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 October 8, 2003, at the North Tahoe Conference Center, 8318 North Lake Blvd., Kings Beach, California. The agenda for the meeting is attached hereto and made a part of this notice.

September 29, 2003

Jerry Wells
Acting Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
8318 N. Lake Blvd.
Kings Beach, CA 96143

October 8, 2003
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 (No Action)

Any member of the public wishing to address the Advisory Planning Commission on any agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing and Planning Matter 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. PUBLIC HEARINGS

A. Amendment to Plan Area Statement 094, Chapter 22, Height Amendment, Tahoe Truckee Unified School District 7

B. Amendment to Code Chapter 91 and Related Chapters to Allow Consideration of Biofuel Facilities 27

VI. PLANNING MATTERS

A. Recommendation to TMPO Regarding Adoption of Lake Tahoe Region Bicycle and Pedestrian Master Plan 39

VII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

B. Legal Counsel

C. APC Members

VII. ADJOURNMENT
MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to Order: 9:30 a.m.

Present: Chair Larry Lohman, Kevin Cole, Bill Combs, Richard Harris, Lauri Kemper, Eva Krause, Gary Marchio, Ron McIntyre, Mimi Moss, Joe Oden, Lee Plemel, Leo Poppoff, Tom Porta, Mike Riley, Alan Tolhurst.

Absent: Alice Baldrica, Robert Jepsen, Paul Sweeney

II. APPROVAL OF AGENDA

The agenda was approved without changes.

III. PUBLIC INTEREST COMMENTS (No Action)

Acting Executive Director Jerry Wells introduced new Douglas County APC member Mike Riley.

APC member Mimi Moss introduced new Douglas County Senior Planner, Heather Bovat, who will serve as her alternate on this Commission.

IV. DISPOSITION OF MINUTES

The minutes of the July 9, 2003 APC meeting were approved. Kevin Cole abstained. It was noted that Mr. Poppoff’s name was misspelled in last month’s minutes.

V. PUBLIC HEARINGS

A. Amendment to Code Chapter 91 and Related Chapters to Allow Consideration of Biofuel Facilities

Jerry Dion, TRPA EIP Division, presented this staff summary. A handout was given with copies of the Power Point slides and the proposed changes to the code. Jennifer Quashnick, TRPA Air Quality Control Program Manager, Mike Vollmer, TRPA Vegetation Program Manager, and Dave Marlow of the U.S. Forest Service were in attendance and ready to answer questions.

APC members generally supported the amendment but expressed concerns regarding the biofuel industry being counter to broadcast burning. If an industry that needs biofuel is encouraged, then it may defeat plans for pile and broadcast burning which promote
forest health. Another significant concern was that biofuel facilities not be allowed as accessory to another permit, but be required to have a special use permit with a monitoring component. Concerns were also raised regarding the wording of the amendment at paragraph 3(d) “...75% of projected supply.” Clarification of this phrase was requested by APC members.

Public comments were given by Jon-Paul Harries of the League to Save Lake Tahoe. The League supports practical improvements such as biofuel facilities. However, all the excess biomass in Tahoe forests cannot be chipped and given to a facility. We must also broadcast burn. If biofuel facilities take biomass from piles that would be burned, then the League would see that as good. Reducing pile burning while getting rid of excess fuel is supported.

Richard Harris brought a motion to bring the code amendment back to the APC in October with suggested changes incorporated.
Kemper seconded.
No nays.
No abstentions.
Motion carries.

VI. PLANNING MATTERS

A. Status Report on Pathway 2007 Threshold and Regional Plan Update

Gabby Barrett, Chief of Long Range Planning, showed a Power Point presentation on the process for coordinating planning efforts in the Basin. This presentation was also given at the 08.26.03 Governing Board Pathway 2007 committee.

Issues discussed included TRPA’s role as 208 water quality planning agency; public trust issues and Basin economic/wealth indices.

All agreed that the public participation part of the process is very important.

Also discussed were the five elements of the original 1970 compact. Land use, transportation, conservation, recreation and public service. Implementation was added later as the last element. TRPA cannot do all of this alone. Public and stakeholder input will be necessary.

B. Status Report on Update of TRPA Transportation Plan

Senior Transportation Planners Kristine Roberts and Marc Reynolds presented a transportation plan for the Basin. This presentation was also given at the 08.26.03 Governing Board Pathway 2007 committee.

Issues discussed included the 20-30 year plan required by the federal government as well as the states. The purposes should be to reduce dependency on the automobile, implement public transit and reduce the amount of vehicles at the Lake.

Also discussed were mobility improvements; parking management and the BLUEGO coordinated transit system (CTS).
Public comment was given by Garry Bowen who emphasized that walk-ability and biking issues are paramount. Both tourists and commuters need mobility.

C. Status Report on Governing Board Forest Fuel Management Workshop

Vegetation Program Manager, Mike Vollmer, spoke on the status of forest fuel management and TRPA’s role as coordinator of efforts and clearinghouse of information on this issue.

