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 April 14, 2004, at the North Tahoe Conference Center, 8318 North Lake
Blvd., Kings Beach, CA. The agenda for the meeting is attached hereto and
made a part of this notice.

April 7, 2004

[Signature]
John Singlaub
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.
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). Amendments to Plan Area Statement 085, Lakeview Heights; Plan Area Statement 089, Lakeside Park; Plan Area Statement 093, Bijou; Plan Area Statement 103, Sierra Tract Commercial; Plan Area Statement 104, Highland Woods, and the Stateline-Ski Run Community Plan to Add the Transfer of Development Rights for Multi-Residential Units and Amend Plan Area Statement PAS 099, Al Tahoe, to Add Multi-Residential Incentive Program to the Special Designations;

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B) Amendment of Regional Plan Goals and Policies, Attachment B, Regional Plan Glossary, to Update Certain Definitions;

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C) Amendment of Regional Plan Goals and Policies, Housing Sub-element of the Land Use Element, and Amendment to Code of Ordinances Chapter 2, Definitions, Chapter 33, Allocation of Development, Chapter 35, Bonus Unit Incentive Program, Chapter 41, Permissible Subdivisions, and Chapter 43, Subdivision Standards to Provide Incentives and Programmatic Elements for the Development of Moderate Income Housing and Other Matters Properly Relating Thereto;

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D) Notice of Sixty (60) Day Public Review and Comment Period for the Tahoe City Marina Master Plan Draft Environmental Impact Statement (DEIS) and Draft Environmental Impact Report (DEIR);

E) Proposed Amendment of Plan Area Statement 153, Sugar Pine Point, to Add Preferred Affordable Housing Area and Multi-Residential Incentive Program as a Special Designation.

VI. PLANNING MATTERS

A. Discussion of Pathways 2007 Business Plan

VII. REPORTS

A. Executive Director

B. Legal Counsel

C. APC Members

VII. ADJOURNMENT
I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Chairman Larry Lohman, Vice-Chairwoman Mimi Moss, Kevin Cole, Bill Combs, Richard Harris, Eva Krause, Gary Marchio, Ron McIntyre, Joe Oden, Lee Plemel, Leo Poppoff, Mike Riley, Jane Schmidt, Alan Tolhurst

II. APPROVAL OF AGENDA

Request to amend agenda switching Public Hearing Items A & C.

Bill Combs moved to approve the agenda as amended
Mimi Moss seconded.
All ayes.
Motion carries.

III. PUBLIC INTEREST COMMENTS

None – Introduction of new staff member Jason Ramos, Associate Planner, Long Range Planning.

IV. DISPOSITION OF MINUTES

John Singlaub had a request from Lauri Kemper, absent from meeting, to change Section VIII, Reports, Section C. APC Members, first paragraph, last part of line should read “reducing water quality impacts from increased development in the Truckee area.”

Mimi Moss made a motion to approve the minutes as corrected.
Bill Combs seconded.
Motion carried.

V. PUBLIC HEARINGS

A. Notice of Sixty (60) Day Public Review and Comment Period for the Tahoe City Marina Master Plan Draft Environmental Impact Statement (DEIS) and Draft Environmental Impact Report (DEIR)

Coleen Shade, Principal Program Manager, gave a history of the Master Plan project. The initial application was made in 1997. The Master Plan
Improvements are proposed under a two phase approach. Phase I is analyzed at the project level and Phase II analyzed at a programmatic level.

Jim Fallon, Manager of the Tahoe City Marina, and Steve Knoll of Design Workshop gave a PowerPoint presentation outlining the history of the Marina and the proposed improvements.

The General Manager of the Tahoe City PUD presented information on the Gross Street sewer lift station relocation.

The Representative from Placer County Redevelopment presented information about trip studies, traffic impacts, and necessary requirements and needs for parking in the Tahoe City area. The net increase for public parking would be 84 spaces.

EDAW Representatives presented information on the Environmental document, environmental impacts, traffic impacts, increased boat usage, as well as mitigation measures and options.

No formal action proposed at this time. Staff is requesting comments on the content of the environmental document.

Questions and Comments by APC members included the daily vehicle trips, impact to fish breeding and dredging and if a specific model will be created in Phase II, as well as plans for the lift station without the marina project, what takes place between Phase I and Phase II, whether the Marina Master plan is adequate given it is 14 years old, and the relationship between the design team and the master plan team.

