state or federal

§ Amended 1/28/04
§§ Amended 5/23/01
forestry agency, and desired species composition is maintained:

(3) Patch cuts shall be limited to use for achieving management objectives as approved by TRPA. Patch cuts shall be limited in size to less than five acres. (See subsection 71.4.I.)

(4) All live trees to be cut shall be marked on bole and stump with paint by, or under the supervision of, a qualified forester prior to TRPA approval. Trees to be removed or protected may be designated by other means in situations involving clear cuts or thinning of exceptionally dense thickets.

(5) Damage to unmarked trees and residual vegetation shall be avoided.

(6) All trees shall be felled in line with the skidding direction wherever possible.

(7) All trees shall be limbed on all sides where feasible and topped prior to skidding except where tree length skidding is less disruptive to the forest resources.

(8) Stumps shall be kept to a height of six inches or less on the side adjacent to the highest ground, except where safety or imbedded metal make this impractical.

(9) Removal of more than two stumps per parcel, except as permitted for projects or grading, shall require TRPA approval.

71.4.C Tree Cutting Within Stream Environment Zones: Tree cutting within stream environment zones may be permitted to allow for early successional stage vegetation management, sanitation salvage cuts, fuels management for fire hazard reduction, restoration or enhancement of forest health and diversity,§ and fish and wildlife habitat improvement projects, in accordance with the following standards:

(1) All vehicles shall be restricted to areas outside of the stream environment zones or to existing roads within stream environment zones. The following exceptions shall apply:

a. TRPA may permit the use of vehicles in over-snow tree removal operations. TRPA shall conduct a pre-operation inspection to ensure that conditions are suitable to prevent significant soil disturbance and/or significant vegetation damage.

b. TRPA will review site-specific proposals for, and may permit, the use of “innovative technology” vehicles and/or “innovative techniques” for the purpose of fire hazard reduction in SEZs provided that no significant soil disturbance or significant vegetation damage will result from the use of equipment. (See Section 2.2 for definitions of

§ Amended 1/28/04
innovative technology” vehicles and “innovative techniques”.) Project proposals should be developed within an adaptive management framework that will result in data that can be used to support and/or improve on equipment and techniques. TRPA shall conduct a pre-operation inspection of the site to decide if vehicle use is appropriate for the given situation, to verify the boundaries of the SEZ, and to identify other areas of concern. The following minimum conditions shall apply:

i. Project proponents shall provide documentation substantiating that the use of such vehicles will not cause significant soil disturbance or significant vegetation damage. Documentation must take into account soil types, hydrology, vegetation type and cover, and other ecosystem characteristics, relevant to the use of such vehicles in similar environments. Documentation can include relevant scientific research, monitoring studies, and other supporting analyses.

ii. Operations using “innovative technology” vehicles in SEZs shall be limited to the management of common conifer species (e.g., lodgepole pine, white fir), however, incidental hardwoods that need to be removed from within a conifer vegetation type may also be removed using the vehicles.

iii. Operations shall be limited to times of the year when soils are sufficiently dry to avoid and/or minimize compaction and sufficiently stable to avoid and/or minimize erosion.

iv. Erosion control measures (BMPs) shall be implemented both during and after operations to avoid soil detachment and transport wherever possible, and to minimize erosion wherever soil disturbance cannot be avoided.

v. To prevent sediment delivery to surface waters, including wetlands, more stringent setbacks from perennial and intermittent streams than the setbacks set forth in other regulations regulating timber harvests, such as the California Forest Practice Rules and Nevada State Statutes, may be designated if deemed necessary by TRPA.

vi. Operations shall incorporate appropriate measures to avoid impacts to wildlife during critical wildlife nesting and denning periods.

vii. Operations shall incorporate measures to protect historic resources in accordance with Chapter 29 Historic Resource Protection.

viii. Projects must be monitored to ensure that the SEZ has not sustained any significant damage to soil or vegetation. Along with the project proposal, adaptive management concepts should be applied to the
monitoring plan. A monitoring plan must be submitted with all project proposals, including at a minimum: a list of sites and attributes to be monitored; specification of who will be responsible for conducting the monitoring and report; and a monitoring and reporting schedule.

(2) All work within stream environment zones shall be limited to times of the year when soil conditions are dry and stable, or when snow conditions are adequate for over-snow tree removal operations without causing significant soil disturbance and/or significant vegetation damage. (See Subsection 71.4.F.)§

(3) Felled trees and harvest debris shall be kept out of all perennial or intermittent streams. If deposited in the stream, the material shall be removed unless it is determined that such logs and woody material adds structural diversity pursuant to fish and wildlife habitat improvements in accordance with Chapter 78 (Wildlife Resources) and Chapter 79 (Fish Resources). This determination shall be approved by TRPA. Logs or other woody material may be placed in streams to provide woody structure pursuant to fish or wildlife habitat improvement programs approved by TRPA in accordance with Chapter 79. §

(4) The crossing of perennial streams or other wet areas shall be limited to improved crossings meeting Best Management Practices or to temporary bridge spans that can be removed upon project completion or at the end of the work season, whichever is sooner. Any damage or disturbance to the stream environment zone associated with a temporary crossing shall be restored within one year of its removal. In no instance shall any method requiring the placing of rock and earthen material into the stream or streambed be considered an improved crossing. Other temporary measures may be permitted for dry stream crossings in accordance with the Handbook of Best Management Practices.

(5) Special conditions shall be placed on all tree harvests within stream environment zones or within the transition or edge zone adjoining stream environment zones, as necessary to protect in-stream aquatic habitat values and wildlife habitat integrity and diversity. §

71.4.D Logging Roads And Skid Trails: All logging roads and skid trails shall be constructed or otherwise created and maintained in accordance with the requirements of this chapter and the Handbook of Best Management Practices. New roads shall be approved only if TRPA finds that all alternatives have been explored. Existing roads shall be used where available. In accordance with subsection 81.2.B, existing roads and landings may be accessed in the winter to help prepare for over-snow tree removal. Such preparation shall be limited to packing snow over the roadways to obtain a firm snow base and allow movement of logs and equipment without disturbance of the soil. The following standards also shall apply:
(1) The requirements and standards for design, grade, tree felling in right-of-way, slash cleanup, width and maintenance, by road type as determined by TRPA, shall be as shown in Figures 1 and 2:

FIGURE 1

<table>
<thead>
<tr>
<th>Road Type</th>
<th>Design</th>
<th>Maximum Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent Administrative Roads</td>
<td>Plans and Specifications</td>
<td>10%</td>
</tr>
<tr>
<td>Limited Use</td>
<td>Plans and Specifications</td>
<td>10% with occasional 15%</td>
</tr>
<tr>
<td>Limited Use Roads Closed after Logging</td>
<td>Plans and Specifications</td>
<td>10% with occasional 15%</td>
</tr>
<tr>
<td>Temporary Roads</td>
<td>Flag Line</td>
<td>20%</td>
</tr>
<tr>
<td>Tractor Roads and Main Skid Trails</td>
<td>Flag Line</td>
<td>30%</td>
</tr>
<tr>
<td>Secondary Skid Trail</td>
<td>None</td>
<td>30%</td>
</tr>
</tbody>
</table>

FIGURE 2

<table>
<thead>
<tr>
<th>Road Type</th>
<th>Right of Way Tree Falling</th>
<th>Minimum Slash Cleanup</th>
<th>Maximum Width</th>
<th>Maintenance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent Administrative Roads</td>
<td>Prefall</td>
<td>Removal within 50 feet of road</td>
<td>30 feet*</td>
<td>As determined by TRPA</td>
</tr>
<tr>
<td>Limited Use Roads Remaining Open</td>
<td>Prefall</td>
<td>Removal within 50 feet of road</td>
<td>15 feet 2/turnouts*</td>
<td>Annual maintenance required**</td>
</tr>
<tr>
<td>Limited Use Roads Closed After Logging</td>
<td>Prefall</td>
<td>Lop and scatter</td>
<td>15 feet 2/turnouts*</td>
<td>Close to vehicle use and revegetate</td>
</tr>
<tr>
<td>Temporary Roads</td>
<td>Prefall</td>
<td>Lop and scatter</td>
<td>15 feet*</td>
<td>Close to vehicle use and revegetate</td>
</tr>
<tr>
<td>Tractor Roads and Main Skid Trails</td>
<td>Concurrent</td>
<td>Lop and Scatter</td>
<td>15 feet</td>
<td>Close to vehicle use and revegetate</td>
</tr>
<tr>
<td>Secondary Skid Trails</td>
<td>Concurrent</td>
<td>Lop and Scatter</td>
<td>15 feet</td>
<td>Close to vehicle use and revegetate</td>
</tr>
</tbody>
</table>

* Unless TRPA finds that greater width is necessary for feasible use or safety.
** “Annual Maintenance” includes activities such as restoring drainage features and making other road repairs as necessary.

(2) Skid trails shall be located so as to protect residual stands through utilization of natural openings and topographic characteristics. The number of skid trails shall be kept to the minimum necessary and their width shall be 15 feet or less. Directional felling shall be used whenever possible to minimize skid trail density.§ Main skid trails shall be flagged in advance of felling operations and shall require

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approval by TRPA.

(3) Best Management Practices shall be installed on all skid trails, landings, and roads, prior to seasonal shutdown.

(4) Cross drains shall be spaced as follows:

(a) Maximum Slope Distance in Feet by Land Capability District

<table>
<thead>
<tr>
<th>Gradient</th>
<th>5-7</th>
<th>3-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less Than 10%</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>10 - 20%</td>
<td>150</td>
<td>90</td>
</tr>
<tr>
<td>21 - 30%</td>
<td>90</td>
<td>50</td>
</tr>
</tbody>
</table>

(b) Cross drains shall be placed at lesser intervals as necessary to prevent soil erosion caused by firebreaks, trails, or landings.

(c) Construction of cross drains shall be kept current with operations or at the time of seasonal shutdown, whichever is sooner. Erosion control work including the design and interval of cross drains, shall require TRPA approval.

(d) Landing areas shall be properly drained in a manner to prevent soil erosion and stream pollution.

71.4.E Removal Methods: Only the following tree removal methods shall be used on lands located within the land capability districts shown:

<table>
<thead>
<tr>
<th>Land Capability District</th>
<th>Removal Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a, 1c, or 2</td>
<td>Aerial removal, hand carry, and use of existing roads, in conformance with Subsection 71.4.F. Over-snow removal may be approved pursuant to Subsection 71.4.F(1).</td>
</tr>
<tr>
<td>1b (Stream Environment Zone)§</td>
<td>As permitted in Land Capability District 1a. End lining may be approved when site conditions are dry enough and suitable so as to avoid adverse impacts to the soil and vegetation. The use of “innovative technology” vehicles and/or “innovative techniques” for removing trees from SEZs may be considered pursuant to Subsection 71.4.C(1)b.</td>
</tr>
<tr>
<td>3§</td>
<td>As permitted in Land Capability District 1b. Ground skidding pursuant to Subsection 71.4.F(2) may be approved. The use of “innovative technology” vehicles and/or “innovative techniques” for removing trees from SEZs may be considered pursuant to Subsection 71.4.C(1)b.</td>
</tr>
<tr>
<td>4 - 7, Inclusive§</td>
<td>As permitted in Land Capability District 1b. Ground skidding, as well as pickup and removal by conventional construction equipment, may be approved. Ground-based vehicle systems for</td>
</tr>
</tbody>
</table>

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removing trees without skidding may be approved pursuant to Subsection 71.4.F(5).

71.4.F Skidding and Ground Based Vehicle Systems: Skidding is the act of dragging a tree or log along the ground or snow by cable systems or by mobile equipment. Ground skidding is the act of skidding a log or tree in full contact with the ground behind mobile equipment. End lining is dragging a log or tree in full contact with the ground by a winch. Cable yarding is the act of removing a log or tree by cable with one end of the log or tree in contact with the ground. Ground based vehicle systems are all-in-one “process at the stump” harvesters that cut, process and remove trees without any ground skidding.§

(1) Skidding over snow is preferred to ground skidding. The depth of the snow shall be sufficient to prevent disturbance of the soil beneath the snow as determined by site-specific field observations. Skidding operations shall cease when soil becomes visible on the surface of the snow.

(2) Ground skidding shall be limited to Land Capability Districts 3, 4, 5, 6, and 7.

(3) Logs shall only be skidded endwise.

(4) No logging arches, other than integral arch equipment, shall be permitted.

(5) Ground-based vehicle systems for removing trees without skidding, such as harvester and forwarder combinations, may be approved by TRPA for use in Land Capability Districts 4, 5, 6, and 7. The use of “innovative technology” vehicles and/or “innovative techniques” for removing trees without skidding may be considered in Land Capability District 1b and 3 pursuant to Subsection 71.4.C (1)b and 71.4.E. §

71.4.G Slash Disposal: Slash shall be disposed of within two years of project completion by the following methods:

(1) Lop and scatter, pile and burn or broadcast burn (consistent with Chapters 72 and 91), chipping, or hauling away. All burns shall be located at least 50 feet from any stream channel.

(2) Cull logs and other material shall be disposed of as required by the permit.

71.4.H Restocking: A qualified forester shall recommend a restocking level, species and size of replacement trees, and location for planting.

71.4.I Substantial Tree Removal: Substantial tree removal shall be activities on project areas of twenty acres or more and proposing the removal of more than 100 live trees ten inches dbh or larger, or proposing the

§ Amended 1/28/04
removal of more than 100 live trees ten inches dbh or larger within land
capability districts 1a, 1b, 1c, 2, or 3 regardless of the project area, or
proposing tree removal that, as determined by TRPA after a joint
inspection with appropriate state or federal Forestry staff, does not meet
the minimum acceptable stocking standards set forth in Subsection
71.4.B. Substantial tree removal projects shall be processed by the
appropriate state and federal agencies in coordination with TRPA in the
following manner:

(1) Review process for private parcels:
   (a) Harvest plan shall be written by a qualified forester;
   (b) Harvest plan shall be submitted to the appropriate state and
       federal agencies and TRPA with an initial environmental
       checklist or environmental assessment;
   (c) Preparation of environmental impact statement if necessary;
   (d) Pre-approval field review;
   (e) Approval of project by TRPA;
   (f) Pre-harvest field review; and
   (g) Post-harvest review.

