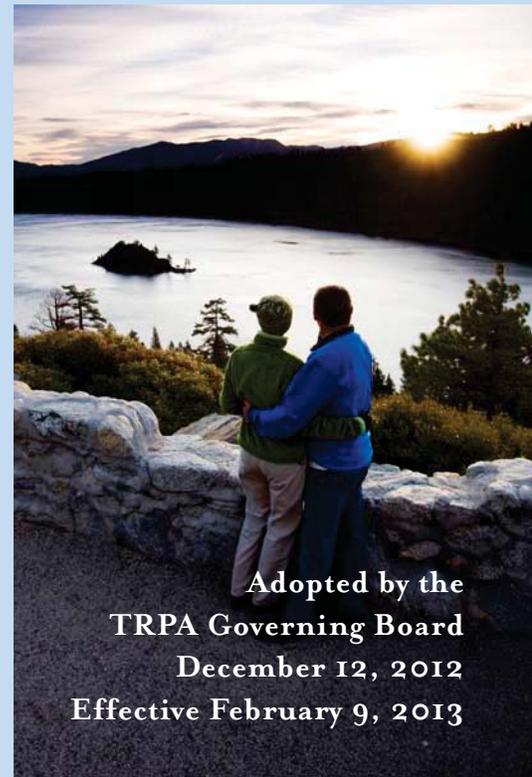




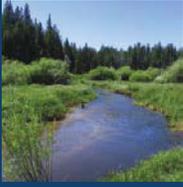
REGIONAL PLAN

TAHOE REGIONAL PLANNING AGENCY

|| *Lake Tahoe*



Adopted by the
TRPA Governing Board
December 12, 2012
Effective February 9, 2013



CHAPTER 2

Land Use Element

Article V(c)(1) of the Tahoe Regional Planning Agency Bi-State Compact calls for a *"land use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to indication or allocation of maximum population densities and permitted uses."*

In general, the Land Use Element sets forth the fundamental land use philosophies of the Regional Plan, including: the direction of development to the most suitable locations within the Region; maintenance of the environmental, economic, social, and physical well-being of the Region; and coordination of the Regional Plan with local, state, and federal requirements.

The Land Use Element includes the following Subelements: Land Use, Housing, Community Design, Noise, Natural Hazards, Air Quality, and Water Quality.

LAND USE

The Tahoe Regional Planning Agency Bi-State Compact calls for development of a Regional Plan that establishes a balance, or equilibrium, between the natural environment and the manmade environment. The TRPA has established environmental threshold carrying capacities that define the capacity of the natural environment and set specific environmental performance standards related to land use. The thresholds, however, do not define the maximum buildout, densities, permitted uses, or other land use criteria for the manmade environment; this is the function of the Regional Plan.

It is the intent of this Subelement to establish land use goals and policies that will ensure the desired equilibrium and attain and maintain the environmental thresholds within a specific time schedule.

GOAL LU-1

RESTORE, MAINTAIN, AND IMPROVE THE QUALITY OF THE LAKE TAHOE REGION FOR THE VISITORS AND RESIDENTS OF THE REGION.

Lake Tahoe is a unique natural resource in a spectacular natural setting. It is truly one of the natural treasures of the United States. The long-term economic and natural health of the Region depends on the maintenance of this unusual quality. While previous land use planning efforts have concentrated on regulating the quantity of permitted development, this plan emphasizes an improvement in the quality of development in the Region and in the quality of the natural environment.

POLICIES:

LU-1.1 THE PRIMARY FUNCTION OF THE REGION SHALL BE AS A MOUNTAIN RECREATION AREA WITH OUTSTANDING SCENIC AND NATURAL VALUES.

The economic health of the Region depends on a viable tourist and recreation-oriented environment. It is the intent of this Regional Plan, among other things, to encourage development that enhances these values.

LU-1.2 REDEVELOPING EXISTING TOWN CENTERS IS A HIGH PRIORITY.

Many of the Region's environmental problems can be traced to past and existing development which often occurred without recognition of the sensitivity of the area's natural resources.

To correct this, environmentally beneficial redevelopment and rehabilitation of identified Centers is a priority.

LU-1.3 THE PLAN SHALL SEEK TO MAINTAIN A BALANCE BETWEEN ECONOMIC/SOCIAL HEALTH AND THE ENVIRONMENT.

GOAL LU-2

DIRECT THE AMOUNT AND LOCATION OF NEW LAND USES IN CONFORMANCE WITH THE ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES AND THE OTHER GOALS OF THE TAHOE REGIONAL PLANNING AGENCY BI-STATE COMPACT.

POLICIES:

LU-2.1 THE REGIONAL PLAN ADOPTED BY THE AGENCY SHALL SPECIFY THE TOTAL ADDITIONAL DEVELOPMENT WHICH MAY BE PERMITTED WITHIN THE REGION, NOT TO EXCEED THE LIMITATIONS SET FORTH BELOW.

The Environmental Impact Statement prepared for this plan analyzed impacts based on defined development parameters which are integrated into this plan. It is the intent of this policy to ensure that these limitations are incorporated, both individually and cumulatively, into the Land Use Element. These limitations shall be expressed in appropriate land use regulations, such as zoning, use limitations, floor area limitations, allocation limits and other such regulations. For the purposes of this plan, regulated development is categorized as residential, tourist accommodation, commercial, recreation, public service, and resource management.

Residential: Each undeveloped legal parcel existing on August 17, 1986, unless otherwise restricted, has a development right of one residential unit, except where additional development rights are acquired pursuant to the Implementation Element.

The status of development rights that existed on August 17, 1986 is outlined in the table below:

Development Rights Inventory (as of October 24, 2012)*	
Residences Developed before 1987	40,865
Total Development Rights in 1987	18,690
Development Rights Acquired 1987-2011	8,360
Development Rights Developed or Allocated to Jurisdictions 1987-2011	6,087
Total Development Rights Remaining	4,243
Remaining on Buildable Parcels	2,791
Remaining on Marginal Parcels	765
Remaining on Unbuildable Parcels	535
Banked Development Rights	152
*Note: All statistics are estimates and are not regulatory	

Tourist Accommodation: There is a limited need for additional tourist accommodation units. Based on demonstrated need, projects may be permitted additional units as specified within a Community Plan, Ski Area Master Plan or a Conforming Area Plan and as provided for in the Implementation Element.

Commercial: The amount of additional commercial development is based on the estimated needs of the Region. Commercial development may be permitted as specified in Plan Area Statements, Community Plans, other Specific Plans or Master Plans, or a Conforming Area Plan.

Recreation: Additional recreation uses may be permitted only as specified within Plan Area Statements, Community Plans, other Specific Plans or Master Plans, or a Conforming Area Plan. The total capacity of additional outdoor recreational facilities for the Region shall not exceed 6,114 persons at one time (PAOTs) for overnight facilities, 6,761 PAOTs for summer day use facilities, and 12,400 PAOTs for winter day use facilities. (See Recreation Element for more detail.)

Public Service: Additional public service development shall be limited to those projects needed to serve the other development permitted by this plan. (See Public Service Element for more detail.)

Resource Management: Resource Management activities pertaining to the utilization, management, or conservation of natural resources shall be limited to those activities that are consistent with policies of this plan and of other adopted plans.

LU-2.2 NO NEW DIVISIONS OF LAND SHALL BE PERMITTED WITHIN THE REGION WHICH WOULD CREATE NEW DEVELOPMENT POTENTIAL INCONSISTENT WITH THE GOALS AND POLICIES OF THIS PLAN.