No Public Comments

Mr. Combs from Placer County indicated they are on a parallel track with TRPA and will be holding Planning Commission Hearing for the use permit for the marina when it gets to that point after the 60 day public review of the environmental documents, so there will be another opportunity for the public to comment.

B. Recommendation on Amendment of Code of Ordinance Chapter 2, Definitions, and Chapter 18, Permissible Uses, to Recognize the Use of Single Family Residences as Vacation Rentals and Other Matters Properly Related thereto.

Peter Eichar, Recreation Program Manager, presented this recommendation. This amendment would recognize the use of single family homes as vacation rentals provided each local jurisdiction adopts and enforces regulations for vacation rentals to ensure compatibility with the character of the surrounding neighborhood.
Issues discussed by APC members included specific definition of a vacation rental, whether condominiums are included, if local jurisdictions are willing to adopt regulations, the staff time estimate for enforcement, whether plan area statements are affected, trip impacts, identifying/tracking vacation rentals.

A letter was presented for the record by Deborah A. Palmer

Public Comment was presented by John Falk of the Tahoe Sierra Board of Realtors who stated he believes it is a workable solution. Mr. Falk discussed the housing and transit impacts indicating they did not believe these would be significantly different than they are now.

Deborah Palmer, Attorney for the Zephyr Heights GID provided additional public comment. She expressed concern that this is a zoning change and has serious impacts that need supporting environmental study and evidence. They believe there are serious impacts regarding garbage, erosion control, emergency access.

APC Member Kevin Cole commented that all these issues can be addressed by local jurisdictions. Member Mimi Moss stated that the local jurisdictions will set the parameters. If the parameters are not met, the usage would not be allowed.

Jon-Paul Harries of the League to Save Lake Tahoe provided further public comments asking about the difference between an MOU and Cooperative Agreement and who would be responsible.

Staff member, Peter Eichar, stated that MOUs must be approved by the Governing Board and that Cooperative Agreements could be approved by the Executive Director. It was felt that Cooperative Agreements would be more appropriate in this case. He stated that he will probably be working on the MOU’s and Cooperative Agreements. Locals would do the enforcement. If they did not, the issue would be back here again.

Darryl Harris, Chair of the Zephyr Heights GID asked if the GID’s are going to be included. Enforcement is a big issue and they want to see something solid in regulation and enforcement.

Jerry Goodman, a neighborhood representative on the committee, added to the public comment indicating he felt there were no compromises made at the stakeholders meetings and that the vacation rentals advocates received everything they asked for. He also indicated his belief that there is a need for an EIS.

Jim Pfaff, President of Fantasy Inn provided public comment. He stated he was disappointed in the outcome of the community meetings and felt the vacation rentals are a big impact on motels and hotels. He also stated that he does not believe this is a fair and level playing field.
Paul Kamado, representative for the El Dorado County Neighborhood Committee added to the public comment indicating concern about compatibility issues, environmental impacts, fire issues and request to look at density.

Fred Mercado, Legal Analyst for the City of South Lake Tahoe provided additional public comment. He stated that the CSLT ordinance has been in place about 13 months. They have about 1200 permits and estimated about 500 more without permits. They are looking for alternatives to enforcement. Their experience is that enforcement is an ongoing process. He believes if no attempt is made to regulate, the industry will become an underground industry.

Michael Donahoe, Co-Chair of the Tahoe Sierra Club presented public comments and indicated their membership is divided on the impacts. They feel a need for more environmental review.

Greta Honch, a property manager, added to the public comments stating she felt all sides were heard and that locals should deal with the issues. She does not believe there is a significant impact on hotels/motels. Most vacation rentals are used only 15%-20% during the year. The rest of the time they are vacant. Therefore, there is not a great effect on the environment.

APC members further discussed that the issue is best left to local jurisdictions but judging by complaints, the locals had not been doing a good job of enforcement, allowing regulation will support enforcement. Members also discussed the need to apply the rules to everyone not just vacation rentals, the change in neighborhoods, and concern for family and social issues.

No Further Public Comment

Mimi Moss made a motion to accept staff’s recommendation.
Ron McIntyre seconded.
Motion carries with 2 nays and 3 abstentions.

C. Amendment to Chapter 43, Subdivisions, and Related Chapters, to Provide Exemptions for Certain Existing Structures From Density and Low Cost Housing Requirements.

