TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting at **9:30 a.m.** on **Wednesday, August 10, 2011** at the **TRPA Offices**, located at **128 Market Street, Stateline, NV**. The agenda for the meeting is attached hereto and made a part of this notice.

August 3, 2011

Joanne S. Marchetta
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
128 Market Street
Stateline, NV

August 10, 2011
9:30 a.m.

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

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Advisory Planning Commission on any item not listed on the agenda may do so at this time. Public comment on Public Hearing items will be taken at the time those agenda items are heard.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

IV. DISPOSITION OF MINUTES

V. PLANNING MATTERS

A. Review and Revision of the Regional Plan Update (RPU), Scope, Schedule and Process **Page 1**

VI. REPORTS

A. Executive Director

B. General Counsel

C. APC Members

VII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
Stateline, NV

July 13, 2011

REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Advisory Commission Chair Mr. Tolhurst called the meeting to order at 9:35 a.m.

Members Present: Mr. Buelna, Mr. Donohue, Ms. Feeley, Ms. Garcia, Mr. Greene, Ms. Huggins, Mr. Jepsen, Ms. Krause, Mr. Lefevre, Mr. Loftis, Mr. McIntyre, McMahon, Ms. Merchant, Mr. Plemel, Mr. Riley, Ms. Sertic, Mr. Smith, Mr. Thompson, Mr. Tolhurst, Mr. Upton

Members Absent: Mr. Maurer

II. APPROVAL OF AGENDA

Mr. Jepsen moved approval.
Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

No Public Comment

IV. DISPOSITION OF MINUTES

Ms. Merchant moved approval with amendments.
Mr. Smith and Mr. Loftis abstained.

V. PUBLIC HEARINGS

A. Notice of Preparation (NOP) and Determination of Scope, Kings Beach Town Center, B.B., LLC, Project Environmental Impact Statement (EIS), Placer County, Assessor's Parcel Number (APN) 90-133-005, TRPA File Number ENVR2008-0004

Ms. Avance introduced the presenters for the Kings Beach Town Center.

Mr. Wyatt Oglivy presented the proposed project.

Mr. Bill Kasson, AECOM, TRPA's consultant preparing the environmental document presented the proposed alternatives.

Member Comments & Questions:

Mr. Upton asked on Alternative B, would you need some of the commodities that are under the CEP program.

Ms. Theresa said yes, the reduced development alternative also uses the commodities available from the CEP allocation. Alternative A, the proposed project and Alternative B the reduced development project both use CEP commodities. Alternative C the commercial development does not.

Mr. Greene said Alternative B says no additional environmental benefits are provided. Is that correct?

Mr. Oglivy said yes.

Mr. Greene asked why.

Mr. Oglivy said the additional environmental benefit that is being provided in both the proposed project and the reduced development alternative is to illustrate those improvements toward thresholds for environmental gain under the reservation of commodities that was granted to the project. The all commercial project is being incorporated to look at a project that would only have the standard requirements under current Code regulations.

Mr. Greene said we wouldn't choose any project without environmental benefits, so why put it in the document.

Mr. Oglivy said the intent of both staff and the applicant is to be able to contrast those two into something that conforms currently to Code and contrast that with the proposed project, those environmental benefits and those commodity reservations.

Mr. Greene said that the Kings Beach redevelopment process includes a lot of different pieces. Are you coordinating in anyway with the other projects that are going on?

Ms. Avance said that Placer County redevelopment is a partner in this project and all the alternatives have been presented in design to be consistent with the Kings Beach Core Improvement Project and other projects in the area.

Mr. Oglivy said that Steven Brown of Placer County Redevelopment Agency is here today and during public comment he will be addressing question on how this project fits in with the County's vision of the broader redevelopment of Kings Beach.

Mr. Oglivy said the project has been designed with Placer County Redevelopment as a stakeholder from the onset and how the project interacts with the community parking areas and the

Commercial Core Improvement Project. At this time, there aren't other significant private redevelopment projects that are underway in the community of Kings Beach, but this project is intended to promote a broader revitalization on a community level.

Mr. Upton said it looks like there is not a lot of variation between the base project and the reduced development alternative. He is concerned about getting criticized later for having not made enough of a contrast in the study. You need to have in mind how you make the case for not having studied something further. He asked what the thinking on this subject is.

Mr. Oglivy said the primary changes to the reduced development alternative were to address stated concerns of building height, bulk and mass. Although the site plan looks similar, it maintains the community plaza in the general development pattern, significant changes in building 6, 7 and 4 were made to address those concerns. It results in a reduction of a number of residential units and commercial floor area in addition to significant changes to the building forms.

Mr. Tolhurst said he doesn't think there is a big enough variation in the range of alternatives and there should be more like 20% instead of a 5% reduction.

Mr. Upton said that you have gone to the commercial alternative as the one that only gives minimum Code improvements. He suggested the approach should give no Code improvements, instead of being all commercial, there should be a further reduced development alternative as opposed to a commercial alternative.

Mr. Tolhurst said there should be a low income residential alternative as well. He asked why Building 3, which is the Government Center, is the same height as all the rest of the buildings. He doesn't know why you need a 50 foot tall building if it is only two stories.

Mr. Oglivy said the reduced development alternative is repositioned on the site and reduced in height.

Mr. Tolhurst said he is talking about the proposed project and wanted to know why it needs to be so tall.

Mr. Oglivy said the architect is not here today, but they will address your comment.

Ms. Avance said there aren't any elevations currently, as the design is not complete. The idea is that the first floor would be the full footprint and each story set back from the highway as it goes up. The highest point of the structure will not be right on the highway.

Mr. Tolhurst said one of the issues he has is that you are improving water quality and air quality, but the one threshold you are not concerned with is improving the scenic quality. We need to see a thorough analysis on how you will make scenic look better.

Mr. Kasson said Tom Packard will be doing a thorough analysis of scenic impacts.

Ms. Huggins said on behalf of local fire services she wanted to express a concern and would like the planners to take a very strong look at height and density and what that means for fire services so that they are able to provide safety to the public. Because this is in a redevelopment area, they are not getting property tax dollars and they do not have the ability, if the buildings are over 30 feet, as they you do not have a ladder truck which can perform life safety rescue from those taller structures.

Ms. Merchant said that they have been in discussions for a couple of years with North Tahoe Fire Protection District and trying to assist them with financing and funding for not only their new fire station in Tahoe City that accommodates the ladder truck, but also to identify resources for purchase of a ladder truck and staffing necessary to make sure that this truck is operable 24/7. They currently have cooperative agreements with outside jurisdictions that do have these services.

Mr. McIntyre said he needs to recuse himself from the discussion, as he is the contracted project manager for the building of the new fire station in Tahoe City.

Ms. Huggins wanted to make sure that it is understood that this has a trickle-down effect for all the of Basin fire departments. We all understand and have mutual aid agreements, but there is still the issue of a trickle-down effect of these kinds of projects that have increased height which have an unintended consequence to fire services.

Mr. Smith said the standards today for meeting the water quality thresholds are that every project needs to meet either the infiltration requirements for the 20 year one hour storm or they have to meet the discharge standards for stormwater leaving the sites from that storm event. With the adoption of the Lake Tahoe TMDL, there is a third option that will become available very soon that will allow projects to coordinate with the local jurisdictions to go above and beyond this or to do something differently to help Placer County achieve its load reduction requirements. This needs to be looked at in each of the alternatives. The project won't be required to quantify how much load is being reduced, but

it will need to document how it is coordinating with Placer County to help Placer County meet its load reduction requirements.

Public Comment:

Tim Alameda, North Tahoe Fire Protection District, said we have as a district commented on the Homewood and Domus project, and we will be prepared to comment on the Kings Beach Town Center project. Our approach is a community-wide approach. We want to maintain the service levels for paramedic, fire, hazardous materials and rescue or whatever it may be. We want to continue to provide those services to our community and our visitors and we anticipate an adverse impact. We believe that we can form a partnership with the community and with the developers in the community to meet these challenges. We will be looking forward to commenting on the project. With respect to the 30 foot issue, yes we carry a 35 foot ground ladder on our type 1 engine. That ladder, when one puts it on a building at a climbing angle will reduce the effective height to around 30 feet or less. When you look at setbacks of new construction, we will be challenged. The answer to this will be an aerial apparatus that fits the community with the personnel, operation and maintenance with this type of equipment.

Nicole Gergans, League to Save Lake Tahoe, said the range of alternatives is insufficient. Although a reduced alternative exists in name, the reduction is small and is just the same as the proposed project minus 6 less units and 5,000 sq. ft. of CFA. The alternatives need to provide a much greater amount of environmental improvement as a CEP project.

Steve Brown, Placer County Redevelopment, said they are very involved with this project, as well as three or four others in Kings Beach as we are trying to redevelop the main street. Part of that is tied to the Kings Beach Core Improvement project and we are hoping to overhaul the entire city. We are both economically and philosophy tied to the project from the very beginning. This project will not in the end stand on its own economically, so we are a partner to help with some of the EIP projects and other things so that we can not only improve the looks of Kings Beach, but also water quality, air quality and transportation issues. As part of our overall plans, we are looking at affordable housing requirements. There is 90 units currently going up in the area and we intend to continue this. We do not believe this site, in the middle of Kings Beach, should be an affordable housing alternative site. We are working with the fire service and have already committed money to their new fire station and the facilities to house a ladder truck.

Mr. Donohue said you mentioned the Domus affordable housing projects, are they located just off this project area.

Mr. Brown said yes, the proposed projects basically surround the affordable housing project and is approximately a block or two blocks off the main street.

Mr. Upton said he noticed that there are 18 parcels that are to be reduced down to 7, is that one of the roles that the redevelopment agency wants in this area.

Mr. Brown said he doesn't think that the reduction in parcels has anything to do with Placer County. This is tied to the developer and how they want to split out these parcels.

Mr. Tolhurst asked why this location is the best place for the Government Center.

Mr. Brown said they have done a number of studies and surveys and it is in the dead center of the town and across the street from the beach. There are a lot of things that point to this location as the commercial hub of Kings Beach. This was chosen because it is the only large parcel of land that is available in Kings Beach.

Mr. Tolhurst said he is concerned about the number of parking spaces that will be available on the site.

Mr. Brown said that parking is an issue everywhere around the Lake and we are working on this effort. We are working on basically 250 or more parking spaces in the Kings Beach area. Some are right on Highway 28 and some are ½ block off the roadway. We have 5 others sites that we are looking at also.

Mr. Tolhurst asked why the Government Center needs a 50 foot tall building that has only two stories.

Mr. Brown said the bottom floor is 12 feet and the second floor is 9 feet and the rest is roof pitch. We will have the architect address this.

Mr. Riley asked how many blocks away from the 250 parking places will the Town Center be located.

Mr. Brown said some will be 3 blocks away. We are currently working to have one lot right across the street from the center that holds 50 spaces. We are close to purchasing a piece of property that is directly across the street that will hold another 50-60 spaces. We are trying to place them through town, so they are easily accessible. Most of the parking lots are at or near Highway 28. We are trying to keep the parking areas close enough to walk to the center.

Mr. Riley asked what is considered the town borders. Is that the area when you come into California from Highway 267?

Mr. Brown said technically this is considered Kings Beach at Highway 267, but we also cover the entire Tahoe Vista area. We see it as one community, as the two communities are tied together business-wise and services-wise.

Mr. Tolhurst asked if the three lane alternative is still going ahead and when is it scheduled to start.

Mr. Brown said yes. We are working on it very closely with Public Works. There are some backstreet calming and others things currently going on. There will be more construction next year and the bulk of it will be done in 2013.

Mr. Merchant said she wanted to point out that the preferred alternative for this project proposes a 347 space parking garage. Parking for this project will be accommodated onsite and then additional parking is being developed throughout the community for redevelopment use and also to mitigate the parking loss associated with the Kings Beach Commercial Core project.

Mr. Greene asked what services will be in the governmental building.

Mr. Merchant said it would be their Land Development Department, County Executive Office, Public works and all of the administrative and regular operating functions of the County.

Member Comments & Questions:

Mr. Donohue said in the notice of preparation, there were quite a few comments about building height. One of the things he requests that be looked at, particular with the parking structure, is whether there is a ground water issue and to see if you can get some of the parking down below grade, which would reduce the height. The EIS needs to consider that. There was something about funding/design of SEZ, does that funding include restoration construction activity. Has the location been identified in conjunction with Placer County and make sure this is clearly articulated in the document. The funding should include construction to obtan CEP additional benefits. With all the discussion on parking, he hopes the EIS analyzes this more than adequately. This seems like a lot of parking.

Mr. Loftis said this area is known for some tricky sediments, so be aware when you are going below grade or you are looking at infiltration structures.

Mr. Lefevre said he believes that the discussion clearly guides you to have a very robust, cumulative impact of this project. This. more than some other projects, is integral to a lot of moving parts.

You should look at what is the status of those and how does this fit into the bigger vision. It will serve you well if you can describe this so that the public can understand it. It seems that there is a missing alternative that would comply with all the existing Codes and what does that mean and what are the consequences.

B. Recommendation to Distribute Remaining Residential Allocations

Staff member Ms. Jepson presented the proposed distribution of the remaining residential allocation.

Member Comments & Questions:

Mr. Tolhurst asked, with the economy the way it is some of these allocations probably haven't been utilized by the jurisdictions.

Ms. Jepson said 2009 was the last time that allocations were handed out and from our records, most of the jurisdictions still have remaining allocations that do not expire. These new allocations will also not expire until the Regional Plan Update is adopted.

Ms. Krause said we didn't give out any allocations in 2009 or 2010 and this is the allocations that we are giving out now. We will get to use these until the Regional Plan is complete.

Mr. Greene asked what the purpose of the allocations is.

Ms. Jepson said there is a linkage system and we hand out allocations based on performance by each jurisdiction. We have staff that evaluates each area that they are based on. For example, she usually handles monitoring and compliance. She would go to each jurisdiction and make sure each permit under their Memorandum of Understanding is what TRPA would issue. Did we consider coverage? Did we charge the right fee? Did we consider any kind of transfers? Did we consider height? The Erosion Control team would do the same thing.

Mr. Greene said if you look at the results of BMPs, they are not getting done, so why are we giving out allocations if some Counties are not getting this work done.

Ms. Jepson said it depends on a percentage of how much was done. They may get an increment and they may not. But according to the Code, we give out a base amount. If they do a poor job, we talk away some allocations and if they do a better job, we would add allocations.

Mr. Greene said in Placer County under BMP retrofit however the target percentage for implementation were not met. This is supposed to be an incentive for them to meet the targets and it is not working.

Ms. Jepson said some jurisdictions did very well and Placer County would have received more allocations if we had more to give out because of the improvements that they did complete.

Mr. Greene said when he sees targets of implementation were not met, it says it didn't work. We should be looking for something that will get BMPs done.

Mr. Tolhurst said if people haven't done their BMPs they probably don't have the money to do them now.

Mr. Donohue said we are really trying to look at this regionally in the Regional Plan Update. The TMDL is bringing new responsibilities for local jurisdictions interfacing with their private parcel owners and joint facilities. We are looking at a very dated system for analyzing this and he believes that we will end up with a better model at the time of the Regional Plan Update.

Ms. Merchant said their Public Works department was surprised by Placer County's score in the EIP area. The documentation that was submitted in April led us to believe that we had a score of 83.3% and we did not know that we got a score of 60% after TRPA staff had analyzed our submittal. She wants to bring up the fact that we have put a lot of time and resources into projects in 2009/2010 and we believed that we were going to be getting points for. An example is the Kings Beach Commercial Core project where we thought we would receive 5 points because we had implemented portions of the project instead we received 0 points. The methodology of review that TRPA staff uses is antiquated.