(2) Review process for public parcels:
   (a) For U.S. Forest Service administered parcels:
      (i) Coordination with TRPA at the initial planning stages;
      (ii) Preparation of environmental assessment;
      (iii) Preparation of environmental impact statement (if
            necessary);
      (iv) Submittal of tree removal or harvest plan;
      (v) Approval of project by TRPA; and
      (vi) TRPA monitoring and evaluation.
   (b) For other public parcels the process shall be the same as for
       private parcels.

71.5§§ Reasons For Tree Removal: Except for trees identified for retention under
section 71.2 § tree removal shall incorporate measures and prescriptions that
promote a range of threshold standards and SEZs pursuant to Subsection 71.4.C
(Tree Cutting Within Stream Environment Zones). Trees may be removed for the
following reasons:

71.5.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

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§§ Amended 1/28/04
§ Amended 5/23/01
during removal operations to prevent their injury.
71.5.B **Dead, Dying, Or Diseased Tree Removal:** To enhance forest health, trees reported by a qualified forester to be dead, dying or diseased may be removed upon approval by TRPA. (See Subsection 78.2.D.) Dead trees may be removed without TRPA approval. Green stumps shall be treated, and insect-infested wood shall be disposed of, or treated as appropriate, as specified by a qualified forester.

71.5.C **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. (See Section 18.4 for definition of fuels management.)

71.5.D **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 Section 18.4 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 Section 77.4.

71.5.E **Tree Removal For Enhancement Of Forest Health And Diversity:** Tree removal may be permitted where the species or structural diversity of an area is unacceptable. TRPA shall apply the following criteria in reviewing tree removal to enhance forest health and diversity:

1. A management plan which demonstrates the need for the project and the means of accomplishing the objectives listed below, shall be prepared by a qualified forester.
   - If improved forest health is the objective, removal of trees shall not exceed minimum stocking levels recommended by a qualified forester.
   - 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.
   - 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.
   - On parcels of five 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 five acres in which a single

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§ Amended 1/28/04
§§ Amended 1/23/08
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.
71.5.F§ Tree Removal For Solar Access: Removal of healthy trees to maximize efficiency of solar energy systems may be permitted as follows:

(1) TRPA may approve the removal of healthy trees provided TRPA finds that the trees unreasonably impede the operation of a solar energy system and that the solar energy system is properly located so as to minimize the need for tree removal.

(2) The number of healthy trees that may be removed for the system’s operation shall be the minimum necessary.

(3) The only trees that shall be considered for removal for an active or passive solar energy system are those that lie generally south of the proposed solar collector and are in the sun’s path between an $18^\circ$ vertical angle measured from the base of the solar collector and a $70^\circ$ vertical angle from the same base measurement. Trees on adjacent properties may be removed provided a contractual agreement to allow for such removal is signed by the affected parties. Tree removal may be conditioned upon replacement elsewhere on the property.

71.5.G§ Tree Removal For Ski Areas And Rights-Of-Way: The following tree removal standards apply to ski areas and utility and public right-of-ways:

(1) For expansion of ski areas, including but not limited to, the widening of runs and the addition or replacement of lifts, only the minimum number of trees necessary for the operation of the ski area shall be removed.

(2) The removal of trees within utility and public right-of-ways may be allowed if TRPA finds that the removal is for public health and safety. When a tree-related emergency exists, the utility or public agency may remove the trees and advise TRPA of the action on the next business day. At that time TRPA may issue an emergency permit in accordance with its Rules of Procedure.

71.5.H§ Cutting And Cultivation Of Christmas Trees: Legally existing Christmas tree cultivation operations, when certified by a qualified forester to be utilizing native species and proper silvicultural methods, may continue upon approval by TRPA. New Christmas tree farm operations meeting the above conditions, may be permitted if TRPA finds them to be in compliance with the Code and the applicable plan area statements.

71.5.I§ Tree Removal For Development: Tree removal for development in conjunction with a TRPA permit shall be in accordance with the provisions of this chapter and Chapter 65.

§ Amended 1/28/04
71.5.J§ Tree Removal During Emergency Fire Suppression Activities: Trees may be removed when an emergency fire suppression need exists as determined by the local, state or federal fire suppression agency involved in a fire suppression activity.

71.5.K§ Tree Removal To Enhance Scenic View Points From Public Roadways: Select trees may be removed to enhance scenic viewpoints from scenic turnouts located on highways, public right-of-ways and other public lands immediately adjacent to highway corridors.

71.6 Commercial Tree Removal: Trees may be removed as a commercial enterprise pursuant to the tree removal practices of Section 71.4.

§ Amended 1/28/04
Chapter 72
PRESCRIBED BURNING

Chapter Contents

72.0 Purpose
72.1 Applicability
72.2 Prescribed Burning
72.3 Performance Standards
72.4 Compliance Program

72.0 Purpose: This chapter sets forth standards and regulations pertaining to the use of fire in controlled circumstances for vegetation management.

72.1 Applicability: The standards and regulations set forth in this chapter apply to all intentional burning for the purpose of vegetation management, unless otherwise exempt from TRPA review under the provisions of Chapter 4.

72.2 Prescribed Burning: Persons who own or manage forests or range lands may use prescribed burning, consistent with the standards and regulations set forth in this chapter, to maintain forest health and diversity and to reduce the risk of wildfire.

72.2.A Limitations: Prescribed burning shall be limited to the following activities:

(1) Seral stage management;
(2) Fuels management;
(3) Wildlife habitat management;
(4) Silviculture; or
(5) Pest control.

72.3 Performance Standards: The use of prescribed burning for vegetation management shall comply with the following standards:

72.3.A Location Of Prescribed Burning: The use of prescribed burning shall be limited to those areas where the plan area statements designate as a permissible use one or more of the following uses:

(1) Nonstructural wildlife habitat management;
(2) Range improvement;
(3) Fuels management; or
(4) Prescribed fire management.

72.3.B Extent Of Prescribed Burning: Each prescribed burn shall be limited to the minimum area necessary to achieve the purpose of the prescription.

72.3.C Timing Of Prescribed Burning: Prescribed burning shall be limited to time periods for which TRPA finds that atmospheric conditions normally will allow complete dispersion of the smoke from the prescribed burn during each day of the burn.

72.3.D Responsible Persons: A qualified expert, experienced in the use of fire for vegetation management, shall prepare a burning prescription for review and, if appropriate, approval by TRPA. The expert shall certify that the prescription meets the standards of this chapter. The expert shall oversee the conduct of the burn.

72.3.E Standards Of Other Government Agencies: All prescribed burning shall comply with applicable standards of other government agencies with appropriate jurisdiction, including, but not limited to, the El Dorado County Air Pollution Control District, the Placer County Air Pollution Control District, the California Air Resources Board, the California State Water Resources Control Board, the California Regional Water Quality Control Board, the Nevada Division of Environmental Protection, the California and Nevada Departments of Forestry, and the United States Forest Service. Where TRPA standards conflict with other agencies' standards, the most stringent standard shall control.

72.4 Compliance Program: To achieve compliance with the standards in section 72.3, TRPA shall apply the following provisions:

72.4.A Consistency With Primary Use: TRPA shall review and, if appropriate, approve applications to conduct prescribed burns, consistent with the provisions of Chapter 18 regarding allowed and special uses, for those uses listed in subsection 72.3.A.

72.4.B Burn Prescription: All applications to conduct prescribed burning shall be accompanied by a burn prescription. A burn prescription shall include the following items:

(1) Detailed statement of the purpose of the prescribed burn.

(2) Description, including a map at an appropriate scale, of the location and a real extent of the prescribed burn. Such description shall allow TRPA to determine whether the proposed burn complies with subsections 72.3.A and 72.3.B.

(3) Description of the timing of the prescribed burn, and meteorological information which demonstrates that the timing of the prescribed burn will normally allow complete dispersion of the smoke from the burn during each day of the burn.

(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 which 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 chapter; and that the expert shall oversee the conduct of the burn to ensure that the prescription is followed.

(7) Other information which TRPA may require.
Chapter 73
LIVESTOCK GRAZING

Chapter Contents

73.0 Purpose
73.1 Applicability
73.2 Livestock Grazing Standards
73.3 Grazing Management Plans
73.4 Annual Report
73.5 Existing Livestock Confinement Facilities

73.0 Purpose: The purpose of this chapter is to implement livestock grazing management practices consistent with meeting other resource management goals including soil conservation, water quality protection, conservation of natural vegetation, and protection of wildlife and fisheries habitat. Maintenance or reestablishment of woody vegetation where appropriate based on site conditions, along streams is essential to provide fisheries habitat protection, bank stability, reduction in stream channel width to depth ratios and opportunities for overbank flooding to occur.

73.1 Applicability: All grazing operations as defined in Chapter 18 of the TRPA Code shall submit a grazing management plan.

73.2 Livestock Grazing Standards: Grazing pursuant to a TRPA approval shall comply with the following standards:

73.2.A Seasonal Limits: Livestock grazing shall be limited to a period commencing when firm soil conditions exist in the pastures and plants have achieved sufficient growth to maintain plant vigor required for growth and reproduction and ending October 15. The removal date may be adjusted based on annual growing conditions. The removal date for livestock must maintain the average minimum residual plant height required for streambank protection, maintain plant vigor, sediment entrapment and retention, and sufficient growth of woody vegetation. The minimum residual plant height shall be specified in the grazing management plan.

73.2.B Grazing in Areas Adjacent to Stream Channels: Within 35’ of stream channels, an appropriate average minimum residual plant height shall be maintained. In order to increase colonization by riparian plants along stream channels, decrease stream width to depth ratios, improve water quality, and fish habitat, trampling of colonizing riparian plants on stream point bars shall be limited to an average of 30 percent.
73.2.C Grazing of Woody Vegetation: Where potential exists based on soil texture and conditions, woody vegetation shall be managed to obtain a variety of age classes, species and growth forms. Woody vegetation shall be managed so that no more than an average of 20 percent of new willow sapling growth is utilized by livestock annually. On the remainder of the riparian area the woody vegetation shall be managed so that the woody vegetation is in balance with the remainder of the plant community.

73.2.D Seasons of Rest: In order to improve the vigor of riparian plant species consistent with site potential, seasons of rest or seasonal deferral of grazing shall be considered on the portions of the pasture which are in poor or very poor condition. Evidence of poor condition may include, lack of woody vegetation that is successfully reproducing and growing, lack of diversity of plant species, age classes, and rooting depths, and inadequate plant cover to provide bank protection and energy dissipation during high flows.

73.2.E Firm Soil: Livestock shall be allowed onsite only when the soil is firm enough or when sufficient snow cover is present to prevent damage to soil and vegetation.

73.2.F Grazing Level: Subject to the requirements of subsection 73.2.B, the livestock grazing level shall not exceed the carrying capacity of the range as determined by a qualified range professional in consultation with the livestock operator.

73.2.G Sensitive Plant Species: Livestock shall not be allowed in areas where sensitive plant species as defined in Chapter 2 of the TRPA Code of Ordinances or their habitats could be harmed, destroyed, or otherwise jeopardized pursuant to subsection 75.2.A of the TRPA Code of Ordinances.

73.2.H Migration Routes: Range improvements shall be designed so as not to interfere with migration routes of deer and other wildlife.

73.2.I Water Quality Standards: Livestock use shall not conflict with the attainment of water quality standards.

73.2.J BMPs: New livestock confinement facilities shall be in conformance with BMPs.

73.2.K Streambank Management: Livestock grazing shall be modified on banks of streams to eliminate water quality impacts where soil erosion or water quality problems exist, by the use of fencing, other electronic devices to create riparian pastures or other methods to modify livestock use. If fencing is used, access to the stream channel will only be at breaks in the fencing where low water crossings are installed. These crossings shall be amored with rock or other approved materials in order to protect the banks from erosion. Cattle access to the stream for watering purposes shall be at these crossings only. Any alternative man-made watering facilities should be located 100 feet away from stream channels and riparian areas.
73.3 **Grazing Management Plans**: All grazing operations shall submit a grazing management plan certified by a qualified range professional by May 30, 2002.

73.3.A **Minimum Requirements**: The grazing management plan shall include at a minimum:

1. Management Goals
2. The location and acreage of the range.
3. Present condition of the range, particularly regarding vegetation, soil erosion and compaction, and water quality.
4. The average minimum residual plant height to be maintained by the end of the grazing season, including technical justification.
5. A list of any sensitive plants found on the pasture and a plan for their protection.
6. The type and number of animals to be grazed.
7. The carrying capacity of the proposed range.
8. Establishment of a trend study at three to five years intervals to provide for adjustment of use as appropriate.
9. Description and location of containment facilities, if any.
10. Description of existing and proposed range improvements.
11. Identification of the length of grazing season.
12. Description of fisheries and wildlife resources.
13. Certification by the range professional (see definition in Chapter 2) that the plan complies with the provisions of this Code.
14. Photo plots should be established to document annual growing conditions changes which may occur with the vegetative community. The photo plots should be permanently located and repeatable.

73.3.B **Confirmation of Plan or Permit**: TRPA may require, at the operator's expense, confirmation of the adequacy of the grazing management plan or confirmation of compliance with the plan and the TRPA approval. The management plan should state why a particular system was chosen and provide a list of references or information from local experience that fully justifies the use of that grazing management system.
73.4 Annual Report: By the end of December directly after the grazing season, the operator shall submit an annual report for TRPA review. Any recommendations from TRPA for amendments to the management plan based on the review of the annual report, must be made to the operator one month prior to the start of the next grazing season, or grazing activities may commence for that year without addressing the suggested amendments.

73.4.A Report Contents: The report shall include the following information for the previous year:

(1) Results of the trend study that shall include vegetation condition information, including, species composition, plant distribution, plant vigor, reproduction, and frequency, and soil condition status such as bare soil and evidence of erosion;

(2) Season of use;

(3) Number of animals grazed;

(4) Minimum average residual plant height to be maintained, including technical justification, at end of season; and

(5) Assessment of the impacts from last season to determine if impacts have long term effects.

73.5 Existing Livestock Confinement Facilities: Existing livestock confinement facilities which are not in conformance with BMPs shall be brought into conformance within five years from the effective date of the Regional Plan, July 1, 1987.