This policy does not consider the following divisions of land to be inconsistent when the result does not increase the development potential permitted by this plan:

- A. Division of land for the purposes of conveying a portion thereof to a governmental agency, public entity, or public utility.
- B. Division of land for the purposes of creating cemetery lots.
- C. Division of land ordered by a federal or state court of competent jurisdiction as a result of bona fide, adversary legal proceedings to which the Agency is a party. Any such division of land or approval of any other project or action resulting from such legal proceedings shall be pursuant to an evaluation of the effect of such division or approval upon the Regional Plan, the environmental thresholds, and other requirements of the Bi-State Compact. Based on the above evaluation, appropriate adjustments to the Regional Plan shall be made.
- D. A modification to an existing subdivision or a lot line adjustment or lot consolidation, which does not result in any increase in development potential, or in present or potential land coverage or density, and shall not have an adverse impact upon the health, safety, general welfare or environment of the Region.
- E. Conversion of an existing structure, to a stock cooperative, community apartment, condominium, or any other form of divided interest; which conversion does not result in any increase in development potential, or in present or potential land coverage or density, and will not have an adverse impact upon the health, safety, general welfare or environment of the Region.
- F. Redivision, adjustment, or consolidation, of parcels within an existing urban area, as part of a TRPA approved redevelopment plan that does not increase development potential region-wide.
- G. Division of land through condominiums, community apartments, or stock cooperatives within an existing urban area in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of this plan. In order to subdivide a project under this provision, the project itself shall

be approved prior to the approval of the division and in no case shall the division result in a greater amount, a different location, or a greater rate of development than otherwise permitted by this plan.

- H. Division of land through air space condominiums in two resort recreation designated areas with the approval of a project associated with an approved transfer of development. In order to subdivide a project under this provision, the project itself shall be approved prior to the approval of the division and in no case shall the division result in a greater amount, a different location or a greater rate of development than otherwise permitted by this plan. Subdivisions shall be limited to air space condominium divisions with no lot and block subdivisions allowed, development shall be transferred from outside the area designated as resort recreation, and transfers shall result in the retirement of development.

LU-2.3 BUILDINGS, WHETHER CONFORMING OR NONCONFORMING, WHICH ARE DAMAGED OR DESTROYED BY FIRE OR OTHER SIMILAR CALAMITY, MAY BE REPAIRED OR REBUILT WITH NO REQUIREMENT FOR REDUCTION IN COVERAGE OR HEIGHT BY WAY OF FEE OR OTHERWISE. THIS POLICY APPLIES ONLY IF THE BUILDING IS RECONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE ORIGINAL STRUCTURE AND, WITH NO INCREASE IN FLOOR AREA, LAND COVERAGE, HEIGHT, OR VOLUME. OTHER PROVISIONS GENERALLY APPLICABLE TO REHABILITATION OR RECONSTRUCTION OF BUILDINGS SHALL APPLY. THIS POLICY IS SUBJECT TO THE NATURAL HAZARDS SUBELEMENT. SPECIAL PROVISIONS SHALL APPLY TO BUILDINGS IN THE SHOREZONE, LAKEWARD OF THE HIGHWATER LINE.

LU-2.4 STRUCTURES, LEGALLY EXISTING AS OF THE EFFECTIVE DATE OF THIS PLAN, BUT WHICH, BY VIRTUE OF THEIR DESIGN OR LOCATION, ARE PROHIBITED, ARE CONSIDERED NONCONFORMING AND SUBJECT TO THE FOLLOWING POLICIES:

- A. Nonconforming structures may be maintained or repaired. Maintenance and repair shall be defined in implementing ordinances.
- B. Nonconforming structures may not be enlarged, replaced, or rebuilt without the approval of TRPA. Such approval shall occur through direct TRPA review, through the conformance review process for Area Plans, or through Memorandum of Understanding with applicable governments and shall be based on criteria set forth in implementing ordinances to ensure that:
 - i. the activity shall not increase the extent of nonconformity; and
 - ii if the structure is subject to a specific program of removal or modification by TRPA, the activity shall not conflict with that program.

LU-2.5 USES, LEGALLY EXISTING AS OF THE EFFECTIVE DATE THIS PLAN, BUT WHICH ARE NOW PROHIBITED, ARE CONSIDERED NONCONFORMING AND SUBJECT TO THE FOLLOWING POLICIES:

- A. Nonconforming uses may continue as they exist except where specifically subject to a program of removal or modification.
- B. Nonconforming uses may not be modified, expanded, or intensified, nor resumed following a significant interruption without the approval of TRPA. Such approval shall occur through direct TRPA review, through the conformance review process for Area Plans, or through Memorandum of Understanding with applicable governments and shall be based on criteria

set forth in ordinances to ensure that:

- i. the activity shall not increase the extent of nonconformity.
- ii. the activity shall not make it more difficult to attain and maintain environmental threshold carrying capacities.
- iii. the use is otherwise consistent with applicable Plan Area Statements and Community Plans.

C. Additional rules regarding excess land coverage are set forth in this Land Use Subelement, Policies LU-2.11 and 2.12.

LU-2.6 USES OF THE BODIES OF WATER WITHIN THE REGION SHALL BE LIMITED TO OUTDOOR WATER-DEPENDENT USES REQUIRED TO SATISFY THE GOALS AND POLICIES OF THIS PLAN.

This policy is intended to promote the use of waters of the Region for water-dependent outdoor recreation and to protect the scenic and natural qualities of such waters. Plan Area Statements or conforming Area Plans shall detail the specific policies.

LU-2.7 RESTORATION AND REHABILITATION SHALL BE A HIGH PRIORITY FOR IMPROVING ENVIRONMENTAL QUALITY AND COMMUNITY CHARACTER OF AREAS DESIGNATED FOR REDIRECTION BUT NOT INCLUDED IN A REDEVELOPMENT PLAN.

The Regional Plan calls for improvement of environmental quality and community character in redirection areas through restoration and rehabilitation. Implementation of rehabilitation and restoration strategies shall be by ordinance.

LU-2.8 THE PROVISIONS SET FORTH IN ARTICLE VI (d) THROUGH VI (i) OF THE BI-STATE COMPACT APPLY TO TRPA REGULATION OF STRUCTURES HOUSING GAMING.

LU-2.9 ALLOWABLE LAND COVERAGE IN THE TAHOE REGION SHALL BE SET FORTH IN ACCORDANCE WITH THE LAND CAPABILITY DISTRICT CLASSIFICATION METHODOLOGY AND DISTRICT BASED LAND COVERAGE LIMITATIONS SET FORTH IN "THE LAND CAPABILITY CLASSIFICATION OF THE LAKE TAHOE BASIN, CALIFORNIA-NEVADA, A GUIDE FOR PLANNING, BAILEY, 1974."

This policy limits allowable impervious land coverage associated with new development. These policies set allowable land coverage by applying the recommended Bailey land coverage coefficients to specifically defined and related areas. In some instances, provisions are made to allow additional coverage by transfer. The transfer programs shall operate by a direct offset method. In addition, land capability is one of the basic factors in determining the suitability of lands for development and appropriateness of land uses.

LU-2.10 ALLOWED BASE LAND COVERAGE FOR ALL NEW PROJECTS AND ACTIVITIES SHALL BE CALCULATED BY APPLYING THE BAILEY COEFFICIENTS, AS SHOWN BELOW, TO THE APPLICABLE AREA WITHIN THE PARCEL BOUNDARY, OR AS OTHERWISE SET FORTH IN A, B, AND C OF THIS POLICY.