Coleen Shade, Principal Program Manager, presented this staff summary. The item is the result of an Appeal to the Governing Board in January 2004. Governing Board directed staff to ask APC to consider amendments to the Code of Ordinances allowing TRPA to approve Mr. Ancil Hoffman’s subdivision project. Staff provided two options from which the APC could choose.
Issues noted by APC members included which options seemed to best fit the situation at hand, moderate versus low-income housing, what the applicant would be limited to at current rates, how much area would be necessary for mitigation, whether there would be a purpose to sub-dividing other than to sell the units, if the problem is site-specific or if there needs to be a more global solution.

Executive Director, John Singlaub, commented that Gabby Barrett, who has been with TRPA for 28 years, has never come across this situation before and it may be at least the same length of time before it comes up again. We need a way to look at this recognizing that there were some issues that may have led Mr. Hoffman to be misled. Minimalist version is Option B on page 16, since there appears to be a very small pool of these. We don’t want to increase the density. Option B is a limited exception allowing this to happen.

Public Comment was provided by Sherry Masters with Prudential Nevada Realty, representing Mr. Hoffman. They spent the whole time not being told that low-cost and low-income were two different things. They didn’t understand there was a difference. Mr. Hoffman wasn’t interested in the options offered by TRPA because he is not a developer and not in a position to go out and buy other properties. He had upgraded the property for fire, for egress, new roof, new wiring and other things that needed to be done for health and safety issues. If mitigating means paying for coverage through some sort of a program, that is doable. If it means removing coverage from the property, it would mean removing driveways and ways to access the property which would make it non-workable.

APC member asked Ms. Masters if Option B sounded reasonable and she indicated it sounded like the simplest solution and was very reasonable, and that Option A would not be acceptable to Mr. Hoffman.

Further comments by APC members included that under California Law this could be addressed through a variance process but there is not the same option in the Compact and there was no problem supporting either Option A or B; the need for the County to amend their code to adopt the TRPA Plan Area Statement and everything inherent with that so everyone is talking the same language.

Agency Counsel, John Marshall clarified that Option B was basically the free ride while with Option A there is no free ride. You would have to do off-site coverage mitigation and that would cost $12.50 per square foot however much you’re over. Option A is not exempting from low-cost housing but we are proposing mitigation from density.

Ms. Masters restated her understanding of what each option would mean to Mr. Hoffman and that she thought Option B would be the better option.

No Further Public Comment
Bill Combs made a motion to recommend Option B to the Governing Board. Mimi Moss seconded. Motion carried with request to convey to Governing Board that APC struggled with the issue which needs to be repaired.

VI. PLANNING MATTERS

A. Annual Water Quality Report


APC Member comments included questions on how storm water was measured, requesting more detailed maps and knowing where all the creeks are, and if any work is being done regarding Nitrogen and Phosphorus levels.

No Public Comments.

VII. REPORTS

A. Executive Director

Executive Director John Singlaub reported on actions taken by the Governing Board on APC recommendations. He reported that scoping for the Tahoe Beach Club was done. There was a large turn-out that was quite emotional.

Mr. Singlaub noted that PAS 146, Emerald Bay to add waterborne transit and tour boat operations was approved, but at the last minute, the applicant stated that they would like to be able to operate the tour boats in June. The item was approved by the Governing Board, leaving it to the discretion of the Executive Director if the tour boat could be used in June.

Amendment of PAS 068 Round Mound to Change a Single Family Dwelling from a Special Use to an Allowable Use was approved by the APC as an allowed use. There were two California members absent when this item was voted on, and the amendment required a four-four vote. As a result Round Mound was not passed and Tim Smith will ask for reconsideration at the March Governing Board meeting.

The Amendment of PAS 116 was approved, along with CWA 208 to bring it into conformance with Chapter 81.

B. Legal Counsel

Agency Counsel John Marshall reported that the Court heard arguments on TRPA’s Motion to Dismiss the scenic lawsuit brought by the Committee for
Reasonable Regulation of Lake Tahoe. A number of claims were dismissed and we are awaiting for the judge's final ruling. A synopsis of the recent bench ruling by the Nevada District Court in the scenic litigation was provided to APC members.

C. APC MEMBERS

Ms. Moss thanked staff for the updated list of APC members.

VIII. ADJOURNMENT

Time: 2:55 PM

Meeting minutes and handouts available by contacting TRPA, 775-588-4547, ext. 223.