Ms. McNamara said every year the County predicts what they will perform over the next year in relation to implementation of EIP projects, which is any projects that is on the EIP list. There are 9 components that were agreed upon through the PRC process years ago that points could be awarded for. Things like funding commitment, construction, monitoring and items like that. Last year, the County had predicted that they would get 15 points from the different projects that they had going on. When they submitted the information it was stated that they now have 25 points instead of 15. What happened is with the Kings Beach water quality project, it had been reported by the county as one project up until just this year. This was through permitting and now it is in construction and it was split into 5 projects. We do recognize that projects do get split as they get implemented, but once it gets past the environmental document stage that is where we don't split projects into different phases. This was the main reason why the score was a lot lower than what Placer County expected.

Ms. Merchant said the Kings Beach Commercial project and the watershed part of it is a $48 million dollar project. They did an environmental document that took them 10 years. So for us to be held to a standard that you can't get any points until you finish every inch of

your $48 million dollar project is unattainable. Antiquated is a nice word for this. When we do parts of projects like we did for the clean water pipe on Fox Street which was only a $2 million dollar project. So not recognizing that we were continuing to make progress on the rest of the $48 million dollar project is not recognizing the real implementation that is being completed.

Mr. Wells asked if she are suggesting that we re-evaluate all the scoring.

Ms. Merchant said yes.

Mr. Wells said if the APC wants to recommend to the Governing Board that this process go back to the PRC for re-evaluation and give all the jurisdictions an opportunity to add any projects that they may have missed, this will hold up the release of these allocations for an indefinite amount of time. We would not be able to determine how long this process would take. The other option would be for you to take the staff recommendation as it is and move forward.

Mr. Upton said given that this is an outdated system and it will be changing, he thinks we should save the time involved and move ahead and know that we will be looking at this process in the future.

Ms. Merchant said it is 2009 and 2010 that is being recommended for allocation and in 2009 Placer County's score was higher for EIP implementation. We earned that additional increment, which is 71%.

Mr. Greene asked if Placer County will need these allocations.

Ms. Merchant said that is their concern. There will not be more allocations until the Regional Plan is completed.

Mr. Greene asked if Ms. Merchant would like the APC to go back and redo this so she can get more allocations.

Ms. Merchant said she would like it to be fair.

Mr. Greene asked if they would get more allocations if this is redone.

Ms. Merchant said she doesn't know.

Mr. Tolhurst said that all the jurisdictions have the same issues. He doesn't think it is fair to make a decision that might affect others.

Mr. Jepsen asked what kind of delay would this cause if we asked for a re-audit.

Mr. Wells said it would be the inability to release the allocations to all the local jurisdictions. TRPA would just hold them until such time as this gets resolved.

Mr. Tolhurst said if we wait longer, the jurisdictions may not have any allocations to award for this building season.

Ms. Merchant said she thinks everyone has some allocations in the bank right now.

Ms. Jepson said most jurisdictions have allocations, but Douglas County has people waiting to build at this moment, as well as the City of South Lake Tahoe is also waiting for allocations.

Mr. Tolhurst asked if it is possible to award a partial amount now and figure out what the cap is later.

Mr. Lichtig said the system is designed to distribute all allocations. Placer County raised this to staff yesterday regarding their displeasure with the audit results which had already gone to PRC. If we would like to reanalyze these results, he thinks all of the jurisdictions will have the desire to break up their projects into little parts to get additional points. That would delay the allocations possibly 6 months and would entail a lot of staff time. There would be no allocations distributed until after that time.

Ms. McMahon said they have over 40 people on their waiting list for allocations and they haven't been able to issue any allocations for some time. We would like to move forward so we can get the allocations and start issuing them this building season.

Mr. Upton said he is not sure why we are having this debate if Placer County currently has allocations. He would like to see us move on.

Ms. Merchant said TRPA was supposed to review these in October 2010 and it didn't happen. She is very empathetic for the local jurisdictions that have people waiting to do projects, but her greater concern is the appropriate analysis that wasn't done.

Mr. Lichtig said each of the categories of the percentage breakdown as to what points you get 71 is the lowest score you can get for an enhancement to 100%.

Mr. Tolhust said the project that is $48 million dollars, some parts of the project has been completed and some haven't. So were they award partial points.

Ms. McNamara said no because it was reported through permitting as one project and just through construction it is being split up into 5 projects.

Ms. Merchant said this reflects the reality of the situation. You do one environmental document and you do can't do a $48 million dollar project

in the Tahoe Basin in one season. Because of so many variables it is impossible.

Ms. McNamara said that staff recognizes the work that the jurisdictions are doing, but unfortunately the way the system is set up, it doesn't recognize this. To reset the system, we would have to go back to the PRC and redo the entire system of how the EIP allocation system is linked.

Mr. Donohue said the system would stay the same, but you would evaluation the information that you received and you would have to do all the work again.

Mr. Lichtig said the system is being updated in the Regional Plan Update and this entire process will be redone. He doesn't think anyone here will argue that this is a perfect system and we understand the concerns. He would recommend that we look at this evaluation system in the Regional Plan Update.

Mr. Greene asked would this mean that Placer County would not get a different result.

Mr. Lichtig said we wouldn't know without redoing the evaluation.

Mr. Greene said if you are using the exact same system, how would there be a different result.

Mr. Lichtig said the percentages would change because of the breakdown of the projects submitted will be amended.

Mr. Greene asked if TRPA would break up this project into different parts.

Mr. Wells said that is not the proposal at this time. We would have to see what the other jurisdictions submit.

Ms. McNamara said she had not been breaking up projects. She would have to go back to past years because she has had other jurisdiction want to break projects up two or three years ago and she held them to the same standard as in the current process.

Mr. Greene said what he is hearing is that we would use the same system and it will not change the results no matter how many times you submit this.

Ms. McNamara said what would change is that additional projects that weren't put on the list that was originally submitted.

Ms. Sertic said is there a process where we could move this along in the interest of all the jurisdictions besides Placer's desire to move this along

and provide Placer some opportunity to contest or appeal the submission of this last project.

Mr. Lichtig said this is not the way the system is currently designed.

Mr. Tolhurst said we are only making a recommendation to the Governing Board. Is it possible to recalculate to see if there is a difference and we could make our recommendation on the final results?

Mr. Lichtig said we will not have time in two weeks to go back through all the lists and audit results with each jurisdiction and redo the calculation.

Ms. Merchant said one thing you could just ask for any projects that may have been missed, as opposed to doing the reanalysis on splitting up projects.

Ms. McNamara said if we wanted to open this back up, we would ask all the jurisdictions to resubmit their lists if they had additional project. We would then have to go back to the PRC for their approval.

Mr. Upton said he would make a motion to recommend the proposed Resolution to the Governing Board.

Mr. McIntyre said there is more information that will be presented and he would prefer to hear all the issues. We are talking about a finite resource that one party gives up and another party gets. Before we make a decision let's hear all the issues.

Ms. Merchant said she wanted to clarify one thing that Mr. Lichtig said. Public Works did not get the results from this EIP audit information until Ms. McNamara and Ms. Jepson sent it over on Friday or Monday. We had to ask for it. If they had been notified a few months ago, this could have been avoided. She suggests that the current communication link protocol be changed in the Regional Plan Update.

Mr. Lichtig said there was a Placer County representative at the PRC meeting and he has had multiple conversations with Paul Thompson who has expressed his pleasure with the results of the allocations. He is not sure about the timing issue.

Mr. Buelna said speaking on Paul Thompson's behalf, he would imagine his pleasure would be with the permit results from the residential building allocation audit. He had conservations with Paul after spear heading that movement on the analysis of the allocations and he was under the assumption that everyone had the same involvement. He thought he was just ahead of the curve in soliciting their audit results so he could understand the results. He would assume that Paul was of the opinion that the other departments had also received the same information and it looks like that didn't occur.

Mr. Upton said he hears the legitimate compliant, because there exists a lack of a link between the City and County administration. He thinks creation of a more reasonable linkage, along with hopefully creation of a more reasonable system will be done in the future.

Ms. Merchant said in reading through the packet there is a footnote on the bottom of page 18 about the transit level of service results. It says "the results of the 2010 transportation audit were heavily influenced by a decrease in linier service miles caused by the bankruptcy of the South Tahoe Area Transportation Authority. Because this outcome was largely caused by circumstances beyond the control of the local jurisdictions, TRPA has elected not to make enhancements or deductions based on this information." The jurisdictions are represented on this Board, so she doesn't know who would have had any control over a bankruptcy other than the Board of Directors of that organization. She believes that the linier service miles is the only area in transit level of service that was one of the few areas that showed an increase. It is her understanding that based on Chapter 33 of the Code a recommendation from the Tahoe Transportation District on transit level of service is required to go to the PRC and the APC. She asked if this went to TTD and was there a recommendation. She doesn't think that this occurred.

Mr. Lichtig said no. The audit results were not used for this process so, they were not taken to TTD for approval.

Ms. Merchant looked in the TTD packet and there was a recommendation by TTD staff to TTD to decrease the increment of allocations because the three jurisdictions, Douglas County, El Dorado County and the City did not meet the transit level of service requirements. It was pulled off the agenda by Steve Teshara. Nick Haven, TRPA representative on the Board asked that it be put back on and tabled until June. It was not in the June or July agenda, so there was no recommendation from TTD as required by the Code. Wouldn't this go back to TTD for some sort of review, analysis and recommendation as the transit authority?

Mr. Lichtig said if the Commission would like to recommend that the audit results be considered and that they go back to TTD for approval, then that is within the power of this body. This would obviously delay things.

Ms. Merchant said that TTD should be involved in this. All the local jurisdictions are on the Tahoe Transportation District, and if you read the Code, it clearly says under transit level of service Chapter 33, Section 5G the base allocation for years 2004 and beyond shall be enhanced or reduced with recommendation from TTD. That is a concern to her that it didn't go through this process. There is a huge lack of transparency here. Ms. Jepson did a great job in addressing that point in her staff report, but the fact that a TRPA staff person was involved in pulling it off

the agenda and then it never getting back on the agenda is beyond lack of transparency.

Mr. Lichtig said there was a decision made not to bring those results to the TTD Board based on the STATA bankruptcy and what was determined to be deductions that could be made that was not within the control of the local jurisdictions. We have the audit results and Placer County, as well as Washoe County, would not have received any increments or deductions had those audit results been used.

Ms. Merchant said that is right for transit level of service, but that does not impact the total. Instead of reducing increments from other jurisdictions it keeps them flat, then that does change the total. While Washoe and Placer County wouldn't have earned points anyway, that does not impact the total. But the fact that the reduction in increments did not occur, does impact the total for Placer and Washoe County.

Mr. Donohue said the impact was because there was never any recommendation from TTD.

Ms. Krause said not taking into consideration the transportation items, she did the math and if Placer had received one more increment Placer would have received one more allocation. We are fighting over 1 or 2 allocations.

Mr. Tolhurst said the issue is this would delay allocations past the end of the building season. Douglas County has a need for the 6 that they would get and Placer doesn't have a need for the one that they may get. He understands all the arguments and agrees but we also have a building season that is here right now and he would like to get building going.

Mr. Krause said that is her point also. Should we drag this out so one jurisdiction loose an allocation and one jurisdiction gain one.

Ms. Merchant said this has nothing to do with need. We are talking about what is right and wrong, the process and doing the right thing. We are here to recommend the technical adequacy of the process and she doesn't know how in good faith we can go forward with that recommendation.

Ms. Garcia asked what TTD would be doing is taking the audit findings developed by staff and making a recommendation on them. It is no harm no foul. She doesn't think it will change the outcome per se.

Ms. Merchant says it does change the outcome.

Ms. Krause said that maybe things could have been done differently, but the PRC did get these results long before the PRC meeting. We reviewed them at the meeting and that was on June 24th and as staff

mentioned Ms. Merchant just raised her concerns yesterday. To her it is a default.

Mr. Donohue asked to have this opened up for public comment.

Public Comment:

Kansas McCann, Placer County Department of Public Works, said They are the implementers of the EIP program in Placer County and she puts together the report. They submitted to TRPA with an 83.3% score and that was in April. She didn't hear that this was changed to 60% until last Friday. While those results were given to the PRC, they weren't given back to the people that developed the report. Had they been given the opportunity to comment on the TRPA comments in a more timely fashion, we could have taken a more critical eye and looked at some of the projects that we could have grabbed some points for. We are the only jurisdiction who had a reduction in the score that was submitted and we didn't have a chance to double check the figures.

Mr. Lichtig said we can work in the future to send this to multiple people instead of just the one PRC representative, if that is desired.

Commission Comments & Questions:

Mr. Greene said he tends to agree with Ms. Merchant on this that there are some underlying issues that are not being dealt with.

Mr. Upton said there are some issues with the process and if this is reviewed again in August, it is still in the building season. He suggests that we move this to August.

Mr. Tolhurst said this is already on this month's Governing Board agenda. So we are recommending that this not be approved. The Governing Board can decide whether to go ahead or not.

Ms. Huggins concurs.

Mr. Lichtig if that is the recommendation that this Commission wants to make, he wanted to make it clear that TRPA can't guarantee that this comes back in August.

Mr. Tolhurst said he would like the Governing Board to say that the process is flawed and fix it.

Mr. Donohue said he disagrees because he doesn't think the Governing Board needs to deal with this. This would mean more staff time and he feels that TRPA should make sure that TTD takes a position on this. He recommends that this be pulled off the Governing Board agenda.

Ms. Krause said she agrees that the TTD process should have been followed. Otherwise the process is not flawed. We have been doing

this for 10 years now with the PRC and the reports have been sent out ahead of time. It is her responsibility as a PRC member to get the reports to her Public Works people and anyone else who may need the information.

Mr. Riley said if we follow all these recommendations, we are writing off the 2011 construction season.

Mr. Greene asked why we can't find a middle ground.

Mr. Lichtig said if we used the audit information from 2009 we would distribute all of the allocation based on 2009 and there will be no allocations for 2010 results. We would take the entire pool based on the 2009 results and there would be nothing left for the 2010 results.

Ms. Merchant asked if that is a potential solution to the problem to only use 2009 results.

Mr. Lichtig said if that is the recommendation from the Commission, this is a potential solution.

Mr. Upton said since there was not a issuance of allocations in 2009, simply use the 2009 results to issue these last remaining allocations that are left. We are just doing it a year late.

Mr. Lichtig said there isn't a particular legal problem with this process.

Mr. Lichtig recalculated the numbers using just the 2009 audit results and these numbers look accurate:

Douglas County – 7
Washoe County – 18
Eldorado County – 27
City of South Lake Tahoe – 14
Placer County – 20

Ms. Garcia asked if this process followed the Code.

Mr. Lichtig said absolutely.

Mr. Upton moved to adopt the Resolution based on the 2009 audit results.
Motion carried unanimously.

VI. PLANNING MATTERS

A. Shorezone Monitoring Report

Staff member Shane Romsos presented the Shorezone Monitoring Report.

Mr. Green asked if these results are permanent or economically related.

Mr. Romsos said they attached a gross figure based on historic growth and those have not been realized. Maybe the baseline information that they were using to make these estimates may not have been as specific as appropriate.

Mr. Greene asked how many monitoring stations are there around the lake.

Mr. Romsos said these things come on and off line over time. There are probably about 10 different sites throughout Placer, Washoe and one will be set up at TRPA. We are hoping to improve the network and be able to better characterize air pollution as it exists within the Basin.