The turnout for the workshop was impressive. Almost all the land planning agencies in the Basin were present. The purpose of the workshop was education and outreach.

Issues discussed were the role of TRPA’s Governing Board in coordinating and implementing programs to reduce forest fuels; the role of partner agencies and TRPA staff in doing the same; formulating strategies for fuel reduction in SEZ’s; finding consistent funding and providing fire safe zones at urban boundaries.

APC member Lauri Kemper reiterated that fuel reduction strategies need to be developed at a higher level than just individual projects.

Public comment was given by Garry Bowen regarding a community oriented collaborative forest restoration program currently operating in the Four Corners region of the United States. A handout was provided by Mr. Bowen and mailed to all members of the APC.

VII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

Jerry Wells, Acting Executive Director, reported on Governing Board actions. The EIS for STPUD’s final sewer line was certified. Alternative E was approved.

The vacation rental issue may come before the Governing Board in October as a workshop.

The Tahoe Daily Tribune produced a 4-part series on TRPA, which, on balance, was well done. The headlines were somewhat inflammatory. Copies of the series were provided to APC members by mail.

Executive Director recruitment is going well. 17 applicants were sent 8 essay questions. Respondents will be narrowed to between 5 and 7. These 5-7 will be narrowed to between 3 and 5 to be interviewed by an 8-member public panel and observed by the Governing Board. The Board will then individually interview the final 3 to 5 and make its decision. These interviews will happen on October 22, 2003 at a publicly noticed Governing Board meeting.

Strategica’s internal effectiveness report is underway and is on schedule to be done by February, 2004. Members of the APC and members of the community may be interviewed during this process.
B. Legal Counsel

No legal report was offered.

C. APC Members

No further comments by members, except that Bill Combs was married on August 29, 2003.

VIII. ADJOURNMENT

Meeting adjourned, 12:20 p.m.
MEMORANDUM

September 30, 2003

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment Chapter 22, Height Amendment, Tahoe Truckee Unified School District

Proposed Action: The applicant, Tahoe-Truckee Unified School District (TTUSD), proposes to amend Chapter 22, Height, of the TRPA Code of Ordinances to allow additional height up to a maximum of 56 feet for certain public service buildings. See Attachment A, for the applicant’s proposed language amendment.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and, based on its outcome, recommend approval of the staff’s proposed amendment (See Attachment B, Exhibit 1) to the TRPA Governing Board.

Background: The Tahoe-Truckee Unified School District (TTUSD) has submitted a Regional Plan amendment to TRPA that proposes to amend Chapter 22, Height, of the TRPA Code of Ordinances to allow additional height for certain public service buildings. The proposal would facilitate a design that meets today’s standards for handicapped access and a Heating, Ventilation, and Air Conditioning (HVAC) system that allows for housing and circulating large numbers of people in snow country; however, the designed height exceeds the allowed height.

The district is proposing to reconstruct the High School/Middle School located at 2945 Polaris Road in Tahoe City (See Attachment C, Location Map). The existing building is a two-storied structure that stair-steps up a slope approximately 4%, has 107,598 square feet of land coverage, and 154,467 square feet of enclosed space on two floors. The proposed project is comprised of two major building components: (1) the modernization of existing auditorium, dining commons, gymnasium, auto shop, and library spaces and (2) the demolition, relocation, and reconstruction of the classroom and administrative facilities.

The most significant underlying issue that has led to this design is the inadequacy of the existing HVAC system. Therefore, a top priority for this proposal was to construct a HVAC system with a high level of individual climate control in each classroom without interfering with the classroom environment. To accomplish this, a central, constant, air volume system was selected. The constant air volume (CAV) system requires large mechanical plants that, of necessity, must be centrally located in the facility it is serving.
The large volume of air being supplied and exhausted requires a significant amount of wall space to provide adequate louver area with direct access to outside air and to provide enough height to allow the louver areas to be clear of snow during winter conditions. Because of these design elements the resulting structure exceeds TRPA height allowances.

Discussion and Issues: The primary issues that have resulted from this project and the subsequent Code amendment are the inconsistency with the height limitations for the new building and the overall project area and with the community design threshold. Firstly, the project as proposed would result in a structure that exceeds the height limitations outlined in the Code. The plans submitted to TRPA illustrate a building with a flat roof. Based on this design and a 4% cross-slope the maximum height permitted is 25'-0". Applying additional height findings for public service buildings to the proposed design would result in an additional 14 feet resulting in a permitted height of 39'-0". As designed, the proposed structure is 52'-6" (39'-6" for the building and 13'-0" for the structure that contains the HVAC system). This exceeds TRPA height limitations by 13'-6". The applicant has stated in a report that the need to exceed the height limitations is driven by design constraints and the proposed design was picked since it best meets the needs of the school district and its students.