LAND CAPABILITY DISTRICT	MAXIMUM ALLOWED LAND COVERAGE
1a	1 percent
1b	1 percent

1c	1 percent
2	1 percent
3	5 percent
4	20 percent
5	25 percent
6	30 percent
7	30 percent

- A. In the case of subdivisions approved by TRPA in conformance with the coefficients coverages assigned to individual lots shall be the allowed base coverage for those lots. A list of such TRPA-approved subdivisions appears in *Attachment 2*
- B. In the case of existing planned unit developments (PUDs) not in conformance with the coefficients, the coefficients shall apply to the entire project area minus public rights-of-way, and the allowed base coverage shall be apportioned to the individual lots or building sites, and common area facilities. A list of such PUDs appears in *Attachment 3*
- C. After December 31, 1988, for vacant residential parcels evaluated under the Individual Parcel Evaluation System (IPES), the allowable base land coverage shall be a function of a parcel's combined score under the IPES criteria for relative erosion hazard and runoff potential as correlated with the above coefficients and applied to the designated evaluation area.

The method of calculation of allowed land coverages shall be detailed in the implementing ordinances consistent with the above policy.

LU-2.11 THE ALLOWED COVERAGE IN POLICY LU-2.10 MAY BE INCREASED BY TRANSFER OF LAND COVERAGE WITHIN HYDROLOGICALLY RELATED AREAS UP TO THE LIMITS AS SET FORTH IN THIS POLICY:

SPECIAL PROVISIONS FOR ADDITIONAL COVERAGE, SUCH AS EXCEPTIONALLY LONG DRIVEWAYS, PERVIOUS COVERAGE, PUBLIC TRAILS AND ACCESS FOR THE DISABLED, MAY ALSO BE ALLOWED. ORDINANCES SHALL SPECIFICALLY LIMIT AND DEFINE THESE PROGRAMS.

LAND COVERAGE MAY BE TRANSFERRED THROUGH PROGRAMS THAT ARE FURTHER DESCRIBED IN THE IMPLEMENTATION ELEMENT.

The intent of the land coverage transfer programs is to allow greater flexibility in the placement of land coverage. Such programs include the use of land banks, lot consolidation, land coverage restoration programs, and transfer programs based on the calculation of land coverage on non-contiguous parcels. The coverage transfer programs allow for coverage over base coverage to be permitted and still be consistent with the soils threshold and *Goal LU-2* of this Subelement.

- A. Single Family Residential: The maximum land coverage allowed (Base + Transfer) on a parcel through a transfer program shall be as set forth below:

Parcel Size (Square Feet)

Land Coverage

0 - 4,000

Base Land Coverage
as Set Forth in *Policy LU-2.10*

4,001 - 9,000

1,800 sq. ft.

Parcel Size (Square Feet)

Land Coverage

9,001 - 14,000

20 percent

14,001 - 16,000

2,900 sq. ft.

16,001 - 20,000

3,000 sq. ft.

20,001 - 25,000

3,100 sq. ft.

25,001 - 30,000

3,200 sq. ft.

30,001 - 40,000

3,300 sq. ft.

40,001 - 50,000

3,400 sq. ft.

50,001 - 70,000

3,500 sq. ft.

70,001 - 90,000

3,600 sq. ft.

90,001 - 120,000

3,700 sq. ft.

120,001 - 150,000

3,800 sq. ft.

150,001 - 200,000

3,900 sq. ft.

200,001 - 400,000

4,000 sq. ft.

For lots in planned unit developments, the maximum coverage allowed (Base + Transfer) shall be up to 100 percent of the proposed building envelope but shall not exceed 2,500 square feet. Lots in subdivisions with TRPA-approved transfer programs may be permitted the coverage specified by that approval.

- B. Facilities in Centers: Except as provided in Subsections A, F, I, J and K of this Policy, the maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 70 percent of the land in capability districts 4 - 7, provided such parcel is within a Center of a Conforming Area Plan. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed shall be at a ratio of 1:1 for coverage transfers from sensitive lands. For transfer of coverage from non-sensitive lands, coverage shall be transferred at a gradually increasing ratio from 1:1 to 2:1, as further specified in the Code of Ordinances.
- C. Commercial and Mixed Use Facilities in a Community Plan: The maximum coverage (Base + Transfer) allowed on an existing undeveloped parcel through a transfer program, shall be 70 percent of the land in capability districts 4 - 7, provided the parcel is within an approved community plan. For existing developed parcels, the maximum land coverage allowed is 50 percent. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed, shall be at a ratio of 1:1 for coverage transfers from sensitive lands. For coverage transfers from non-sensitive lands, coverage shall be transferred at a gradually increasing ratio from 1:1 to 2:1, as further specified in the Code of Ordinances.
- D. Tourist Accommodation Facilities, Multi-Residential Facilities of 5 Units or More, Public Service Facilities, and Recreational Facilities in a Community Plan: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 50 percent of the land in capability districts 4 - 7, provided such parcel is within an approved community

plan. The coverage transfer ratio to increase coverage from the base coverage to 50 percent shall be at a ratio of 1:1.

- E. Other Multi-Residential Facilities: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer of coverage programs shall be the amounts set forth in Subsection A, above.
- F. Linear Public Facilities and Public Health and Safety Facilities: Such public facilities defined by ordinance and whose nature requires special consideration, are limited to transferring the minimum coverage needed to achieve their public purpose.
- G. Public Service Facilities Outside a Community Plan or Center: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 50 percent land coverage provided TRPA determines there is a demonstrated need and requirement to locate such a facility outside a Community Plan or Center, and there is no feasible alternative which would reduce land coverage.
- H. Other Facilities Outside of Community Plans and Centers, Facilities Within Community Plans Before the Community Plan is Approved, and Facilities within Centers before Conforming Area Plans are approved: Other than the exceptions in Subsections A, E, F, and G, the maximum land coverage allowed shall be the base land coverage as set forth in Policy LU-2.10.
- I. Notwithstanding Subsection A above, when existing development is relocated to Centers and the prior site is restored and retired, non-conforming coverage may be maintained with the relocation as long as the new site is developed in accordance with all other TRPA Policies and Ordinances.
- J. Conforming Area Plans may include a comprehensive coverage management system as an alternative to the parcel level coverage requirements outlined in Subsection A-H above. In order to be found in conformance with the Regional Plan, the comprehensive coverage management system shall reduce coverage overall, reduce coverage in land capability districts 1 and 2 compared to the parcel level limitations in the Regional Plan and Code of Ordinances and not increase allowed coverage within 300 feet of Lake Tahoe (excluding those areas landward of Highways 28 and 89 in Kings Beach and Tahoe City Town Centers within that zone).
- K. Additional land coverage limitations shall be implemented within 300 feet of Lake Tahoe, as further described in the Code of Ordinances.

LU-2.12 REHABILITATION, RECONSTRUCTION, AND UPGRADING OF THE EXISTING INVENTORY OF STRUCTURES, OR OTHER FORMS OF COVERAGE IN THE TAHOE REGION, ARE HIGH PRIORITIES OF THE REGIONAL PLAN. TO ENCOURAGE REHABILITATION AND UPGRADING OF STRUCTURES, THE FOLLOWING POLICIES SHALL APPLY:

- A. Repair or reconstruction of buildings damaged or destroyed by fire or other calamity subject to Policy LU-2.3 of this subelement is exempt from this policy.
- B. Reconstruction, rehabilitation, modification, relocation, or major repair of structures or coverage other than as specified in *Subsection A* above may be allowed, provided such use is allowed under this Land Use Subelement. For parcels with existing coverage in excess of the Bailey

Coefficients, a land coverage mitigation program shall be set by ordinance, which shall provide for the reduction of coverage in an amount proportional to the cost of the repair, reconstruction, relocation, rehabilitation, or modification, and to the extent of excess coverage. To accomplish these reductions, property owners shall have at least the following options:

- i. reducing coverage on-site;
 - ii. reducing coverage off-site;
 - iii. paying a rehabilitation fee in lieu of on-site or off-site coverage reduction in an amount established by Agency ordinance to help fund a land bank program established to accomplish coverage reductions;
 - iv. lot consolidation with a contiguous parcel or lot line adjustment to reduce the percentage of excess coverage on the resulting parcels; or
 - v. any combination of the foregoing options.
- C. Existing development in Centers with excess coverage may earn multi-residential bonus units, tourist accommodation bonus unit and bonus commercial floor area for removing and retiring excess coverage onsite.
- D. Existing coverage may be relocated within a parcel provided it is relocated to areas of equal or superior environmental capability consistent with *Subsection B* above.
- E. TRPA shall maintain a rehabilitation fee schedule that is adequate to carry out an effective land coverage banking program, equitably divides the costs to the public and private sectors, and has the minimum possible deterrent effect on the Regional Plan goal of encouraging rehabilitation, reconstruction, and upgrading of the existing inventory of structures. The rehabilitation fee schedule shall be updated annually.
- F. In approving repair, reconstruction, rehabilitation, modification, or relocation of structures or other coverage, the Agency shall also apply other relevant standards, including installation and maintenance of Best Management Practices or compliance with the design review guidelines.

GOAL LU-3

PROVIDE TO THE GREATEST POSSIBLE EXTENT, WITHIN THE CONSTRAINTS OF THE ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES, A DISTRIBUTION OF LAND USE THAT ENSURES THE SOCIAL, ECONOMIC, AND ENVIRONMENTAL WELL-BEING OF THE REGION.

The Tahoe Regional Planning Agency Bi-State Compact and extensive public testimony call for TRPA, along with other governmental and private entities, to safeguard the well-being of those who live in, work in, or visit the Region.

POLICIES:

LU-3.1 ALL PERSONS SHALL HAVE THE OPPORTUNITY TO UTILIZE AND ENJOY THE REGION'S NATURAL RESOURCES AND AMENITIES.

LU-3.2 NO PERSON OR PERSONS SHALL DEVELOP PROPERTY SO AS TO ENDANGER THE PUBLIC HEALTH, SAFETY, AND WELFARE.

Persons who develop property in the Region must ensure that their

development conforms to the Goals and Policies Plan, all TRPA regulations and all applicable local, state, and federal laws pertaining to public health, safety and welfare.

LU-3.3 DEVELOPMENT IS PREFERRED IN AND DIRECTED TOWARD CENTERS, AS IDENTIFIED ON THE REGIONAL LAND USE MAP. CENTERS SHALL HAVE THE FOLLOWING CHARACTERISTICS:

- 1) A concentration of non-residential and mixed-use development at a higher intensity than exists in other areas of the Region.
- 2) Existing or planned transit service.
- 3) Highway access.
- 4) Infill and redevelopment opportunities.
- 5) Capacity for receiving transfers of development rights and relocations of existing development.
- 6) Existing or planned housing in the vicinity.
- 7) Existing or planned street designs with continuous sidewalks, paths and other infrastructure that promotes walking, bicycling and transit use so as to encourage mobility without use of private vehicles.

LU-3.4 EXISTING DEVELOPMENT PATTERNS IN RESIDENTIAL NEIGHBORHOODS OUTSIDE OF CENTERS AND ENVIRONMENTALLY-SENSITIVE LANDS SHOULD BE MAINTAINED WITH NO SIGNIFICANT CHANGE.

LU-3.5 DEVELOPMENT IS DISCOURAGED IN AND DIRECTED AWAY FROM ENVIRONMENTALLY-SENSITIVE LANDS AND AREAS FURTHEST FROM NON-RESIDENTIAL SUPPORT SERVICES. THESE AREAS ARE FURTHER DEFINED IN OTHER PLAN POLICIES.

LU-3.6 TRPA SHALL RESERVE A PORTION OF THE AVAILABLE DEVELOPMENT ALLOCATIONS AND RESIDENTIAL BONUS UNITS TO PROMOTE THE TRANSFER OF DEVELOPMENT RIGHTS FROM SENSITIVE LANDS TO CENTERS.

LU-3.7 TRPA SHALL MAINTAIN A PORTION OF THE AVAILABLE DEVELOPMENT ALLOCATIONS AND RESIDENTIAL BONUS UNITS TO PROMOTE THE TRANSFER OF DEVELOPMENT RIGHTS FROM OUTLYING RESIDENTIAL AREAS TO CENTERS.

LU-3.8 TRPA SUPPORTS SENSITIVE LAND AND DEVELOPMENT RIGHT ACQUISITION PROGRAMS THAT PRIORITIZE THE RETIREMENT OF DEVELOPMENT AND THE RESTORATION OF SENSITIVE LAND.

**GOAL LU-4
REGIONAL PLAN GOALS, POLICIES, AND ORDINANCES SHALL BE IMPLEMENTED USING AN INTEGRATED SYSTEM OF REGIONAL AND LOCAL GOVERNMENT PLANNING.**

POLICIES:

LU-4.1 THE REGIONAL PLAN LAND USE MAP IDENTIFIES GROUPINGS OF GENERALIZED LAND USES AND PRIORITY REDEVELOPMENT AREAS IN THE REGION. AREAS OF SIMILAR USE AND CHARACTER ARE MAPPED AND CATEGORIZED WITHIN ONE OR MORE OF THE FOLLOWING EIGHT LAND USE CLASSIFICATIONS: WILDERNESS, BACKCOUNTRY, CONSERVATION, RECREATION, RESORT

RECREATION, RESIDENTIAL, MIXED-USE, AND TOURIST. THESE LAND USE CLASSIFICATIONS SHALL DICTATE ALLOWABLE LAND USES. EXISTING URBANIZED AREAS ARE IDENTIFIED AS CENTERS AND INCLUDE TOWN CENTERS, THE REGIONAL CENTER AND THE HIGH DENSITY TOURIST DISTRICT. CENTERS ARE THE AREAS WHERE SUSTAINABLE REDEVELOPMENT IS ENCOURAGED.

Since the development permitted under this plan is generally limited to the existing urban boundaries in which uses have already been established, the concept of this land use plan is directed toward encouraging infill and redirection. The intent of this system is to provide flexibility when dealing with existing uses, continuation of acceptable land use patterns, and redirection of unacceptable land use patterns. Implementation ordinances set forth the detailed management criteria and allowed uses for each land use classification.

Wilderness

Wilderness Districts are designated and defined by the U.S. Congress as part of the National Wilderness Preservation System. These lands offer outstanding opportunities for solitude and primitive, unconfined recreation experiences, and they contain ecological, geological, and other features of scientific, educational, scenic and historic value. The wilderness designation is intended to protect and preserve such areas for present and future generations. These lands are managed to prevent the degradation of wilderness character. Natural ecological processes and functions are preserved, and restored where necessary. Permanent improvements and mechanized uses are prohibited. Wilderness District lands within the Tahoe Region include portions of the Desolation, Granite Chief and Mount Rose Wilderness Areas.

Backcountry

Backcountry Districts are designated and defined by the U.S. Forest Service as part of their Resource Management Plans. These lands are roadless areas including Dardanelles/Meiss, Freel Peak and Lincoln Creek. On these lands, natural ecological processes are primarily free from human influences. Backcountry areas offer a recreation experience similar to wilderness, with places for people seeking natural scenery and solitude. Primitive and semi-primitive recreation opportunities include hiking, camping, wildlife viewing, and cross-country skiing, in addition to more developed or mechanized activities not allowed in wilderness areas (e.g., mountain biking, snowmobiling). Management activities that support administrative and dispersed recreation activities are minimal, but may have a limited influence. Limited roads may be present in some backcountry areas; road reconstruction may be permitted on backcountry lands where additional restrictions do not apply. Backcountry areas contribute to ecosystem and species diversity and sustainability, serve as habitat for fauna and flora, and offer wildlife corridors. These areas provide a diversity of terrestrial and aquatic habitats, and support species dependent on large, undisturbed areas of land. Backcountry areas are managed to preserve and restore healthy watersheds with clean water and air, and healthy soils. Watershed processes operate in harmony with their setting, providing high quality aquatic habitats.