§ Amended 1/27/99
Chapter 74
VEGETATION PROTECTION AND MANAGEMENT

Chapter Contents

74.0 Purpose
74.1 Applicability
74.2 Protection of Stream Environment Zone Vegetation
74.3 Remedial Vegetation Management
74.4 Preparation Of Remedial Vegetation Management Plans

74.0 **Purpose**: In accordance with the Vegetation Conservation Element of the Regional Plan Goals and Policies, this chapter provides for the protection of Stream Environment Zone (SEZ) vegetation, other common vegetation, uncommon vegetation, and sensitive plants. It also provides for remedial management of vegetation to achieve and maintain environmental thresholds for plant species and structural diversity, 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.

74.1 **Applicability**: TRPA requires the protection and maintenance of all native vegetation types. TRPA may require the preparation and implementation of a remedial vegetation management plan for any parcel where the need for remedial vegetation management has been identified for purposes of environmental threshold maintenance or attainment. The use, protection, and maintenance of vegetation are also addressed in Chapters 2, 4, 20, 25, 30, 37, 50, 55, 65, 71, 72, 73, 75, 77, 78, and 79 of the Code of Ordinances.

74.2 **Protection of Stream Environment Zones**: No project or activity shall be undertaken in an SEZ (land capability 1b) which converts SEZ vegetation to a non-native or artificial state, or which negatively impacts SEZ vegetation through action including, but not limited to, reducing biomass, removing vegetation, or altering vegetation composition.

74.2.A **Exceptions**: The following are exceptions:

(1) Manipulation or management of SEZ vegetation may be permitted in accordance with the Code of Ordinances for purposes of SEZ vegetation health or wildlife or fish habitat improvements, and after approval of a vegetation management plan pursuant to Subsection 74.4.B., or as provided in Subsections 20.4, 20.5.C., or 79.2, or Chapters 71 or 72.
(2) Maintenance of landscaping that was installed prior to the creation of TRPA, or installed for the purpose of scenic quality pursuant to Chapter 30, 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 Subsection 81.7.A, unless a remedial action pursuant to Section 74.3 has been taken by TRPA.

(3) Removal of vegetation may be permitted pursuant to Subsections 4.2.A(5), 4.3.A(6), or 65.2, or 55.4, Chapter 73, or under defensible-space guidelines approved by TRPA.

74.3 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 Chapter 9.

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

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

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

74.4.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 74.4.A.

§ Amended 11/20/02
§§ Amended 12/18/02
Chapter 75
SENSITIVE AND UNCOMMON PLANT PROTECTION AND FIRE HAZARD REDUCTION

Chapter Contents

75.0 Purpose
75.1 Applicability
75.2 Sensitive Plants And Uncommon Plant Communities
75.3 Vegetation Management To Prevent The Spread Of Wildfire

75.0 Purpose: This chapter sets forth standards for the preservation and management of vegetation of significant scenic, recreational, educational, scientific, or natural values of the Region, and for management of vegetation to prevent the spread of wildfire.

75.1 Applicability: This chapter applies to all projects and activities which could have a detrimental effect on designated sensitive plants or uncommon plant communities, and to all areas where vegetation may contribute to a significant fire hazard.

75.2 Sensitive Plants and Uncommon Plant Communities: Designation of plants for special significance is based on such values as scarcity and uniqueness. The following standards shall apply to all sensitive plants and uncommon plant communities referenced in the environmental thresholds, and to other plants or plant communities identified later for such distinction. The general locations of sensitive plant habitat and uncommon plant communities are depicted on the TRPA Special Species map overlay.

75.2.A Sensitive Plants: Projects and activities in the vicinity of sensitive plants and their associated habitat, shall be regulated to preserve sensitive plants and their habitat. All projects or activities that are likely to harm, destroy, or otherwise jeopardize sensitive plants or their habitat, shall fully mitigate their significant adverse effects. Those projects and activities that cannot fully mitigate their significant adverse effects are prohibited. Measures to protect sensitive plants and their habitat include, but are not limited to:

(1) Fencing to enclose individual populations or habitat;

(2) Restrictions on access or intensity of use;

(3) Modifications to project design as necessary to avoid adverse impacts;

(4) Dedication of open space to include entire areas of suitable habitat; or

(5) Restoration of disturbed habitat.
75.2.B  **Uncommon Plant Communities:** Uncommon plant communities shall be managed and protected to preserve their unique ecological attributes and other associated values. Projects and activities that significantly adversely impact uncommon plant communities, such that normal ecological functions or natural qualities of the community are impaired, shall not be approved.

75.3  **Vegetation Management To Prevent The Spread Of Wildfire:** Within areas of significant fire hazard, as determined by local, state or federal fire agencies, flammable or other combustible vegetation shall be removed, thinned, or manipulated in accordance with local and state law. Revegetation with approved species, or other means of erosion control, may be required where vegetative ground cover has been eliminated or where erosion problems may occur. §

§Amended 11/18/2009

REPLACED MARCH 2012
Chapter 77
REVEGETATION

Chapter Contents

77.0 Purpose
77.1 Applicability
77.2 Approved Species
77.3 Soil Stabilization
77.4 Revegetation Plans

77.0 Purpose: This chapter provides standards for revegetation for such purposes as soil stabilization and improvement of the vegetative cover mix.

77.1 Applicability: This chapter shall apply wherever revegetation is required as a condition of project approval or where revegetation is necessary to comply with other provisions of the Code. Landscaping provisions are set forth in Chapter 30.

77.2 Approved Species: Revegetation programs shall use TRPA-approved plant species listed on the TRPA Recommended Native and Adapted Plant List. This list shall be a part of the Handbook of Best Management Practices, and shall be updated from time to time based on the criteria that listed plants should be adapted to the climate of the Tahoe Region, should require little water and fertilizer after establishment, and should be non-invasive. Specifications of plant materials shall be in accordance with the following requirements:

77.2.A Site Conditions: Plant species selected shall be appropriate for site conditions.

77.2.B Small Scale Programs: Small scale revegetation programs shall emphasize the use of TRPA-approved grass species in conjunction with mulching or other temporary soil stabilization treatments, as described in the Handbook of Best Management Practices.

77.2.C Large Disturbed Areas: Revegetation of disturbed areas larger than 10,000 square feet shall include reseeding with TRPA-approved grass species as well as reestablishment of appropriate shrub and tree species.

77.2.D Fertilizer: Fertilizer may be permitted to help establish vegetation following planting, but plant species shall be selected that do not require long term fertilization.

77.3 Soil Stabilization: Site preparation for revegetation shall include measures necessary to stabilize the soil until the vegetation is reestablished.
77.3.A **Minimal Grading**: Revegetation and stabilization programs for disturbed sites shall minimize the use of extensive grading whenever practical. Situations where extensive grading and recontouring may be necessary include the following:

1. Oversteepened cut slopes;
2. Quarry sites;
3. Abandoned landfills;
4. Reclamation of already developed sites; or
5. Abandoned roads.

77.4 **Revegetation Plans**: Where revegetation is required to stabilize soils, replace removed vegetation, or for rehabilitation of areas where runoff or soil erosion needs to be controlled, the applicant shall provide a revegetation plan.

77.4.A **Contents Of Plan**: Revegetation plans shall include at a minimum:

1. A description of the site, including the soil type, if applicable, the stream environment zone or backshore type, and existing vegetation;
2. A list of appropriate plant species to be used at the site and a plan showing where they will be planted;
3. The number and size of shrubs and trees to be used, if any;
4. A description of the extent and methods of irrigation, if any;
5. Specifications for site preparation and installation of plant materials;
6. Specifications and schedule for onsite care, including amount and method of application of fertilizers pursuant to the BMP Handbook, if necessary;
7. Specifications for long term plant care and protection, including the amount and method of application of fertilizers, if necessary; and
8. A description of mulches or tackifiers to be used.

77.4.B **Plant Materials**: Plant materials from the list shall be derived from stock possessing genetic characteristics of native plants or, if not to be used in a stream environment zone or the backshore, sources originating from a similar elevation and climate as the revegetation site if stock is available. If such stock is not available, stock with demonstrated success in the Region may be approved.
77.4.C  **Soil Materials:** Revegetation plans may include provisions that allow for the importation of soil in limited situations involving reclamation of extensively disturbed sites, such as those in Subsection 77.3.A. Soil material may be permitted to be imported from outside the Region if an acceptable source in the Region cannot be located. Acceptable sources of soil material in the Region include by-products of approved dredging or grading activities and compost.

77.4.D  **Security Release:** The portion of a security related to revegetation shall be released when TRPA determines that the required vegetation is established. Establishment of vegetation generally takes one or two growing seasons.
Chapter 78
WILDLIFE RESOURCES

Chapter Contents

78.0 Purpose
78.1 Applicability
78.2 Protection Of Wildlife Habitat
78.3 Special Interest, Threatened, Endangered And Rare Species

78.0 Purpose: The intent of this chapter is to protect and enhance the existing diverse wildlife habitats, with special emphasis on protecting or increasing habitats of special significance, such as deciduous trees, wetlands, meadows, and riparian areas.

78.1 Applicability: This chapter applies to any activity or project which could affect basic habitat requirements, such as hiding and thermal cover, food, water, and space as necessary for survival of wildlife populations. Standards for the preservation and management of wildlife habitat are set forth in this chapter.

78.2 Protection Of Wildlife Habitat: Wildlife habitat shall be protected as follows:

78.2.A Stream Environment Zones: No project or activity shall be undertaken within the boundaries of a SEZ except as otherwise permitted for habitat improvement, dispersed recreation, vegetation management, or as provided in Chapter 20.

78.2.B Movement And Migration Corridors: Movement and migration corridors shall be protected as follows:

(1) Stream environment zones adjoining creeks and major drainages link islands of habitat and shall be managed, in part, for use by wildlife as movement corridors. Structures, such as bridges, proposed within these movement corridors shall be designed so as not to impede the movement of wildlife.

(2) Projects and activities in the vicinity of deer migration areas shall be required to mitigate or avoid significant adverse impacts. The location of deer migration areas shall be verified by the appropriate state wildlife or fish and game agencies.

78.2.C Critical Habitat: Any element of the overall habitat for any species of concern, which, if diminished, could reduce the existing population or impair the stability or viability of the population, shall be considered critical habitat. This shall apply also to habitat for special interest species indigenous to the Region whose breeding populations have been extirpated but could return or be reintroduced.
(1) No project or activity shall cause, or threaten to cause, the loss of any habitat component considered critical to the survival of a particular wildlife species.

(2) No project or activity shall threaten, damage, or destroy nesting habitat of raptors and waterfowl or fawning habitat of deer.

(3) Wetlands shall be preserved and managed for their ecological significance, including their value as nursery habitat to fishes, nesting and resting sites for waterfowl, and as a source of stream recharge, except as permitted pursuant to Chapter 20.

(4) Projects or activities within wetlands may include the creation of artificial nesting sites for waterfowl.

78.2.D Snags and Coarse Woody Debris: Snags and coarse woody debris shall be protected and retained in conservation and recreation plan area statements as follows: (Snag and coarse woody debris decay classes referred to in Section 78.2.D are based on Maser, C. and J. M. Trappe, 1984. The seen and unseen world of the fallen tree. USDA, Forest Service, Gen. Tech. Rep. PNW–164).§

(1) Snags shall be retained according to (a), (b) and (c), or (d):

(a) At a minimum, retain 4 of the largest hard snags per acre in westside forest types, 6 of the largest hard snags per acre in subalpine forest types, and 3 of the largest hard snags per acre in eastside forest types that are 15" dbh and greater, in decay class 2 through 5, averaged over a 10 acre area.

(b) Retain all soft snags in decay class 6 through 9 that are 24" dbh and greater in all forest types.

(c) Snags shall be retained randomly across the landscape such that a naturally occurring distribution is mimicked, after treatment.

(d) Exceptions to retention standards may be approved by TRPA as long as an evidentiary rationale for the exception is provided:

(i) to reduce fire risk,

(ii) to accomplish wildlife and fisheries habitat conservation objectives,

(iii) to mimic forest ecosystem function, such as prescribed fire, or

(iv) if the stand is not capable of supporting such levels.

§ Amended 5/23/01
(2) Provision for the protection of snags suitable for wildlife habitat shall be incorporated into all tree harvest plans and projects as conditions of approval.

(3) Coarse woody debris shall be retained according to (a) and (b), or (c):

(a) Within westside and subalpine forest types, beginning with the largest downed logs identified within the range of suitable retention size classes in Table 78.2.D(3)-1, sequentially retain pieces of coarse woody debris in decay class 1 through 3, until an average of 15 ± 5 tons per acre (approximately 5–10 logs) are retained over a treatment area.

(b) Within eastside forests types, retain at least 3 of the largest downed logs per acre within the treatment area.

(c) Exceptions to retention standards may be approved by TRPA as long as an evidentiary rationale for the exception is provided:

(i) to reduce fire risk,
(ii) to accomplish wildlife and fisheries habitat conservation objectives,
(iii) to mimic forest ecosystem function, such as prescribed fire, or
(iv) if the stand is not capable of supporting such levels.

Table 78.2.D(3)-1 Coarse woody debris log weights (tons) by size. Retention suitability increases with increasing log diameter and length. If available within a stand, sequentially retain coarse woody debris in decay class 1 through 3 until 15 ± 5 tons remains after treatment. The shaded area in the table identifies desired size classes for retention.
78.3 Special Interest, Threatened, Endangered, And Rare Species: Special interest species which are locally important because of rarity or other public interest, and threatened, endangered or rare species as designated under state and federal endangered species acts, shall be protected from habitat disturbance from conflicting land uses. These special interest species are: goshawk, osprey, bald eagle, golden eagle, peregrine, water fowl, and deer. The habitat locations of these species are depicted on TRPA maps. At a minimum, the following standards shall apply for the protection of special interest, threatened, endangered and rare species and associated habitat:

78.3.A Disturbance Zones: Perching sites and nesting trees of goshawks, peregrines, eagles, and osprey as shown on the TRPA Regional Plan Overlay Maps shall not be physically disturbed in any manner nor shall the habitat in the disturbance zone be manipulated in any manner unless such manipulation is necessary to enhance the quality of the habitat. The threshold applies not only to the number of known population sites, but will also apply to the disturbance and influence zone buffers to sites found in the future.

(1) The disturbance zones for goshawks are 0.5 mile radius around each nest site.
(2) The disturbance zones for osprey and peregrines are 0.25 mile radius around each nest site.

(3) The disturbance zones for wintering bald eagles are as shown on the TRPA maps.