A second issue is with the resulting non-conformance height for the whole project area as a result of the proposed design. The school district previously has used a Code provision that allowed an addition of a gym up slope of the existing buildings. The Code provision allowed the structure to be treated as a separate structure when calculating height even though it was physically connected to the existing building. Generally, the Code would treat all structures (existing and proposed) as one for the purpose of calculating height. Subsequently, the district is proposing to add a new structure to be located down slope of the existing building. Since all the structures are to be connected the Code treats all the buildings as one overall structure and requires that the height be measured from a common low point, which in this case would occur at the front of the new building. This results in the existing structures located up hill to become non-conforming. See Attachment D, Cross-Section of Proposed Project.

The third issue is the proposed design’s inconsistency with the adopted Community Design Threshold. As proposed the design is a complex of large boxes with flat roofs, similar to the so called “big box” retail stores or office complexes found in urban cities. It is staff’s opinion that the use of flat roofs is inconsistent with the Community Design Threshold (See Attachment E, 3D Simulation of Proposed Additions). Staff believes that it is feasible to design such a structure with design elements that meets the intent of the Community Design Threshold. Some of these elements include adding a pitch roofs, dormers, and articulating the façade. Examples of large public service buildings that have successful included such elements in their design include the Lake Tahoe Community College, the Lake Tahoe Middle School, and the new United States Forest Service Building. The inclusion of such design elements, particularly the addition of a pitch roof would benefit the applicant because a greater baseline height would be permitted. For example: If the proposed building was designed with a 5:12 pitch roof (as opposed to a flat roof) the resulting height permitted would be 31'-0", 6 feet more that the flat roof scenario. Application of the additional height findings and the permitted height would increase that to 42'-0".
Amendments to TRPA height ordinance for public service and recreational type uses are not unique. Past amendments include the ski lodge for Heavenly Resort to allow for additional height up to 56 feet for snow loading purposes and to meet the Community Design Threshold. In that case Heavenly needed additional height in order to design a roof pitch that would span a very large space. The Lake Tahoe Community College also requested an amendment, which was approved to allow additional height for an auditorium to span large spaces and to allow space for mechanical and lighting equipment. In the case of the college, the roof pitch was to meet the intent of the Community Design Threshold (See Attachment F, Photo Inventory). These amendments are driven in part because TRPA height ordinances are designed generally for smaller single family and commercial structures and not for very large buildings. However, it is always feasible to design a large structure to meet the height standards; but in many cases it does not meet the needs of the applicants or could be in direct conflict with other standards. In all previous cases, the height ordinance did not meet their needs and an amendment was proposed and eventually approved. However, in the two previous cases, the applicants were attempting to maximize height by using a pitch roof, which is consistent with the goals of the Community Design Threshold.

Therefore, staff is proposing to write Code language similar to past amendments allowing additional height for public service and recreation buildings under very restrictive circumstances and requiring design elements to be included in order to achieve additional height. The proposed language will amend existing rules for additional height for public service uses. The current standards limit the maximum additional height to 42 feet. The proposed amendment will allow additional height up to 56 feet, provided certain findings can be made. The findings that must be made include that the public service use is classified as a school, pursuant to Chapter 18; the structure cannot be seen from Lake Tahoe (shoreline scenic threshold travel routes), from designated scenic highway corridors (roadway threshold travel routes), from designated bikeways and recreation sites identified in the Lake Tahoe Scenic Resource Evaluation 1993; the additional height permitted is required for the building to function properly; that the maximum height will not exceed the existing tree canopy cover; and that the resulting design includes design elements such as pitch and articulated rooflines.

The amendment can only be applied when TRPA makes specific findings related to the proposal for additional height, which are contained in Section 22.7, and when the applicant demonstrates that the required height plays a major role as a design constraint. The findings are: 1) when viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy or ridgeline; 2) the building has been designed to minimize interference with existing views; 3) the function of the structures requires a greater height; 4) the additional height is the minimum necessary to implement the project and there are no feasible alternatives requiring less height; and 5) the maximum height at any corner of two exterior walls of the building is no greater than 90 percent of the maximum building height. In addition to the specific findings, any proposed project must be consistent with the Community Design Sub-element of the Goals and Policies, which requires the building height to be limited to two stories and compatible with the natural, scenic, and recreational values of the Region.
The proposed amendment is consistent with the TRPA Goals and Policies. The amendment will foster compatible designs with the natural, scenic, and recreational values of the Region, limit building height to two stories, and to limit building height to ensure that it does not project above the forest canopy, ridge lines, or otherwise detract from the viewshed.

Findings: Prior to amending Chapter 22, Height, TRPA must make the following Findings.

Chapter 6 Findings

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code, and other TRPA plans and programs.