Respectfully submitted,

Carol I. Watkins

Due to technical difficulties with the recording system, there was no recording of the meeting from approximately 2:00 p.m. to 2:55 p.m. The remainder of the meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA office, 128 Market Street, Stateline, Nevada.
MEMORANDUM

April 6, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendments to Plan Area Statement 085, Lakeview Heights; Plan Area Statement 089, Lakeside Park; Plan Area Statement 093, Bijou; Plan Area Statement 103, Sierra Tract Commercial; Plan Area Statement 104, Highland Woods, and the Stateline/Ski Run Community Plan to Add the Transfer of Development Rights for Multi-Residential Units and Amend Plan Area Statement 099, Al Tahoe, to Add Multi-Residential Incentive Program to the Special Designations.

Proposed Action: Staff received a request by the City of South Lake Tahoe (CSLT) to amend Plan Area Statements (PAS) 085, 089, 093, 103, 104, and the Stateline Community Plan to designate these plan areas as a receiving areas for development right transfers needed for the development of multi-family housing in areas that currently permit multi-family dwelling as a permissible use. In addition, staff proposes to designate PAS 099 a Multi-Residential Incentive Program area to enable the use of bonus units for the creation of multi-family affordable housing within areas designated Preferred Affordable Housing Areas. See Exhibits 1-7 for proposed language changes.

Staff Recommendation: Staff recommends that the Advisory Planning Commission (APC) conduct the public hearing as noticed and recommend adoption of the attached amendments to the TRPA Governing Board.

Background: TRPA received a request from the City of South Lake Tahoe that these proposed changes be made in order to 1) Reduce confusion for project applications; 2) Enable multi-family housing to be constructed where it is a permissible use using residential development rights; and 3) Allow bonus units to be used for development of affordable multiple family housing within designated Preferred Affordable Housing Areas.

Consistency with the City of South Lake Tahoe Zoning: The City of South Lake Tahoe (CSLT) has adopted TRPA’s Plan Area Statements and Community Plans for its zoning. The Regional Plan amendment requires public hearings and adoption by both TRPA Governing Board and the City Council. This item was heard before the City Council at their meeting on September 16, 2003. The City Council voted to approve the amendments as recommended by City staff.

Discussion: The City has been working diligently with realtors and others in the community to educate potential project proponents regarding the use of the Plan Area Statements and Community Plans. In some plan areas within the City multi-residential dwelling is a permissible use but the mechanisms to transfer residential development rights for such use were omitted. This effectively limits the ability to develop multi-family

JH/dmc

AGENDA ITEM V.A.
Memorandum to TRPA Advisory Planning Commission
Amendments to Add the Transfer of Development Rights for Multi-Residential Units and Add Multi-Residential Incentive Program
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dwelling in areas that have existing multi-family uses such as duplexes. In some cases this was done by purposely by the original framers of the Regional Plan. Their intent was to allow existing multi-residential uses to remain without becoming non-conforming and, in some cases, to preserve the vacant land base for commercial development. In other instances, areas identified for a proposed amendment, such as the Stateline/Ski Run Community Plan, have the appropriate designations, however, due to a typographical error the wrong wording was adopted.

Today the City believes promoting mixed-use and affordable development is a more appropriate strategy for the community. The City Council has voted to endorse changing the designations requested in this amendment to correspond with that belief.

Under current market conditions, the likelihood of a private developer proposing affordable housing project is increased if there is a market-rate residential component. Furthermore neighbors can also perceive such projects as more palatable, overcoming another typical obstacle for such projects. The ability to create this type of project is facilitated if a proponent can transfer development rights to an area to develop multi-family projects that are currently a permissible use.

TRPA staff concurs with the City’s assessment and strategy of providing housing through the mixed-use concept and that the plan areas should be amended to provide incentives to develop such projects. It’s staff opinion that the changes to the plan areas would not have an environmental impact on the thresholds or the land use goals and policies of the region. Multi-family dwelling is currently a recognized and permissible use in all the plan areas proposed for amending and would not result in triggering the Transit-Oriented Designation (TOD) findings required in Chapter 13 of the Code. The intent of the TOD findings is to encourage the development of higher density multi-family projects within close proximity of transit and services and not in outlying single family residential plan areas. Although this finding is not triggered by this amendment it should be noted that all the plan areas meet the TOD criteria for distance from transit and services.

The amendment themselves would not result in any additional development than that allowed by the Regional Plan. The transfer of development rights would come through purchase of existing rights or retirement of sensitive lots, bonus units would be allocated by TRPA within the limits established in the Regional Plan, and allocations are still required for that portion of a project that is not deeded as restricted affordable. Although the amendments do not result in increased development potential than that permitted by the Regional Plan, they do result in the movement of development rights into the targeted plan areas that result in higher density development. From a land use perspective this is consistent with TRPA findings to locate higher density development within the urban corridors close to operational transit, work centers, and services.

