Regional Plan Update

Milestone #3:
Land Use and Air Quality

Governing Board and APC Presentation
May 26, 2010
Today’s Meeting Agenda

10:00  Agenda Overview and Introduction: the stakeholder process, the FactSheet and how it’s structured/how to use it, the FactBook and what to expect going forward

10:15  Summary of the eleven major issues in Land Use and Air Quality

11:00  Clarifying questions and comments from APC and GB – taken issue by issue, in order

12:00  General public comment

1:00   Board adjournment
The GB/APC Milestone Process
Today’s Meeting Agenda (cont’d)

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:00</td>
<td>APC discussion (working lunch) – development and synthesis of technical advice to GB</td>
</tr>
<tr>
<td>2:15</td>
<td>Board reconvenes, and APC Chair or designee presents synthesized technical advice</td>
</tr>
<tr>
<td>2:30</td>
<td>Board clarifying questions on APC advice</td>
</tr>
<tr>
<td>3:00</td>
<td>Public comment – <em>limited to APC advice only</em></td>
</tr>
<tr>
<td>3:30</td>
<td>Board votes to provide direction to staff on the major issues/any minor issue that was raised</td>
</tr>
</tbody>
</table>
Overview and Introduction

- stakeholder process
- the FactSheet
  - how it’s structured
  - how to use it
- the FactBook and what to expect going forward
# Milestone Schedule

## Regional Plan Update Milestones:
*By Number, Topic, Lead Staff, and GB/APC Hearing Date*

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Topic</th>
<th>Lead</th>
<th>Hearing Month-Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Water Quality/SEZ</td>
<td>PN</td>
<td>January-10</td>
</tr>
<tr>
<td>1.2</td>
<td>Public Lands, Resource Management, Recreation</td>
<td>LB</td>
<td>February-10</td>
</tr>
<tr>
<td>1.3</td>
<td>Land Use</td>
<td>JH</td>
<td>May-10</td>
</tr>
<tr>
<td>1.4</td>
<td>Transportation</td>
<td>LB</td>
<td>June-10</td>
</tr>
<tr>
<td>1.5</td>
<td>Conservation</td>
<td>PN</td>
<td>July-10</td>
</tr>
<tr>
<td>2.1</td>
<td>Water Quality/SEZ</td>
<td>PN</td>
<td>November-10</td>
</tr>
<tr>
<td>2.2</td>
<td>Public Lands, Resource Management, Recreation</td>
<td>LB</td>
<td>December-10</td>
</tr>
<tr>
<td>2.3</td>
<td>Land Use</td>
<td>JH</td>
<td>January-11</td>
</tr>
<tr>
<td>2.4</td>
<td>Transportation</td>
<td>LB</td>
<td>March-11</td>
</tr>
<tr>
<td>2.5</td>
<td>Conservation</td>
<td>PN</td>
<td>April-11</td>
</tr>
<tr>
<td>2.6</td>
<td>Code Updates</td>
<td>JW</td>
<td>May-11</td>
</tr>
<tr>
<td>2.7</td>
<td>Threshold Updates</td>
<td>HZ</td>
<td>June-11</td>
</tr>
</tbody>
</table>
10:15 item

Summary of the eleven major issues in Land Use and Air Quality
LU Issue #1

Should TRPA develop additional measures to facilitate land bank programs?

Background

• Some regulations are having negative effects on land restoration efforts
• Code prohibits coverage transfers and the use of in-lieu fees across Hydrologically Related Area (HRA) boundaries
• There are nine HRAs in Tahoe; each one represents a collection of watersheds
Should TRPA change the way the Excess Land Coverage Mitigation Program (ELCMP) operates? Staff proposes to amend the language in the PD and add a new Implementation Measure to the Matrix to state “excess land coverage mitigation program regulations would be revised to substantially restrict access to the in-lieu mitigation fee option. Large projects would only be Only projects with relatively small amounts of excess land coverage would be eligible to pay in-lieu fees a fee in-lieu of removing excess land coverage on- or off-site after demonstrating that all present opportunities for removing excess land coverage on- or off-site have been exhausted. The use of in-lieu mitigation fees to remove coverage from sensitive lands should be allowed across Hydrologically Related Area boundaries.”
LU Issue #1, Sub-Issue 1B

Should TRPA expand the Alternative 2 proposal to allow soft coverage to be transferred to Community Plans?