Conservation

Conservation areas are non-urban areas with value as primitive or natural areas, with strong environmental limitations on use, and with a potential for dispersed recreation or low intensity resource management. Conservation areas include (1) public lands already set aside for this purpose, (2) high-hazard lands, stream environment zones, and other fragile areas, without substantial existing improvements, (3) isolated areas which do not contain the necessary infrastructure for development, (4) areas capable of sustaining only passive

recreation or non-intensive agriculture, and (5) areas suitable for low-to-moderate resource management.

Recreation

Recreation areas are non-urban areas with good potential for developed outdoor recreation, park use, or concentrated recreation. Lands which this plan identified as recreation areas include (1) areas of existing private and public recreation use, (2) designated local, state, and federal recreation areas, (3) areas without overriding environmental constraints on resource management or recreational purposes, and (4) areas with unique recreational resources which may service public needs, such as beaches and ski areas.

Resort Recreation

Resort Recreation areas are the specific Edgewood and Heavenly parcels depicted on Map 1 of the Regional Plan.

Residential

Residential areas are urban areas having potential to provide housing for the residents of the Region. In addition, the purpose of this classification is to identify density patterns related to both the physical and manmade characteristics of the land and to allow accessory and non-residential uses that complement the residential neighborhood. These lands include: (1) areas now developed for residential purposes; (2) areas of moderate-to-good land capability; (3) areas within urban boundaries and serviced by utilities; and (4) areas of centralized location in close proximity to commercial services and public facilities.

Mixed-Use

Mixed-use areas are urban areas that have been designated to provide a mix of commercial, public services, light industrial, office, and residential uses to the Region or have the potential to provide future commercial, public service, light industrial, office, and residential uses. The purpose of this classification is to concentrate higher intensity land uses for public convenience, and enhanced sustainability.

Tourist

Tourist areas are urban areas that have the potential to provide intensive tourist accommodations and services or intensive recreation. This land use classification also includes areas recognized by the Bi-State Compact as suitable for gaming. These lands include areas that are:

- 1) already developed with high concentrations of visitor services, visitor accommodations, and related uses;
- 2) of good to moderate land capability (land capability districts 4-7);
- 3) with existing excess land coverage; and
- 4) located near commercial services, employment centers, public services and facilities, transit facilities, pedestrian paths, and bicycle connections

Town Center District

Town centers contain most of the Region's non-residential services and have been identified as a significant source of sediments and other contaminants that continue to enter Lake Tahoe. Town centers are targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities in the Region.

Regional Center District

The Regional Center includes a variety of land uses in the core of South Lake Tahoe, including the Gondola and base lodge facilities for Heavenly Ski Area. Development patterns in the Regional Center have been and should continue to be more intensive than town centers and less intensive than the High Density Tourist District. Older development within the Regional Center is a significant source of sediment and other water contaminants. The Regional Center is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities in the Region.

High Density Tourist District

The High Density Tourist District contains a concentration of hotel/casino towers and is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities for local residents. The High Density Tourist District is the appropriate location for the Region's highest intensity development.

Stream Restoration Plan Area

Stream Restoration Plan Areas are Stream Environment Zones along major waterways that have been substantially degraded by prior or existing development. Individual Restoration Plans should be developed for each Stream Restoration Plan Area in coordination with the applicable local government and property owners in the plan area. Restoration Plans may be developed as a component of an Area Plan or as a separate document and should identify feasible opportunities for environmental restoration.

- LU-4.2** DETAILED PLAN AREA STATEMENTS HAVE BEEN APPROVED FOR ALL PROPERTIES IN THE REGION. THESE PLAN AREA STATEMENTS WERE ADOPTED IN ACCORDANCE WITH THE 1987 REGIONAL PLAN AND SHALL REMAIN IN EFFECT UNTIL SUPERSEDED BY AREA PLANS THAT ARE DEVELOPED IN ACCORDANCE WITH AND FOUND IN CONFORMANCE WITH THIS REGIONAL PLAN. IF ANY PLAN AREA STATEMENT CONTAINS PROVISIONS THAT CONTRADICT NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE, THE NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE SHALL PREVAIL, BUT ONLY TO THE EXTENT THAT SPECIFIC PROVISIONS CONFLICT.
- LU-4.3** COMMUNITY PLANS HAVE BEEN APPROVED FOR SOME PROPERTIES IN THE REGION TO REFINE AND SUPERSEDE THE PLAN AREA STATEMENTS. THESE COMMUNITY PLANS WERE ADOPTED IN ACCORDANCE WITH THE 1987 REGIONAL PLAN AND SHALL REMAIN IN EFFECT UNTIL SUPERSEDED BY AREA PLANS THAT ARE DEVELOPED IN ACCORDANCE WITH AND FOUND IN CONFORMANCE WITH THIS REGIONAL PLAN. IF ANY COMMUNITY PLAN CONTAINS PROVISIONS THAT CONTRADICT NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE, THE NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE SHALL PREVAIL, BUT ONLY TO THE EXTENT THAT SPECIFIC PROVISIONS CONFLICT.
- LU-4.4** OTHER DETAILED PLANS, SUCH AS THE AIRPORT MASTER PLAN, SKI AREA MASTER PLANS, AND REDEVELOPMENT PLANS HAVE ALSO BEEN APPROVED FOR SOME PROPERTIES IN THE REGION TO FURTHER REFINE AND SUPERSEDE THE PLAN AREA STATEMENTS. THESE PLANS WERE ADOPTED IN ACCORDANCE WITH THE 1987 REGIONAL PLAN AND SHALL REMAIN IN EFFECT UNTIL

SUPERSEDED BY AREA PLANS THAT ARE DEVELOPED IN ACCORDANCE WITH AND FOUND IN CONFORMANCE WITH THIS REGIONAL PLAN. IF ANY OF THESE PLANS CONTAIN PROVISIONS THAT CONTRADICT NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE, THE NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE SHALL PREVAIL, BUT ONLY TO THE EXTENT THAT SPECIFIC PROVISIONS CONFLICT.

LU-4.5 TRPA SHALL REQUEST THAT ALL LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS IN THE REGION PROVIDE WRITTEN STATEMENTS INDICATING THEIR INTENT TO PREPARE AREA PLANS AND THEIR ANTICIPATED SCHEDULE FOR COMPLETION OF AREA PLANS FOR AREAS WITHIN THEIR JURISDICTION. STATEMENTS OF INTENT SHOULD BE PROVIDED TO TRPA NO LATER THAN DECEMBER 31, 2013. THE TRPA GOVERNING BOARD SHALL EVALUATE THE LOCAL GOVERNMENT STATEMENTS OF INTENT AND DEVELOP AN ACTION PLAN BY APRIL 30, 2014. THE ACTION PLAN MAY INCLUDE UPDATES AND CONSOLIDATIONS OF PLAN AREA STATEMENTS, COMMUNITY PLANS AND OTHER PLANS FOR AREAS THAT ARE NOT INCLUDED IN AREA PLANS. ANY PLANS THAT ARE UPDATED BY TRPA MAY UTILIZE THE PROVISIONS THAT APPLY TO AREA PLANS.