Land Use Consistency: The proposed amendments do not result in any changes to the permissible use list that would result in inconsistent land uses or inconsistent land use patterns or the planning statement for the plan areas. All the plan areas targeted in these amendments currently have multi-family dwelling as a permissible use in the allowed and special use category. The increased opportunity for multi-family development in these plan areas is consistent with the land use classifications as follows:
Residential Areas are those 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 areas now developed for residential purposes; areas of moderate-to-good land capability; areas serviced by utilities; or areas of centralized location in close proximity to commercial services and public facilities. The amendment is consistent with this classification because multi-family is currently permissible and the amendment would further enhance the ability to develop multi-family projects within the appropriate areas.

Commercial and Public Service Areas are areas that have been designated to provide commercial and public services to the Region or have the potential to provide future commercial and public services. The purpose of this classification is to concentrate such services for public convenience, separate incompatible uses, and allow other non-commercial uses if they are compatible with the purpose of this classification and other goals of the Regional Plan. These lands include areas now developed for commercial or public service uses; in the case of public services, lands designated for, or in, public ownership; areas suitable to encourage the concentration of compatible services; areas of good-to-moderate land capability; or areas with adequate public services and transportation linkages. The amendments are consistent with this classification. Although multi-family is a non-commercial use it is compatible with this classification. A goal of the Regional Plan is to concentrate higher density type development closer to commercial nodes, to allow access to services, work centers, and transportation linkages, which reduces the dependence on the automobile and reduces the amount of Vehicle Miles Traveled (VMT). The amendment would facilitate and encourage the transfer of development rights to develop higher density projects closer to commercial and public service nodes.

Tourist Areas are those that have the potential to provide intensive tourist accommodations and services or intensive recreation. This land use classification also includes areas recognized by the Compact as suitable for gaming. These lands include: areas now developed with high concentrations of visitor accommodations and related uses; lands on which gaming is a permitted and recognized use; lands of good-to-moderate land capability; or areas with adequate public services and transportation linkages. The Stateline Community Plan that is being amended has policies that target affordable housing within the plan. The intent of the plan is to provide workforce housing within proximity to a large employment base, which are the casinos in this case. Therefore the amendment of this community plan is consistent with the land use classification and similar to the Commercial and Public Service rationale described above, it will encourage higher density development within close proximity to services, work centers, and transportation linkages. In review of the Stateline Community Plan, the plan area has been designated as a receiving area for “residential bonus units”. This designation does not exist in Chapter 13 of the Code of Ordinances and it is staff’s opinion that the authors of the plan meant to add “multi-family residential units” as a designation. Staff considers this a typographical error but proposes that the community plan be amended officially as part of this proposal.
Plan Area Designations: Consistent with the TPRA Goals and Policies, TRPA has created incentive programs for developing affordable and higher density housing in the Region. The programs include designating areas as “Preferred Affordable Housing” and “Multi-Residential Incentive Program” and allowing the transfer of multi-residential development rights to a single parcel. The “Multi-Residential Incentive Program” permits the use of incentives outlined in Chapter 35 to obtain multi-residential bonus units; however, they are not restricted to affordable housing units. The designation of a plan area as a receiving area for multi-residential units allows the transfer of one or more residential development rights, as defined in Chapter 2, to be transferred to the parcel within a designated plan area. The designations proposed in these amendments are consistent with the plan areas that currently permit the development of multi-family and would further enhance and provide the incentive to develop higher density mix-use projects to be developed. The designation would permit the applicant to transfer development rights to develop higher density housing in appropriate areas or apply for bonus units to develop affordable units and get an exemption from the allocation requirements.

Transit Oriented Development: As discussed earlier, all the targeted plan areas and community plan currently allow multi-family dwelling as a permissible use and the TOD findings are not relevant. However it is important to note that all the targeted areas meet the criteria established for the TOD findings which include close proximity to transportation linkages, work centers, public services, and commercial services and provide the ability to infill as a higher density.

Transportation: No significant impacts to Level of Service are anticipated. It’s anticipated that the close proximity to services and work centers will reduce the dependence upon the automobile. However, any subsequent project implemented, as a result of the amendment would have to provide adequate parking and mitigate an trips generated.