(4) The disturbance zones for nesting bald eagles are 0.5 mile radius around each nest.

(5) The disturbance zones for golden eagles are 0.25 mile radius around each nest site.

78.3.B Adverse Impacts: Uses, projects or activities, outside existing urban areas and within the disturbance zone of special interest, threatened, endangered or rare species, shall not, directly or indirectly, significantly adversely affect the habitat or cause the displacement or extirpation of the population.

78.3.C Environmental Documents: Applicants for projects within disturbance zones shall submit, with their applications, appropriate environmental documentation prepared by a biologist, which includes specific recommendations for avoiding significant adverse impacts to the special interest, threatened, endangered or rare species.

78.3.D Special Conditions: Special conditions of project approval may be required to mitigate or avoid significant adverse impacts to special interest species listed by TRPA or the U.S. Forest Service for the Lake Tahoe Basin, or for threatened, endangered and rare species.

78.3.E Developed Parcels: Subsections 78.3.A through 78.3.C, inclusive, shall not apply to situations where special interest, threatened, endangered or rare species choose to live in close proximity to existing developed parcels.
Chapter 79
FISH RESOURCES

Chapter Contents

79.0  Purpose
79.1  Applicability
79.2  Fish Habitat Protection
79.3  Aquatic Invasive Species

79.0  Purpose: The purpose of this chapter is to ensure the protection of fish habitat and to provide for the enhancement of degraded habitat.

79.1  Applicability: This chapter is applicable to all projects and activities which could interfere with the health of fish populations in Lake Tahoe, its tributaries and other lakes. New uses, projects and activities within fish habitat, as identified by TRPA fish habitat maps or a qualified biologist, shall include provisions for the protection or enhancement of the affected habitat. The following standards shall apply to all projects in fish habitats in Lake Tahoe, its tributaries and other lakes of the Region.

79.2  Fish Habitat Protection: Fish habitat consists of a complex set of elements such as spawning and nursery or rearing areas, food supply, and escape cover. Areas of prime fish habitat are subject to verification by TRPA and are defined in Chapter 2.

79.2.A  Lake Habitat: Lake habitat shall be protected as follows:

  (1) Projects and activities in the shorezone of lakes may be prohibited, limited, or otherwise regulated in prime habitat areas, or in areas or at times found by TRPA to be vulnerable or critical to the needs of fish.

  (2) Special conditions of project approval, such as restoration of physically altered substrate, construction limited to designated periods, or shoreline protective measures, may be required for development in the shorezone to mitigate or avoid significant adverse impacts to habitat or normal fish activities.

  (3) Habitat restoration projects may be permitted in the nearshore or foreshore.

  (4) Certain activities, such as construction, swimming, or boating, may be restricted temporarily in areas where spawning activity is occurring.

  (5) The physical alteration of the substrate in areas of prime fish habitat is prohibited unless approved by TRPA.
(6) Projects and activities affecting lake fish habitat shall be referred to state and federal fisheries agencies for review and comment.

79.2.B Stream Habitat: Stream habitat shall be protected as follows:

(1) Artificial modifications to stream channels, or other projects, activities or uses in stream environment zones that may physically alter the natural characteristics of the stream, shall not be permitted unless TRPA finds that such actions avoid significant adverse impacts to the fishery or are otherwise allowed under the Code.

(2) All stream crossings shall be constructed so as to allow unrestricted upstream and downstream movement of fishes.

(3) Existing structures within stream environment zones which are barriers to fish migration may be removed or modified to permit fish passage. (See Chapters 9 and 32).

(4) Development adjacent to tributaries shall be required to fully mitigate significant adverse impacts to the fishery.

(5) Proposals for stream habitat improvement shall include at a minimum, the following information:
   
   (a) Purpose of the project;
   
   (b) Species to be benefited;
   
   (c) Time and methods of construction or other work;
   
   (d) Materials: their use, source, placement, and quantity; and
   
   (e) A vegetation plan for fish cover, shading, and bank protection as needed.

(6) Wildlife habitat improvement projects or activities, or other projects or activities requiring the diversion of stream water, shall mitigate significant adverse impacts to the tributary by:

   (a) Maintaining adequate instream flows adjacent and downstream from the project area;
   
   (b) Preventing the introduction or reentry of nutrients or sediment-enriched water to the tributary;
   
   (c) Providing for unobstructed migration or fishes through the main stream channel;

   (d) Protecting or restoring fish habitat;
(e) Protecting or restoring riparian vegetation; and

(f) Protecting or restoring other relevant instream values such as recreation, aesthetics, and wildlife habitat.

(7) Fish and wildlife stream habitat projects or activities shall be developed in coordination with the appropriate fish and wildlife agencies.

(8) Whenever possible, existing points of water diversion from streams shall be transferred to Lake Tahoe when the diversions significantly and adversely impact instream beneficial uses.

(9) An instream beneficial use assessment, such as the type established by Title 23, Section 670.6 of the California Administrative Code, shall be required for all projects and activities involving the diversion of water from a stream where instream flow standards have not been established. The assessment also may be required on streams where existing diversions are creating identified problems such as non-compliance with environmental thresholds. Prior to TRPA approval, standards of stream flow shall be established pursuant to the results of the assessment. Approval shall be conditioned on compliance with those standards and other mitigation necessary to achieve and maintain the environmental thresholds.

79.3 Aquatic Invasive Species: Aquatic Invasive Species pose a serious threat to the waters of the Lake Tahoe Region and can have a disastrous impact to the ecology and economy of the Tahoe Region. The following provisions are necessary to prevent the introduction and spread of Aquatic Invasive Species.

79.3. A The following actions are prohibited:

(1) The transport or introduction of Aquatic Invasive Species into the Lake Tahoe Region.

(2) The launching of any Watercraft or landing of any seaplane contaminated with Aquatic Invasive Species into the waters of the Tahoe Region.

(3) The provision of inaccurate or false information to the TRPA or persons designated to conduct inspections pursuant to Subsection 79.3.B.

(4) The alteration or modification of any inspection seal or other device used by TRPA or its designee to indicate that a Watercraft

§ Amended 5/28/2008
§§ Amended 4/28/2011
§§§ Amended 4/28/2011

REPLACED MARCH 2012
or seaplane last entered the waters of the Lake Tahoe Region.

79.3. B Watercraft Inspections and Decontamination:

(1) All motorized Watercraft shall be inspected by TRPA or its designee prior to launching into the waters of the Lake Tahoe Region to detect the presence, and prevent the introduction of, Aquatic Invasive Species. Non-motorized Watercraft and seaplanes may be subject to an inspection prior to entering the waters of the Lake Tahoe Region if determined necessary by the TRPA or its designee.

(2) All Watercraft and seaplanes inspected pursuant to Subparagraph 79.3.B(1) shall be subject to decontamination if determined necessary by the TRPA or its designee.

(3) All Watercraft and seaplanes subject to decontamination pursuant to Subparagraph 79.2.B(2) shall be permitted to enter the waters of the Lake Tahoe Region only if: (a) the decontamination is performed and completed by an individual trained and certified pursuant to TRPA standards and requirements for Aquatic Invasive Species decontamination, and (b) following decontamination, the launch or landing, as appropriate, is authorized by an inspector trained and certified pursuant to TRPA’s standards and requirements for Aquatic Invasive Species inspections.

(4) Inspections and decontaminations performed pursuant to Section 79.3 are subject to a fee related to the costs of performing such services and other Watercraft inspection program costs. The TRPA Governing Board will review and approve the fee amount and structure annually.

(5) An owner and/or operator of a Boat Ramp (excluding Marine Railway Systems) or other Boat Launch Facility shall close any ramp or facility if the provisions of Subparagraphs 79.3.B(1)-(3) are not met in order to prevent the launching of motorized watercraft.

(6) Any Watercraft or seaplane entering the waters of the Lake Tahoe Region in violation of Chapter 79 shall be removed from those waters immediately.

(7) Any individual who launches Watercraft in violation of Section 79.3 may be held responsible for the costs expended by the TRPA or its designee for response and mitigation of impacts.

§ Amended 9/24/2008
§§ Amended 4/28/2011
Chapter 81
WATER QUALITY CONTROL

Chapter Contents

81.0 Purpose
81.1 Applicability
81.2 Discharge Limits
81.3 Snow Disposal
81.4 Salt And Abrasive Control
81.5 Spill Control
81.6 Pesticide Use
81.7 Fertilizer Management

81.0 Purpose: This chapter implements the Water Quality Subelement, Land Use Element of the Goals and Policies. This chapter 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.

81.1 Applicability: This chapter 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 groundwaters.

81.2 Discharge Limits: Discharges shall not exceed the following standards:

81.2.A Surface Runoff: Pollutant concentrations in surface runoff shall not exceed the following readings 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 above prior to discharge from the site.

(2) If the constituent levels of waters entering a site do not meet the quality levels above, there shall be no increase in the concentrations of these constituents in water discharged from the site, based on a 24 hour average.
81.2.B Discharges To Groundwaters: Waters infiltrated into soils shall not exceed the following maximum constituent levels:

<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 is presumed to exist wherever, by virtue of proximity to a surface water body, nature of soils, or slope or gradient, and 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.

81.2.C Prohibition Of Wastewater Discharge: The discharge of domestic, municipal or industrial wastewater to Lake Tahoe, its tributaries, the groundwaters 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 detailed in subparagraph (4) below. California and Nevada prohibit wastewater discharge through the enactment of the Porter-Cologne Act, and an 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.

(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) To help prevent accidental releases of sewage, sewage collection and treatment districts including, but not limited to, the South Tahoe Public Utility District, the Tahoe City Public Utility District, the North Tahoe Public Utility District, the Incline Village General

§ Amended 04/24/02
§§ Amended 06/27/01
Improvement District, the Douglas County Sewer Improvement District, and the Tahoe Truckee Sanitation Agency, 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) In conjunction with TRPA project approvals for agencies which collect or transport sewage, including but not limited to the South Tahoe Public Utility District, the Tahoe City Public Utility District, the North Tahoe Public Utility District, the Incline Village General Improvement District, the Douglas County Sewer Improvement District, and the Tahoe Truckee Sanitation Agency, TRPA shall require that such agencies shall have in place and shall 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, as a last resort to protect the Luther Pass Pump Station from destruction, under catastrophic wildfire and all other conditions specified under Section 13952.1 of the California Water Code (September 2000). Such 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.

§§ 81.2.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 groundwaters of the Tahoe Region, the lands of the Tahoe Region, or the Truckee River within the Tahoe Region, is prohibited.

81.2.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 in to 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; or

(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 10 horsepower or less shall be prohibited commencing October 1, 1999; or

(6) Any watercraft powered by an engine that has been certified as meeting EPA’s 2001-2005 emission standard shall be prohibited commencing October 1, 2001. §§§

81.3 Snow Disposal: All persons conducting public, commercial or private snow removal or disposal operations shall dispose of snow in accordance with site criteria and management standards in the Handbook of Best Management Practices, the Design Review Guidelines, and the criteria below:

81.3.A Requirements For Individual Parcels: Removal of snow from individual parcels shall be limited to structures, paved areas, and unpaved areas necessary to safely park or provide safe pedestrian access.

81.3.B Requirements For Dirt Roads: Snow removal from dirt roads is subject to regulation pursuant to Chapter 9. When TRPA approves snow removal from a dirt road, pursuant to project approval or in accord with provisions of Chapter 9, it shall specify required winterization practices, BMPs, the specific means of snow removal, and a schedule for either paving the dirt road or ceasing snow removal.

81.4 Salt And Abrasive Control: Salt and abrasives used to control ice on streets, highways, and parking areas shall be regulated in accordance with the following standards:

81.4.A Storage Areas: Storage areas for deicing salt and abrasives shall be in conformance with the TRPA Handbook of Best Management Practices.

81.4.B Reporting: The state highway departments, and other large users of salt and abrasives identified by TRPA, shall initiate a tracking program to monitor the use of deicing salt in their respective jurisdictions. Annual reports shall be presented to TRPA on June 1 of each year and shall include information on the rate, amount, and distribution of use. This information shall be presented in a format developed by TRPA and shall be verifiable. TRPA shall incorporate this information into its annual monitoring report in accordance with Chapter 32.

81.4.C Restrictions: The use of deicing salt and abrasives may be restricted where damage to vegetation in specific areas may be linked to their use, or where their use would result in a violation of water quality standards. Mitigation for the use of road deicing salt or abrasives may

§§ Amended 2/24/99
§§§ Amended 3/24/99
be required and may include requirements to use alternative substances or change distribution patterns, frequency of application, and amount of application. Revegetation of parcels may be required where evidence indicates deicing salts or abrasives have caused vegetation mortality. Memorandums of understanding may be entered into with highway and street maintenance organizations to address use of salts or abrasives in relation to safety requirements.

81.5 **Spill Control:** All persons handling, transporting, using, or storing toxic or hazardous substances shall comply with the applicable requirements of state and federal law regarding spill prevention, reporting, recovery, and clean-up. Sewage collection, conveyance, and treatment districts shall have sewage spill contingency, prevention, and detection plans approved by the state agency of appropriate jurisdiction and submitted to TRPA for review and approval, within three years of the effective date of the Regional Plan.

81.5.A **Cooperative Sewage Spill Plans:** Sewage collection, conveyance, and treatment districts may join together to develop cooperative plans, provided that the plans clearly identify those agencies covered by the plan, are agreed to by each agency, and are consistent with applicable state and federal laws.

81.5.B **Sewage Spill Plan Criteria:** Sewage spill contingency, prevention, and detection plans shall comply with the criteria set forth by the state agencies of appropriate jurisdiction and TRPA. Such plans shall include provisions for detecting and eliminating sewage exfiltration and stormwater infiltration from sewer lines and facilities.

81.6 **Pesticide Use:** The use of insecticides, fungicides and herbicides shall be consistent with the Handbook of Best Management Practices. TRPA shall discourage pesticide use for pest management. Prior to applying any pesticide, potential users of pesticides shall consider integrated pest management practices including alternatives to chemical applications, management of forest resources in a manner less conducive to pests, reduced reliance on potentially hazardous chemicals, and additional environmentally sound pest management tactics.

81.6.A **Criteria For Use:** The following criteria for use apply:

1. Only chemicals registered with the Environmental Protection Agency and the state agency of appropriate jurisdiction shall be used and only for their registered application.