LU-4.6 IN ORDER TO BE RESPONSIVE TO THE UNIQUE NEEDS AND OPPORTUNITIES OF COMMUNITIES OF THE REGION, LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS ARE ENCOURAGED TO PREPARE CONFORMING AREA PLANS THAT SUPERSEDE EXISTING PLAN AREA STATEMENTS AND COMMUNITY PLANS OR OTHER TRPA REGULATIONS FOR AREAS WITHIN THEIR JURISDICTION. AREA PLANS SHALL BE PREPARED IN COORDINATION WITH LOCAL RESIDENTS, OTHER STAKEHOLDERS AND TRPA STAFF, AND SHALL BE CONSISTENT WITH THE REGIONAL GOAL AND POLICY PLAN AND APPLICABLE ORDINANCES. AFTER BEING FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AREA PLANS SHALL BECOME A COMPONENT OF THE REGIONAL PLAN.

LU-4.7 AFTER APPROVAL BY LOCAL, STATE, FEDERAL OR TRIBAL GOVERNMENTS, AREA PLANS SHALL BE REVIEWED BY THE TRPA GOVERNING BOARD AT A PUBLIC HEARING. IN ORDER TO TAKE EFFECT, THE TRPA GOVERNING BOARD SHALL MAKE A FINDING THAT THE AREA PLAN, AND ZONING AND DEVELOPMENT CODES WITHIN THE PLAN, ARE CONSISTENT WITH AND FURTHER THE GOALS AND POLICIES OF THE REGIONAL PLAN. THIS FINDING SHALL BE REFERRED TO AS A FINDING OF CONFORMANCE AND SHALL BE SUBJECT TO THE SAME VOTING REQUIREMENTS AS APPROVAL OF A REGIONAL PLAN AMENDMENT.

LU-4.8 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL AREA PLANS SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:

- 1) Identify zoning designations, allowed land uses and development standards throughout the plan area.**
- 2) Be consistent with all applicable Regional Plan policies, including but not limited to the regional growth management system, development allocations and coverage requirements.**
- 3) Either be consistent with the Regional Land Use Map or recommend and adopt amendments to the Regional Land Use Map as part of an integrated plan to comply with Regional Plan policies and provide threshold gain.**
- 4) Recognize and support planned, new, or enhanced Environmental Improvement Projects. Area Plans may also recommend enhancements to**

planned, new, or enhanced Environmental Improvement Projects as part of an integrated plan to comply with Regional Plan Policies and provide threshold gain.

- 5) Promote environmentally beneficial redevelopment and revitalization within Centers.
- 6) Preserve the character of established residential areas outside of Centers, while seeking opportunities for environmental improvements within residential areas.
- 7) Protect and direct development away from Stream Environment Zones and other sensitive areas, while seeking opportunities for environmental improvements within sensitive areas. Development may be allowed in disturbed Stream Environment Zones within Centers only if allowed development reduces coverage and enhances natural systems within the Stream Environment Zone.
- 8) Identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.

LU-4.9 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL AREA PLANS THAT INCLUDE TOWN CENTERS OR THE REGIONAL CENTER SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:

- 1) Address all requirements of *Policy LU-4.8*.
- 2) Include building and site design standards that reflect the unique character of each area, respond to local design issues and consider ridgeline and viewshed protection.
- 3) Promote walking, bicycling, transit use and shared parking in town centers and the Regional Center, which at a minimum shall include continuous sidewalks or other pedestrian paths and bicycle facilities along both sides of all highways within town centers and the Regional Center, and to other major activity centers.
- 4) Use standards within town centers and the Regional Center addressing the form of development and requiring that projects promote pedestrian activity and transit use.
- 5) Ensure adequate capacity for redevelopment and transfers of development rights into town centers and the Regional Center.
- 6) Identify an integrated community strategy for coverage reduction and enhanced stormwater management.
- 7) Demonstrate that all development activity within town centers and the Regional Center will provide threshold gain, including but not limited to measurable improvements in water quality.

LU-4.10 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AREA PLANS THAT INCLUDE THE HIGH DENSITY TOURIST DISTRICT SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:

- 1) Address all requirements of Policies LU-4.8 and LU-4.9.
- 2) Include building and site design standards that substantially enhance the appearance of existing buildings in the High Density Tourist District.

- 3) Provide pedestrian, bicycle and transit facilities connecting the High Density Tourist District with other regional attractions.
- 4) Demonstrate that all development activity within the High Density Tourist District will provide threshold gain, including but not limited to measurable improvements in water quality. If necessary to achieve threshold gain, off-site improvements may be additionally required.

LU-4.11 LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS MAY ADOPT DEVELOPMENT ORDINANCES THAT SUPERSEDE TRPA ORDINANCES IF THE AREA PLAN AND ASSOCIATED ORDINANCES ARE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AND MEET THE INTENT OF TRPA ORDINANCES.

LU-4.12 ONCE AN AREA PLAN, AND ZONING AND DEVELOPMENT CODES WITHIN THE PLAN, HAVE BEEN FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS MAY ASSUME DEVELOPMENT REVIEW AUTHORITY BY MEMORANDUM OF UNDERSTANDING WITH TRPA, SUBJECT TO THE FOLLOWING LIMITATIONS:

- 1) The TRPA Governing Board shall annually review a sample of permits issued within each Area Plan, and shall certify that the Area Plans are being implemented in conformance with the Regional Plan. If the TRPA Governing Board finds that development that has been permitted within an Area Plan does not comply with the Conforming Area Plan, TRPA may retract delegation of certain permitting authority and implement the Conforming Area Plan.
- 2) Where applicable, Area Plans shall be prepared and maintained in coordination with TMDL regulatory agencies and applicable load reduction plans, as specified in the Code of Ordinances.
- 3) Approval of projects within Area Plans shall require TRPA review and approval if the project includes any of the following criteria, except for minor improvements as further specified in the Code of Ordinances:
 - i. All development within the High Density Tourist District;
 - ii. All development within the Shorezone of Lake Tahoe;
 - iii. All development within the Conservation District;
 - iv. All development within the Resort Recreation District;
 - v. All development meeting criteria on the following table:

	Regional Center	Town Center	Not in Center
Residential	100,000 sq. ft.	50,000 sq. ft.	25,000 sq. ft.
Non-Residential	80,000 sq. ft.	40,000 sq. ft.	12,500 sq. ft.

- 4) All delegated permitting decisions shall be appealable to TRPA. Appeal procedures are set forth in the Code of Ordinances and are intended to address the following goals:
 - i. Eliminate frivolous appeals and appellants “laying in wait” by encouraging early and consistent engagement.
 - ii. Increase procedural certainty and timeliness irrespective of outcomes.
 - iii. Establish that project-by-project negotiation should not be the Governing Board’s default position.
- 5) All ongoing TRPA development monitoring and reporting requirements are met.
- 6) The limitations on delegation specified in the Table above may be increased or decreased by the TRPA Governing Board. The levels of delegation may be decreased, or increased if the Governing Board finds that lead agencies, based on ongoing monitoring, reporting and performance review, are acting on projects consistent with the Area Plan and that the terms and conditions of the Area Plan are being met. After four years from the adoption of this provision, the Governing Board shall consider increasing the levels of delegation.