Mr. Tolhurst asked if the City still has their noise monitoring operation for the airport.

Mr. Romsos said they do and there are some technical issues associated with the placement with some of the monitoring devices. They still submit monitoring reports to us.

Ms. Merchant asked about the new air quality monitoring in Emerald Bay and is that really specifically for purposes of the Shorezone Ordinance or part of the more global effort.

Mr. Romsos said it gives us a sense of the ambient conditions in that area and we cannot say with a large amount of certainty that it exceeded air quality standards for ozone and we couldn't say specifically that is was from watercraft. He does fill a gap as we do not have monitoring devices for ozone in that area.

VII. REPORTS

A. Executive Director

Mr. Wells gave the Executive Director report.

B. General Counsel

Mr. Lichtig had no report.

C. APC Members

Ms. Sertic said that Dave Gaskin, the NDEP Deputy Administrator for the water program has been appointed as the NDEP APC representative and will be attending all future meetings. NDEP has not submitted the TMDL to EPA for approval yet. We are in the processing making what we consider to be some minor revisions to the implementation plan, just to emphasize the implementation timelines due to the economy.

Mr. Smith said that the State of California passed all of its hurdles and the Office of Administrative Law accepted the TMDL. Officially, the State of California has adopted the TMDL and we can use it right now. Because it is a bi-state TMDL forwarding on to US EPA Jared Blumenfeld is set to approve the TMDL from both States and is planning to sign it at the August Summit. Nevada is doing what California has already done. California adopted a Basin plan amendment that was specific to the State of California and does not apply to the State of Nevada. What Nevada is doing is essentially doing the same thing that California already did. His staff has been working closely with TRPA staff and the Nevada Division of Environmental Protection staff on the Regional Plan Update and all these details about allocation process. What we are working with TRPA on is how to update the Regional Plan to incorporate the TMDL requirements.

Ms. McMahon said they hired a Planning Manager, Candace Stoll which is her new supervisor. She will probably be the new APC member and she will be the alternate. We have not worked out these details yet. We also have a new County manager, Steve Mokrohisky. Mahmood Assad is now working for the Nevada Tahoe Conservation District representing Douglas County as the TMDL representative. We are recruiting for a new County Engineer.

Ms. Garcia said they are holding a Native American festival at Tallac Historical Site on July 23 & 24.

Mr. Greene said he is on the Board of the Tahoe Fund and we are hosting the Summit this year at Homewood. Senator Feinstein would like the general public to come to the Summit. We will also have a dinner the night before and the ticket prices are $300 per person.

Mr. Lefevre said they have had a leadership change at the Forest Service and our new Forest Supervisor is Nancy Gibson who comes from the Six Rivers National Forest and our Deputy Forest Supervisor is Jeff Marsolais.

VIII. ADJOURNMENT

Chair Mr. Tolhurst adjourned the meeting at 12:30 p.m.

Respectfully submitted,

Judy Nikkel
Clerk to the Advisory Planning Commission

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.

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M E M O R A N D U M

Date: August 3, 2011

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Review and Revision of the Regional Plan Update (RPU) Scope, Schedule, and Process

Requested Action: This is an information and discussion item only carrying out Governing Board direction from the January 2011 Board meeting.

Staff Recommendation: Staff recommends that the APC review the proposed scope and schedule for completion of the RPU (*see this month's Agenda Item V.A.*).

Required Motions: No formal action of the APC is needed.

Executive Summary: This discussion follows from the Governing Board's direction to review the proposed scope of the RPU in January 2011. It was presented to the Board as a discussion-only item at the July 27, 2011 meeting. To address both the primary areas of concern in recent TRPA threshold evaluation reports and recent legislative mandates, the scope of proposed Regional Plan amendments now focuses on changes to:

- improve water quality and implement the Lake Tahoe Total Maximum Daily Load (TMDL), including aquatic invasive species prevention/control and forest fuels reduction as strategies to prevent potential major water quality degradation
- implement land use, transportation, and housing strategies compliant with recent California legislation (SB 375) requiring that the Regional Plan contain a Sustainability Communities Strategy (SCS)

In an effort to communicate the essence of this at a glance, the phrase "Restoring Lake Tahoe While Creating Sustainable Communities" is the proposed summary statement for the RPU.

The staff report summarizes the RPU's TMDL and SCS implementation plans. The plan for the TMDL contains a mix of regulatory changes and other strategies for delivery of benefits for all TMDL pollutant source categories. The SCS plan contains a mix of regulatory changes and other strategies for delivery of greenhouse gas emissions reductions and a land use and transportation system that promotes walkable, mixed-use centers appropriate to the Tahoe area. These plans complement each other as well as the goal of attaining and maintaining TRPA's environmental thresholds.

The proposed scope, which also includes limited threshold amendments, a "clean-up" of the Code of Ordinances and improvements to the Rules of Procedure, and an updated schedule for completion of the update, will be vetted with the newly-formed "Governing Board Working Group on the Regional Plan Update." Vetting has already begun with Tahoe basin agency executives, executive-level

administration officials of both states, and interested California legislative staff. The scope outlined here is the basis for detailed environmental review, which has already been initiated.

Background: TRPA is aware of public concerns regarding the Agency's progress toward completion of the RPU, a project initiated in 2004. Lack of progress is due, in part, to excessive focus on the process and the approach to the details of specific plan provisions. A by-product of this focus is an incomplete understanding of the overarching, pressing problems of today that need to be solved (now nearly a quarter century after the 1987 Regional Plan was approved as a comprehensive plan for the region). This introduction will take a brief look back to focus the discussion on the problems of the past and the successes already achieved so that we may better understand the essential problems of today and the objectives of the RPU, which aims to address them.

The Early Decades – Runaway Growth: In Tahoe in the 1960s and 1970s, the major environmental threats were runaway growth and the interest in creating Las Vegas-style gaming at the lake. Development pressure increased dramatically during these years. The 1960s saw the creation of plans for a city the size of San Francisco (750,000 residents), a four-lane highway all around the lake, a bridge over Emerald Bay, and a tunnel through the Carson Range at Kingsbury.

The visionary compromise of two state governors in 1969 forestalled the immediate threat through the enactment of the first Tahoe Regional Planning Compact. The Compact created the Tahoe Regional Planning Agency (TRPA) to control growth and development in the region. Today's population is 50,000 – *one-fifteenth* of what the plans had called for.

The operation of the first Compact was imperfect and therefore not fully effective. The TRPA Governing Board voting structure it prescribed contributed to power struggles between state and local interests and resulted in approval of certain large, harmful development projects. Through the 1970s, the rapid growth continued; population increased by 73 percent. Most of the town center development existing today was built in this period before strong environmental controls were in place.

The first Compact was occasionally successful in stopping harmful development (e.g., the removal of the never-completed Jennings Casino's foundation and the subsequent restoration of Burke Creek and Rabe Meadow). Beneath the political wrangling was a long-standing tension between the exercise of private property rights and the constraints of regulatory controls and environmental protection.

As the state and local interests became increasingly unable to control continued growth, it was the threat by the federal government to take over land use planning in the basin (i.e., a federal proposal to make Tahoe a National Scenic Area managed by the U.S. Department of the Interior) that finally brought compromise and resulted in amendments to the Compact in 1980. The 1980 Compact laid the foundation for regulation of growth and remains in effect today.

The 1980s – Growth Control and Constraints on Residential Development: The foundation of the basin's regulatory growth controls, mandated by the 1980 Compact, was the Governing Board's 1982 adoption of environmental threshold carrying capacities, or "thresholds." The Board's unanimous vote to allow environmental controls to regulate growth was not without controversy. In fact, the document that adopted the thresholds (Board Resolution 82-11) is embedded with the compromises that allowed it to pass. Tough environmental threshold standards are tempered by language that keeps them from limiting the maximum number of building permits (*paragraph 5*) or decreasing private property rights

(*paragraph 6*). Because some thought of the thresholds as "lofty goals" that may not ever be achievable, there is a four-point methodology laid out to amend them (*paragraph 4*).

The growth control debate of the 1980s focused primarily around residential development potential. In the 1980s, about 20,000 of the 60,000 residential parcels in the basin remained to be developed. In response, the 1987 Regional Plan put in place residential growth caps called "allocations."

The *quid pro quo* for establishing residential allocations in the 1980s was a concerted effort by basin agencies and local jurisdictions to seek government funds to buy property and reduce development potential. This took the form of acquisition of environmentally sensitive private parcels. From the mid-1980s into the early 2000s, both the federal and state governments committed significant public funding (e.g., federal monies under the Santini-Burton Act and state bond funds) to implement a vigorous program of private parcel acquisition. As a result, the basin's land area – once only 60 percent publicly-held – today is 85 percent in public ownership.

The 1987 Plan not only set in place the system of residential growth control but also established the regulatory structure that set other limits on development. It established caps on all other forms of development and combined these development caps with public programs to reduce total development potential. The essence of the growth management system at Tahoe is as follows:

- new subdivision of land prohibited
- number of residential development rights capped at 1987 levels
- TAU, or tourist accommodation units (i.e., hotel rooms), capped at 1987 levels
- total square feet of CFA, or commercial floor area (i.e., commercial space), capped at 1987 levels
- retirement of development rights through public purchase programs[1]
- land coverage limited, based on the 1970s Bailey Study on allowable watershed coverage
- "urban growth boundary" established to contain development

The foundations of this system of growth control are firmly established, are still in existence today, and with very limited exceptions, are not proposed for change in the RPU.

The 1990s and 2000s – Accelerated Delivery of Programs for Environmental Threshold Gain: Even with growth control firmly in place, TRPA's 5-year threshold reports showed insufficient progress throughout the 1990s. Decades of harmful, pre-Compact "legacy" development, decreasing rates of public parcel acquisition, and diminishing government funding for erosion control projects by the mid-1990s pointed to the need for new strategies to achieve threshold gain. Regulation alone was not enough.

The need for environmental gain to catch up to development demand spawned the Environmental Improvement Program (EIP) in the mid-1990s. An expansion of the earlier (air and water quality) Capital Improvement Program of the early 1990s, the EIP got a much-needed funding boost from the Lake Tahoe Restoration Act of 2000 (LTRA) . The LTRA created funding authority for $300 million in federal monies for restoration projects across all threshold categories, not merely water quality projects. This authorization coupled with Southern Nevada Public Land Management Act (SNPLMA) funding, which provided Tahoe approximately $34 million per year over a decade for water quality, forest fuels

[1] More than 5,000 parcels' development rights have been "retired" basin-wide since 1987 – overall, about 10,000 private parcels have been purchased for public ownership by the California Tahoe Conservancy, the Nevada Division of State Lands, the US Forest Service, and other land management entities.

treatment, and other environmental restoration projects, strengthened and cemented the partnership approach to achieving threshold gain. Federal funds from LTRA and SNPLMA leveraged partnership contributions from all sectors – state, local governments, and private land owners; by 2007, a total of $1.1 billion had been invested in more than 300 significant environmental restoration projects.

In addition to state- and federally-funded environmental programs, TRPA and local partnership efforts in the late 1990s and 2000s also focused on how best to accelerate delivery of needed environmental improvements for gains across all threshold categories. The strategies of the 2000s focused on delivery of EIP projects, the new performance review system that tied metering of the now-dwindling supply of residential allocations to local jurisdictions' delivery of EIP projects, and more targeted environmental programs to address emerging threats like hydrocarbons from highly polluting two-stroke engines, aquatic invasive species introduction and control, and forest fuels reduction to prevent catastrophic wildfire and the damage to life, property, and lake clarity that would result from it.

The Next Two Decades: In response to more than a billion dollars of environmental work over a decade, the 2006 Threshold Evaluation showed generally more advances than in past reports. The rate of lake clarity loss, which had been holding at about a foot per year, had slowed significantly, although water quality still showed a downward trend toward attainment.

With the 2006 evaluation report, there was one important difference: for the first time, we had scientific information to define with certainty the cause of lake clarity (transparency) loss. A decade of scientific inquiry into Tahoe's water quality, funded by the U.S. EPA, SNPLMA, and other sources, concluded that fine sediments from the urban upland source area were the single largest contributor to the continuing downward trend in transparency.

The studies did not ignore nutrient (i.e., nitrogen and phosphorus) loading as a contributor to clarity loss. In fact, the the "Atmosphere" section of the *TMDL Report*[2] states: "The TRPA Regional Plan Update is anticipated to include an atmospheric nitrogen emission reduction strategy that meets the TMDL transparency standard attainment needs."

TRPA is anticipated to be a major partner in TMDL implementation. As stated above, the greatest gains toward attainment of the water quality threshold will be made by addressing sources of fine sediment. Much of that sediment originates from "legacy" development in our town centers and the roads that serve them. These facts have encouraged the local jurisdictions, community residents, and the Agency itself to pursue an "environmental redevelopment" approach to revitalize aging town centers and help achieve the goals of the TMDL.

<u>Discussion</u>:

I. Legal Foundations of the RPU

In refocusing the scope of the RPU, the imperative of our mission is defined by the Compact: attain and maintain the adopted 1982 threshold standards. The RPU is intended to enhance those more pressing and critical aspects of the Regional Plan that are no longer adequate in making progress toward achieving certain threshold standards:

[2] See the *Lake Tahoe TMDL Report* jointly prepared by the Lahontan Regional Water Quality Control Board and NDEP).

> *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 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.*[3]

The Compact also directs that the Regional Plan be developed to integrate the plans and programs of other basin jurisdictions and that the resulting plan, with its amendments, harmonize the man-made and natural environment of Tahoe:

> *In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the State, Federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.*[4]
>
> *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.*[5]

These latter mandates of the Compact are little-quoted, but they illuminate the original intent to consider the economic and sustainability needs of the region when amending the Regional Plan. They are also consistent with the recent Nevada state legislation, SB 271.

At the end of the update process, the Board must consider whether the Regional Plan, as amended, achieves and maintains threshold standards. Among the findings the Board will have to make to adopt the amendments to the Regional Plan is the following:

> *<u>Findings Necessary To Amend The Regional Plan, Including The Goals And Policies And Plan Area Statements And Maps</u>: 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]

II. Threshold Reviews Point to Changes Needed in Water Quality Threshold Attainment Strategies

With the Compact and Code provisions above as the RPU's legal foundation, we looked to the 5-year threshold evaluation to determine the needed scope of the RPU. The report indicated that only one threshold category was consistently showing a negative trend in 2006 as well as in all past evaluation reports: *Water Quality*. The "Clarity, Winter" indicator showed decreased transparency, and the "Phytoplankton PPr" indicator showed an increase in primary productivity for algae. Not coincidentally, these trends were well-explained by the TMDL.

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[3] *Tahoe Regional Planning Compact*, Article I (b), Public Law 96-551, Dec. 19, 1980
[4] Ibid., Article V (c)
[5] Ibid., Article I (a) (10)
[6] TRPA Code of Ordinances, Section 6.4

The Lake Tahoe TMDL is a requirement of the federal Clean Water Act. It is designed to protect the lake, an Outstanding Natural Resource Water, from certain "pollutants of concern." Every TMDL (there are over 44,000 nationwide) focuses on particular pollutants. The TMDL science involved ten years and $10 million in scientific inquiry and modeling and determined the pollutants of concern to be fine sediment, nitrogen, and phosphorus, with fine sediment contributing most to lake clarity decline.