Other Related Amendments: TRPA is currently proposing a related amendment to the TRPA Goals and Policies and the Code of Ordinances to permit the use of Bonus Units for residential development classified as moderate housing. This amendment would further help facilitate moderate housing development by allowing the transfer of development rights to develop such projects.

Effect on TRPA Work Program: No significant impact is expected on TRPA’s work program as a result of this amendment since it does not result in any increased in development potential. The amendment will likely only affect the type of development being reviewed by staff.

Findings: Prior to amending the plan areas and community plan, TRPA must make the following Findings.

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 amendments to the plan areas and community plan will not adversely affect implementation of the Regional Plan. The proposed amendments are consistent with the intent of the plan areas and community plan to allow multi-family residential development. In light of the need to provide affordable housing in the region, the amendments provide a mechanism to develop such projects while providing an incentive to the private developer. The amendments provide the opportunity to facilitate mixed-use development, which includes a combination of affordable, and market rates. As discussed in the staff summary, the amendments are consistent with the plan areas and community plan and do not result in any increase development potential than that established in the Regional Plan. The amendments themselves will result in transfer of development rights to develop higher density projects that are currently permissible in the plan areas and the community plan.

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

Rationale: The amendments will not cause the environmental thresholds to be exceeded. The amendments do not result in any additional development potential beyond that established by the Regional Plan but rather provides opportunities and encourages higher density development within close proximity to commercial nodes to reduce the dependency on the automobile. Providing opportunities for higher density development closer to commercial nodes is consistent with the Transit Oriented Findings and will provide access to services, work centers, and transportation linkages, which reduces the vehicle miles traveled (VMTs) in the Basin.

3. 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: See findings 1 and 2 above.

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.
B. Chapter 13 Findings

1. Finding:  The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C.

Rationale: As discussed in the Land Use Consistency Section above the ability to develop multi-residential projects in areas designated for multi-residential land uses is consistent. The ability to develop residential projects within areas designated as Commercial/Public Service and Tourist Areas is also consistent with the goals of the Regional Plan to encourage higher density development within close proximity of commercial and tourist nodes that provide transportation linkages, public services, close proximity to work centers and neighborhood services. In addition the designations of Multi-Residential Incentive Program and allowing the plan areas to be designated as a receiving area will provide the mechanism to develop these multi-family projects within the plan area and community plan.

Environmental Documentation: Staff has reviewed the Initial Environmental Checklist (IEC) submitted by the City for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 and Chapter 13 findings and the IEC.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 775•588•4547, or via email at jhitchcock@trpa.org, if you have any comments regarding this item.

Attachments
Attachment A, Adopting Ordinance
Exhibit 1, Proposed Changes to PAS 085, Lakeview Heights
Exhibit 2, Proposed Changes to PAS 089, Lakeside Park
Exhibit 3, Proposed Changes to PAS 093, Bijou
Exhibit 4, Proposed Changes to PAS 099, Al Tahoe
Exhibit 5, Proposed Changes to PAS 103, Sierra Tract Commercial
Exhibit 6, Proposed Changes to PAS 104, Highland Woods
Exhibit 7, Proposed Changes to Stateline-Ski Run Community Plan
Attachment B, Location Map
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2004 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING PLAN AREA STATEMENT 085, LAKEVIEW HEIGHTS; PLAN AREA STATEMENT 089, LAKESIDE PARK; PLAN AREA STATEMENT 093, BIJOU; PLAN AREA STATEMENT 103, SIERRA TRACT COMMERCIAL; PLAN AREA STATEMENT 104, HIGHLAND WOODS, AND STATELINE/SKI RUN COMMUNITY PLAN, TO ADD THE TRANSFER OF DEVELOPMENT RIGHTS FOR MULTI-RESIDENTIAL UNITS; AND PLAN AREA STATEMENT 099, AL TAHOE, TO ADD MULTI-RESIDENTIAL INCENTIVE PROGRAM TO THE SPECIAL DESIGNATIONS, AND PROVIDING FOR OTHER MATTERS PROPERLY REALATING 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 Plan Area Statement 085, Lakeview Heights; Plan Area Statement 089, Lakeside Park; Plan Area Statement 093, Bijou; Plan Area Statement 103, Sierra Tract Commercial; Plan Area Statement 104, Highland Woods; and Stateline/Ski Run Community Plan, to add the transfer of development rights for multi-residential units, and amend Plan Area Statement 099, Al Tahoe, to add multi-residential incentive program to the special designations, 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 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Chapter 6 of the Code, Chapter 13 of the Code, and Article V(g) of the Compact. The Governing Board further finds that such findings are supported by substantial evidence in the record.