LU-4.13 TRPA SHALL TAKE AN ACTIVE ROLE IN ASSISTING WITH THE DEVELOPMENT OF CONFORMING AREA PLANS TO HELP ENSURE THAT AREA PLANS ARE IN CONFORMANCE WITH TRPA REQUIREMENTS. LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS SHALL ALSO SEEK REVIEW AND COMMENT FROM ALL PUBLIC AGENCIES WITH JURISDICTIONAL AUTHORITY AT APPROPRIATE POINTS IN THE PLANNING PROCESS TO ENSURE THAT REQUIREMENTS OF OTHER PUBLIC AGENCIES ARE ADDRESSED. THIS POLICY IS INTENDED TO ENSURE THAT EACH AREA PLAN, AND ZONING AND DEVELOPMENT CODES WITHIN THE PLAN, WHEN PRESENTED TO TRPA FOR CONFORMANCE REVIEW AND APPROVAL, WILL HAVE ADDRESSED THE NEEDS AND CONCERNS OF THE COMMUNITY AND WILL BE CONSISTENT WITH ALL APPLICABLE LOCAL, STATE, AND REGIONAL PLAN REQUIREMENTS.

**GOAL LU-5
COORDINATE THE REGULATION OF LAND USES WITHIN THE REGION WITH THE LAND USES SURROUNDING THE REGION.**

To minimize the impacts on one another, the Tahoe Region and its surrounding communities should attempt to coordinate land use planning decisions. This goal is especially pertinent with respect to major land use decisions immediately adjacent to the Region which may have significant impacts on the Region and affect the ability of TRPA to attain environmental thresholds.

POLICIES:

LU-5.1 THE REGIONAL PLAN SHALL ATTEMPT TO MITIGATE ADVERSE IMPACTS GENERATED BY THE PLAN WITHIN THE REGION, AND NOT EXPORT THE IMPACTS TO SURROUNDING AREAS.

Where project approvals or other proposed actions by TRPA would adversely impact surrounding areas, TRPA shall consult with the affected jurisdictions. While the Agency will attempt to ensure that adverse impacts are mitigated

within the Region, there may be situations where the adverse impacts on surrounding areas are outweighed by the environmental harm that would result from absorbing all impacts within the Region. In that regard, state laws in California and Nevada require the export of virtually all waste-waters and solid wastes from the Region.

LU-5.2 WHERE NECESSARY FOR THE REALIZATION OF THE REGIONAL PLAN, THE AGENCY MAY ENGAGE IN COLLABORATIVE PLANNING WITH LOCAL GOVERNMENTAL JURISDICTIONS LOCATED OUTSIDE THE REGION, BUT CONTIGUOUS TO ITS BOUNDARIES. THE TRPA GOVERNING BOARD SHALL INITIATE ALL COLLABORATIVE PLANNING EFFORTS THAT ARE AUTHORIZED BY THIS POLICY.

HOUSING

The purpose of this Subelement is to assess the housing needs of the Region and to make provisions for adequate housing. The Bi-State Compact does not specifically mandate this Subelement nor do the environmental thresholds address this topic. However, the states of Nevada and California both require housing to be addressed as part of a General Plan. It is the intent of this Subelement to address housing issues on a regional basis with Area Plans handling the specifics of implementation.

GOAL HS-1

PROMOTE HOUSING OPPORTUNITIES FOR FULL-TIME AND SEASONAL RESIDENTS AS WELL AS WORKERS EMPLOYED WITHIN THE REGION.

POLICIES:

- HS-1.1 SPECIAL INCENTIVES, SUCH AS BONUS DEVELOPMENT UNITS, WILL BE GIVEN TO PROMOTE AFFORDABLE OR GOVERNMENT-ASSISTED HOUSING FOR LOWER INCOME HOUSEHOLDS (80 PERCENT OF RESPECTIVE COUNTY'S MEDIAN INCOME) AND FOR VERY LOW INCOME HOUSEHOLDS (50 PERCENT OF RESPECTIVE COUNTY'S MEDIAN INCOME). EACH COUNTY'S MEDIAN INCOME WILL BE DETERMINED ACCORDING TO THE INCOME LIMITS PUBLISHED ANNUALLY BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
- HS-1.2 LOCAL GOVERNMENTS WILL BE ENCOURAGED TO ASSUME THEIR "FAIR SHARE" OF THE RESPONSIBILITY TO PROVIDE LOWER AND VERY LOW INCOME HOUSING.
- HS-1.3 FACILITIES SHALL BE DESIGNED AND OCCUPIED IN ACCORDANCE WITH LOCAL, REGIONAL, STATE, AND FEDERAL STANDARDS FOR THE ASSISTANCE OF HOUSEHOLDS WITH LOW AND VERY LOW INCOMES. SUCH HOUSING UNITS SHALL BE MADE AVAILABLE FOR RENTAL OR SALE AT A COST TO SUCH PERSONS THAT WOULD NOT EXCEED THE RECOMMENDED STATE AND FEDERAL STANDARDS.
- HS-1.4 AFFORDABLE OR GOVERNMENT ASSISTED HOUSING FOR LOWER INCOME HOUSEHOLDS SHOULD BE LOCATED IN CLOSE PROXIMITY TO EMPLOYMENT CENTERS, GOVERNMENT SERVICES, AND TRANSIT FACILITIES. SUCH HOUSING MUST BE COMPATIBLE WITH THE SCALE AND DENSITY OF THE SURROUNDING NEIGHBORHOOD.

GOAL HS-2

TO THE EXTENT FEASIBLE, WITHOUT COMPROMISING THE GROWTH MANAGEMENT PROVISIONS OF THE REGIONAL PLAN, THE ATTAINMENT OF THRESHOLD GOALS, AND AFFORDABLE HOUSING INCENTIVE PROGRAMS, MODERATE INCOME HOUSING WILL BE ENCOURAGED IN SUITABLE LOCATIONS FOR THE RESIDENTS OF THE REGION.

POLICIES:

- HS-2.1** SPECIAL INCENTIVES, SUCH AS BONUS DEVELOPMENT UNITS, WILL BE MADE AVAILABLE TO PROMOTE HOUSING FOR MODERATE INCOME HOUSEHOLDS (120 PERCENT OF RESPECTIVE COUNTY'S MEDIAN INCOME). SUCH INCENTIVES SHALL BE MADE AVAILABLE WITHIN JURISDICTIONS THAT DEVELOP HOUSING PROGRAMS THAT ARE SUBSTANTIALLY CONSISTENT WITH AND COMPLEMENTARY TO THE REGIONAL PLAN.
- HS-2.2** RESIDENTIAL UNITS DEVELOPED USING MODERATE INCOME HOUSING INCENTIVES SHALL BE USED TO PROVIDE HOUSING FOR FULL-TIME RESIDENTS OF THE TAHOE REGION. SUCH UNITS SHALL NOT BE USED FOR VACATION RENTAL PURPOSES.
- HS-2.3** RESIDENTIAL UNITS DEVELOPED USING MODERATE INCOME HOUSING INCENTIVES SHALL REMAIN PERMANENTLY WITHIN THE PROGRAM.

GOAL HS-3

REGULARLY EVALUATE HOUSING NEEDS IN THE REGION AND UPDATE POLICIES AND ORDINANCES IF NECESSARY TO ACHIEVE STATE, LOCAL AND REGIONAL HOUSING GOALS.

POLICIES:

- HS-3.1** TRPA SHALL REGULARLY REVIEW ITS POLICIES AND REGULATIONS TO REMOVE IDENTIFIED BARRIERS PREVENTING THE CONSTRUCTION OF NECESSARY AFFORDABLE HOUSING IN THE REGION. TRPA STAFF WILL WORK WITH LOCAL JURISDICTIONS TO ADDRESS ISSUES INCLUDING, BUT NOT LIMITED TO, WORKFORCE AND MODERATE INCOME HOUSING, SECONDARY RESIDENTIAL UNITS AND LONG TERM RESIDENCY IN MOTEL UNITS IN ACCORDANCE WITH THE TIMELINE OUTLINED IN THE IMPLEMENTATION ELEMENT.