Staff does not propose to expand the proposal to allow soft coverage to be transferred to Community Plans from all land capability districts.
LU Issue #1, Sub-Issue 1C

Sub-Issue 1C) Should TRPA remove Hydrologically Related Area restrictions for coverage transfers? Staff proposes to amend the PD and Matrix (LU.IMP-20) to read: “Amend Chapter 20, Coverage, to allow land coverage from sending parcels located within TRPA-designated impaired watersheds to be transferred across Hydrologically Related Hydrologic Transfer Area boundaries, (i.e., anywhere in the Tahoe Basin) as long as the receiving area is in a TRPA-designated non-impaired watershed.”
The Code permits this... …but not this.

Alternative 2 would permit this... ...but not this.
LU Issue #2

What is the relationship between CPs and the RPU?
Staff proposes to create a new Community Plan model with the Regional Plan Plan Update. This model would allow mixed-use development, provide incentives for environmental redevelopment, streamline the update process, add a significant environmental component, and implement a transect planning system that can be tailored to local context and need.
Is transect zoning a better system than the Plan Area Statements we have today? Staff proposes to implement transect planning as TRPA’s new zoning system, as a tool to protect the environment, and as a way to promote place-based planning.
Existing Community Plan – Commercial/Tourist/Public Service Land Use Classification

Proposed Mixed-Use Center

Additional height up to a max. of 48' permitted in CPs for Tourist Accommodation uses today

Code of Ordinance Subsection 22.4.B

Proposed - 2 stories min, required in Town Centers

Proposed - Additional height based on environmental performance

Base allowable height of 26' permitted today

T4-Gateway
Up to 2 Stories Max. Potential

T4-Town General
1-3 Stories Max. Potential

T5-Town Center
2 Stories Min. 4 Stories Max. Potential

T4-Town General
1-3 Stories Max. Potential

T4-Gateway
Up to 2 Stories Max. Potential
Plan Area Statement 110 - South Y Commerical/Public Service Land Use

- Planning Consideration
- Special Policies
- Permissible Uses
- Density Standards
- Noise Standards
Plan Area 110 - South Y
Commercial/Public Service Land Use
Four Transects
- Planning Consideration
- Special Policies
- Permissible Uses Density Standards
- Noise Standards
- Height Standards
- Form Standards
Plan Area 110 - South Y
Commercial/Public Service Land Use
Four Transects
• Planning Consideration
• Special Policies
• Permissible Uses Density Standards
• Noise Standards
• Height Standards
• Form Standards
LU Issue #4

**Will PTOD really work in Tahoe?**

Staff proposes to retain the policies in Alternative 2 that promote Pedestrian-and Transit-Oriented Development.
LU Issue #5

Should TRPA amend the “two-step” subdivision provisions?
Staff does not propose to amend the “two-step” subdivision process with the new Regional Plan.
Should TRPA continue to link CFA allocation to environmental performance?
To provide a better approach to implementing this concept, staff proposes to revise the allocation of CFA as follows:
## LU Issue #6 (cont’d)