1.50 The Governing Board finds that the amendments adopted hereby 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.
Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of Plan Area Statement 085, Lakeview Heights

2.10 Subsection 6.10, subparagraph (2) of TRPA Ordinance No. 87-9 as amended, is hereby further amended to add Subparagraph (   ) as follow:

6.10 Plan Document

(2) Plan Area Statement for Plan Area 085, Lakeview Heights, which statements are set forth in the document entitled: Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statement as set forth in:

Added (   ) for PAS 085, Exhibit 1, dated April 6, 2004, which amendments shall be incorporated into the Plan Area Document dated January 7, 1987, referred to in this ordinance.

Section 3.00 Amendment of Plan Area Statement 089, Lakeside Park

3.10 Subsection 6.10, subparagraph (2) of TRPA Ordinance No. 87-9 as amended, is hereby further amended to add Subparagraph (   ) as follow:

6.10 Plan Document

(2) Plan Area Statement for Plan Area 089, Lakeside Park, which statements are set forth in the document entitled: Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statement as set forth in:

Added (   ) for PAS 089, Exhibit 2, dated April 6, 2004, which amendments shall be incorporated into the Plan Area Document dated January 7, 1987, referred to in this ordinance.

Section 4.00 Amendment of Plan Area Statement 093, Bijou

4.10 Subsection 6.10, subparagraph (2) of TRPA Ordinance No. 87-9 as amended, is hereby further amended to add Subparagraph (   ) as follow:

6.10 Plan Document

(2) Plan Area Statement for Plan Area 093, Bijou, which statements are set forth in the document entitled: Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South
Lake Tahoe, Douglas County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statement as set forth in:

**Added ( ) for PAS 093, Exhibit 2, dated April 6, 2004, which amendments shall be incorporated into the Plan Area Document dated January 7, 1987, referred to in this ordinance.**

### Section 5.00
**Amendment of Plan Area Statement 099, Al Tahoe**

5.10 Subsection 6.10, subparagraph (2) of TRPA Ordinance No. 87-9 as amended, is hereby further amended to add Subparagraph ( ) as follow:

6.10 **Plan Document**

(2) Plan Area Statement for Plan Area 099, Al Tahoe, which statements are set forth in the document entitled: Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statement as set forth in:

**Added ( ) for PAS 099, Exhibit 2, dated April 6, 2004, which amendments shall be incorporated into the Plan Area Document dated January 7, 1987, referred to in this ordinance.**

### Section 6.00
**Amendment of Plan Area Statement 103, Sierra Tract Commercial**

6.10 Subsection 6.10, subparagraph (2) of TRPA Ordinance No. 87-9 as amended, is hereby further amended to add Subparagraph ( ) as follow:

6.10 **Plan Document**

(2) Plan Area Statement for Plan Area 103, Sierra Tract Commercial, which statements are set forth in the document entitled: Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statement as set forth in:

**Added ( ) for PAS 103, Exhibit 2, dated April 6, 2004, which amendments shall be incorporated into the Plan Area Document dated January 7, 1987, referred to in this ordinance.**

### Section 7.00
**Amendment of Plan Area Statement 104 Highland Woods**

7.10 Subsection 6.10, subparagraph (2) of TRPA Ordinance No. 87-9 as amended, is hereby further amended to add Subparagraph ( ) as follow:
6.10 Plan Document

(2) Plan Area Statement for Plan Area 104, Highland Woods, which statements are set forth in the document entitled: Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statement as set forth in:

Added ( ) for PAS 104, Exhibit 2, dated April 6, 2004, which amendments shall be incorporated into the Plan Area Document dated January 7, 1987, referred to in this ordinance.

Section 8.00 Amendment of the Stateline/Ski Run Community Plan

8.10 Subsection 6.10, subparagraph (28) of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibit 7, dated April 6, 2004, which attachments are attached hereto and incorporated herein.

Section 9.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Plan Area Statements and Community Plan 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 Plan Area Statements and Community Plan shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Plan Area Statements and Community Plan are hereby declared respectively severable.