2. Alternatives to chemical application shall be employed where practical.

3. No detectable concentration of any pesticide shall be allowed to enter any stream environment zone unless TRPA finds that application of the pesticide is necessary to attain or maintain the environmental threshold standards.
81.7 Fertilizer Management: The following criteria apply to fertilizer management: §

81.7.A Fertilizer management allowing for site specific management approaches shall be consistent with the Handbook of Best Management Practices. The recommended approaches for landscaping are found in the Home Landscaping Guide for Lake Tahoe and Vicinity or its approved equivalent or superior. Chapter 77 contains requirements for revegetation approaches. Fertilizers shall not be used except as described below in or near stream and drainage channels, or in stream environment zones, including setbacks determined under Section 37.3, and in shorezone areas except as otherwise provided in this subsection (see Chapter 2, and Section 55.2). Fertilizer use for maintenance of preexisting landscaping according to Subparagraph 74.2.A.(2) shall be minimized in stream environment zones and adjusted or prohibited if found, through evaluation of continuing monitoring results, to be in violation of applicable strictest water quality discharge and receiving water standards. These ordinances are applicable to both inorganic and organic fertilizer applications. Fertilizer management involves use and application approaches to achieve management standards and shall include the following considerations where appropriate:

1. The appropriate type of fertilizer to avoid release of excess nutrients; fertilizer management programs proposing Phosphorus use shall demonstrate the need for the particular site conditions and vegetation to be maintained or established; consider the use of slow release and Phosphorus free fertilizer;

2. The rate and means of application to avoid excessive application or application to non-target areas or native vegetation;

3. The timing and frequency of application to minimize the use of fertilizer, avoid early and late season fertilizer use when vegetation growth is not active;

4. Appropriate watering schedules and efficient irrigation systems to avoid excessive leaching and runoff of nutrients;

5. Preferred plant materials for the intended use and site conditions to minimize the need of fertilizer;

6. Landscape design that minimizes the use and impacts of fertilizer application;

7. Critical areas such as shorezone areas and setbacks in close proximity to Lake Tahoe and other bodies of water, or water quality treatment basins where the use of fertilizer shall be avoided;

8. Design and maintenance of drainage control systems including holding ponds where necessary;

§ Amended 12/18/02
§§ Amended 4/13/09
(9) Surface and groundwater monitoring programs to determine compliance with existing Nitrogen and Phosphorus standards; any required monitoring will be at owners expense, where annual reporting is required in critical areas and as determined in program review or compliance determination;

(10) If appropriate, public outreach through public programs, fliers for utility district and other organization distribution, workshops, etc.; or affiliate membership outreach on fertilizer management shall be included in fertilizer management plans. Public outreach applies in particular to small residential users for agency outreach programs, owners associations, condominiums, property and landscape managers, and landscapers;

(11) For large users (defined under 81.7.C) and large turf projects, a soil testing program may be appropriate to assess the required concentrations of nitrogen and phosphorus in the soil for vegetation use, adjusting for Tahoe Basin growing conditions. This may mean no or low application rates of phosphorus-containing fertilizer for some sites and uses will be required.

81.7.B Fertilizer Management Programs: Projects that include landscaping or revegetation shall include, as a condition of approval, a fertilizer management program that addresses each of the considerations set forth in Subsection 81.7.A, as appropriate to the size of the project.

81.7.C Existing Uses: At the request of TRPA and for large users in particular as defined below, existing uses that require regular fertilizer maintenance, including but not limited to, golf courses, parks, cemeteries, plant nurseries, recreational ball fields, and large residential yards with an acre or more of turf, shall be required to submit fertilizer management programs for review and approval by TRPA. Review criteria shall include the considerations listed in Subsection 81.7.A. Failure to comply with the request, or to provide a program satisfactory to TRPA, may result in an enforcement action.

Following the first growing season after the approval of fertilizer management programs large users of fertilizers such as plant nurseries and those managing more than one acre of turf, or as otherwise identified by TRPA under an existing large user survey, shall initiate a tracking program to monitor fertilizer use on lands under their control. Such users shall review fertilizer management programs with TRPA or Lahontan RWQCB staff and present annual reports for the prior season’s use and monitoring if required to TRPA by June 1 (or as required by Lahontan) of each year. The report shall include information on the rate, amount, and location of use. This information shall be presented in a format developed by TRPA consistent with the reporting requirements of other agencies to eliminate duplication, and shall be verifiable. TRPA shall include this information in its annual monitoring report under Chapter 32 including such measures of progress as numbers of approved programs, annual fertilizer use reports received, and reported reductions in fertilizer use or monitored parameter improvement.
81.7.D **Requirements for Fertilizer Sales:** Public outreach, including seller fertilizer recommendations consistent with Subsection 81.7.A, and provision of agency-developed fliers, and brochures of user information and recommended fertilizer rates from the Home Landscaping Guide for Lake Tahoe and Vicinity or it's authorized equivalent shall be required in conjunction with fertilizer sales in the Tahoe Basin. Outlying fertilizer retailers with potential purchases from the Tahoe Basin will be requested to provide the same public outreach.

81.7.E **Snow Hardeners:** The use of ammonium nitrate, or other substances containing nitrogen or phosphorus, to harden snow is prohibited.
Chapter 82
WATER QUALITY MITIGATION

Chapter Contents
82.0 Purpose
82.1 Applicability
82.2 Required Offsets
82.3 Fee Schedule
82.4 Exemptions
82.5 Use And Distribution Of Mitigation Funds
82.6 Stream Zone Restoration Program
82.7 Water Quality Revolving Fund

82.0 Purpose: The purpose of this chapter is to implement the Goals and Policies, Goal #4, Policy 1, Development and Implementation Priorities Subelement, Implementation Element, and specifically the requirement that new residential, commercial, and public projects completely offset their water quality impacts.

82.1 Applicability: The provisions of this chapter are applicable to all projects and activities which result in the creation of additional impervious coverage.

82.2 Required Offsets: All projects and activities which result in the creation of additional impervious coverage shall completely offset the potential water quality impacts of the project through one, or a combination, of the following methods:

82.2.A Mitigation Projects: Implementation of offsite water quality control projects or stream environment zone restoration projects as a condition of project approval, and pursuant to TRPA guidance on identification, design, and effectiveness of offsite mitigation projects. Applicants who wish to exercise this option shall include plans for the offsite mitigation project with their application. TRPA shall approve the offsite mitigation plans in conjunction with the approval of the project. Before issuing an approval, TRPA shall find that the offsite mitigation proposal completely offsets the expected impacts of the project.

82.2.B Water Quality Mitigation Fund: Contribution to a water quality mitigation fund established by TRPA for implementing offsetting programs. The amount of contribution is established in Section 82.3.

82.3 Fee Schedule: A fee shall be assessed for each square foot of additional land coverage created. The current fee of $1.54 per square foot shall be increased to $1.86 per square foot. § §§

§ Amended 04/24/02
§§ Amended 11/26/07
82.3-A Mitigation Fee Credit: If a project approval expires and the project is not complete, then a water quality mitigation fee credit may be given for a subsequent similar project approval. This subsection shall not be construed to require a refund of a water quality mitigation fee. Credit shall be given if the following requirements are met:

1. The prior project approval was granted within the same project area as the project approval for which a credit is sought;
2. The applicant provides sufficient evidence of the payment of a water quality mitigation fee or implementation of a TRPA approved water quality mitigation project; and
3. A water quality mitigation fee or project is required as part of the project approval for which a credit is sought.

82.3-B Mitigation Fee Refunds: Water quality mitigation fees may be refunded, under certain conditions, in accordance with TRPA’s Rules of Procedure.

82.4 Exemptions: The following projects and activities which create impervious coverage shall be exempt from water quality mitigation requirements:

82.4.A Transfer: Impervious coverage permitted as a result of transfer of coverage.

82.4.B 208 Projects: Capital improvement projects for erosion and runoff control and stream environment zone protection and restoration projects as described in TRPA’s Water Quality Management Plan for the Lake Tahoe Region.

82.4.C Limited Exception For Additional or Transferred Development Within Adopted Community Plans: Additional or transferred development located within an adopted community plan, the water quality impacts of which were evaluated in the EIS for the community plan and mitigated by the provisions of the community plan, shall be exempt from the requirement of Section 82.2 provided TRPA finds that the implementation element of the community plan, as a whole, meets the standards of Section 82.2.

82.5 Use And Distribution Of Mitigation Funds: TRPA shall deposit water quality mitigation funds in a trust account. Interest accruing to the trust account shall remain in the account until used on water quality mitigation projects or water quality planning. TRPA shall keep track of the amount of funds collected for each local jurisdiction and shall disburse funds to the local jurisdictions, upon their request, for expenditure within the jurisdiction of origin, provided TRPA finds that the expenditure is consistent with TRPA’s Water Quality Management Plan. Accrued interest may be used for water quality planning in the Region. TRPA shall encourage the local jurisdictions to use funds as expeditiously as possible.
82.6 **Stream Zone Restoration Program**: To provide financial resources for implementation of the stream environment zone restoration program, at least 25 percent of the water quality mitigation funds collected for each local jurisdiction shall be used for stream environment zone restoration projects included in the TRPA's Water Quality Management Plan. This jurisdictional set-aside shall be individually evaluated and may be waived if TRPA determines that there are no more SEZ restoration projects left to do in a given jurisdiction.

82.7 **Water Quality Revolving Fund**: TRPA shall establish a separate fund, to be known as the Water Quality Revolving Fund, for the purpose of depositing funds received through grants, fines, and voluntary contributions. TRPA may make grants from this fund to local governments and other public entities for abatement and control of water quality problems, by the same procedures as set forth in Section 82.5.
CHAPTER 83
SOURCE WATER PROTECTION

Chapter Contents

83.1 Purpose
83.2 Applicability
83.2 Source Water Protection
83.3 Source Water Assessment

83.0 Purpose: This chapter sets forth regulations pertaining to recognition of source water, prevention of contamination to source water, and protection of public health relating to drinking water. It strengthens provisions of the Goals and Policies that address groundwater protection, and implements elements of the TRPA Source Water Protection Program.

83.1 Applicability: This chapter applies to projects that are identified as a possible contaminating activity located in identified source water protection zones as depicted on TRPA Source Water Assessment maps, and retrofit of existing development with Best Management Practices that identified source water protection zones as depicted on TRPA Source Water Assessment maps, and retrofit of existing development with Best Management Practices.

83.3 Source Water Protection: To protect public health and to insure the availability of safe drinking water, TRPA shall review proposed projects identified as possible contaminating activities to source water which are located within a source water protection zone depicted on TRPA Source Water Assessment maps according to the following standards and procedures:

83.2.A Source Water Defined: Water drawn to supply drinking water from an aquifer by a well or from a surface water body by an intake, regardless of whether such water is treated before distribution.

83.2.B Possible Contaminating Activity Defined: Activities equivalent to TRPA primary uses identified by either the California Department of Health Services or the Nevada Bureau of Health Protection Services, regardless of where the project is located, as having the potential to discharge contaminants to surface or groundwaters. Such uses are listed in Table A.

83.2.C Source Water Protection Zone Defined: A zone delineated around drinking water sources in the following manner as depicted on the TRPA Source Water Assessment maps.

(1) Protection Zone: A protection zone consisting of a fixed 600 foot radius circle shall be identified around wells, lake intakes, and springs assessed by TRPA. Protection zones shall be delineated using the best available
source water location data known to TRPA. Protection zones may be located using the centroid of the parcel in which the well, lake intake, or spring is found. Protection zone delineations may be modified by TRPA as follows: Upon receipt of source water assessment information collected by the California Department of Health Services, the Nevada Bureau of Health Protection Services, or other public agencies responsible for conducting drinking source water assessments in accordance with state Source Water Assessment and Protection Programs and if recommended by the California Department of Health Services or the Nevada Bureau of Health Protection Services; or upon receipt of source water assessment information provided by the property owner in which the well, spring, or lake intake is located and if the California Department of Health Services or the Nevada Bureau of Health Protection Services concurs with the new delineation.

83.2.D **Review of Proposed Possible Contaminating Activities located in Source Water Protection Zones:** Proposed uses determined by TRPA to be projects that are identified as a Possible Contaminating Activity, with a project area located in a source water protection zone, shall not be approved unless TRPA finds that:

1. The project complies with the requirements to install BMPs as set forth in Section 25.2.
2. TRPA has solicited comments from the operator/owner of the source water, and the department of environmental health with jurisdiction over the source water, and all such comments received were considered by TRPA prior to action being taken on the proposed project.
3. A spill control plan is submitted to TRPA for review and approval. The plan shall contain the following elements:
   
   (a) Disclosure element describing the types, quantities, and storage locations of contaminants commonly handled as part of the proposed project.
   (b) Contaminant handling and spill prevention element.
   (c) Spill reporting element, including a list of affected agencies to be contacted in the event of a spill.
   (d) Spill recovery element.
   (e) Spill clean-up element.

4. Submittal of a spill control plan may be waived provided a state or local agency with jurisdiction over the subject source water provides a written statement to TRPA that a plan containing the above elements remains on file with that agency, or TRPA staff determines, at its discretion, that requiring a spill control plan would not result in significant additional protection of the source water.
83.2. E Requirements of Existing Uses located in Source Water Protection Zones: Existing uses that are identified as a Possible Contaminating Activity located in a source water protection zone shall comply with Subparagraph 83.2.D(3). Compliance with Subparagraph 83.2.D(3) shall occur pursuant to the deadlines set forth in Subparagraph 25.3.A.