Rationale: The amendment to Chapter 22, Height, will not adversely affect implementation of the Regional Plan. Staff's proposed amendment is consistent with the Regional Plan and TRPA plans and programs. The amendment will foster compatible designs with natural, scenic, and recreational values of the Region, limit building height to two stories, and limit building height to ensure that it does not project above the forest canopy, ridge lines, or otherwise detract from the viewshed. The policies are listed in the Community Design section of the TRPA Goals and Policies and are incorporated into the amendment.

2. Finding: The project will not cause the environmental thresholds to be exceeded.

Rationale: The amendment will not cause the environmental thresholds to be exceeded. Scenic Threshold standards will be maintained through the restrictive nature of the amendment. The amendment requires the siting of the building to result in a structure not to exceed the existing tree canopy. The building cannot be visible from Lake Tahoe or from designated scenic roadways to use the provisions of the amendment. In addition, the provisions require that the project implement design elements that achieve Community Design Thresholds in order to obtain additional height.

Finding: Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: Any project that may come forth due to this provision will be required to meet air and water quality standards as set forth in the TRPA Compact.
4. **Finding:** The Regional Plan, as amended, achieves and maintains the thresholds.

**Rationale:** See findings 1 and 2 above.

5. **Finding:** The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

**Rationale:** See findings 1 and 2 above.

**Ordinance 87-8 Findings**

1. **Finding:** That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

**Rationale:** See Chapter 6 Findings. The amendment is consistent with the Compact and with attainment or maintenance of the thresholds. Although the amendment will provide additional height to certain buildings, it is written in such a way as to maintain the environmental thresholds. The amendment requires that buildings be sited so that they are not visible from Lake Tahoe and designated scenic roadways and not to project above the existing tree canopy; therefore, it will not have a direct impact on the Scenic Resource Threshold. To maintain and attain the policy directive of the Community Design Threshold and encourage design that is compatible with the natural environment of Lake Tahoe, the ordinances require the application of design elements to achieve additional height.

2. **Finding:** One or more of the following.

   a) There is demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;

   b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

   c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

   d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;
e) That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reason:

1) The cost of implementation outweighs the environmental gain to be achieved.

2) Implementation will result in unacceptable impacts on public health and safety; or

3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

f) That the provision to be amended has shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.

Rationale: Finding c) is the most appropriate. TRPA height ordinances do not work well for buildings that require large roof spans, which are common for public service building such as schools. In addition, the school district is constrained by other mandates determined by the State in providing a safe learning environment. This amendment will provide more flexibility when designing a building to cover large spans while maintaining the scenic and community design thresholds.

Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) and proposes a Finding of No Significant Effect (FONSE). Staff has reviewed the Checklist and agrees with the FONSE with the proposed language authored by staff to ensure the application of design elements to ensure that large structures such as these are compatible with the Community Design Threshold. This impact can be mitigated through Code language restrictions that require the applicant to include design elements in the building in a manner that is compatible with the Tahoe Basin.

Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 and Ordinance 87-8 findings shown above

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 702-588-4547, or via email at jhitchcock@trpa.org, if you have any comments regarding this item.

Attachments: A. Applicant’s Proposed Code Language
B. Adopting Ordinance, with Exhibit 1, Proposed Code Language
C. Location Map
D. North Tahoe Middle School/High School Cross-Section
E. 3D Model of Proposed Project
F. Photo Inventory of Other Public Service Buildings
Chapter 22
HEIGHT STANDARDS

22.4 Additional Height For Certain Buildings: TRPA may approve building heights greater than those set forth in Section 22.3 in accordance with the following provisions and if TRPA makes the specified findings.

22.4.A Additional Height For Public Service, Tourist Accommodation, and Certain Recreation Buildings: TRPA may approve building heights greater than those set forth in Section 22.3 for buildings whose primary use is public service, tourist accommodation, downhill ski facilities, cross county skiing facilities or whose primary recreation use is participant sports facilities, recreation centers, or sport assembly as follows:

(3) Additional Height For Public Service and Certain Recreation Buildings Which Are Not Visible From Lake Tahoe and Which Are Not Located Within Or Are Not Visible From Designated Scenic Highway Corridors: The maximum heights specified in Table A may be increased by up to eight feet, but not to exceed a maximum of 42 feet, if the building will not be visible from Lake Tahoe and the building is not located within a TRPA designated Scenic Highway Corridor pursuant to Chapter 30, provided TRPA makes findings (1), (3), (4), (7), and (8) as set forth in Section 22.7. An additional two feet, not to exceed a maximum of 42 feet, may be earned if the building meets the criteria and findings set forth above and is not visible from a TRPA designated Scenic Highway Corridor pursuant to Chapter 30.

For projects including additions, modifications and/or reconstruction of all or a portion of public school buildings, which also serve the surrounding community by providing its facilities for recreational, theater, and other community service activities, additional height not to exceed a maximum total of 54 feet may be permitted if TRPA determines that the additional height is required to avoid an increase in coverage and maximizes the energy efficiency of the structure, and findings (1), (3), (4), (7) and (8) as set forth in Section 22.7 can be made.