Based on the peer-reviewed modeling, if the prescribed reductions in all pollutant loads are achieved, the TMDL's "Lake Clarity Challenge" (i.e., a gain of 10 additional feet of clarity in 15 years) will also be achieved. (The model estimates it will take 65 years to fully achieve the transparency standard of 29.7 meters, but the Clarity Challenge has been shown to be a feasible increment of threshold progress.)

To achieve this next increment of gain in the water quality threshold requires addressing the primary sources of fine sediment particles. The science indicates that the greatest amount of fine sediment, 72%, comes from the basin's developed areas and the roadways that serve them. It estimates that an additional $1.5 billion in water quality projects and on-the-ground improvements will be needed to turn the threshold trend from decline to progress. Areas of greatest opportunity for water quality threshold gains are associated with capital investments in redeveloping and retrofitting our developed areas and our roadways with state-of-the-art storm water treatment systems. Additional sediment sources of less magnitude and significance are the atmosphere (16%), the forest upland (9%), and stream channel (3%).

With this in mind, one foundation of the re-scoped RPU must be to improve the effectiveness of strategies for attainment of our water quality goals. The question for the Board to consider at a policy level is, "What Regional Plan changes are necessary to deliver the one-and-a-half billion dollar investment in water quality improvements to achieve the next feasible increment of progress toward threshold attainment?" The Board may also want to consider what strategies are most feasible and effective at a time of shrinking availability of public/government funds and in a contracting economy.

III. New Statutory Mandates Direct Changes to the Regional Plan

In addition to the TMDL and the threshold evaluations, another basis for revising the RPU scope is new statutory mandates implicating Regional Plan standards and issues. California's recent state laws[7] created imperatives to address greenhouse gas (GHG) emissions reduction from cars and light trucks.

At a statewide level (i.e., in the California portion of the Tahoe basin), the new statutes define the way regional land use plans (such as the Tahoe Regional Plan) must address land use, transportation, and housing imperatives. SB 375 in particular requires development of a coordinated land use and transportation planning approach (called a Sustainable Communities Strategy, or SCS) that will meet GHG emissions reduction targets established by the California Air Resources Board. Later statute (SB 575) affirmed that the Regional Plan will serve as the SCS for the Lake Tahoe Region. Fortuitously, the SCS imperatives overlap and are consistent with the RPU strategies proposed to implement the TMDL.

IV. Summary of the Revised Scope of the Regional Plan Update

The RPU, in its original scope, lacked a clear focus. Despite ongoing progress toward threshold attainment, the amendments to the Regional Plan as they were conceived in the early 2000s proposed an overhaul – "starting from scratch." This has resulted in prolonged delays and increased expenditures

[7] AB 32, sponsored by Assemblyman Fabian Núñez and SB 375, sponsored by Senator Darrell Steinberg

in formulating, evaluating, and communicating the proposed amendments. Meanwhile, there is ever-increasing public and political pressure to complete the update, the TMDL and other plans being prepared by other basin jurisdictions are relying at one level or another on TRPA's proposed amendments being actualized, and opportunities for environmental redevelopment and economic recovery are awaiting outcomes.

The scope of the update has now been re-focused on two imperatives that drive changes to:

- improve water quality and implement the TMDL, including aquatic invasive species prevention and control and forest fuels reduction as strategies to prevent potential major water quality degradation
- implement land use, transportation, and housing strategies compliant with SCS legislation

These two imperatives are complementary to each other and will be vital to attainment and maintenance of TRPA's environmental thresholds. In fact, the various strategies to improve water and air quality are meant as effective ways to achieve other cross-threshold benefits, as well.

Attachment E, a summary table of the RPU's Revised Scope, describes the major themes that would represent amendments to the Regional Plan. The project description for the re-scoped RPU contains all of the proposed Goals, Policies, and Implementations Measures and is available on-line at http://www.trpa.org on the RPU's homepage.

The historical survey of the progress of four decades, taken together with new scientific directives and new statutory land use planning mandates, point to where improvements to achieve threshold attainment are most needed. The RPU recognizes the gains – whether marked or incremental – that have come about as a result of the 1987 Regional Plan. It does not propose to amend the portions of the existing plan that are now working adequately or to increase residential development potential. The proposed small increase in commercial potential is solely to be used as an incentive for environmentally beneficial projects. The following paragraphs provide the essential basis for the scope of the RPU:

- **1987 Growth Control Framework Remains in Place with Limited Updates to Incentivize Environmental Redevelopment** – The 1987 plan firmly established growth control caps and principles that remain the foundation of today's regional regulatory structure and protect Tahoe from further threats of excessive growth. Residential and all other forms of development potential are capped. The growth control principles and practices of the 1987 plan will not be modified in the RPU.
- **TMDL Implementation** – The RPU, rather than proposing further growth, is directed by science to focus efforts on achievement of the next significant increment in environmental gain. The TMDL and TRPA's periodic threshold evaluations identify areas that need changes; the RPU relies on the scientific basis provided by these studies to define its revised focus and scope.
- **Statutory Changes Affecting Threshold Standards and California Sustainability Legislation** – New changes in state pollution standards as well as California statutory mandates for land use and transportation planning are also being applied to define the scope of the RPU.

A. Threshold Standard Changes

There are nine threshold categories, and TRPA monitors over 100 environmental indicators to determine if threshold standards are being met. The standards formed a sound basis for the existing Regional Plan and for targeting certain environmental improvements. As mentioned previously, the standards

adopted in 1982 were sometimes referred to as "lofty goals," and Resolution 82-11 acknowledged that they would take time to achieve, might only produce incremental gains, and might need to be amended.

Resolution 82-11, in paragraph 4, provides four criteria for threshold amendment. A standard may be amended when (a) it and another are mutually exclusive, (b) no basis for it exists, (c) it cannot be achieved, or (d) it is not sufficient to maintain a significant value of the region. The only threshold standards being proposed for amendment in the RPU are those that meet any of these four criteria and also fall into two limited areas:

- change is required due to updated and widely-accepted science
- change is required due to stricter standards under state or federal law, per the Compact[8]

Attachment D contains a summary table of Proposed Threshold Amendments. It describes each proposed change to the standards briefly (but in detail). A more abbreviated list is below:

1. Air Quality -- Carbon Monoxide (stricter standards)
2. Air Quality – Ozone (stricter standards)
3. Air Quality -- PM10 (stricter standards)
4. Air Quality -- PM2.5 (stricter standards)
5. Fisheries -- Lake Tahoe - Littoral Fish Habitat (new science)
6. Noise -- Off-highway vehicle noise (stricter standards)
7. Noise -- On-highway vehicle noise (stricter standards)
8. Soil Conservation -- Impervious Land Coverage (new science)
9. Vegetation -- All Special Status Plant Species (new science)
10. Water Quality -- Pelagic Lake Tahoe Clarity (new science)
11. Wildlife -- Northern Goshawk (new science)

B. Water Quality Updates to Address the TMDL

TMDL Implementation Plan – Attachment A, a summary table of the RPU's TMDL Implementation Plan, describes existing TRPA strategies and those that are newly proposed in the RPU to foster implementation of the Lake Tahoe TMDL. The RPU's strategies focus largely on environmental redevelopment in the area of greatest opportunity – the 1.1% of land area currently within Community Plan boundaries. Environmental redevelopment should not be confused with growth; rather, it is a set of strategies to (a) promote relocation of existing development off of sensitive lands and into compact town centers consistent with the concepts of California's SCS mandate; and b) accelerate the rebuilding of existing development to incorporate state-of-the-art environmental standards and best practices.

Several of the RPU's TMDL implementation strategies for the urban upland category include best management practices (BMPs), such as:

- BMP solutions targeted to state, county, and U.S. Forest Service roadways
- enhancement of the long-standing program of parcel-specific residential BMPs
- expanded BMP options for private property owners, such as participation (through in-lieu fee payment) in targeted, area-wide BMPs projects to deliver superior environmental benefits

[8] *Tahoe Regional Planning Compact*, Article V (d), Public Law 96-551, Dec. 19, 1980, states that "*The regional plan shall provide for attaining and maintaining Federal, State, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable*."

While the stream channel source category contributes only a small percentage of the pollutants of concern, it is a relatively easy target for improvement. There is 20-year history of implementing stream channel restoration projects at Tahoe, and the creeks and tributaries of most concern – like Blackwood Creek – will be prioritized to achieve the greatest gains early in the TMDL's implementation.

The RPU will address forest fuels project standards and the threat of aquatic invasive species (AIS). While the Agency will retain responsibility for permitting fuel reduction projects, the RPU proposes to create additional flexibility in permitting to expedite necessary fuel reduction projects. The strategy would ensure environmental protection through reduction in smoke and sediment pollution using best smoke management practices and forest road BMPs to prevent erosion. Measures will also be included to shore up aquatic invasive species prevention and control efforts.

The now-forming TMDL Management System, a partnership effort of agencies and implementers, will be the TMDL's operational structure.[9] TRPA, as the only regional body with both regulatory authority and planning responsibility, will use the Regional Plan and its implementing tools as an important part of the basin-wide effort to implement and achieve the Lake Clarity Challenge.

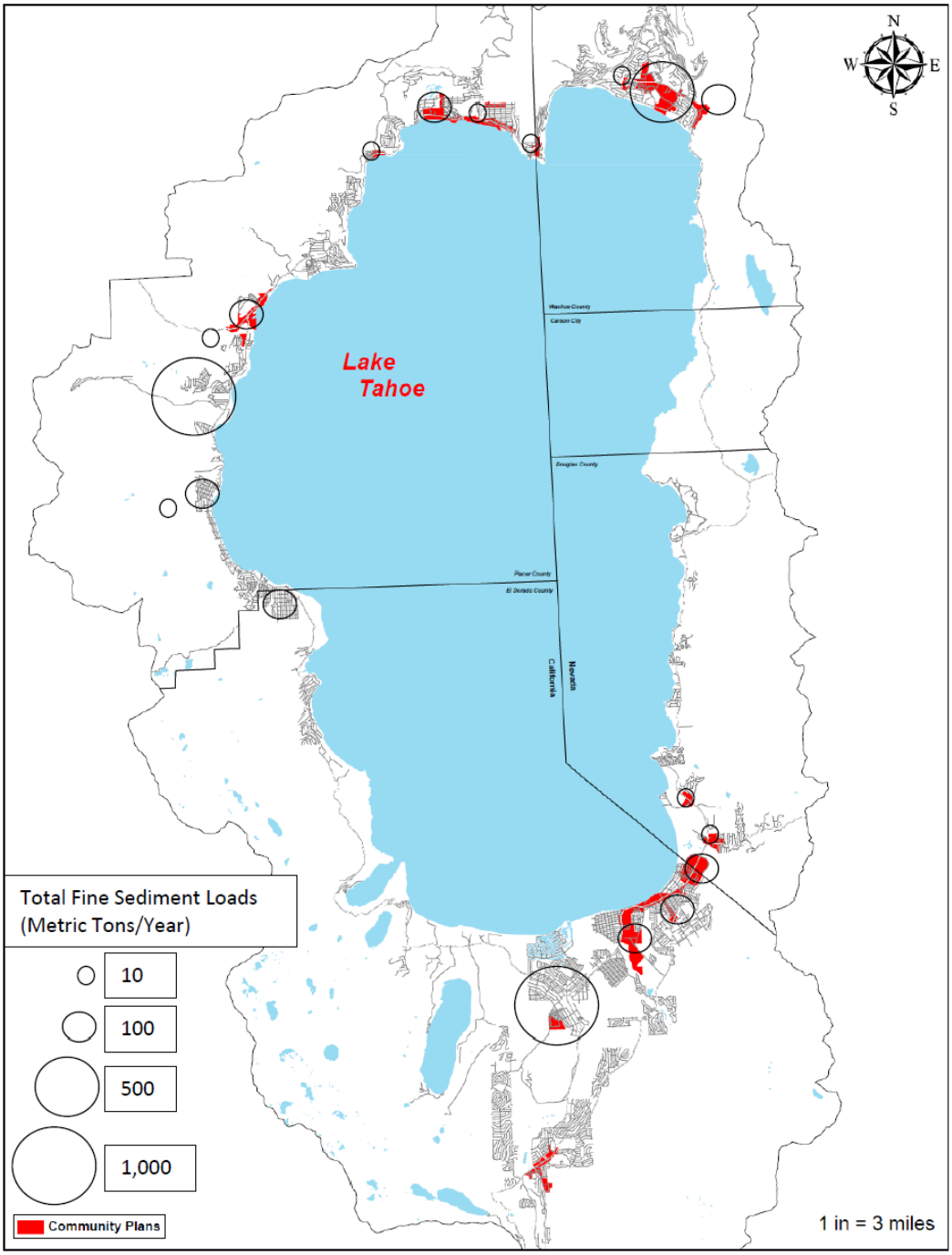
Once the TMDL is fully adopted, local jurisdictions will be subject to state permits or agreements with state water regulators to implement pollutant load reduction strategies. In response, they are preparing *Pollutant* (CA) and *Stormwater* (NV) *Load Reduction Plans* that will identify prime opportunity areas and direct specific strategies to implement the TMDL. The RPU proposes targeted ways to help agencies[10] and local jurisdictions meet TMDL milestones and aims to dovetail with federal TMDL permits, state agreements, and local jurisdictions' implementing plans.

RPU Addresses All TMDL Source Categories – The RPU will set new regulatory standards, establish environmental best practices, and incorporate strategies to deliver environmental gains in all TMDL source categories – stream channel, atmospheric, forest upland, and the source of greatest opportunity: the urban upland. Some of the most important implementation strategies in each source category include:

- Urban Upland Sources – Developing a new zoning system to spur environmental redevelopment; promote compact, mixed-use, walkable communities that reduce pollution from storm water runoff; and ensure installation of state-of-the-art water quality treatments along all roadways.
- Atmospheric Sources – Providing incentives and creating new regulations to reduce wood smoke emissions, nitrogen, and entrained dust that can be deposited into the lake.
- Forest Upland Sources – Making agreements with partner agencies to reduce and protect against undue ground disturbance and erosion from the implementation of projects needed to reduce forest fuels and protect communities against wildfire.
- Stream Channel Sources – Providing incentives to relocate development out of stream zones and floodplains to reduce erosion and making creeks that contribute large quantities of sediment the highest priority for stream channel restoration.