83.4 Source Water Assessment: An inventory of wells, springs, and lake intakes that serve five (5) or more user service connections shall be prepared for the Lake Tahoe Region. An inventory shall be prepared in consultation with local and state environmental health agencies. Sources omitted from the inventory due to a lack of information provided by local and state environmental health agencies shall be added as appropriate if additional source information is received by TRPA. Source water protection zones delineated on the source water assessment maps shall be modified pursuant to subparagraph 83.2.C(1).
TABLE A
POSSIBLE CONTAMINATING ACTIVITIES

RESIDENTIAL:

Domestic animal raising

COMMERCIAL:

Retail:
   Service Stations

Services:
   Auto repair and service
   Business support services
   Laundries and dry cleaning plant
   Repair services

Light Industrial:
   Batch plants
   Fuel and ice dealers
   Industrial Services
   Recycling and scrap

Wholesale/Storage:
   Storage yards
   Vehicle storage and parking
   Vehicle and freight terminals

PUBLIC SERVICE:

General:
   Airfields, landing strips and heliports
   Collection stations
   Hospitals
   Local public health and safety facilities
   Regional public health and safety facilities
   Power generating
   Public utility centers
   Schools

Linear Public Facilities
   Transit stations and terminals
RECREATION:

- Beach recreation
- Boat launching facilities
- Developed campgrounds
- Golf courses
- Marinas
- Recreational vehicle parks
- Rural sports

RESOURCE MANAGEMENT:

- Timber Management:
  - Timber stand improvement
- Range:
  - Grazing
  - Range pasture management
- Watershed Improvements
  - Runoff control

SHOREZONE:

- Construction Equipment Storage
- Seaplane Operations
- Tour Boat Operations
- Water-Oriented Outdoor Recreation Concessions
Chapter 91
AIR QUALITY CONTROL §

Chapter Contents

91.0 Purpose
91.1 Applicability
91.2 Vehicle Inspection and Maintenance Program
91.3 Combustion Appliances
91.4 Open Burning
91.5 New Stationary Source Review
91.6 Modified Stationary Source Review
91.7 Idling Restrictions

91.0 Purpose: This chapter aids the implementation of the Air Quality Subelement, Land Use Element, of the Goals and Policies, and the 1992 Air Quality Plan, for the purpose of attaining and maintaining applicable state and federal air quality standards and TRPA thresholds.

91.1 Applicability: The provisions of this chapter apply to direct sources of air pollution in the Tahoe Region, including certain motor vehicles registered in the Region, combustion heaters installed in the Region, open burning, stationary sources of air pollution, and idling combustion engines.

91.2 Vehicle Inspection and Maintenance Program: TRPA adopted an inspection/maintenance program for certain vehicles registered in the carbon-monoxide (CO) non-attainment area as a CO control measure in the 1992 Air Quality Plan. The California Air Resources Board included this provision in its official State Implementation Plan (SIP). To avoid duplication of effort in implementation of an inspection/maintenance program, TRPA shall work with the affected state agencies to plan for the application of state inspection/maintenance programs to the Tahoe Region. Before TRPA requests the states to implement an inspection/maintenance program in the Tahoe Region, TRPA will determine what the expected benefits from such a program are, based on the latest available scientific information.

91.3 Combustion Appliances: The following air quality standards shall be met by combustion appliances.

91.3.A Gas Heaters: The following standards apply to natural gas or propane-fired water heaters or central furnaces to be installed in the Region.

(1) Emission Standards: Natural gas or propane-fired water heaters or central furnaces installed in the Region shall meet the following emission standards:

§ Amended August 26, 1999
(a) Water heaters shall not emit greater than 40 nanograms of nitrogen oxide (as NO2) per joule of heat output. Water heaters installed in mobile homes shall not emit greater than 50 nanograms of nitrogen oxide (as NO2) per joule (80 lb per billion But) of heat output.

(b) Central furnaces shall not emit greater than 40 nanograms of nitrogen oxide (as NO2) per joule of useful heat delivered to the heated space.

(c) Central furnaces with rated input of 175,000 But or greater, combination units with a cooling rate of greater than 65,000 But per hour, and water heaters with a rated heat input of 75,000 But or greater, shall be reviewed under the standards contained in Section 91.5.

(2) List of Approved Heaters: TRPA shall maintain a list of gas heaters that are in compliance with the air quality standards in Subparagraph 91.3.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 91.3.A(1).

(3) Exemptions: The requirements of Subsection 91.3.A shall not apply to the following:

(a) Decorative gas appliances certified under ANSI Standard Z21.50.

(b) Gas central furnaces installed in mobile homes or gas heaters installed in recreational vehicles.

(c) Wall mounted gas heaters, other than water heaters, that are not central furnaces as defined in Section 2.2.

91.3.B Wood Heaters: The sale of wood heaters which do not meet the emission standards of this subsection is prohibited in the Tahoe Region. Wood heaters to be installed, in the Region, either as new or replacement units, 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 5.5 grams per hour. Following July 1, 1990, catalytic wood heaters shall not cause emissions of more than 4.1 grams per hour.

(b) Non-catalytic wood heaters shall not cause emissions of greater than 9.0 grams per hour. Following July 1, 1990, non-catalytic wood heaters shall not cause emissions of
more than 7.5 grams per hour.

(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, recreation and public service projects shall be limited to one wood heater per project area.

(3) Wood Heater Retrofit Program: Effective January 1, 1993, prior to any sale, transfer or conveyance of any building, all existing wood heaters in the building, excluding legally existing open fireplaces which are not primary heat sources, shall be in conformance with the emission standards contained in subsection 91.3.B.

(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 which are not primary heat sources, either conform to the emission standards in subsection 91.3.B 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.

91.3.C Other Combustion Appliances: Combustion appliances not specifically limited by Subsections 91.3.A or 91.3.B shall be reviewed under the standards contained in Section 91.5.

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

91.4.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.

91.4.B Specific Standards: Notwithstanding the provisions of 91.4.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 Chapter 72.
Disposal: Open burning for any purpose related to the disposal of petroleum wastes, tires, garbage, tar, wood waste, residential rubbish and any other similar materials, including burning of automobile wreckage, is prohibited.

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.

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

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

New Stationary Source Review: Emissions from new stationary sources in the Region shall be limited as follows:

91.5.A Environmental Assessment: If the projected emissions from new stationary sources for the peak 24-hour period exceed any of the limits in Table I, below, 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 I, below, 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>

91.5.B Significant Environmental Impacts: Any new stationary source of air pollution that produces emissions for the peak 24-hour period beyond any of the limits in Table II below, shall be considered to have a significant adverse environmental impact.
TABLE II

<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>

Determination that a new stationary source has a significant adverse environmental impact may also be based on the environmental assessment prepared pursuant to Subsection 91.5.A. New stationary sources that have a significant adverse environmental impact shall be prohibited.

91.5.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 Subsection 91.5.B. To accomplish an emissions offset, existing emissions shall be permanently retired to offset the unacceptable emissions from the proposed source.

91.5.D Best Available Control Technology: Best Available Control Technology shall be required for all new stationary sources that are required to prepare an Environmental Assessment pursuant to Subsection 91.5.A, above. At a minimum, required BACT measures shall meet or exceed applicable state or federal requirements.

91.5.E Exemptions: The following activities are exempt from the prohibitions of Subsection 91.5.B.

1. Emergency power generators.

2. Temporary Uses and Activities approved under Chapter 7 of this Code unless they would have a significant adverse impact as determined by an environmental assessment.

3. Biofuel Facilities:

   (a) The facility is designed to reduce the amount of pile burning through diversion of in-basin material to the facility;

   (b) There will 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

§ Amended 10/22/03
pollutants will meet Table II of section 91.5.B, using standard calculation methods;

(c) The facility accepts no 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 will be a net reduction in Nitrogen Oxide emissions of greater than 40% as compared to the emissions that would be generated if material were burned in pile burning. The emissions calculations will follow EPA methodologies;

(f) There will be a net reduction of 90% 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 will follow EPA methodologies; and

(g) Emissions generated by dual-fueled systems must conform to section 91.5 A through D when operating with fuels other than biofuels.

91.6 Modified Stationary Source Review: Emissions from modified stationary sources in the Region shall be limited as follows:

91.6.A Environmental Assessment: If the projected emissions from modified stationary sources for the peak 24-hour period exceed any of the limits in Table I, 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 Subsection 91.5.A.

91.6.B Significant Environmental Impacts: Modified stationary sources that would produce emissions for the peak 24-hour period beyond any of the limits in Table II, above, and which 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 91.6.A. Modified stationary sources that have a significant adverse environmental impact shall be prohibited.

91.6.C Modifications Allowed: Modification of existing stationary sources which have been previously permitted to produce emissions beyond any of the limits in Table II, above, may be allowed if: there is no net increase in actual emissions for the peak 24-hour period; Best Available Retrofit Control Technology is applied; and TRPA finds that the modified
stationary source would not have a significant adverse environmental impact determined pursuant to Subsection 91.6.A or B.

91.6.D 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 Subsections 91.6.B or C. To accomplish an emissions offset, existing emissions shall be permanently retired to offset the unacceptable emissions from the proposed source.

91.6.E Best Available Retrofit Control Technology: Best Available Retrofit Control Technology shall be required for all modified stationary sources that are required to prepare an Environmental Assessment pursuant to Subsection 91.6.A, above. At a minimum, required BARCT measures shall meet or exceed applicable state or federal requirements.

91.6.F Exemptions: The following activities are exempt from the prohibitions of Subsection 91.6.B.

(1) Emergency power generators.

(2) Temporary Uses and Activities approved under Chapter 7 of this Code unless they would have a significant adverse impact as determined by an environmental assessment.

91.7 Idling Restrictions: A program to control extended vehicle idling is a Reasonably Available Control Technology in the Clean Air Act Amendments of 1977, and is a contingency measure in the 1992 Air Quality Plan for the Lake Tahoe Basin.

91.7.A Duration: No person shall cause a combustion engine in a parked auto, truck, bus, or boat to idle for more than 30 consecutive minutes in the following Plan Areas: 070A, 080, 089A, 089B, 090, 091, and 092. The following projects and activities are not subject to this limitation:

(1) Activities specifically permitted, after environmental impact analysis, to idle longer than 30 minutes.

(2) Emergency vehicles, snow plows, or combustion engines required in the case of emergencies or repairs.

(3) Vehicles in transit on public rights of way.

91.7.B Drive-Up Windows: New drive-up windows are prohibited.

91.7.C Compliance Program: TRPA shall implement the provisions of Subsection 91.7.A primarily through educational programs, notification programs, and cooperative arrangements with charter operators, property owners in the affected plan areas, and local government. As appropriate, TRPA may take direct action to obtain compliance with this section, including, but not limited to, actions under Chapters 8 and 9 of this Code.
Chapter 93
TRAFFIC AND AIR QUALITY MITIGATION PROGRAM

Chapter Contents
93.0 Purpose
93.1 Applicability
93.2 Definitions
93.3 Standards For Additional or Transferred Development
93.4 Standards For Changes In Operation
93.5 Use And Distribution Of Mitigation Funds
93.6 Revision of Fee Schedules
93.7 Mitigation Fee Credit

93.0 Purpose: The purpose of this chapter is to implement TRPA’s 1992 Air Quality Plan, and Goal #4, Policy 2 of the Development and Implementation Priorities Subelement, Implementation Element of the Goals and Policies with respect to the establishment of fees and other procedures to offset impacts from indirect sources of air pollution.

93.1 Applicability: The provisions of this chapter are applicable to all additional development or transferred development and all changes in operation as defined in this chapter.

93.2 Definitions: The following terms are defined as follows:

93.2.A Approved Center: A multi-use commercial center, with sufficient size, parking; diversity of use, level of service, and access management, as to which TRPA has found that limited changes in operation would cause insignificant increases in new vehicle trips.

93.2.B Change In Operation: A change in operation is any modification, change, or expansion of an existing or previous use resulting in additional vehicle trip generation. Changes in operation include, but are not limited to:

(1) Expansion of gross floor area; or

(2) Change in the type of generator on the Trip Table, normally indicated by a substantial change in products or services provided.

93.2.C Insignificant Increase: An insignificant increase is an increase of 100 or fewer daily vehicle trips, determined from the Trip Table (Subsection 93.2.H) or other competent technical information.
93.2.D **Maintenance Area:** Maintenance areas are defined as the urbanized portions of El Dorado and Douglas Counties within the Tahoe Region, which are designated as maintenance areas for carbon monoxide under the federal Clean Air Act. The following plan areas are within the maintenance area and partially or entirely within the parameters of subsections 93.3.B and 93.4.B:\(^{5}\)

1. **Within the County of Douglas:** PASs 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 070A, 070B, 071, 072, 073, 074, 076, 080, and 089A;
2. **Within the City of South Lake Tahoe:** PASs 089B, 090, 091, 092, 093, 098, 099, 100, 101, 103, 104, 105, 108, 110, 111, 114, and 116;
3. **Within the County of El Dorado:** PASs 116, 118, 119, 120, 122, 123, 124, 125, 130, 135, 136, 139, and 140.

93.2.E **Minor Increase:** A minor increase is an increase of more than 100, but not more than 200 daily vehicle trips, determined from the Trip Table or other competent technical information.

93.2.F **Previous Use:** A previous use shall be the most recent permanent use in the project area, which existed for more than 90 consecutive days of operation within the 24 months preceding submission of a complete application to TRPA for review of a change in operation. Uses which have received CTRPA or TRPA approval, but have not operated for 90 consecutive days within the previous 24 months, shall not be recognized as previous uses. A use which regularly operated fewer than seven days per week shall have operated for 13 consecutive weeks within the previous 24 months to constitute a previous use.

93.2.G **Significant Increase:** A significant increase is an increase of more than 200 daily vehicle trips, determined from the Trip Table or other competent technical information.

93.2.H **Trip Table:** TRPA shall adopt and maintain a trip table for the purpose of estimating the number of vehicle trips resulting from additional development or changes in operation. TRPA shall generate and update the data in the Trip Table by referring to recent publications on traffic and trip generation (for example, publications of the Institute of Transportation Engineers and California Department of Transportation) and field surveys conducted in the Tahoe Region by TRPA or other competent technical experts.

93.2.I **Vehicle Trip:** A vehicle trip is a one directional vehicle movement to or from a project area. The number of vehicle trips assigned to a project shall be the total daily vehicle trips to or from the project at its maximum hours of full operation during the review period. When exact numbers of vehicle trips are not known for a use, they shall be determined from the Trip Table or other competent technical information.

\(^{5}\) Amended 05/27/98
93.3 Standards For Additional or Transferred Development: Additional development or transferred development shall be subject to the following requirements:

93.3.A Applicant Responsibility: Information about vehicle trip generation relevant to the project shall be made available to TRPA by the applicant at the time application is made.