COMMUNITY DESIGN

The purpose of this Subelement is to implement the TRPA regional design criteria as they apply to the built environment. The Governing Board policy applicable to community design is derived from environmental threshold carrying capacities for scenic resources:

POLICY STATEMENT

It shall be the policy of the TRPA Governing Board in development of the Regional Plan, in cooperation with local jurisdictions, to ensure the height, bulk, texture, form, materials, colors, lighting, signing and other design elements of new, remodeled and redeveloped buildings be compatible with the natural, scenic, and recreational values of the Region.

This Subelement sets forth policies for new developments or existing developments in need of remodeling or redevelopment. Some aspects of development can be brought to total conformance within a certain period of time, such as a five-year program to bring all signs into conformance with adopted standards. Others may require more time or extensive redevelopment or rehabilitation to correct past deficiencies.

GOAL CD-1

ENSURE PRESERVATION AND ENHANCEMENT OF THE NATURAL FEATURES AND QUALITIES OF THE REGION, PROVIDE PUBLIC ACCESS TO SCENIC VIEWS, AND ENHANCE THE QUALITY OF THE BUILT ENVIRONMENT.

POLICIES:

CD-1.1 THE SCENIC QUALITY RATINGS ESTABLISHED BY THE ENVIRONMENTAL THRESHOLDS SHALL BE MAINTAINED OR IMPROVED.

Implementation of regional design review requirements will be required to ensure compliance with this policy.

CD-1.2 RESTORATION PROGRAMS BASED ON INCENTIVES WILL BE IMPLEMENTED IN THOSE AREAS DESIGNATED IN NEED OF SCENIC RESTORATION TO ACHIEVE THE RECOMMENDED RATING.

GOAL CD-2

REGIONAL BUILDING AND COMMUNITY DESIGN CRITERIA SHALL BE ESTABLISHED TO ENSURE ATTAINMENT OF THE SCENIC THRESHOLDS, MAINTENANCE OF DESIRED COMMUNITY CHARACTER, COMPATIBILITY OF LAND USES, AND COORDINATED PROJECT REVIEW.

The intent of the criteria is that they be regional in nature yet specific enough to ensure that the Agency meets the mandate of specific thresholds and other policy requirements of this plan as they relate to site planning. The concept is that a design review document is the focal point for implementing many other plan policies relating to transportation, noise, water quality, air quality, scenic and aesthetic considerations, etc.

POLICIES:

CD-2.1 TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AREA PLANS SHALL REQUIRE THAT ALL PROJECTS COMPLY WITH THE FOLLOWING DESIGN REQUIREMENTS. AREA PLANS MAY ALSO INCLUDE ADDITIONAL OR SUBSTITUTE REQUIREMENTS NOT LISTED BELOW THAT PROMOTE THRESHOLD ATTAINMENT.

- A. Community Design: Area Plans that include the Regional Center or town centers shall address the following design standards:
- i. Existing or planned pedestrian and bicycle facilities shall connect properties within Centers to transit stops and the Regional Bicycle and Pedestrian network.
 - ii. Area Plans shall encourage the protection of views of Lake Tahoe.
 - iii. Within town centers and the Regional Center, building height and density should be varied with some buildings smaller and less dense than others.
 - iv. Site and building designs within Centers shall promote pedestrian activity and provide enhanced design features along public roadways. Enhanced design features to be considered include increased setbacks, stepped heights, increased building articulation, and/or higher quality building materials along public roadways.
 - v. Area Plans shall include strategies for protecting undisturbed sensitive lands and, where feasible, establish park or open space corridors connecting undisturbed sensitive areas within Centers to undisturbed areas outside of Centers.
- B. Site Design: All new development shall consider site design which includes, at a minimum:
- i. Existing natural features to be retained and incorporated into the site design.
 - ii. Building placement and design to be compatible with adjacent properties and consideration of solar exposure, climate, noise, safety, fire protection, and privacy.
 - iii. Site planning to include a drainage, infiltration, and grading plan meeting water quality standards.
 - iv. Access, parking, and circulation to be logical, safe, and meet the requirements of the transportation element.

- C. **Building Design:** Standards shall be adopted to ensure attractive and compatible development. The following shall be considered:
- i. Outside town centers, building height shall be limited to two stories (24 - 42 feet). Within town centers, building height may be allowed up to four stories (56 feet) as part of an Area Plan that has been found in conformance with the Regional Plan. Within regional centers, building height may be allowed up to six stories (95 feet) as part of a Conforming Area Plan. Within the High Density Tourist District, the height of casino hotel buildings existing as of 2012 that are at least eight stories or 85 feet high may be increased up to 197 feet as part of a Conforming Area Plan. Subject to TRPA approval pursuant to TRPA Code of Ordinances or a Conforming Area Plan, provisions for additional height requirements may be provided for unique situations such as lighting towers, ski towers, buildings within Ski Area Master Plans, steep sites, and essential public safety facilities.
 - ii. Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed.
 - iii. Buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes.
 - iv. The scale of structures should be compatible with existing and planned Land Uses in the area.
 - v. Viewshed should be considered in all new construction. Emphasis should be placed on lake views from major transportation corridors.
 - vi. Area Plans that allow buildings over two stories in height shall where feasible include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height.
 - vii. Area Plans shall include design standards for building design and form. Within Centers, building design and form standards shall promote pedestrian activity.
- D. **Landscaping:** The following should be considered with respect to this design component of a project:
- i. Native vegetation should be utilized whenever possible, consistent with fire defensible space requirements.
 - ii. Vegetation should be used to screen parking, alleviate long strips of parking space and accommodate stormwater runoff where feasible.
 - iii. Vegetation should be used to give privacy, reduce glare and heat, deflect wind, muffle noise, prevent erosion, and soften the line of architecture where feasible.
- E. **Lighting:** Lighting increases the operational efficiency of a site. In determining the lighting for a project, the following should be required:
- i. Exterior lighting should be minimized to protect dark sky views, yet adequate to provide for public safety and should be consistent with the architectural design.

- ii. Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light.
 - iii. Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well placed, low intensity lights.
 - iv. Lights should not blink, flash, or change intensity except for temporary public safety signs.
- F. **Signing:** Area Plans may include alternative sign standards. For Area Plans to be found in conformance with the Regional Plan, the Area Plan must demonstrate that the sign standards will minimize and mitigate significant scenic impacts and move toward attainment or achieve the adopted scenic thresholds for the Lake Tahoe Region.

In the absence of a Conforming Area Plan that addresses sign standards, the following policies apply, along with implementing ordinances:

- i. Off premise signs should generally be prohibited; way-finding and directional signage may be considered where scenic impacts are minimized and mitigated.
 - ii. Signs should be incorporated into building design
 - iii. When possible, signs should be consolidated into clusters to avoid clutter
 - iv. Signage should be attached to buildings when possible
 - v. Standards for number, size, height, lighting, square footage, and similar characteristics for on premise signs shall be formulated and shall be consistent with the land uses permitted in each district.
- G. **Center Boundaries:** Area Plans may propose modifications to the boundaries of a Center, if the modification complies with the following:
- i. Boundaries of Centers shall be drawn to include only properties that are developed, unless undeveloped parcels proposed for inclusion have either at least three sides of their boundary adjacent to developed parcels (for four-sided parcels), or 75 percent of their boundary adjacent to developed parcels (for non-four-sided parcels). For purposes of this requirement, a parcel is considered developed if it includes 30 percent or more of allowed coverage already existing on site or an approved but un-built project meeting this coverage requirement.
 - ii. Properties included in a Center shall be less than 1/4 mile from existing Commercial and Public Service uses.
 - iii. Properties included in a Center shall encourage and facilitate the use of existing or planned transit stops and transit systems.