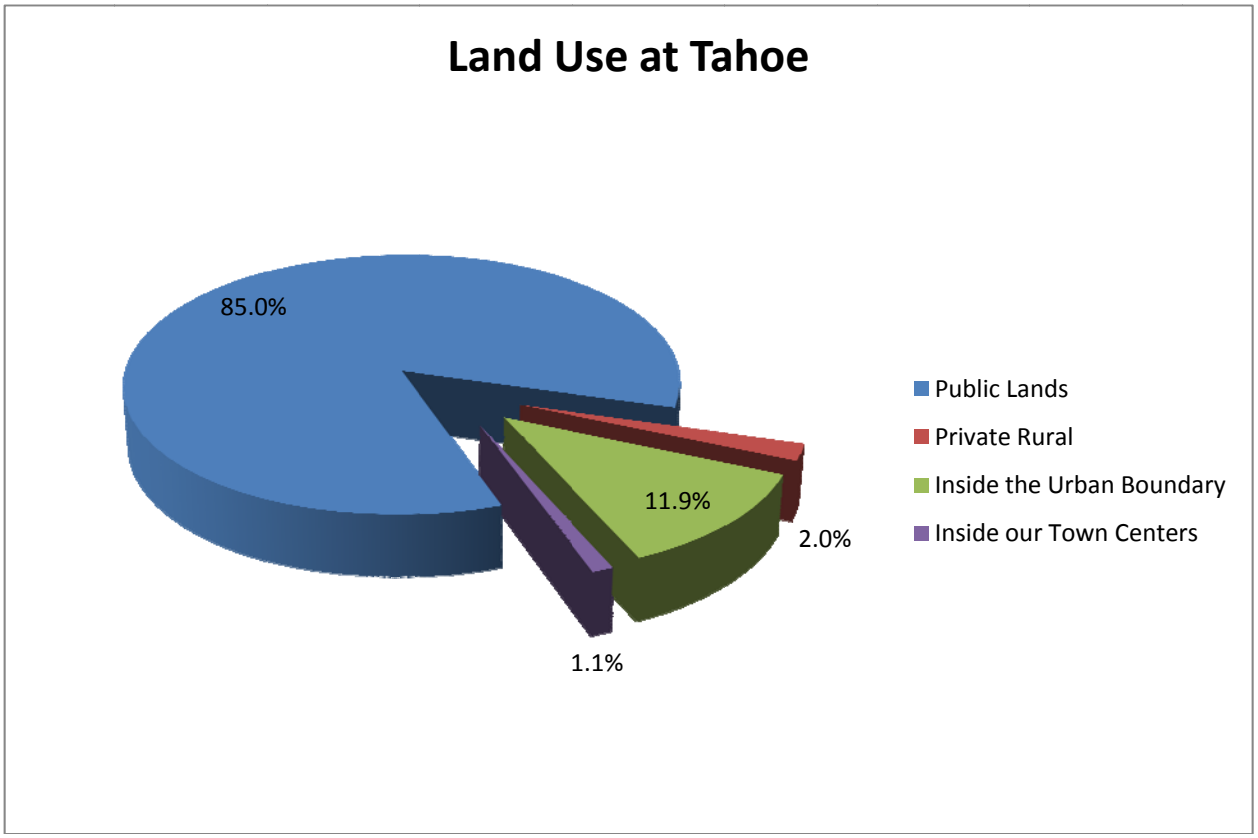
[9] See the *Lake Tahoe TMDL Report* jointly prepared by the Lahontan Regional Water Quality Control Board and the Nevada Division of Environmental Protection
[10] Lahontan Regional Water Quality Control Board and the Nevada Division of Environmental Protection

Mapping the TMDL's areas of greatest opportunity for pollutant load reductions and comparing the results to a map of Community Plan areas shows that these areas line up as nearly coextensive (*see map below*). By aggressively tackling the pollutant source problem stemming from roadways and the aging town centers (Community Plan areas), the RPU is addressing the vast majority (72%) of the pollutants.



Only 15% of Tahoe's land area remains in private ownership today, and the vast majority is protected from development pressure through public ownership. Thirteen percent of the land is within the urban boundary and the TMDL's "urban upland" source category that contributes the vast majority of TMDL

pollutant loads. About 12% of the land is made up of largely forested, single-family residential subdivisions that do not contribute as significantly to pollutant loading as do the aging town centers and commercial areas in our Community Plans. Only 1.1% of the land is within Community Plan boundaries.



Built primarily in or before the 1960s, Tahoe's roads and small business districts, including hotel and tourist properties, lack the state-of-the-art environmental infrastructure necessary to advance the basin's environmental goals. TMDL water quality data confirm that runoff from the Basin's town centers and the roads that serve them is largely responsible for the loss of lake clarity.

C. Land Use, Transportation, and Housing Updates to Address the SCS

Environmental Redevelopment Opportunities Comport with New State-Mandated Land Use Planning Changes – The RPU's proposed strategies to deliver long-overdue environmental redevelopment as a means to attain and maintain thresholds is called for in the imperatives of new California state law. The SCS legislation calls for redesign of the urbanized form into a more compact, walkable land use pattern complete with mixed-use centers street designs that serve multiple modes of transportation.

The goal of the new state mandate is to reduce or eliminate the auto-centric patterns that contribute to GHG emissions and "urban sprawl." This mandate is consistent with the TRPA Compact, which states:

> *The goal of transportation planning shall be:*
> *(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and*

(B) To reduce to the extent of [sic] feasible air pollution which is caused by motor vehicles.[11]

Overall, the SCS requirements are consistent with the on-the-ground changes needed for improvements in multiple threshold categories (e.g., air quality, recreation, scenic). The proposed new RPU strategies to implement the SCS can be grouped into four major themes:

- Reduce GHG
- Create mixed-use centers
- Promote a multi-modal transportation system
- Promote affordable housing near transit

Implementing these themes also serves to benefit TMDL attainment through reductions in atmospheric deposition, pollution from automobile use, and fine sediment loading from older, single-use development patterns. Furthermore, the SCS requirements are consistent with the on-the-ground changes needed for improvements in other threshold categories (e.g., air quality, recreation, noise, scenic). These new mandates are opportunities to eliminate outdated strip malls and scattered development patterns, which are the greatest threat both to lake clarity and economic health.

In proposing these changes in land use form and pattern (*see Attachment B, a summary table of the RPU's SCS Implementation Plan*), the RPU is not proposing new growth in the Tahoe basin.[12] The goal is to relocate existing development from sensitive lands (where it does environmental damage) into compact, mixed-use town centers and areas of higher land capability. The strategies aimed at achieving that goal would help in reducing GHG emissions, incorporating state-of-the-art environmental standards and practices, and revitalizing our communities.

Finally, per the SCS mandate, the RPU addresses transportation and housing strategies. It proposes changes to the basin's Regional Transportation Plan to incorporate complete streets design, congestion

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[11] *Tahoe Regional Planning Compact*, Article V (c) (2), Public Law 96-551, Dec. 19, 1980

[12] The RPU proposes limited or no new increases in development potential. None of its environmental impact statement (EIS) alternatives propose new residential units, and an existing pool of about 900 Residential Bonus Units remains. Alternative 2 proposes an increment of new bonus CFA of 400,000 square feet, which would add 5.9% to the basin-wide total of 6,800,000 square feet legally existing today. It also proposes creating a pool of 200 new TAUs, an addition of 1.5% to today's legally-existing inventory of approximately 13,000 units.

Unlike Tahoe, other communities often encourage revitalization through growth. With growth control firmly established in the 1980's, Tahoe does not. The proposed bonus allocations do not compare to even modest growth scenarios – 20 years of 2% annual growth, for example, would result in:

- 21,195 new residential units (*none are proposed in Alternative 2*)
- 3,106,000 additional square feet of CFA (*Alternative 2 proposes 400,000*)
- 5,823 new TAUs (*Alternative 2 proposes 200*)

These modest proposed additions are open to policy debate by the Board as to whether they are necessary or adequate as incentives for delivery of changes needed to put environmental threshold gain on the ground in the form of projects.

The two areas which have seen significant environmental gain through redevelopment of aging infrastructure and relocation of development are the South Stateline/Ski Run area, which received Redevelopment funding, and Tahoe City, in which businesses agreed to tax themselves to fund area-wide improvements. Redevelopment funding and new tax proposals – voluntary or mandated – are other policy approaches that can be debated and decided as possible means to provide redevelopment incentives.

management, multi-modal options (bicycle travel, walking, improved transit), and transportation demand management strategies. The proposed changes to housing strategy revolve around the concept of mixed-use centers, in which there is adequate affordable housing near jobs and transit to reduce automobile reliance.

V. Procedural Improvements and Streamlining Changes Will Be Made Regardless of Other Updates

One of the commonly heard complaints in dealing with TRPA's project review and permitting is how difficult it can be to understand and navigate the Code of Ordinances and Rules of Procedure. Their complexity, inefficiency, and redundancy cause frequent delays in project processing. Improvements to correct these issues will be addressed regardless of any other proposals to update the Regional Plan.

An effort is underway to reorganize and clean up and improve the efficiency the Code and the Rules. It is a collaboration of TRPA with local jurisdictions, partner agencies, the lay public, and consultants, and it will be brought forward for Governing Board review and approval later this year.

The "Code Clean-Up and Procedural Improvements," as this effort is called, will be pursued as a vital part of the RPU process and schedule, *but it can also stand independently as a pure benefit of the planning process and a component of implementing TRPA's Strategic Plan*. It promulgates the key strategic concepts and top operational goals for the Agency: to streamline processes, increase regulatory predictability, make operational efficiency a part of our culture, and deliver an understandable and user-friendly set of regulations and procedures this year.

VI. Schedule, Milestones and Workshops, and Additional Public Participation

Like earlier phases of the RPU, the final completion phase will be marked by regular and ready communication between and among staff, the Governing Board, partners, stakeholders, and members of the general public. This schedule (*see Attachment C, Schedule for Regional Plan Update*) contains, by year and quarter: major workshops, hearings, opportunities for public input and outreach, and milestones towards the certification of the RPU's Environmental Impact Statement.

The schedule lays out a course for timely completion of the RPU. The scope that it outlines ensures that all parties interested in the process have information and opportunities to participate. The newly-constituted "Governing Board Working Group on the Regional Plan Update" will continue to work with and advise staff in refining and implementing this proposed schedule and the scope of work and events that it entails.

Attachments:

A. Summary Table of the RPU's TMDL Implementation Plan
B. Summary Table of the RPU's SCS Implementation Plan
C. Schedule for Regional Plan Update
D. Summary Table of Proposed Threshold Amendments
E. Summary Table of the RPU's Revised Scope

TMDL Implementation Plan for the Regional Plan Update:
How the Proposed Strategies Add Up to a Comprehensive Approach to Achieving Our Water Quality Goals

The Regional Plan Update (RPU) uses the Lake Tahoe Total Maximum Daily Load (TMDL) modeling data to drive the development of strategies and solutions to achieve our water quality goals. While the TMDL recognizes opportunities to achieve water quality gain in four pollutant source categories – urban upland (72%), atmosphere (16%), forest upland (9%), and stream channel (3%) – it acknowledges that the greatest gain is available through improvements in the urban upland source category.

By far, the most effective way of remediating problems arising from the urban upland is to address the area of greatest opportunity – the 1.1% of land area currently within Community Plans. There is a direct correlation between the location of Community Plans and the TMDL's primary pollutant load reduction opportunity areas.

The scope of the amendments proposed with the RPU has been developed to focus first on the urban upland, and especially our aging town centers and the roads that serve them. It also concentrates, to a somewhat lesser extent, on all other TMDL pollutant source categories. By doing so, the RPU will incorporate measures to meet the Clarity Challenge (ten feet of additional lake clarity in the TMDL's first 15 years) and achieve our water quality thresholds. As an added benefit, this implementation plan is completely complementary to the strategies mandated by California's recent Sustainable Communities legislation (SB 375), will produce multiple cross-Threshold benefits, and will promote opportunities to revitalize Tahoe's economy.

The following table (*see next page*) serves as a tool to describe the RPU's TMDL implementation plan, explain the benefits of both existing and proposed strategies, and indicate ways in which TRPA will be a vital component of the basin-wide partnership to implement the TMDL.

TMDL Implementation Strategy	TMDL Source Category Addressed	Means of Implementation (*bold + italic indicates new proposal in RPU*)	Potential Roles for TRPA and Partners
Residential Projects			
Residential BMP Installation	Urban Upland	Site evaluation, public education, and technical support	• TRPA – education, regulation, facilitation • Homeowners – implementation • Fire Districts – education • Resource Conservation Districts – education, technical assistance
	Urban Upland	***Project permitting and targeted enforcement***	• TRPA – regulation, facilitation, enforcement • Resource Conservation Districts – implementation, facilitation, enforcement • Local Jurisdictions – regulation, enforcement
	Urban Upland Atmosphere	***Stricter regulations for construction dust control***	• TRPA, Local Jurisdictions – education, regulation, facilitation, enforcement • Project Proponents -- implementation
	Urban Upland Atmosphere	***Create consistency between defensible space criteria and good landscape design***	• TRPA, Local Jurisdictions – education, regulation, facilitation • Homeowners – implementation • Fire Districts –education • Resource Conservation Districts – education, technical assistance
	Urban Upland	***Enhanced point-of-sale disclosure and retrofit requirements***	• TRPA – education, regulation • Realtors – education, facilitation • Homeowners – implementation
	Urban Upland	***Area-wide stormwater treatment solutions, including in-lieu fee options for individual parcels to contribute pro-rata share***	• TRPA – regulation, facilitation, enforcement, collaboration • Local Jurisdictions – education, regulation, facilitation, implementation • Homeowners – program participation • Fire Districts – education • Resource Conservation Districts – education, technical assistance
Wood Stove Replacement	Atmosphere	***Stricter emissions standards***	• TRPA, Local Jurisdictions – education, regulation, enforcement

TMDL Implementation Strategy	TMDL Source Category Addressed	Means of Implementation (*bold + italic indicates new proposal in RPU*)	Potential Roles for TRPA and Partners
	Atmosphere	***Enhanced point-of-sale disclosure***	• TRPA – education, regulation • Realtors – education, facilitation • Homeowners – implementation
	Atmosphere	***Strategies for removal of non-compliant wood stoves by 2020***	• TRPA – education, enforcement, regulation • Realtors – education, facilitation • Homeowners – implementation
	Atmosphere	***Rebates and incentives for new wood stove retrofits***	• TRPA – funding, education, outreach, facilitation, program development • Homeowners – implementation • Local Jurisdictions – education, facilitation
Commercial, Institutional, and Public Service Projects			
Environmental Redevelopment	Urban Upland	Site evaluation, public education, and technical support	• TRPA – education, regulation, facilitation • Property Owners – implementation • Fire Districts – education • Resource Conservation Districts – education, technical assistance
	Urban Upland	***Project permitting and targeted enforcement***	• TRPA – regulation, facilitation, enforcement • Resource Conservation Districts – implementation, facilitation, enforcement • Local Jurisdictions – regulation, enforcement
	Urban Upland	***Stricter regulations for construction dust control***	• TRPA and Local Jurisdictions – education, regulation, facilitation, enforcement • Project Proponents -- implementation
	Urban Upland Forest Upland	***Incentives for transfer of development from sensitive lands***	• TRPA – program development, collaboration, regulation, facilitation, education, outreach • Local Jurisdictions, State Agencies, Stakeholders – program development, collaboration • Project Proponents – implementation

TMDL Implementation Strategy	TMDL Source Category Addressed	Means of Implementation (*bold + italic indicates new proposal in RPU*)	Potential Roles for TRPA and Partners
	Urban Upland	***Form-based code that makes land use requirements more predictable***	• TRPA – collaboration, facilitation, education, regulation • Local Jurisdictions – collaboration • Stakeholders – collaboration
	Urban Upland Atmosphere	***Mixed-use zoning to promote vibrant "live/work/play" centers that reduce land coverage and automobile reliance***	• TRPA – collaboration, facilitation, education, regulation • Local Jurisdictions – collaboration • Stakeholders – collaboration
	Urban Upland	***Consideration of alternative TRPA requirements to "20-yr. 1-hour storm" standard***	• TRPA – collaboration, regulation, facilitation, enforcement • Local Jurisdictions, State Agencies, Stakeholders – collaboration
Fertilizer Management	Urban Upland	***Consideration of stricter regulations on fertilizer use and native plant selection to limit nutrient loading to Lake Tahoe***	• TRPA – collaboration, regulation, education, outreach, facilitation, enforcement • Stakeholders – collaboration, implementation
Roadway Projects			
Complete Streets	Urban Upland Atmosphere	***Multi-modal design standards to reduce reliance on the private automobile and support vibrant "live/work/play" centers.***	• TRPA – collaboration, regulation, education, facilitation, enforcement • Local Jurisdictions, State Agencies, Project Proponents – collaboration, implementation
Reduce pollutant loads originating from County/City, State, and Forest Service roads	Urban Upland	Curb and gutter, drainage stabilization, revegetation, infiltration and treatment systems, water bars, armored swales, etc.	• TRPA – collaboration, regulation, education, facilitation, enforcement • EIP Partners, Project Proponents – funding, collaboration, implementation
	Urban Upland Atmosphere	***Increase proportion of mitigation fees used for enhanced EIP project operations and maintenance***	• TRPA, Local Jurisdictions – collaboration, program development, implementation
	Urban Upland	***Stricter regulations for sweeping and construction dust control***	• TRPA and Local Jurisdictions – education, regulation, facilitation, enforcement • EIP Partners, Project Proponents -- implementation