93.3.B Traffic Analysis: As part of the project application for additional or transferred development which would result in a significant increase in daily vehicle trips at the project area, the applicant shall prepare and submit to TRPA, a technically adequate analysis of potential traffic and air quality impacts. For additional or transferred development which would result in a minor increase in daily vehicle trips at the project area and the subject parcel is located within 300 feet of the center of the U.S. Highway 50 right-of-way, in a maintenance area, the applicant shall prepare and submit to TRPA, as part of the project application, an analysis of potential traffic and air quality impacts. A traffic analysis shall include:

(1) Trip generation rates of the proposed project,
(2) Impacts of the proposed project on the level of service at any impact intersections,
(3) Impacts of the proposed project on regional vehicle miles travelled (VMT),
(4) Impacts of the proposed project on regional and subregional air quality,
(5) Ingress and egress characteristics of the proposed project, and their impacts on traffic flow adjacent to the project area,
(6) Measures necessary to mitigate all traffic and air quality impacts to a level consistent with the environmental thresholds, the Goals and Policies, the Regional Transportation Plan, and the 1992 Air Quality Plan, and
(7) Additional information that TRPA may require.

93.3.C Required Offsets: Additional or transferred development shall offset the potential traffic and air quality impacts of the project in accordance with the following provisions:

(1) Regional And Cumulative Impact Fees: In order to offset regional and cumulative impacts, additional development shall contribute to the Air Quality Mitigation Fund, except as provided for in Subparagraph (2), below. The amount of contribution is established in Subsection 93.3.D.

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(2) **Regional And Cumulative Mitigation Measures**: To offset regional and cumulative impacts, and in lieu of the contribution required under subparagraph 93.3.C(1), additional development may provide mitigation measures. The cost of such measures shall be equal to, or greater than, the contribution required under subparagraph 93.3.C(1). Regional and cumulative mitigation measures may include, but are not limited to:

(a) Transit facility construction;

(b) Transportation Systems Management measures, including, but not limited to, bicycle facilities, pedestrian facilities, and use of alternative fuels in fleet vehicles; or

(c) Transfer and retirement of offsite development rights.

(3) **Localized Mitigation Measures**: In order to offset the localized impacts of a project, when a traffic analysis has been prepared pursuant to subsection 93.3.B, all necessary mitigation measures shall be required as a condition of project approval for all additional or transferred development. Mitigation measures may include, but are not limited to:

(a) Acceleration/deceleration lanes;

(b) Left turn lanes;

(c) Stop or yield controls;

(d) Access management;

(e) Transportation Systems Management measures, including, but not limited to, bicycle facilities and pedestrian facilities; or

(f) Contribution to the Air Quality Mitigation Fund in an amount sufficient to pay for the necessary mitigation measures.

### 93.3.D Fee Schedule

As provided in subsection 93.3.C, TRPA shall assess an air quality mitigation fee, based on information, according to the following schedule:

1. For new residential units - $325.84/daily vehicle trip.
2. For new tourist accommodation units - $325.84/daily vehicle trip.
3. For new campground site or recreational vehicle site - $325.84/daily vehicle trip.
4. For new commercial floor area - $36.20/daily vehicle trip.

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$ Amended 04/24/02
$$ Amended 11/26/07
(5) For all other development - $36.20/daily vehicle trip. §§

93.3.E Limited Exception for Additional or Transferred Development Within Adopted Community Plans: Additional or transferred development located within an adopted community plan, the traffic and air quality impacts of which were evaluated in the EIS for the community plan and mitigated by the provisions of the community plan, shall be exempt from the requirements of Subsection 93.3.C, provided TRPA finds that the implementation element of the community plan as a whole meets the standards of Subsections 93.3.B and 93.3.C.

93.4 Standards for Changes in Operation: The following standards shall apply to changes in operation:

93.4.A Applicant Responsibility: Information about vehicle trip generation relevant to the project shall be made available to TRPA by the applicant at the time application is made.

93.4.B Traffic Analysis: As part of the project application for changes in operation which would result in a significant increase in daily vehicle trips, the applicant shall prepare and submit to TRPA, a technically adequate analysis of potential traffic and air quality impacts. For changes in operation which would result in a minor increase in daily vehicle trips and are located within 300 feet of U.S. Highway 50 in a maintenance area, the applicant shall prepare and submit to TRPA, as part of the project application, a technically adequate analysis of potential traffic and air quality impacts. A traffic analysis shall include the elements listed in Subsection 93.3.B. §

93.4.C Required Offsets: All changes in operation shall offset the potential traffic and air quality impacts of the project in accordance with the following provisions:

(1) Regional And Cumulative Impact Fees: To offset regional and cumulative impacts, changes in operation shall contribute to the Air Quality Mitigation Fund, except as provided for in Subparagraph (2), below. The amount of contribution is established in Subsection 93.4.D.

(2) Regional And Cumulative Mitigation Measures: To offset regional and cumulative impacts, and in lieu of the contribution required under Subparagraph 93.4.C(1), mitigation measures may be provided. The cost of such measures shall be equal to, or greater than, the contribution required under Subparagraph 93.4.C(1). Regional and cumulative mitigation measures may include, but are not limited to, the elements listed in Subparagraph 93.3.C(2).

(3) Localized Mitigation Measures: In order to offset the localized impacts of a project, when a traffic analysis has been prepared pursuant to subsection 93.4.B, all necessary mitigation measures shall be required as a condition of project approval. Mitigation

§§ Amended 11/26/07
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measures may include, but are not limited to, the elements listed in Sub paragraph 93.3.C(3).

93.4.D Fee Schedule: As provided in Subsection 93.4.C, TRPA shall assess an air quality mitigation fee, based on data from the Trip Table or other competent technical information, according to the fee schedule in Subparagraph 93.3.D(9).

93.4.E Limited Exception For Approved Centers: TRPA shall evaluate multi-use commercial centers and the adjacent roadways, as to their size, parking, diversity of use, level of service, and ingress and egress. Where TRPA finds that limited changes in operation in a multi-use commercial center would cause insignificant increases in new vehicle trips, the center shall be included on a list of approved centers. An approved center in an area with a monitored decrease in level of service of nearby streets or intersections may be removed from changes in operation shall be exempt from subsections 93.4.A, 93.4.B, 93.4.C and 93.4.D, with the following exceptions:

(1) Changes in operation where the previous or proposed use occupies more than 5,000 square feet of gross floor area,

(2) Changes in operation where the previous or proposed use is identified for case by case review on the Trip Table, or

(3) Changes in operation where the vehicle trip generation rate of the proposed use is identified on the Trip Table as being greater than 300 vehicle trips per 1,000 square feet of gross floor area.

93.5 Use And Distribution Of Mitigation Funds: 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 their 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 93.3.C(2) and 93.4.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.

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

93.7 Mitigation Credit: The following two programs address air quality mitigation credit:

93.7.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

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subsequent similar project approval. This subsection 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.

93.7.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 cumulative mitigation credit to be given to the participating entities. Credit will be given based on the number of DVTE that will be reduced as a result of the proposed program. Credit can not be awarded when the reduction in vehicle trips is a mitigation requirement pursuant to Subsection 93.3.C or Subsection 93.4.C of the Code. 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 will be reviewed and approved by TRPA, in consultation with the appropriate local jurisdiction and the Tahoe Transportation District, on an individual basis. Credit will be awarded at such time that the proposed program is implemented. TRPA staff will reevaluate the 1,000 DVTE minimum requirement by July 31, 2000 to determine if the level should be adjusted. §

93.8 Mitigation Fee Refunds: Air quality mitigation fees may be refunded, under certain conditions, in accordance with TRPA’s Rules of Procedure.

§ Amended 05/27/98
Chapter 95
RENTAL CAR MITIGATION PROGRAM

Chapter Contents

95.0 Purpose
95.1 Applicability
95.2 Definitions
95.3 Mitigation Fee
95.4 Exemptions
95.5 Collection
95.6 Use of Mitigation Fees

95.0 Purpose: This chapter implements the 1992 Regional Transportation Plan - Air Quality Plan, and Goal #4, Policy 2 of the Development and Implementation Priorities Subelement, Implementation Element of the Regional Plan Goals and Policies Plan. The rental car mitigation program set forth in this chapter is also intended to assist in the achievement and maintenance of environmental thresholds for transportation and air and water quality.

95.1 Applicability: Beginning December 1, 1993, the provisions of this chapter shall apply to all rental car transactions in the Tahoe Region except as exempted in Section 95.4 of this chapter.

95.2 Definitions: The following terms are defined as follows:

95.2.A Local Resident: A local resident is a person whose primary residence is in the Tahoe Region as evidenced by a driver’s license.

95.2.B Rental Car: A rental car is a passenger vehicle designed to carry not more than 10 persons and which is available for rental on a daily or other basis to members of the general public. The definition of rental car does not include a taxi, limousine, motorhome, truck, or motorcycle.

95.2.C Rental Transaction: A rental transaction is a commercial agreement for the hire of a rental car by a person for one or more days.

95.3 Mitigation Fee: Beginning December 1, 1993, each rental transaction in which the rental car is rented by, or delivered to, a person in the Tahoe Region, shall be assessed a mitigation fee§ for each day of the rental transaction.

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Beginning January 1, 2002, the mitigation fee shall be $4.75 for EACH DAY of the rental transaction. The mitigation fee shall be separately stated in the rental agreement covering the transaction. Drop-off of the rental car outside the Tahoe Region shall not be cause for exemption from payment of the fee. The mitigation fee shall be adjusted annually consistent with the annual change in the Consumer Price Index for the San Francisco region, rounded to the nearest quarter-dollar. Any adjustment to the fee shall be reviewed and approved by the Tahoe Transportation District.§

95.4 Exemption: A local resident who hires a rental car shall be exempt from the mitigation fee.

95.5 Collection: The mitigation fee shall be charged and collected by all rental car businesses which rent or deliver rental cars to persons in the Tahoe Region. The mitigation fee shall be charged and collected beginning December 1, 1993, for each day of each rental transaction. Mitigation fees shall be remitted to TRPA quarterly and no later than 30 days after each quarter. The remitted mitigation fees shall be accompanied by a certified statement setting forth the number of days for all rental transactions in the Tahoe Region and a list of exempted transactions.

95.6 Use of Mitigation Fees: TRPA shall deposit rental car mitigation fees in an interest-bearing trust account and accrued interest shall remain with the trust account. TRPA shall disburse funds to the Tahoe Transportation District (TTD), upon request, provided TRPA finds the expenditure is consistent with TRPA’s Regional Transportation Plan - Air Quality Plan. By October 1 of each year, TTD shall submit an annual report to TRPA on the funds expended as of June 30 of that year.

§ Amended 11/17/04
Chapter 97
EMPLOYER-BASED TRIP REDUCTION PROGRAM

Chapter Contents

97.0 Purpose
97.1 Applicability
97.2 Program Requirements
97.3 Transportation Control Measures (TCM) List
97.4 Plan Review
97.5 Annual Reporting Requirements
97.6 Implementation Schedule
97.7 Compliance Monitoring
97.8 Definitions

97.1 Purpose: This chapter implements the 1992 Regional Transportation Plan - Air Quality Plan, and Goal #4, Policy 2 of the Development and Implementation Priorities Subelement, Implementation Element of the Regional Plan Goals and Policies Plan. The Employer-Based Trip Reduction Program set forth in this chapter is intended to assist in the achievement and maintenance of environmental thresholds for transportation and air and water quality.

97.1.A Local Government Standards: Local governments may adopt equal or superior trip reduction programs. TRPA, upon finding the local program is equal or superior to the TRPA Employer-Based Trip Reduction Program as it may affect attainment and maintenance of the thresholds, may exempt employers subject to such a program from the provisions of this chapter.

97.1.B Definitions: The definitions of terms used in this chapter are set forth in Section 97.8. A reference to an employer also includes, as appropriate, employers within a Common Work Location. In additions, any reference to an Employee Transportation Coordinator (ETC) also includes, as appropriate, reference to the employer performing the ETC duties, and the Property Transportation Coordinators (PTC) for Common Work Locations.

97.2 Program Requirements: The requirements of the Employer-Based Trip Reduction Program are:

97.2.A All Employers (Level 1): Every employer shall encourage ridesharing and use of alternative commute modes by providing the information listed below. Participation in a local Transportation Management Association (TMA) may assist in implementation of these Level 1 requirements.
(1) Posting, in a conspicuous place, informational material to encourage ridesharing, such as:

(a) Current Schedules, rates (including procedures for obtaining transit passes), and routes of mass transit service to the common work location or employment site;

(b) The location of all bicycle routes within at least a five-mile radius of the employment site; and

(c) Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing.

(2) Distributing rideshare applications to interested employees when a regional service is available.

97.2.B All Employers And Employers Within Common Work Locations, With 100 Or More Employees, At A Single Project Area (Level 2): In addition to the requirements of Subsection 97.2.A, all employers and employers within Common Work Locations, with 100 or more employees, working at a single project area, shall provide additional encouragement for the use of alternative transportation modes through the provision of the incentives and resources listed below. Employers within a common work location with more than 100 employees, may be exempted from the Level 2 requirements if implementation if found to be impractical by TRPA.

(1) Employee Transportation Coordinator (ETC): Every employer shall facilitate its employee’s and tenants’ use of area-wide ridesharing programs and other trip reduction programs by performing the following responsibilities. An employer may designate an employee as an Employee Transportation Coordinator (ETC) to carry out the employer’s responsibilities.

(a) Responsibilities: The employer’s responsibilities shall include:

(i) Implementing the requirements of Subsection 97.2.A;

(ii) Communicating employee or tenant transportation needs to TRPA, the Transportation Management Association (TMA) representative, property manager, property owner, and city and county staff, as appropriate;

(iii) Assisting employees and tenants in forming carpools or vanpools;

(iv) Developing, coordinating, and implementing the Employer Transportation Plan, as required under Subparagraph 97.2.B (1);
(v) Performing an annual survey of employees and tenants showing the distribution of employees and tenants by transportation mode;

(vi) Coordinating the Employer Transportation Plan with property owners/managers and other tenants, as applicable; and

(vii) Participating in the development of a ridesharing program through a TMA, if available.

(2) Employer Transportation Plan: Every Level 2 employer shall prepare an Employer Transportation Plan.