§§ Amended 3/28/01
AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE CODE OF ORDINANCES OF THE TAHOE REGIONAL PLANNING AGENCY; CHAPTER 22, HEIGHT, ALLOWING ADDITIONAL HEIGHT FOR CERTAIN PUBLIC SERVICE BUILDINGS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

<table>
<thead>
<tr>
<th>Section 1.00</th>
<th>Findings</th>
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<tbody>
<tr>
<td>1.10</td>
<td>It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending Chapter 22, Height, allowing for additional height for certain public service buildings, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.</td>
</tr>
<tr>
<td>1.20</td>
<td>These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.</td>
</tr>
<tr>
<td>1.30</td>
<td>The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.</td>
</tr>
<tr>
<td>1.40</td>
<td>The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact, and the findings required by Section 2.40 of Ordinance 87-8. As to the Ordinance 87-8 findings, the Board finds that those findings were supported by a preponderance of the evidence in the record.</td>
</tr>
<tr>
<td>1.50</td>
<td>The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.</td>
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<tr>
<td>1.60</td>
<td>Each of the foregoing findings is supported by substantial evidence in the record.</td>
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</table>
Section 2.00 Amendment of Chapter 22, Height, of the TRPA Code of Ordinances and Rules of Procedures

2.10 Subsection 6.60 of Ordinance No. 87-9, as amended, is hereby further amended by amending Chapter 22 as set forth on Exhibit 1, dated September 30, 2003, which attachment is appended hereto and incorporated herein.

Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Code of Ordinances adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Code of Ordinances shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Code of Ordinances are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this ordinance amending Chapter 22, Height, of the TRPA Code of Ordinances shall be effective 60 days after its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held October 28, 2003 by the following vote:

Ayes:

Nays:

Abstentions:

Absent

David Solaro, Chairman
Tahoe Regional Planning Agency
Chapter 22
HEIGHT STANDARDS

22.4 Additional Height For Certain Buildings: TRPA may approve building heights greater than those set forth in Section 22.3 in accordance with the following provisions and if TRPA makes the specified findings.

22.4.A Additional Height For Public Service, Tourist Accommodation, and Certain Recreation Buildings: TRPA may approve building heights greater than those set forth in Section 22.3 for buildings whose primary use is public service, tourist accommodation, certain recreation uses which includes, downhill ski facilities, cross country skiing facilities or whose primary recreation use is participant sports facilities, recreation centers, or sport assembly as follows:

(1) Additional Height With Required Findings: The maximum heights specified in Table A may be increased by up to four feet, but not to exceed a maximum height of 38 feet, if TRPA makes the following findings in Section 22.7: findings (1), (2), and (3) for tourist accommodation buildings; findings (1), (3), and (2) or (4) for public service buildings; and findings (1), (2), (3), (4), and (7) for the recreation uses identified in 22.4.A.

(2) Additional Height For Reduced Land Coverage: The maximum heights specified in Table A may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 20. The maximum heights may be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable coverage, or existing land coverage, whichever is greater, up to a limit of four additional feet, but not to exceed a maximum height of 42 feet, if TRPA makes findings (1), (2), (3) and (5) as set forth in Section 22.7.

(3) Additional Height For Public Service and Certain Recreation Buildings Which Are Not Visible From Lake Tahoe and Which Are Not Located Within Or Are Not Visible From Designated Scenic Highway Corridors: The maximum heights specified in Table A may be increased by up to eight feet, but not to exceed a maximum of 42 feet, if the building will not be visible from Lake Tahoe and the building is not located within a TRPA designated Scenic Highway Corridor pursuant to Chapter 30, provided TRPA makes findings (1), (3), (4), (7), and (8) as set forth in Section 22.7. An additional two feet, not to exceed a maximum of 42 feet, may be earned if the building meets the criteria and findings set forth above and is not visible from a TRPA designated Scenic Highway Corridor pursuant to Chapter 30.

55 Amended 3/28/01
(4) **Additional Height For Certain Recreation Buildings Within Adopted Ski Area Master Plans Which Are Not Visible From Lake Tahoe And Which Are Not Located Within Or Are Not Visible From Designated Scenic Highway Corridors:** The maximum heights specified in Table A may be increased if the buildings are identified in an adopted ski area master plan and the buildings are not visible from Lake Tahoe and which are not located within or are not visible from designated scenic highway corridors and designated bikeways and recreation sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings (1), (3), (4), (7), and (8) as set forth in Section 22.7. Additional height shall be calculated as follows:

(a) The maximum height in Table A may be increased by up to 14 feet, but not to exceed a total building height of 56 feet, provided that the project proponent demonstrates that expected snow depths in the area of the building site make the additional height necessary for the function of the building. The amount of additional height shall not exceed the 10-year average snow depth as reported by the National Resource Conservation Service (NRCS) for that area or as reported by the applicant using a similar method as the NRCS.