<table>
<thead>
<tr>
<th>Allocation to:</th>
<th>Alternative 1 (in square feet)</th>
<th>Alt. 2 (in sf)</th>
<th>Alt. 3 (in sf)</th>
<th>Alt. 4 (in sf)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Special Projects</strong></td>
<td>187,770 (existing from CEP projects)</td>
<td>187,770 (existing from CEP projects) + 180,000 (new allocation)</td>
<td>187,770 (existing from CEP projects) + 300,000</td>
<td>187,770 (existing from CEP projects)</td>
</tr>
<tr>
<td><strong>Community Plans</strong></td>
<td>160,000 (existing in CPs)</td>
<td>160,000 (existing in CPs) + 80,000 + 200,000 (new allocation)</td>
<td>160,000 (existing in CPs) + 300,000 (new)</td>
<td>160,000 (existing in CPs)</td>
</tr>
<tr>
<td><strong>Transfer of Development Match</strong></td>
<td>-0-</td>
<td>+60,000 200,000 (new)</td>
<td>-0-</td>
<td>200,000 (new)</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>347,770</td>
<td>747,770</td>
<td>947,770</td>
<td>547,770</td>
</tr>
<tr>
<td><strong>Breakdown of TOTAL</strong></td>
<td>347,770 (existing)</td>
<td>400,000 (new) + 347,770 (existing)</td>
<td>600,000 (new) + 347,770 (existing)</td>
<td>200,000 (new) + 347,770 (existing)</td>
</tr>
</tbody>
</table>
LU Issue #7: Should TRPA limit the size of TAUs that are redeveloped? Staff proposes to amend the definition of Tourist Accommodation Unit as follows: “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.”
Should TRPA change how Air Quality Mitigation Funds are disbursed?
Staff proposes to update the 1992 Air Quality Plan (AQP) to identify and rank projects for inclusion in the Environmental Improvement Program (EIP). The projects would be prioritized by cost-effectiveness in providing air quality improvements; EIP projects requesting Air Quality Mitigation Funds would be disbursed to the highest-ranked projects first.
AQ Issue #2

Why is TRPA proposing changes to the existing wood stove program?

Background
• Alternative 2 has four Implementation Measures that deal with wood stoves
• stakeholders raised concerns that caused staff to re-evaluate the measures
• solutions were developed and described in four Sub-Issues
AQ Issue #2, Sub-Issue 2A

Should TRPA adopt new emissions standards for wood stoves and implement a deadline for removal or replacement of all non-compliant stoves?

Staff does not propose to amend Implementation Measure AQ.IMP-16, which states: “Clean Wood Stoves – All wood stoves not certified to emit less than 4.5g/hr of PM for a non-catalyst and 2.5 g/hr of PM for a catalyst-equipped stove must be removed by 2020.”
Sub-Issue 2B) Should TRPA prohibit installation of wood stoves in new construction? Staff proposes to amend Implementation Measure AQ.IMP-15 as follows: “Wood Stoves in New Construction – Wood stoves in all new construction must be certified to emit less than 4.5g/hr of PM for a non-catalyst and 2.5 g/hr of PM for a catalyst-equipped stove are prohibited in all new construction. Wood stoves are prohibited in all project areas requiring a TRPA permit.”
AQ Issue #2, Sub-Issue 2C

Should TRPA require certification in escrow documents that wood stoves are compliant?

Staff does not propose to amend Implementation Measure AQ.IMP-17: “Wood Stove Certification – All properties purchased, sold, transferred title shall ensure the wood stove is compliant with all current regulations. Evidence of such will be included in escrow documents.”
Sub-Issue 2D) Should TRPA create a Wood Stove Mitigation Program? Staff proposes to delete Implementation Measure AQ.IMP-18, which states: “Wood Stove Mitigation Program -- All properties containing a wood stove shall pay an air quality mitigation fee per unit.”
AQ Issue #3: Should TRPA require a reduction in pile burning? Staff proposes to amend AQ.IMP-14 to state “Forest Fuels 40% -- Forest fuels reduction efforts shall reduce PM emissions by 40% compared to open burning emissions levels. Fire agencies will provide smoke management plans and collaborate with TRPA to develop the best methods for reducing forest fuels with the least impact to air quality.”
AQ Issue #4

Should TRPA require Basin-wide air quality standards?
Staff proposes to change the Implementation Measures regarding air quality standards as follows in the table on the next slide:
AQ Issue #4 (cont’d)