(a) Employer Transportation Plan Elements: The Employer Transportation Plan shall include:

(i) Description: A description of the activity and operating characteristics of the proposed or existing project (e.g., business hours and peak hours of travel), including a parking area map or diagram;

(ii) Existing Conditions: A description of the available alternative transportation facilities and program currently in place, such as bike lockers, preferential carpool parking, rideshare information posting, vanpool subsidies;

(iii) Estimate: A description and estimate of the commuting characteristics of the labor force (e.g., travel distance and mode);

(iv) Transportation Control Measures (TCM): Measures designed to reduce the number of single occupant vehicle trips. At a minimum, all required TCMs, as set forth in Subsection 97.3.A, shall be included in the Employer Transportation Plan. Each Employer Transportation Plan of employers with between 100 and 200 employees, and of employers within Common Work Locations, shall include optional TCMs totalling at least 15 credits. Each Employer Transportation Plan of employers with greater than 200 employees shall include optional TCMs totalling at least 22 credits, and

(v) Implementation Schedule: A timeline showing the approximate schedule of implementation of each TCM.

(3) Trip Reduction Credit For Transportation Control Measures: An Employer Transportation Plan shall include and implement the mandatory TCMs set forth in Subsection 97.3.A. The employer shall select optional TCMs from the Transportation Control Measures List that will best serve to reduce commute trips of its employees and tenants.
(4) **Seasonal Employment Distinguished:** For seasonal work locations, the Employer Transportation Plan shall be in effect only at such times that the employment level reaches 100 or more employees.

97.3 **Transportation Control Measures (TCM) Menu:** The following is the list of Transportation Control Measures (TCMs). The optional Transportation Control Measures (TCMs) in Subsection 97.3.B are assigned a Trip Reduction Credit. Each Employer Transportation Plan shall include optional measures which, when the credits are added together, meet or exceed the required trip reduction credits in Subparagraph 97.2.B(2)(a)(iv). Mandatory TCMs do not have trip reduction credits assigned to them, since each plan will include them.

97.3.A **Required Transportation Control Measures (TCMs):** The following TCMs shall be included in an Employer Transportation Plan:

1. **Designation Of An Employee Transportation Coordinator (ETC):** The employer shall serve as ETC or designate an employee to perform the duties of the ETC;

2. **Posting Of Ridesharing Information:** Posting of ridesharing information, including:
   
   (a) Posters or flyers encouraging the use of ridesharing and referrals to sources of information concerning ridesharing; and
   
   (b) The names and phone numbers of the ETC, and Transportation Management Associations (TMA), where applicable.

3. **Posting Alternative Transportation Mode Information:** Posting alternative transportation mode information, including:
   
   (a) Current schedules, rates (including procedures for obtaining transit passes), and routes of mass transit service to the common work location or employment site; and
   
   (b) The location of all bicycle routes within at least a five mile radius.

4. **Bicycle Parking Facilities:** Provisions of bicycle parking for the bicycle commuters, as determined by the ETC. The bicycle parking facilities shall be, at a minimum, Class II stationary bike racks.

5. **Preferential Carpool/Vanpool Parking:** Unless TRPA finds there are overriding considerations specific to the employment site or common work location, parking spaces for four percent of the employees shall be designated as carpool or vanpool parking and shall be, with the exception of handicapped and customer parking, the spaces with the most convenient access to employee entrances. The employer may issue carpool and vanpools tickers and shall be responsible for monitoring the spaces.
Optional Transportation Control Measures (TCMs) Trip Reduction Credit: Each employer, in preparing an Employer Transportation Plan, shall include measures from the following list of optional TCMs to achieve the required number of trip reduction credits. It is at the discretion of the individual employer to choose which measures are best suited to its location, business, employees and tenants.

1. **ETC Education Program** (3 credits per seminar): ETC attendance at one educational seminar, workshop, or other approved training program, on an annual basis, subject to TRPA approval of the seminar, workshop or program.

2. **In-House Carpool Matching Service** (3 credits): A survey of employees to identify persons interested in being in carpools and a match of potential carpoolers by work address and shift. The survey and matching shall be performed on an annual basis for all interested employees.

3. **Additional Preferential Carpool/Vanpool Parking** (1-3 credits): Up to 3 credits may be given for additional preferential carpool/vanpool parking provided beyond that required under Subparagraph 97.3.A(5). A credit is earned for each additional two percent of the total number of employee-designated parking for which additional preferential carpool/vanpool parking is provided.

4. **Transportation Management Association (TMA) Membership** (15 credits): For an ETC’s active participation in a regional TMA. To qualify as active participation, the ETC shall attend membership meetings or send a designated representative, pay all required dues, and be involved in any other programs which the TMA Board administers.

5. **Guaranteed Ride Home Program** (2 credits): The provision, by contract or otherwise, a guaranteed ride home for employees who rideshare two days or more a week. The guaranteed ride home shall be provided to the ridesharer if any emergency or illness requires that they or their carpool or vanpool driver must leave work early or late.

6. **Clean Air Fuel Vehicles** (1-5 credits): For obtaining and maintaining fleet vehicles that use clean air fuels, such as compressed natural gas, electricity, methanol, and propane. One credit is given for each dedicated alternative fuel vehicle, or flexible fuel (able to use either gasoline or alternative fuel) vehicle, up to an maximum of 5 credits.

7. **Shuttle Bus/Buspool Program** (5 credits): The provision of shuttle service to transport workers to and from their residences, a park-and-ride lot, or other staging area, to the workplace. The employer may lease a bus and may work with nearby employers or employment complexes to maximize ridership. Five credits will be given for every five percent of the total number of its employees served.
(8) **Carpool Program** (4 credits): For obtaining a vehicle and related insurance, which is made available to any group of two or more employees for commute purposes. The employer may recover full or partial operating costs from the carpool participants. Four credits will be given for every five percent of the total number of employees served.

(9) **Vanpool Program** (5 credits): For obtaining a van and related insurance, which is made available to any group of seven or more employees for commute purposes. The employer may recover full or partial operating costs from the vanpool participants. Five credits will be given for every seven percent of the total number of employees served.

(10) **Transit Pass Subsidy** (5 credits): For provision, to the employees and tenants, of a monthly transit or rail pass subsidy of 50 percent, or the maximum taxable benefit limit, whichever is greater.

(11) **Paid Parking** (3-9 credits): For development of an Employee Parking Management Plan, addressing paid parking, subject to approval by TRPA. Three credits will be given for paid parking provided for each ten percent of the total number of employees, up to a maximum of 9 credits.

(12) **Transit Shelter** (3 credits): For provision of a transit shelter on the designated bus route or posting a bond for future construction when the transit route is extended to the employment site. Credit is given when the transit shelter is constructed in conformance with city/county regulations and when the employment site is on, or adjacent to, an existing or planned bus route.

(13) **Secure Bicycle Parking Facilities** (2 credits): For provision of bicycle parking for at least five percent of the total number of employees. The bicycle parking facilities shall be of the following types:

   (a) A Class I bicycle parking facility with a locking door, typically called a bicycle locker, where a single bicyclist has access to a bicycle storage compartment; or

   (b) A fenced or covered area with Class II stationary bike racks and a locked gate.

(14) **Showers** (2 credits): One shower facility shall be provided by employers of less than 200 persons. For employers of 200 or more persons, four showers shall be provided with an additional two showers for every additional 500 employees.

(15) **Lockers** (2 credits): Ten lockers shall be provided by employers of less than 200 persons. For employers of 200 or more persons, 20 lockers shall be provided with an additional 10 lockers for each additional 500 employees.
(16) **Flexible Work Location** (2 credits): Allowance for employee flexibility in working outside of the employer’s established location. This may include, but is not limited to, telecommuting from the employee’s home, or the creation of satellite neighborhood offices. Credit is given when employees, when feasible, are permitted to telecommute at least one day per week.

(17) **Flexible Work Hours** (1 credit): for provision of a work hour management strategy allowing the employee to adjust work hours outside of the employer’s established start/stop time and peak hours. Variable work hours may include, but are not limited to: 1) staggered work hours shifting the work hours of all employees to outside of peak hours; and 2) flexible work hours with individually determined work hours within guidelines established by the employer. Credit is given when employees, when feasible, are permitted to take advantage of flexible work hours. This TCM should be coordinated with other TCMs, such as van and carpools.

(18) **Compressed Work Weeks** (3 credits): A management strategy allowing the employee to compress the total number of hours required in week to fewer days, for example, a typical 40-hour work week could be compressed into four 10-hour days. Credit is given when employees, when feasible, are permitted to reduce their number of work days by at least one in two weeks (9-80 schedule). This TCM should be coordinated with other TCMs, such as van and carpools.

(19) **On-Site Services** (1-5 credits): Provision of necessary services on or near the employment site that eliminate the need for a vehicular trip before, during, or after the work day. Necessary services include, but are not limited to, child care, cafeteria/restaurant, lunchroom, automated teller machine, dry cleaners, or post office. These services may be provided by the employer, through cooperative efforts of employers and service providers, or by other means. The number of credits given by TRPA will depend on which service or combination of services are provided and their proximity to the employment site.

(20) **Transit System Support** (1-15 credits): For provision of support to a local transit system, such as: system operations, marketing or capital needs such as new buses. Subsidies or grants may be financial or by donation of capital needs. The number of credits given by TRPA will depend on the amount and type of subsidy or grant.

(21) **Other** (credits to be determined by TRPA): Trip reduction measures that are not included in this menu, or do not specifically fit the TCM descriptions, may also be considered. Innovative measures are strongly encouraged. An example is a high school setting up a ridesharing educational program for their students.
97.4 **Plan Review:** The Employer Transportation Plan shall be referred to the TRPA TCM Coordinator or the Executive Director of a regional TMA, for review and evaluation of the proposed mitigation measures. The TRPA TCM Coordinator or the Executive Director of a regional TMA, shall make a recommendation to the TRPA Executive Director. The Executive Director may approve, deny, or modify the Plan.

97.5 **Annual Reporting Requirements:** All ETCs shall meet with the TRPA TCM Coordinator at least once every two years to review progress of their transportation plans and to submit the annual transportation surveys regarding employees’ and tenants’ use of alternative transportation modes.

97.6 **Implementation Schedule:** Employers and employers within a common work location, with 100 or more employees, working within a single project area, shall submit an Employer Transportation Plan within 6 months of the effective date of this ordinance, or when the employment level reaches 100 or more employees, whichever is later. Employers and employers within a common work location, with less than 100 employees, shall comply with this ordinance within thirty days of receipt of posting information from TRPA.

97.7 **Compliance Monitoring:** Employers shall encourage employees to use alternative transportation. TRPA shall conduct random audits to evaluate the effectiveness of the Employer Transportation Plans.

97.8 **Definitions:** The following terms used in this chapter are defined as follows:

97.8.A **Alternative Commute Mode:** Alternative commute mode is the method of traveling to and from the worksite other than by using a single occupant vehicle (e.g., transit, carpool, vanpool, bicycle, walking, telecommuting).

97.8.B **Average Vehicle Ridership (AVR):** Average vehicle ridership (AVR) is the average number of persons occupying each vehicle. AVR is calculated by multiplying the number of person by the standard number of trips in a work week (generally 10), then dividing by the actual number of vehicle trips per work week. For example, if all employees drive alone to work each day, the AVR = 1.0. 10 employees would be expected to take 10 trips each per week for a total of 100 trips. If only 67 vehicle trips are taken, then the AVR is 1.5, which means that, on average, each vehicle is transporting 1.5 people to their destination. The higher the AVR, the more people are using alternative transportation methods.

97.8.C **Carpool:** A carpool is a motor vehicle occupied by two or more persons traveling to and from work.

97.8.D **Common Work Location:** A common work location is a single building, building complex, campus, or work sites at common location. A common work location is typified by a common private parking area to be used by employees, tenants, customers, and other visitors to the complex, even though there are parking slot designations, such as specific spaces designated for specific tenants. For the purposes of this chapter, to be considered a common work location, the site must have a central contact point, such as a property manager, property owner or
lessor. This definition will apply for projects lasting longer than three months.

97.8.E **Commuter:** A commuter is an employee who travels regularly to and from an employment facility three or more days a week.

97.8.F **Commuter Matching Service:** A commuter matching service is any system for mapping and matching home and work locations of interested commuters to identify prospects for ridesharing.

97.8.G **Employer:** An employer is a person or business firm, with a business license, that hires one or more persons to work for wages or salary.

97.8.H **Employer Transportation Coordinator (ETC):** An employee transportation coordinator (ETC) is an employer, an employee, or other individual, designated by the employer or project controller to coordinate and implement TCM activities as required by the Employer Transportation Plan.

97.8.I **Employer Transportation Plan:** The employer transportation plan is the plan developed by the employer or project controller to reduce single occupant vehicle trips.

97.8.J **Peak Period Commuter:** A peak period commuter is any employee who travels regularly to and from a work facility three or more days a week and arrives or departs from the facility during the peak period specified by the jurisdiction. This peak period should be linked to the hours that commuter congestion actually occurs.

97.8.K **Project Controller:** A project controller is an owner, lessor or property manager, of a common work location.

97.8.L **Property Transportation Coordinator (PTC):** A property transportation coordinator is an owner, lessor or property manager, of a common work location, or its designee, designated to coordinate and implement TCM activities as required by the Employer Transportation Plan.

97.8.M **Ridesharer:** A ridesharer is any employee who commutes to and from work location by a mode other than single occupancy light or medium duty vehicle, motorcycle, or moped.

97.8.N **Shift of Employment:** A shift of employment is any group of employees who work at a common work location and who arrive and depart from work in a common time interval not greater than one hour.

97.8.O **Single Occupant Vehicle (SOV):** A single occupant vehicle (SOV) is a motor vehicle occupied by one employee for commute purposes.

97.8.P **Transportation Control Measures (TCMs):** Transportation control measures (TCMs) are measures used to maintain or improve the efficient movement of persons and goods while reducing the congestion and air quality impacts associated with motorized vehicles.
97.8.Q **Transportation Control Measure (TCM) Coordinator:** A transportation control measure coordinator is a TRPA employee, or other individual, designated to manage and enforce employer compliance with the requirements of this chapter.

97.8.R **Transportation Management Association (TMA):** A transportation management association (TMA) is an association, usually of employers, developers, property managers, and public agencies, organized to facilitate, support, and encourage the use of alternative transportation methods for commuters.

97.8.S **Trip Reduction Credit:** Trip reduction credits are the credits assigned to an Employer Transportation Plan for implementing a specific Transportation Control Measure (TCM) program.

97.8.T **Vanpool:** A vanpool is a motor vehicle, other than a motor truck or truck tractor, suited for occupancy by more than six, but less than 16 persons including the driver, traveling to and from work.