(b) An additional 10 feet, not to exceed a total building height of 56 feet, may be earned if the project proponent demonstrates additional height is needed to maintain roof pitch in excess of 4:12. §  

(5) **Additional Height For Public Service Buildings:** The maximum heights specified in Table A may be increased if the buildings are classified as Schools pursuant to Chapter 18 and the buildings are not visible from Lake Tahoe and which are not located within or are not visible from designated scenic highway corridors and designated bikeways and recreation sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings (1), (3), (4), (7), (8), and (10) as set forth in Section 22.7. Additional height shall be calculated as follows:

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

(b) An additional 10 feet, not to exceed a total building height of 56 feet, may be earned for that portion of the building permitted the additional height provided the new structure maintains a minimum roof pitch of 4:12.

§ Amended 12/16/98
22.7 **List Of Findings**: The findings required in this chapter are as follows:

(1) When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

(2) When outside a community plan, the additional height is consistent with the surrounding uses.

(3) With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

(4) The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

(5) That portion of the building which is permitted the additional height, is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background.

(a) The horizontal distance from which the building is viewed;
(b) The extent of screening; and
(c) Proposed exterior colors and building materials.

(6) The building is located within an approved community plan, which identifies the project area as being suitable for the additional height being proposed.

(7) The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

(8) The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

(9) When viewed from a TRPA scenic threshold travel route, the additional height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss.

(10) **The building is no more than two stories in height.**
LAKE TAHOE COMMUNITY COLLEGE
FOREST SERVICE BUILDING

SOUTH LAKE TAHOE MIDDLE SCHOOL
MEMORANDUM

October 1, 2003

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment to Code Chapter 91 and Related Chapters to Allow Consideration of Biofuel Facilities

Proposed Action: Staff is proposing to amend Chapter 91, Air Quality Control, Chapter 18, Permissible Uses, and Chapter 2 Definitions, of the Code of Ordinances to allow the consideration of biofuel facilities for material that would be burned within the basin as part of normal vegetation management (see Attachment A, Exhibits 1, 2, 3 and 4 for proposed language changes).

Staff Recommendation: Staff is recommending that the Advisory Planning Commission conduct a public hearing and recommend approval to the Governing Board.

APC Recommendation: This item was reviewed at the September APC meeting. The APC recommended that this item be brought back in October; the staff was to address the issues of 1) Project Review; 2) tonnage limit on fuel supply; and 3) the use of broadcast burn material.

Discussion: A two-year study was completed in August 2003 that evaluated using forest waste products to generate either electricity or heat. The technology and the amount of forest material that could be used in this process were the focus of the study. The only forest products considered for this analysis were byproduct materials from vegetation management to reduce the threat of forest fires within the Tahoe Region.

The results of this report demonstrated that there is a large quantity of material that is available for diversion from pile and broadcast burning. In addition, the new technology that is available for electrical and heat generation is very efficient and is much cleaner than pile or broadcast burning and past biofuel technologies.

TRPA’s air quality standards govern the installation of stationary sources of air pollution. Today’s current technologies while quite clean (i.e. there will be no visible smoke) will not conform to our current standards. However, the diversion of material from dirty open-air pile burning to a clean burning biofuel facility which results in a net reduction of smoke emissions in the basin, was not considered in TRPA’s Code of Ordinance.

The proposed amendment will allow for the consideration of biofuel facilities within the Tahoe Region, provided the following:

- There is a 90% or greater reduction of particulate matter compared to pile burning on a per dry ton basis.
• There is a 40% or greater reduction of Nitrogen Oxide compared to pile burning on a per dry ton basis.
• That no fuel is imported into the Region.
• That a reasonable analysis of future available biofuels shows that all of the supply of the biofuel will come from diversion of forest treatment programs.

These conditions on all biofuel facilities, staff feels, will further the intent of the thresholds and the Goals and Policies to reduce emissions. Staff has further amended Chapter 18 to clarify the status of biofuel facilities within TRPA’s land use regulatory system.

Impacts of any specific project will be documented during the permitting process.

Effect on TRPA Work Load: This amendment to the Code of Ordinances may result in two or three additional projects over a five-year period, and will not have a significant impact to the work load at TRPA.

Required Findings: The following findings must be made prior to adopting the proposed amendments:

A. Chapter 6 Findings:

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.
   
   Rationale: The regional plan through the goals and policies focus on the reduction of air pollution. This amendment will reduce the total amount of air pollution by diverting material that would be burned in open air piles or broadcast burning into cleaner burning biofuels electric and heating systems.

2. Finding: That the project will not cause the environmental thresholds to be exceeded.
   
   Rationale: This amendment reduces the total amount of air pollution within the Region, and therefore will not cause the environmental thresholds to be exceeded.