TMDL Implementation Strategy	TMDL Source Category Addressed	Means of Implementation (*bold + italic indicates new proposal in RPU*)	Potential Roles for TRPA and Partners
	Urban Upland Atmosphere	***Require annual tracking, accounting, reporting, and monitoring of pollutant load reductions***	• TRPA, State Agencies, Local Jurisdictions, Science Community – collaboration, implementation
	Urban Upland	***Area-wide stormwater treatment solutions***	• TRPA – regulation, facilitation, enforcement, collaboration • Local Jurisdictions – education, regulation, facilitation, implementation • Other EIP Partners – implementation
Other Projects			
Stream Channel and Wetland Restoration	Stream Channel	EIP project permitting	• TRPA – regulation, facilitation, collaboration • EIP Partners – collaboration, implementation
	Urban Upland Stream Channel	EIP projects to reduce stream channel erosion, restore natural filtering, and achieve Threshold gain	• TRPA – funding source identification, regulation, facilitation, collaboration • EIP Partners – funding, collaboration, implementation • TRPA will continue to work with all EIP partners to develop, coordinate, and implement EIP projects that result in water quality improvement.
	Urban Upland Stream Channel	***Incentives to remove development from the floodplain and SEZs***	• TRPA – program development, collaboration, regulation, facilitation, education, outreach • Local Jurisdictions, State Agencies, Stakeholders – program development, collaboration • Project Proponents – implementation
Aquatic Invasive Species and Nearshore Water Quality Management	Urban Upland	Prevention, including boat inspection	• TRPA – program development, fiscal management, collaboration, regulation, enforcement, facilitation, implementation, education, outreach • Resource Conservation Districts – program development,

TMDL Implementation Strategy	TMDL Source Category Addressed	Means of Implementation (*bold + italic indicates new proposal in RPU*)	Potential Roles for TRPA and Partners
			implementation, education, outreach • US Fish & Wildlife Service – funding, enforcement, program development
	Urban Upland	Control/removal	See above.
	Urban Upland	Monitoring/response	See above.
	Urban Upland	***Incorporate policy for eradication of aquatic invasive species, including plant species that decrease nearshore water quality***	• TRPA – policy development, collaboration, facilitation • Partner Agencies, Stakeholders, Resource Conservation Districts, US Fish & Wildlife Service – collaboration
Forest Fuels Reduction	Urban Upland Forest Upland	BMP compliance before, during, and after fuels reduction projects	• TRPA – regulation, enforcement, facilitation • State Agencies – collaboration, enforcement • Fire Districts, Land Management Entities – collaboration, education, implementation
	Urban Upland Forest Upland	***Predictable guidelines and flexibility in permitting fuels reduction projects***	• TRPA – regulation, enforcement, facilitation • Fire Districts, Land Management Entities – collaboration, implementation
	Atmosphere	***Smoke management plans to promote low-emission fuel reduction techniques***	• TRPA – program development, collaboration, facilitation, monitoring • Fire Districts, Land Management Entities – program development, collaboration, implementation

SCS Implementation Plan for the Regional Plan Update: How the Proposed Strategies Add Up to a Comprehensive Approach to Achieving Our Water Quality Goals

The Regional Plan Update (RPU) incorporates the mandates of California's recent Sustainable Communities legislation (SB 375) in the development of strategies and solutions to achieve multiple cross-threshold goals. The legislation requires the Regional Plan to contain a Sustainable Communities Strategy (SCS) for the California portion of the basin to reduce or eliminate the auto-centric patterns that contribute to greenhouse gas (GHG) emissions and "urban sprawl."

To implement the SCS, the RPU proposes to require redesign of the urbanized form into a more compact, walkable land use pattern complete with multi-modal street designs and mixed-use centers. This is consistent with the TRPA Compact, which mandates that the plan reduce air pollution and dependency on the private automobile.

The RPU's SCS implementation plan is, like the TMDL implementation plan, focused not on growth but on relocating existing development from sensitive lands (where it does environmental damage) into compact, mixed-use town centers and areas of higher land capability. The strategies aimed at achieving that goal would help in reducing GHG emissions, incorporating state-of-the-art environmental standards and practices, and revitalizing our communities.

Per the mandate of the SCS legislation, the RPU addresses transportation and housing strategies that also will reduce reliance on the private automobile. It proposes changes to the Regional Transportation Plan for the basin to incorporate complete streets design, congestion management, multi-modal options (bicycle travel, walking, improved transit), and transportation demand management strategies. The proposed changes to housing strategy revolve around the concept of mixed-use centers, in which there is adequate affordable housing near jobs and transit to reduce automobile reliance.

Overall, the requirements of SB 375 are consistent with the on-the-ground changes needed for improvements in multiple threshold categories (e.g., air quality, recreation, noise, scenic). The proposed new RPU measures to implement the SCS can be grouped into four major themes:

- Reduce GHG
- Create mixed-use centers
- Promote a multi-modal transportation system
- Promote affordable housing near transit

Each of these themes benefits TMDL attainment through reduced atmospheric deposition of nitrogen, pollution from automobile use, and fine sediment loading from older, single-use development patterns and pulverization by cars and trucks. The following table (*see next page*) describes the RPU's SCS implementation plan.

SCS Implementation Strategy Addressed	Location in RPU	Means of Implementation Proposed in RPU	Explanation/Potential Benefits
Reduce GHG Create mixed-use centers	Land Use	**Implement zoning that is tailored to desired community character**	Transect and Form-Based Zoning that accurately reflects each local jurisdiction's land use vision (consistent with TRPA's environmental sideboards) would promote predictability, good design, and environmental redevelopment in mixed-use centers.
Reduce GHG Create mixed-use centers Promote multi-modal transportation system	Land Use	**Promote pedestrian- and transit-oriented development (PTOD) and mixed-use development patterns**	Compact, vibrant town centers would create opportunities to live, work, and play within close proximity to alternative modes of transportation, which can reduce vehicle trips and accelerate threshold attainment.
Reduce GHG Create mixed-use centers	Land Use	**Revise land coverage rules to incentivize environmental redevelopment in Town, Tourist, and Neighborhood Centers**	Today, vacant parcels in Community Plans can accept transfers up to 70% coverage, while developed parcels can only accept 50%. This *dis*-incentivizes redevelopment. Allowing 70% coverage on both vacant and developed parcels in Town, Tourist, and Neighborhood Centers would promote PTOD, environmental redevelopment, and accelerated threshold attainment.
Reduce GHG Create mixed-use centers	Land Use	**Prioritize transfer of coverage from sensitive lands to Town, Tourist, and Neighborhood Centers**	Creating the largest incentives for coverage transfer from sensitive lands to Town, Tourist, and Neighborhood Centers would promote compact, mixed-use centers and accelerated threshold attainment.
Reduce GHG Create mixed-use centers Promote multi-modal transportation system Promote affordable housing near transit	Land Use	**Require minimum densities in Town and Tourist Centers**	Studies show that minimum density requirements are needed to create compact, vibrant town centers that reduce private automobile use. The SCS legislation calls for minimum density standards to be instituted if Housing Needs Assessments show lack of housing near transit.

SCS Implementation Strategy Addressed	Location in RPU	Means of Implementation Proposed in RPU	Explanation/Potential Benefits
Reduce GHG Create mixed-use centers	Housing	**Update land coverage standards to incentivize the removal of soft coverage from SEZs**	Incentivizing transfer of soft coverage from SEZs to commercial, tourist, and mixed-use facilities located within Town, Tourist and Neighborhood Centers would create SEZ restoration opportunities, help revitalize the built environment, and accelerate threshold attainment.
Reduce GHG Create mixed-use centers Promote multi-modal transportation system Promote affordable housing near transit	Housing	**Create incentives for mixed-income housing**	Accelerating provision of all types of housing for all income levels in Town and Neighborhood centers would accelerate multi-threshold attainment and create conformity with SCS legislation, which calls for housing in proximity to transit.
Reduce GHG Create mixed-use centers Promote multi-modal transportation system Promote affordable housing near transit	Housing	**Exempt moderate income housing from allocation requirements**	Exempting moderate income projects from allocation requirements would promote housing for people to work and live at Tahoe, reduce reliance on the private automobile, and support threshold achievement.
Reduce GHG Create mixed-use centers	Community Design	**Express desired community character in new design standards**	Place-based community planning that accurately reflects local vision, protects community character, and creates predictable development standards would encourage environmental redevelopment and threshold gain.
Reduce GHG Promote multi-modal transportation system	Transportation	**Emphasize complete streets design to support PTOD**	Requiring streets to be designed to promote PTOD through multi-modal features (bike paths, sidewalks, transit stops, street furniture) would allow people to reduce their dependence on the private automobile and accelerate threshold attainment.

SCS Implementation Strategy Addressed	Location in RPU	Means of Implementation Proposed in RPU	Explanation/Potential Benefits
Reduce GHG Promote multi-modal transportation system	Transportation	**Require projects to incorporate non-automobile transportation modes**	Requiring that projects accommodate non-automobile transportation modes and support complete pedestrian, bicycle, and transit networks would reduce dependency on the private automobile and accelerate threshold attainment.
Reduce GHG Create mixed-use centers Promote multi-modal transportation system Promote affordable housing near transit	Transportation	**Create a Sustainable Communities Strategy (SCS) in compliance with California law –**	California legislation mandates that the Regional Plan contain an integrated transportation, land use, and housing strategy to reduce GHG emissions from cars and light trucks for the California part of the Tahoe basin. Implementing an SCS would result not just in legal compliance but also in accelerated threshold attainment.
Reduce GHG Create mixed-use centers	Performance Review & Implementation Scheduling	**Update the allocation pool for Residential, CFA, and TAUs for the next planning horizon**	Making available residential allocations under the existing 1987 development cap and creating limited additional bonus pools of CFA and TAUs would allow for continued orderly growth while providing incentives for environmental redevelopment, creating mixed-use centers, and driving threshold gain.
Reduce GHG Create mixed-use centers	Performance Review & Implementation Scheduling	**Use CFA to incentivize environmental redevelopment**	Using bonus CFA as a match incentive for projects that transfer development from sensitive lands into Town, Tourist, and Neighborhood Centers would help implement the TMDL, reduce the negative impacts of legacy development through environmental redevelopment, and drive threshold gain.

Schedule for Regional Plan Update:
Governing Board Workshops and Hearings, Public Participation, and EIS Milestones

Like earlier phases of the Regional Plan Update (RPU), the final completion phase will be marked by regular and ready communication between and among staff, the Governing Board, partners, stakeholders, and members of the general public. This schedule (*see next page*) contains, by year and quarter, major workshops, hearings, opportunities for public input and outreach, and milestones towards the certification of the RPU's Environmental Impact Statement.

The newly-constituted Governing Board working group on the Regional Plan Update will continue to work with and advise staff in refining and implementing this proposed schedule and the scope of work and events that it entails. As it stands, the highlights of the schedule could include:

- Board workshops on transect zoning, TMDL implementation, the marketable rights and coverage study currently being pursued by the California Tahoe Conservancy, Thresholds, and major "pickup" issues throughout the process
- Combined Board/Advisory Planning Commission hearings for adoption of "Code Cleanups and Procedural Improvements" in the fourth quarter of 2011
- Combined Board/Advisory Planning Commission hearings initiating the adoption sequence for the RPU in the fourth quarter of 2011
- Major opportunities for public input on the Draft Environmental Impact Statement (EIS)
- Regular monthly status updates at Board hearings and through electronic communication throughout the process

The schedule lays out a course for timely completion of the RPU. The scope that it outlines ensures that all parties interested in the process have information and opportunities to participate. The process for and the critical path to the completion of the update include Final EIS certification, updating the federal water quality management (208) Plan, and adopting an updated Zoning Map, Code, and Goals & Policies. To get to the end, complex groundwork must be laid in each of these areas.

Schedule for Regional Plan Update:
Governing Board Workshops and Hearings, Public Participation, and EIS Milestones

	ACTION	2011		2012			
		Q3	Q4	Q1	Q2	Q3	Q4
Governing Board Process	Review of RPU schedule, scope, and process	☑					
	Informational joint APC/GB hearing on Code clean-up and procedural improvements	☑					
	Initiate GB/APC hearing for adoption of Code clean-up and procedural improvements		☑				
	Public hearings for Draft EIS			☑			
	Receive Final EIS for review					☑	
	Workshops to provide staff with direction on: • transect zoning • TMDL implementation • marketable rights and coverage study • Thresholds, major "pickup" issues, etc.		☑	☑	☑	☑	
	Initiate GB/APC hearings for: • FEIS certification • Federal WQ Mgmt (208) Plan update • adoption of updated Zoning Map, Code, and Goals & Policies						☑
	Receive monthly status updates from staff	☑	☑	☑	☑	☑	☑
Public Process: Outreach and Participation	Workshops/Charrettes to solicit input on: • marketable rights and land coverage study • Code clean-up and procedural improvements • TMDL implementation • "character areas" to refine the transect system • "Phase 2" Code update (RPU-driven amendments)	☑	☑	☑	☑		
	Opportunity to comment on Draft EIS: • GB hearings • North Shore and South Shore evening workshops			☑			
	Outreach meetings to review: • completed Final EIS • "Phase 2" Code update (RPU-driven amendments) • "character areas" and updated Zoning Map					☑	
	Opportunity to comment at GB hearings initiating the adoption phase of the RPU						☑
	Monthly web update, e-mail blast ("Tahoe 2110"), etc.	☑	☑	☑	☑	☑	☑
EIS Process	Perform EIS analysis	☑	☑				
	Submit Draft EIS for review			☑			
	Respond to comments				☑		
	Submit Final EIS for review and certification					☑	☑

Threshold Category	Issue in Alternative 1 (same as current Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
Air Quality	The existing Carbon Monoxide Threshold does not incorporate recently changed, stricter state and federal standards.	**Amend the Air Quality Threshold Standard for Carbon Monoxide to be consistent with the strictest state and federal standards** – The proposal would amend the existing standard of 9 ppm over an 8-hour period to 6 ppm over 8 hours and add a 20 ppm standard for any one-hour period. This would create consistency with the strictest applicable standards intended to protect human health.	Establish separate air quality threshold standards for Carbon Monoxide for the California and Nevada portions of the basin. Each standard would be consistent with federal standards and the respective state's air quality standards.	Same as Alternative 2
Air Quality	The existing Ozone Threshold does not incorporate recently changed, stricter state and federal standards.	**Amend the Air Quality Threshold Standard for Ozone to be consistent with the strictest state and federal standards** – The proposal would retain the existing standard of 0.08 ppm over a 1-hour period and add a 0.07 ppm standard for any 8-hour period. This would create consistency with the strictest applicable standards intended to protect human health.	Establish separate air quality threshold standards for ozone measured over an 8-hour period for the California and Nevada portions of the Basin. Each standard would be consistent with federal standards and the respective state's air quality standards.	Same as Alternative 2
Air Quality	There is no existing threshold standard to incorporate recently changed, stricter state and federal standards for particulate matter less than 10 microns (PM 10).	**Create an Air Quality Threshold Standard for PM 10 that is consistent with the strictest state and federal standards** – The proposal would create a threshold standard for PM 10 of 20 µg/m3 for an annual average, and 50 µg/m3 for any 24-hour period. This would create	Establish separate Air Quality Standards for PM 10 for the California and Nevada portions of the basin. Each standard would be consistent with federal standards and the respective state's air	Same as Alternative 2