<table>
<thead>
<tr>
<th>Alternative 1</th>
<th>Alt. 2</th>
<th>Alt. 3</th>
<th>Alt. 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>No change.</td>
<td>AQ.IMP-27: <em>Emissions Standards &amp; Practices</em> – adopt and implement air quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable. Region-Wide Program – TRPA will adopt the most stringent AQ standards, control strategies, and implementation plans Region-wide.*</td>
<td>No change. AQ.IMP-30: <em>Emissions Standards &amp; Practices—adopt and implement different air quality standards and implementation practices between the two states.</em></td>
<td>AQ.IMP-2730: <em>Region Wide Program – TRPA will adopt the most stringent AQ standards, control strategies, and implementation plans Region-wide.</em></td>
</tr>
</tbody>
</table>
11:00 item

Clarifying questions and comments from APC and GB – taken issue by issue, in order

- **Charles Emmett**, Air Quality issues
- **Scott Frazier**, Land Coverage issues
- **John Hitchcock**, Land Use issues
12:00 item

General public comment
1:00 item

Board adjournment
1:01 item

APC discussion (working lunch) – development and synthesis of technical advice to GB
APC Technical Advice

• **LU 1, Sub 1A** – APC supports staff proposal.

• **LU 1, Sub 1B** – APC does not fully support staff proposal. Rather than only allowing soft coverage transfers from sensitive lands, transfers from land capability districts 1-3 (lower capability) should be incentivized, and transfers from districts 4-7 (higher capability) should receive lower incentive levels. Consider transfer ratios for soft to hard coverage transfer in the implementation Milestones phase.

• **LU 1, Sub 1C** – APC supports staff proposal. Make sure that the GB understands that “impaired watershed” has not been defined; the term will be defined in conjunction with Agency and local jurisdiction partners and will not conflict with load reduction plans.

• **LU 2** – APC supports staff proposal. Make sure that incentives are provided for communities to update their Community Plans, and flesh out details as to how projects will be permitted during the interim period between RPU adoption and adoption of CP updates.
APC Technical Advice (cont’d)

• **LU 3** – APC supports staff proposal.
• **LU 4** – APC supports staff proposal.
• **LU 5** – APC supports staff proposal. Note: applications for multi-family projects should include disclaimer that future conversion to condominiums will require that single-family construction standards be met.
• **LU 6** – APC supports staff proposal. Note: the EIS should analyze whether existing CFA is enough to promote environmental redevelopment.
APC Technical Advice (cont’d)

• **LU 7** – Tabled.

• **AQ 1** – APC supports staff proposal with the following change: update language to read “Staff proposes to update the 1992 Air Quality Plan (AQP) to identify and rank projects for inclusion in the Environmental Improvement Program (EIP). The projects would be prioritized (remove: “by cost-effectiveness”) in providing air quality improvements; EIP projects requesting Air Quality Mitigation Funds would be disbursed to the highest-ranked projects first.” The concept is to provide more flexibility in determining the ways that projects will be prioritized.

• **AQ 2, Sub 2A** – APC supports staff proposal provided that the following changes are made: create definitions for “wood stove” and “fireplace,” amend definition of “wood heater.” Ensure that items designed to provide decoration (i.e., non-primary heat sources) are exempt.

• **AQ 2, Sub 2B** – APC supports staff proposal.
APC Technical Advice (cont’d)

- **AQ 2, Sub 2C** – APC supports staff proposal.
- **AQ 2, Sub 2D** – APC supports staff proposal.
- **AQ 3** – APC does not fully support staff proposal. Amend language to read: “Forest Fuels – Fire agencies will continue to follow air quality regulations of their respective state regulatory agencies. The Tahoe Fire and Fuels Team will collaborate with fire agencies to refine smoke management best practices.”
- **AQ 4** – APC supports staff proposal.
2:15 item

Board reconvenes, and APC Chair or designee presents synthesized technical advice
2:30 item

Board clarifying questions on APC advice
3:00 item

Public comment – *limited to APC technical advice only*
3:30 item

Board votes to provide direction to staff on the major issues/any minor issue that was raised