3. Finding: Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.
   
   Rationale: TRPA standards are the highest standards and this amendment, while providing exemption to TRPA’s stationary standard, will not violate other standards.
4. **Finding:** The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

   **Rationale:** This amendment will help the attainment of these standards by reducing air pollution.

5. **Finding:** The Regional Plan, as amended, achieves and maintains the thresholds.

   **Rationale:** See rationale for Finding 4 above.

**Environmental Documentation:** The staff completed the Initial Environmental Checklist for the proposed action. Staff recommends that a Finding of No Significant Effect (FONSE) be made based on the Initial Environmental Checklist.

Contact Gerald Dion at 775•588•4547, or via email at jdion@tpra.org, if you have any comments regarding this item.

Attachment: Attachment A, Adopting Ordinance, with Exhibits 1-4, Proposed Language Changes to Code Chapters 91, 18, 4, and 2
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2003 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING CODE OF ORDINANCES, CHAPTER 91, AIR QUALITY CONTROL, CHAPTER 18, PERMISSIBLE USES, CHAPTER 4, APPENDIX A, CHAPTER 2, DEFINITIONS AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Code of Ordinances Chapters 91, 18, 4 and 2 in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.

1.40 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact.

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of the Code of Ordinances Chapter 91

Subsection 6.60 of Ordinance No. 87-9, as amended, is hereby further amended by amending Chapter 91 as set forth on Exhibit 1, dated September 2, 2003, which attachment is appended hereto and incorporated herein.
Section 3.00 Amendment of the Code of Ordinances Chapter 18

Subsection 6.60 of Ordinance No. 87-9, as amended, is hereby further amended by amending Chapter 18 as set forth on Exhibit 2, dated September 2, 2003, which attachment is appended hereto and incorporated herein.

Section 4.00 Amendment of the Code of Ordinances Chapter 4

Subsection 6.60 of Ordinance No. 87-9, as amended, is hereby further amended by amending Chapter 4 as set forth on Exhibit 3, dated September 2, 2003, which attachment is appended hereto and incorporated herein.

Section 5.00 Amendment of the Code of Ordinances Chapter 2

Subsection 6.60 of Ordinance No. 87-9, as amended, is hereby further amended by amending Chapter 2 as set forth on Exhibit 4, dated September 2, 2003, which attachment is appended hereto and incorporated herein.

Section 6.00 Interpretation and Severability

The provisions of this ordinance adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. For this purpose, the provisions of this ordinance are hereby declared respectively severable.

Section 7.00 Effective Date

The provisions of this ordinance amending the Code of Ordinances shall be effective 60 days after its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held October 22, 2003, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

David Solaro, Chairman
Tahoe Regional Planning Agency
Chapter 91
AIR QUALITY CONTROL

91.5 New Stationary Source Review: Emissions from new stationary sources in the Region shall be limited as follows:

91.5.E Exemption: The following activities are exempt from the prohibitions of Subsection 91.5.B:

3) Biofuel Facilities:

(a) The facility is designed to reduce the amount of pile burning through diversion of in-basin material to the facility;

(b) There will be a net reduction in Volatile Organic Compounds, Sulfur Dioxide, and Carbon Monoxide on a per dry ton basis of biofuel as compared to the emissions that would be generated if material were burned in piles or broadcast burning, and these pollutants will meet Table II of section 91.5.B, using standard calculation methods;

(c) The facility accepts no biofuel that is imported into the Region;

(d) An analysis of future available biofuels show that all of the non-broadcast supply of the biofuel will come from diversion of forest treatment programs where a cumulative demand will not exceed 19,000 tons per year of projected supply;

(e) There will be a net reduction in Nitrogen Oxide emissions of greater than 40% as compared to the emissions that would be generated if material were burned in piles burning. The emissions calculations will follow EPA methodologies;

(f) There will be a net reduction in emissions of Particulate Matter Less than 10 Microns of greater than 90% as compared to the emissions that would be generated if material were burned in piles or in broadcast burning. The emissions calculations will follow EPA methodologies; and

(g) Emissions generated by dual-fueled systems must conform to section 91.5 A through D when operating with fuels other than biofuels.
New language is underlined in blue.

Chapter 18
PERMISSIBLE USES

18.4 Definitions of Uses: The uses listed in the Table of Primary Uses in section 18.3 are defined in this section. Uses accessory to the uses listed in the Table of Primary Uses are also defined and, to the extent practicable, listed in this section. Certain of the terms employed in defining the uses in this section may be defined in Chapter 2.

Pipelines and Power Transmission: Transportation facilities primarily engaged in the pipeline transportation of refined products of petroleum such as gasoline and fuel oils; natural gas; mixed, manufactured or liquefied petroleum gas; or the pipeline transmission of other commodities. Power transmission includes facilities for the transmission of electrical energy for sale, including transmission and distribution facilities; not including offices or service centers (classified in "Professional Offices"), equipment and material storage yards (classified under "Storage Yards"), distribution substations (classified under "Public Utility Centers"), power plants (classified under "Power Generating Plants"). Outside storage or display is included as part of the use.