Threshold Category	Issue in Alternative 1 (same as current Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
		consistency with the strictest applicable standards intended to protect human health.	quality standards.	
Air Quality	There is no existing threshold standard to incorporate recently changed, stricter state and federal standards for particulate matter less than 2.5 microns (PM 10).	**Create an Air Quality Threshold Standard for PM 2.5 that is consistent with the strictest state and federal standards** – The proposal would create a threshold standard for PM 2.5 of 12 µg/m3 for an annual average, and 35 µg/m3 for any 24-hour period. This would create consistency with the strictest applicable standards intended to protect human health.	Establish separate Air Quality Threshold Standards for PM 2.5 for the California and Nevada portions of the basin. Each standard would be consistent with federal standards and the respective state's air quality standards.	Same as Alternative 2
Fisheries	The existing Lake Habitat Threshold Standard is based on a map of fish habitat that includes identified errors and does not incorporate current mapping technologies. This standard could be strengthened to better protect fish habitat.	**Amend the Fisheries Threshold Standard for Lake Habitat to incorporate the most current scientific information** – The proposal would retain the current target of 5,948 acres of prime fish habitat. However, the location and extent of prime fish habitat would be based on an updated and more accurate map that corrects errors in the original map and incorporates current mapping technologies. The updated map would focus habitat protections where they have the most benefit.		
Noise	The existing Noise Threshold Standard for off-highway vehicles cannot be measured and is inconsistent with other applicable noise standards for the region.	**Amend the Noise Threshold Standard for Off-Road Vehicles to be consistent with state standards and improve monitoring accuracy** – The proposal would replace the existing standard, which is measured from 50 feet and has different criteria based on the speed that a vehicle is traveling. The new standard would be consistent with state standards and would be measured at 20 inches from a parked vehicle, allowing for monitoring accuracy.		

Threshold Category	Issue in Alternative 1 (same as current Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
Noise	The existing Noise Threshold Standard for on-highway vehicles is inconsistent with applicable state standards.	**Amend the Noise Threshold Standard for On-highway Vehicles to be consistent with state standards** – The proposal would replace the existing standards for On-highway Vehicles with the California standards as described in the California Vehicle Code.		
Soil Conservation	The existing Impervious Land Cover Threshold Standard requires that all land coverage comply with a land capability classification completed in 1974. The standard does not allow for the incorporation of new scientific information that would enhance the accuracy of the land capability map.	**Amend the Soil Conservation Threshold Standard for Impervious Cover to allow for the incorporation of the most current scientific information** – The proposal would retain the land capability district classification methods and the district-based coverage limitations from the 1974 land capability study and map. However, the proposal would allow the land capability map to be updated based on new information.		
Vegetation	The existing Sensitive Plants Threshold Standard calls for a minimum number of population sites for several plant species but does not include the same species as the Forest Service's sensitive plant species list.	**Amend the Vegetation Threshold Standard for Sensitive Plants to incorporate the Forest Service sensitive plants list** – The proposal would retain the existing list of TRPA sensitive plants and add a management standard to survey and protect all known populations of Forest Service (LTBMU) listed sensitive plants.		
Water Quality	The existing Pelagic Lake Tahoe Threshold Standard is inconsistent with state and federal standards.	**Amend the Water Quality Threshold Standard for Pelagic Lake Tahoe transparency to be consistent with the Lake Tahoe TMDL standards** – The proposal would replace the winter average Secchi depth standard of 33.4 meters with an annual average of 29.7 meters. This would reflect the science that supports the TMDL and is consistent with applicable state and federal standards. Unlike the winter average, the annual average includes readings taken when most pollutants are delivered to the lake and when most recreation occurs; it tends to be several meters less. Therefore, the proposal is equal to or stricter than the status quo.		

Threshold Category	Issue in Alternative 1 (same as current Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
Wildlife	The current Northern Goshawk Threshold Management Standard applies a non-degradation standard to a 0.5 mile radius surrounding a Goshawk nest regardless of the quality of habitat within that radius. This standard does not incorporate current scientific information on Goshawk habitat requirements and may provide inadequate protection for the species while resulting in land use restrictions that offer little or no actual benefit to the species.	**Amend the Wildlife Threshold Management Standard for Northern Goshawk to focus protections on the most valuable habitat** – The proposal would protect the same total area (approximately 500 acres) around a Goshawk nest as the existing standard. However, the boundaries of the protected area would be based on the highest-quality habitat (polygon) rather than a simple circle. This change would ensure that the protected area provides the maximum benefit for the species, and it would remove restrictions from locations that provide little or no benefit to the species.	Same as Alternative 1	Retain the existing 0.5 mile radius protected area (circle) surrounding a Goshawk nest in addition to the approximately 500 acres of highest-quality habitat surrounding the nest (polygon).

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
Land Use	The current Plan Area Statement zoning system is not fine-grained enough to protect community character. In Kings Beach, for example, there is Commercial zoning that could potentially allow a 4-story building on any parcel along a 1.4-mile strip of Rte. 28. The current zoning also does not regulate form; this can create uncertainty during the project approval process, as developers struggle to understand the style that the community desires and deal with opposition from community members. Overall, today's system is not specific enough to deliver widely accepted projects and the water quality and other environmental benefits they bring.	**Implement a zoning system that is tailored to achievement of TMDL and desired community character** –The proposal is to work with our partners and the community-at-large to implement a Transect and Form-Based Zoning system that accurately reflects each local jurisdiction's land use vision consistent with TRPA's environmental sideboards. This would create a framework of predictability based in good design. It would encourage projects to transfer development from sensitive lands, promote community character, and deliver environmental gain through redevelopment that can accelerate attainment of the Water Quality and other Thresholds.	Same as Alt. 1	

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
Land Use	According to recent studies, the most sustainable land use pattern is Pedestrian- and Transit-Oriented Development (PTOD), which allows people to "live, work, and play" without excessive reliance on the private car. In fact, the studies have shown that the most inefficient PTOD beats the most efficient conventional development pattern when it comes to saving all forms of energy. The 1987 land use plan lacks recognition of PTOD planning principles and the importance that mixed-use patterns can play in creating vibrant Town, Tourist, and Neighborhood Centers.	**Promote PTOD and mixed-use development patterns** – The proposal would create incentives and regulation to foster the relocation of "legacy" development out of sensitive lands and into compact, vibrant town centers. Mixed-use development and PTOD would create opportunities to live, work, and play within close proximity to alternative modes of transportation, which can reduce vehicle trips and accelerate attainment of the Air and Water Quality Thresholds. Through transfer of development, multiple environmental benefits can be realized without increasing development potential.	Same as Alt. 1	
Land Use	Most of the parcels in CPs were developed before the	**Use new land coverage standards to focus and**	Same as Alt. 1	Establish an across-the-board maximum allowable

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	1987 Regional Plan and have an excess of land coverage. Because a project proponent may transfer in up to 70% coverage for a new development project on a vacant lot in a CP – *but only 50% for a redevelopment project on a developed lot* – the plan actually dis-incentivizes environmental redevelopment projects and the transfer of coverage from lower-density areas into Town, Tourist and Neighborhood Centers.	**incentivize environmental redevelopment in Town, Tourist, and Neighborhood Centers** - The proposal would level the playing field, treating vacant and developed parcels equally (allowing up to 70% coverage to be transferred in to support projects in Town, Tourist and Neighborhood Centers). This would promote PTOD, environmental redevelopment, coverage transfer from off of sensitive lands, and acceleration of attainment of the Scenic, Community Design, and Air and Water Quality Thresholds.		coverage limit of 50% for commercial, tourist accommodation, multi-family, and mixed-use facilities within adopted CPs and Development Transfer Zones (DTZ).
Land Use	Because of "legacy development" that was built before Thresholds were in place, both sensitive lands and CP areas generally suffer from too	**Prioritize transfer of coverage from sensitive lands and incentivize coverage reduction in Town, Tourist, and Neighborhood Centers** -	Same as Alt. 1	Amend ratios for transfer in excess of the base allowable for commercial, tourist accommodation, multi-family, and/or mixed-use facilities within adopted

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	much land coverage. Coverage needs to be reduced and state-of-the-art water quality improvements must be installed if we are to achieve attainment of the Water Quality and Soils Thresholds. The current plan does not prioritize transfers from sensitive lands and does not adequately incentivize coverage reduction in CPs.	The proposal would amend the transfer ratio provisions, creating the largest incentives for coverage transfer from sensitive lands to Town, Tourist, and Neighborhood Centers. (Studies are ongoing to confirm the optimal transfer ratios needed to make environmentally-based incentives feasible.) Projects utilizing transferred coverage would be required to install state-of-the-art water quality improvements, which would benefit water quality in the TMDL's most crucial areas for improvement.		CPs and DTZs subject to the following provisions: • Transfer only permitted within the same Hydrologically Related Area (HRA) – except the South Shore DTZ may receive coverage transfer from any HRA and the Tahoe City and Kings Beach DTZs may receive transferred coverage from any HRA within Placer County. • Transfers ratios would be a tool to reduce land coverage overall, with a transfer from Class 6-7 lands requiring a 3:1 ratio (sending:receiving), Class 4-5 at 2:1, Class 1-3 at 1.25:1, and only SEZ at an even 1:1.
Land Use	Under the current plan, soft coverage may only be transferred to single-family projects and linear public facilities. Because there are limited opportunities for	**Update land coverage standards to incentivize the removal of soft coverage from SEZs** – The proposal would create an incentive to transfer legally-	Same as Alt. 1	Prohibit the transfer of soft or potential coverage to tourist, multi-family, commercial, or public service facilities. Exceptions would be

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	this, we are not seeing a rapid rate of removal of soft coverage in SEZs. Removal and restoration of soft coverage in SEZs can remove a sediment source, reduce erosion, and accelerate attainment of the Water Quality and Soils Thresholds.	existing, verified soft coverage from SEZs to commercial, tourist, and mixed-use facilities located within Town, Tourist and Neighborhood Centers. This would serve several purposes: create opportunity to restore SEZs, incentivize revitalization of the built environment, and accelerate attainment of the Water Quality and Soils Thresholds.		allowed for bike trails/paths that use pervious pavement only.
Land Use	Under the current plan, coverage transfer may only occur within the same HRA. By not allowing transfer from one HRA to another, this restriction perpetuates over-coverage in certain HRAs. It prevents beneficial projects that would remove coverage in areas of greatest need of restoration and hampers our ability to achieve the	**Update land coverage standards to incentivize the transfer of coverage from "Impaired Watersheds"** – The proposal would allow transfer of coverage across HRA boundaries (provided that the coverage comes from a watershed that is designated as "impaired" and transferred to a "non-impaired" watershed and	Same as Alt. 1	Allow the transfer of hard coverage from any HRA to the South Shore DTZ and from any HRA in Placer County to the Kings Beach and Tahoe City DTZs.

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	Water Quality and Soils Thresholds.	therefore does not exacerbate the problem). This would allow restoration in areas of greatest need and accelerate attainment of the Water Quality and Soils Thresholds.		
Land Use	Under the current plan, all projects with excess coverage must mitigate it either on-site, off-site, or pay a fee in-lieu of physical mitigation. (The in-lieu fees are used by the state land banks to purchase and retire coverage). Mitigation fees must be spent in the HRA in which they were collected. Because opportunities to retire coverage in some HRAs are limited or non-existent – land banks are having difficulty spending the fees and are not able to apply them to the highest-priority	**Allow in-lieu coverage mitigation fees to be used across HRA boundaries** – The proposal would remove the prohibition against the land banks use of in-lieu fees for coverage retirement across HRA boundaries. This would allow them to retire coverage and restore lands in high-priority areas, accelerating attainment of the Water Quality and Soils Thresholds.	Same as Alt. 1	Parcels with existing coverage in excess of the Bailey Coefficients are subject to the following requirements for reduction and retirement of coverage: • on-site – from 15 to 25% (sliding scale) • off-site – must be within an HRA, with a transfer from Class 6-7 lands requiring a 3:1 ratio (sending:receiving), Class 4-5 at 2:1, Class 1-3 at 1.25:1, and only SEZ at an even 1:1.

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	projects, delaying environmental gain.			
Land Use	Today, existing "Casino Core area" development is considered non-conforming for height. Under existing regulations, redevelopment efforts would require conformance with a height standard well below existing conditions. This is a barrier to redevelopment. The South Shore Vision (with participation from stakeholders and local jurisdiction representatives) indicates that serving tourism and promoting economic viability will require limited locations where existing height should be allowed.	**Incentivize Casino Core area redevelopment by recognizing existing non-conforming height** – The proposal would establish Casino Core area-only maximum heights based on existing, non-conforming conditions. This would encourage environmental redevelopment resulting in improvements to the built environment and accelerated attainment of Air and Water Quality Thresholds.	Same as Alt. 1	Amend Code to delete the special height districts and limit height to the existing 1987 height ordinances with exceptions for DTZs. • Allow up to 3 stories in the commercial core sections of the South Stateline DTZ, with a two-story limit in proximity of the lakeshore. • Allow up to 4 stories in the commercial core sections of South Stateline only, with a three-story limit in proximity of the lakeshore.
Land Use	In some cases, small motel units are being transferred into Tourist Accommodation Unit (TAU) projects with much larger	**Set standards for TAU size** – The proposal would update the definition of a TAU, establishing a maximum size of 1,200	Limit TAU size for: • timeshares and partial-ownership units to 1,500 square feet of floor area. • hotel rooms with	Limit TAUs to 550 square feet, one bedroom, and one bathroom available for transfer purposes. TAUs may be combined with a

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	unit sizes. Some argue that these transfers result in negative environmental impacts and result in more development than was envisioned when the 1987 plan created the TAU transfer provisions. Others argue that, because all projects must fully mitigate their impacts, there is no difference.	square feet for units with two bedrooms or less and 1,800 square feet for units with 3 or more bedrooms. This would create predictability during the approval process, foster good design, and promote TAU transfer, resulting in accelerated removal of old, harmful development, environmental redevelopment, and accelerated multi-Threshold attainment.	kitchen facilities to 800 square feet of floor area. • hotel rooms without kitchen facilities to 450 square feet of floor area.	maximum of 4 bedrooms/3 bathrooms. The additional bathroom is not transferrable.
Housing	The incentives promoting affordable housing in the existing plan have not worked to deliver an adequate supply of affordable units. They offer density bonuses only to housing projects made up of 100% affordable units; this scenario is typically infeasible for developers. Without an adequate	**Create incentives for mixed-income housing** – To accelerate the provision of all types of housing for all income levels, the proposal would allow mixed-income housing projects to also qualify for bonus density and other incentives. New and redevelopment projects to provide mixed-income housing in our	Same as Alt. 1	Same as Alt. 2

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	supply of affordable units, the region's labor force will continue to live in substandard housing or commute from outside the basin, compromising attainment of Scenic, Community Design, and Air Quality Thresholds.	Town and Neighborhood centers would accelerate multi-Threshold attainment and create conformity with CA's Sustainable Communities Strategy legislation, which requires housing in proximity to transit.		
Housing	Existing regulations do not promote the use of existing single family residential units as affordable or moderate income units.	**Create incentives to use existing houses as affordable and moderate units** –The proposal would allow a residential bonus unit to be substituted for an existing residential unit of use that can be banked and transferred upon deed restriction as an affordable or moderate rental unit.	Same as Alt. 1	Same as Alt. 2
Housing	Under the current plan, only deed-restricted, 100% affordable housing projects are exempted from allocation requirements. This has been a disincentive to the development of	**Exempt moderate income housing from allocation requirements** – Exempting moderate income projects from allocation requirements would promote housing for	Same as Alt. 1	

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	moderate income projects – there has only been one to date.	people to work and live at Tahoe, reduce reliance on the private automobile, and support the achievement of Air and Water Quality Thresholds.		
Air Quality	Though the largest single source of wood smoke emissions is forest fuel reduction projects, emissions from wood stoves have a negative impact on both air and water quality. Under the current plan, there is no mechanism to ensure that all existing wood stoves are brought into compliance with emissions standards, and TRPA's wood stove emissions standards are outdated.	**Reduce wood stove emissions** – The proposal would update emissions standards to meet current EPA regulations and ensure that all wood stoves are eventually brought into compliance with these standards. This would not only result in accelerated attainment of the Air and Water Quality Thresholds, but it represents an opportunity for TRPA to assist local jurisdictions in achieving their TMDL load reduction targets.	Same as Alt. 1	Same as Alt. 2
Air Quality	Fuel reduction is necessary to reduce the threat of catastrophic wildfire. Reducing this threat will	**Reduce conflict between air quality regulations and forest fuel reduction needs** – The proposal would	Same as Alt. 1	Adopt the most stringent state or local air quality regulations region-wide.