Power Generating: Establishments engaged in the generation of electrical energy for sale to consumers, including biofuel facilities, hydro facilities, gas facilities, and diesel facilities. Any power generating facilities accessory to a primary use are not included in the definition of Power Generating. Transmission lines located off the site of the power plant are included under "Pipelines and Power Transmission." Electrical substations are included under "Public Utility Centers." Outside storage or display is included as part of the use.
I. GENERAL

Governing Board Review

1. Project for which an EIS was prepared and EIS certification (Chapter 5)
2. Plan amendments, ordinances and resolutions
3. Community Plans, including preliminary plan or work program, redevelopment, master or special plans
4. Problem assessments and remedial action plans, excluding voluntary problem assessments and remedial action plans (Chapter 9)
5. Land capability challenges and man-modified challenges, except land capability challenges pursuant to Subsection 20.2.D submitted under the special provisions for designated land banks (Chapter 20 and 53)
6. Additional coverage in excess of 1,000 square feet in land capability districts 1-3
7. Increase in supply of land coverage (Chapter 20)
8. Memorandum of Understanding
9. Substantial harvest or tree removal plans (71.2.B and 71.3.I)
10. Modification to SEZs, excluding modifications for residential projects in accordance with Subsection 20.4.B(1) and involving erosion control and other environmentally oriented projects and facilities in accordance with Subsection 20.4.B(4)
11. Spill contingency plans (Chapter 81)
12. Mitigation fund expenditures and projects (Chapter 82 and 93)
13. Permit revocation (Chapter 8)
14. Designated historic resource determinations (Chapter 29)
15. Projects resulting in significant increase in traffic (Chapter 93)
16. Allocation systems (Chapter 33)
17. Establishing the level defining the top ranked parcels pursuant to Subsection 37.8.B, lowering the line defining the top ranked parcels pursuant to Subsection 37.8.C and determining allowable base land coverage pursuant to Subsection 37.11.A.
18. Finding of the demonstration of commitment for affordable housing pursuant to Subsection 43.4.F.
Hearings officer
1. Special uses, including changes, expansions or intensifications of existing uses (Chapter 18)
2. Additional height for structures, in excess of that provided for in Table A (Chapter 22)
3. Additions, reconstruction, or demolition of historic resources (Chapter 29)
4. Construction of additional biofuel activities (Chapter 91)
Biofuel Facilities: Facilities that combust or gasify forest and other plant materials in manner that, in combination with other systems, generates electrical energy for use or distribution or generates heat for distribution within a building or facility.
Agenda Item VI.A  
September 30, 2003  
To: Advisory Planning Commission  
From: Transportation Staff  
Subject: Recommendation to the Tahoe Metropolitan Planning Organization Regarding the Lake Tahoe Regional Bicycle and Pedestrian Master Plan  

**Action Required:** For the Advisory Planning Commission to make a recommendation to the Tahoe Metropolitan Planning Organization regarding the adoption of the Lake Tahoe Regional Bicycle and Pedestrian Master Plan.

**Background:** The Tahoe Metropolitan Planning Organization has developed the Lake Tahoe Regional Bicycle and Pedestrian Master Plan for the Lake Tahoe Region. The Plan is a federally required document and addresses Goals, Objectives, and Policies related to pedestrian and bicycle facilities within the Tahoe Region as mandated by the Federal Highway Administration, the California Department of Transportation and the Nevada Department of Transportation. Other areas of the Plan include existing conditions, analysis of demand, proposed system, cost and funding analysis, and implementation strategies.

**Discussion:** Staff began the public comment period on June 6, 2003 which ran until August 8, 2003. Additionally, TRPA staff held two public workshops in July, one at the North Tahoe Conference Center on July 9, 2003 (4:00 P.M. to 7:00 P.M.) and the second at the TRPA offices on July 10, 2003 (4:00 P.M. – 7:00 P.M.). Staff also consulted with Tahoe Regional Advocates for Cycling, a local bicycle advocacy group. Copies of the final draft were distributed to a number of agencies and stakeholders including, but not limited to, NDOT, Caltrans, the Tahoe Transportation District/Commission, local jurisdictions and state agencies. Several comments were received and incorporated as necessary.

The Tahoe Metropolitan Planning Organization (TMPO) will be the adopting agency. Below are bullets of how the plan has been modified since the initial draft plan was developed:

- Inclusion of a pedestrian element
- Increased accuracy of the existing Lake Tahoe Basin Bicycle system by mapping all existing trails with a Global Positioning System (GPS)
- Inclusion of all Environmental Improvement Program and Regional Transportation Plan/Federal Transportation Plan projects and corresponding project numbers
- Route prioritization
- Expansion and enhancement of major population center maps
- Refined and edited text
- Response to first and second public comment period

If you have any questions regarding this matter, please feel free to contact Alfred Knotts at (775) 588-4547.