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	protect life, property, air quality, and water quality. Current air quality regulations may unnecessarily prohibit forest fuels reduction projects from occurring on given days.	promote low emission fuel reduction strategies, refine smoke management best practices, and allow flexibility in permitting fuel reduction projects to assist land managers and local jurisdictions in achieving their TMDL load reduction targets.		
Air Quality	The existing plan limits where Air Quality Mitigation Funds may be used. Very cost-effective projects that could deliver superior environmental and Threshold gains cannot always be prioritized, because the plan requires all mitigation funds to be expended within the jurisdiction where they are collected.	**Allow some Air Quality Mitigation Funds to be used on the most cost-effective projects basin-wide** – The proposal would improve the efficiency of the Air Quality Mitigation Program by allowing a portion of the funds to be directed to the best projects, regardless of where they are located. This would accelerate attainment of the Air and Water Quality Thresholds.	Same as Alt. 1	Same as Alt. 2, with the additional requirement that all new projects, programs, and plans must result in a net reduction in all air pollutants that are not attaining Air Quality Threshold Standards.
Water Quality	Today's Regional Plan does not fully incorporate the	**Incorporate the TMDL into the Regional Plan** – The proposal would incorporate TMDL achievement strategies		Same as Alt. 2, with additional requirements

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	standards and practices needed to achieve the Clarity Challenge (10 feet in 15 years) and implement the Lake Tahoe TMDL. The current approach to achieving the Water Quality Thresholds requires projects to capture and infiltrate the runoff from the "20-year, 1-hr storm." This requirement, while helpful in many locations, cannot be directly and scientifically correlated to achievement of the Clarity Challenge, TMDL load reductions, or Threshold attainment.	across multiple elements of the Regional Plan. The TMDL is the result of significant scientific research. It takes a regional-scale approach to reducing total loads of the known pollutants of concern to lake clarity. It correlates water quality improvements directly to expected improvements in lake clarity over time. The effort to incorporate TMDL into the Regional Plan would involve taking an approach consistent to the approach of NDEP and the California State Water Board, while working with all of the local jurisdictions on feasible implementation strategies.		that prohibit fertilizer use, increase excess coverage mitigation fees, require pollutant load reduction plans in non-urban areas, and increase the targeted amount of restored lands from 80% to 90%.
Water Quality	Under today's Regional Plan, the approach to implementation of individual parcel BMPs is primarily to accelerate enforcement in "priority watersheds." This approach does not always	**Implement a focused BMP enforcement, implementation, inspection, and maintenance strategy** – The proposal would prioritize BMP installations to areas with the greatest	Same as Alt. 2, with the additional requirement that BMP's at point-of-sale have the option to post a financial guarantee.	Same as Alt. 2, with the additional requirement that BMPs be installed at point-of-sale.

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	result in BMP installation where it is most needed to help achieve each local jurisdiction's TMDL pollutant load reduction goals.	pollutant load reduction potential based on TMDL science. It would create neighborhood-scale solutions for BMP compliance where individual-parcel BMPs are not effective. The priority areas and neighborhood-scale solutions would be consistent with local jurisdictions' plans and assist them in achieving load reduction targets.		
Water Quality	Defensible space is necessary to reduce the threat of catastrophic wildfire. Reducing this threat will protect life, property, air quality, and water quality. Until recently, however, employing defensible space practices were often seen as incompatible with installing BMPs. Though progress has been made	**Ensure BMPs are consistent with defensible space guidelines** – The proposal would result in updated Policy language and Code provisions requiring BMPs to be compatible with defensible space requirements.		

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	among basin agencies to integrate these requirements, the Water Quality Subelement and Code lack policy to support this effort.			
Community Design	Defensible space is necessary to reduce the threat of catastrophic wildfire and protect life, property, air quality, and water quality. However, the Code may hamper practices to create fire defensible space (e.g., thinning and cutting of vegetation close to structures), as they can result in negative impacts to the Scenic Threshold.	**Create consistency between defensible space criteria and good landscape design** – The proposal is to facilitate removal of fire hazards while establishing standards that maintain the region's natural landscape character. Fire defensible space practices have been facilitated since the Angora Fire of 2007. Standards would be updated to integrate both objectives.		
Community Design	Today, the way building height is measured has resulted in buildings with more visual mass than is desirable from a scenic standpoint. It allows buildings on sloped sites to	**Create height standards that promote appropriate development** – The proposal is to change the way building height is measured to be sensitive to sloped sites. This would	Same as Alt. 1	Height would be limited to two stories basin-wide (except for certain yet-to-be-defined special areas).

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	be taller if their height is concentrated in one area – usually next to the public right-of-way. This results in projects that do not provide the highest level of scenic benefit. It also results in projects that meet the letter of the Code but are opposed strongly by community members (and sometimes litigated); this can dissuade project proponents from investing at Tahoe and can hinder environmental redevelopment efforts.	encourage development that follows natural contours and blends in better with the landscape. It would result in less scenic impact and less community opposition to legal projects, which would help developers realize environmental redevelopment projects to revitalize Town, Tourist, and Neighborhood Centers and accelerate attainment of the Water Quality Threshold.		
Community Design	The current system of CPs and PASs lacks sufficiently predictable standards to preserve the desired character in some communities. This has discouraged environmental redevelopment efforts due to the unpredictable nature of the approval process. It	**Express desired community character in new design standards** – The proposal would promote place-based community planning that more accurately reflects local vision, creating predictable development standards that would encourage redevelopment	Same as Alt. 1	

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	has also resulted in some legal projects becoming the subject of much community opposition.	and environmental gain, including accelerated attainment of the Water Quality Threshold. The new standards would protect community character, for example, by limiting height on the lakeshore side of major transportation routes.		
Transportation	The current plan does not support multi-modal street design. Such design is a necessary component of mixed-use centers and neighborhoods, which create the potential for alternative transportation use and reduce reliance on the private automobile, which is a Compact mandate.	**Emphasize pedestrian- and transit-oriented development (PTOD) in street design** – The proposal promotes mixed-mode street design to reduce dependence on the private automobile and accelerate attainment of Air and Water Quality Thresholds.	Same as Alt. 1	
Transportation	The pedestrian, bicycle, and transit networks contain significant gaps that require use of the private automobile to get across.	**Require projects to make accommodation for alternative transportation modes** – The proposal would require alternative	Same as Alt. 1	Same as Alt. 2, without "waterborne" as a transit category and with the additional requirement that transit projects produce

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	The current plan does not require alternative transportation modes, such as walking, bicycling, and transit, to be included in project plans.	transportation modes to be included in project plans (where feasible). Accommodating non-automobile modes of travel through development of complete pedestrian, bicycle, and transit networks would reduce dependency on the private automobile and accelerate attainment of Air and Water Quality Thresholds.		greater emissions reductions than the private automobile when measured "per person per mile."
Transportation	The current plan does not comply with recent California law, which requires that the Regional Plan be the "Sustainable Communities Strategy" for the (CA side of the) Tahoe basin.	**Create a Sustainable Communities Strategy (SCS) in compliance with California law** – The proposal would result in development of an integrated transportation, land use, and economic development strategy to reduce Greenhouse Gas (GHG) emissions from cars and light trucks for the California part of the Tahoe basin. The SCS's main requirements are summarized below: • Creation of regional targets for GHG emissions reduction tied to land use. • Regional planning agencies must create a plan to meet GHG targets. • Regional transportation funding decisions must be consistent with the SCS. • Regional transportation planning and housing efforts must be tethered together. Some California Environmental Quality Act (CEQA) exemptions will be available to streamline projects that conform to new regional plans and SCSs.		
Vegetation	Defensible space is necessary to reduce the threat of catastrophic wildfire and protect life,	**Creating consistency with fire defensible space criteria** – The proposal expands the ability to	Same as Alt. 1	Same as Alt. 2, with additional protection for old growth trees during fire defensible space

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	property, air quality, and water quality. Under the current plan, vegetation protection requirements limit the ability to maintain fire defensible space, thus increasing the risk of catastrophic wildfire.	manage vegetation consistent with defensible space criteria, thereby improving public health and safety and protecting air and water quality.		treatments.
Vegetation	The current plan does not address non-native aquatic invasive plant species, which have been proven to reduce nearshore water quality.	**Prevent the spread of aquatic invasive plant species** – The proposal would require management measures to eradicate and prevent the spread of these species, which would protect native species, improve the recreational experience for residents and visitors, and accelerate achievement of the Water Quality Threshold.	Same as Alt. 1	Same as Alt. 2
Wildlife and Fisheries	Though TRPA is leading efforts to prevent the introduction and spread of aquatic invasive species (AIS) and has adopted Code provisions to direct these	**Prevent introduction of new AIS and control or eradicate those that currently exist** – The proposal will result in updated Goals and Policies	Same as Alt. 1	Same as Alt. 2, with the additional Code requirement that projects reduce and remove aquatic invasive species and prepare annual monitoring

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	efforts, it has not updated the Regional Plan's Goals & Policies to express the need to manage this threat.	that lend vision and support to actions being taken today to manage the AIS threat.		reports.
Soil Conservation	Today's procedure for allowing grading season exceptions is time consuming and inefficient. This can needlessly delay the start, or completion, of important public health and safety, environmental improvement, and other projects important to the vitality of the community and the health of the environment.	**Create predictable guidelines for granting grading season exceptions** –The proposal would standardize criteria for determining the suitability of soil conditions for allowing grading outside of the normal grading season. This is particularly important for reducing the risk of catastrophic wildfire, given that some of the best times to perform fuel reduction projects fall outside of the grading season but would qualify for exemptions due to often-favorable soil conditions.	Same as Alt. 1	Same as Alt. 2
Stream Environment Zone	Currently, the Code does not differentiate between types of SEZ, though the	**Update the SEZ Program to ensure protection of value and functions of SEZs** – The proposal is to update the SEZ Program to ensure: • more accurate SEZ mapping		

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	different types provide different values and functions. Mitigating disturbance of a woody riparian SEZ by restoring a dry meadow SEZ, for example, is legal under Code but would be inadequate and/or inequitable mitigation and result in net loss of SEZ value and function. Moreover, there are no criteria to differentiate between types of projects (i.e., SEZ restoration, enhancement, and creation) or make a determination as to when a mitigation or restoration project is complete. Overall, Code does not provide a means to prove that a project has met its mitigation requirement to prevent any net loss of SEZs.	• a definition and classification system that can be used to equitably compare disturbed and mitigation sites as well as mitigation methods • more predictable requirements for mitigation of project impacts • no net loss of SEZ value and function		

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
Stream Environment Zone	Floodplains are not always located in SEZs, but they often provide similar benefits to water quality and habitat. Development in floodplains identified as risks for stream channel erosion can result in more damaging floods and greater negative impacts to lake clarity. The 1987 plan does not have regulations or incentives for removal of existing floodplain development, which limits the plan's ability to restore floodplains and achieve the Water Quality Threshold.	**Provide incentives to relocate structures out of the 100-year floodplain** – The proposal is to make transfer bonuses available to developed parcels in SEZs, other sensitive lands, and floodplains with high stream channel erosion. Studies are ongoing to confirm the optimal transfer ratios needed to make environmentally-based incentives feasible. Incentivizing relocation would spur restoration and result in improved water quality.	Same as Alt. 1	Develop a program to relocate existing facilities from all natural hazard areas.
Public Services and Facilities	Under the current plan, new single-family residences are required to make a finding that adequate water supply exists to meet minimum fire flow requirements or be within the five mile response distance of a fire	**Update public safety standards to be consistent with state and local fire standards** – The proposal defers fire protection waiver requirements to the state and local fire districts. It would limit single-family residential development to areas that are either adequately serviced by fire hydrants or that meet waiver requirements established by the state and local fire districts. This would provide flexibility in implementing adequate fire protection, reducing both the threat of catastrophic wildfire and regulatory conflict.		

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	engine. This regulation is outdated and not consistent with Fire Code.			
Performance Review & Implementation Scheduling	Under the current plan, most residential allocations, CFA, and TAUs are either exhausted or already allocated to local jurisdictions. This hampers TRPA's ability to use allocations as incentives for projects to achieve environmental gain through restoration, good design, and/or transfer of development from sensitive lands.	**Update the allocation pool for Residential, CFA, and TAUs for the next planning horizon** – The proposal is to make available 4,000 residential allocations under the existing 1987 development cap and create 400,000 square feet of bonus CFA and 200 bonus TAUs to allow for continued orderly growth and provide incentives for environmental gain.	Make available 5,200 residential allocations; create 600,000 square feet of bonus CFA and 400 bonus TAUs.	Make available 2,600 residential allocations and create 200,000 square feet of bonus CFA.
Performance Review & Implementation Scheduling	Today, Commercial Floor Area (CFA) is allocated to local jurisdictions, which generally distribute it on a "first-come, first-served" basis. It is not used to incentivize restoration of sensitive land. Restored sensitive lands serve an important function as a	**Use CFA to incentivize environmental redevelopment** – The proposal is to use bonus CFA as a match incentive for projects that transfer development from sensitive lands into Town, Tourist, and Neighborhood Centers. Environmental	Same as Alt. 1	Same as Alt. 1, except that new bonus CFA would only be allocated after the remaining CFA from the 1987 plan is utilized and 70% of vacant CFA is occupied.

Element/Subelement	Alternative Issue 1 (same as 1987 Regional Plan)	Alternative 2 proposal	Alternative 3 proposal	Alternative 4 proposal
	natural filtration system to reduce nutrient and sediment loads to the lake, resulting in improved water quality and clarity.	redevelopment is one of the chief ways that TRPA can help implement the TMDL and reduce the negative impacts of legacy development on water quality and the health of the ecosystem.		