Section 10.00 Effective Date

The provisions of this ordinance amending Plan Area Statements 085, Lakeview Heights; 089, Lakeside Park; 093, Bijou; 099, Al Tahoe; 103, Sierra Tract Commercial; 104, Highland Woods; and the Stateline/Ski Run Community Plan shall be effective immediately upon adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held April 28, 2004, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

David Solaro, Chairman
Tahoe Regional Planning Agency
085
LAKEVIEW HEIGHTS

PLAN DESIGNATION:

- Land Use Classification: RESIDENTIAL
- Management Strategy: MITIGATION
- Special Designation: NONE

TDR RECEIVING AREA FOR:

1. Multi-Residential Units (Special Area #1 Only)

DESCRIPTION:

Location: This area is located above Pioneer Trail by the Heavenly Valley Ski Area on TRPA maps H-17 and H-18.

Existing Uses: This area contains a mixture of residential uses such as single family dwellings, apartments, and condominiums. There are some isolated commercial uses and a large timeshare project. The area is 65 percent built out.

Existing Environment: The land is classified as 50 percent high hazard, 35 percent moderate hazard and the rest SEZ. The land coverage is 20 percent plus an additional 25 percent disturbed.

PLANNING STATEMENT: This area should continue as residential area, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

1. Some areas are not up to minimal BMP standards.
2. The legal status of the Powderhorn Subdivision is unresolved.
3. There are traffic and parking problems in the areas adjacent to Heavenly Valley and Tahoe Seasons Resort.
4. Two sites included in the City of South Lake Tahoe's Open Space and Community Park Plan are in this area.
5. The proposed alignment for the Montreal extension passes through this area.
6. This area is affected by drainage problems originating adjacent to the Heavenly Valley Ski Area parking lot.
089
LAKESIDE PARK

PLAN DESIGNATION:

| Land Use Classification       | RESIDENTIAL |
| Management Strategy           | MITIGATION  |
| Special Designation           | NONE        |

TDR RECEIVING AREA FOR:
1. Multi-Residential Units

DESCRIPTION:

Location: This is a residential/recreation area on the California side of South Stateline and is located on TRPA maps H-16 and H-17.

Existing Uses: This area includes some motels, the Lakeside Marina and beach, and older residences. The area is 95 percent built out.

Existing Environment: The land classification of this area is a mixture of high and low hazard. The shorezone tolerance district is 1. Land coverage and disturbance is high.

PLANNING STATEMENT: This area should continue as a residential/recreation area while improving lake access opportunities.

PLANNING CONSIDERATIONS:

1. There is a disturbed barrier beach with littoral drift problems.
2. This area contains Scenic Shoreline Unit 31.
3. The USFS has identified bald eagle habitat in this Plan Area.

SPECIAL POLICIES:

1. The Lakeside Marina harbor and adjacent barrier should be reviewed to determine whether or not significant littoral drift problems exist. If a significant littoral drift problem does exit, then reasonable alternatives should be reviewed. Any alternative to mitigate a significant littoral drift problem should receive appropriate private and public financial assistance to accomplish this goal.
2. Restoration of the barrier beach/SEZ area should be a high priority.
PLAN DESIGNATION:

- Land Use Classification: RESIDENTIAL
- Management Strategy: MITIGATION
- Special Designation: TDR RECEIVING AREA FOR:
  1. Existing Development
  2. Multi-Residential Units

PREFERRED AFFORDABLE HOUSING AREA
MULTI-RESIDENTIAL INCENTIVE PROGRAM
ELIGIBLE FOR REDEVELOPMENT PLANS

DESCRIPTION:

Location: This area is located south of Highway 50 between Ski Run Boulevard and Bijou Meadow and is located on TRPA maps G-17 and H-17.

Existing Uses: This is an older residential area of mixed residential uses and includes the Bijou Elementary School. The area is 90 percent built out.

Existing Environment: The lands in this area are classified as 70 percent low hazard and 30 percent SEZ. The area has 30 percent hard coverage with an additional 20 percent disturbed. PLANNING STATEMENT: This area should continue as residential, maintaining the existing character of the neighborhood.

PLANNING STATEMENT: This area should continue as residential, maintaining the existing character.

PLANNING CONSIDERATIONS:

1. The SEZ has been altered due to single family unit development.
2. This area has deteriorating housing.
3. There is a major drainage problem in this area.
4. The existing Caltrans right-of-way passes through this area.
5. The South Lake Tahoe Demonstration Redevelopment Plan is in this plan area.
099
AL TAHOE

PLAN DESIGNATION:

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<th>Land Use Classification</th>
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<tr>
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<td>Special Designation</td>
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<td></td>
<td>MULTI-RESIDENTIAL INCENTIVE PROGRAM</td>
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</tbody>
</table>

DESCRIPTION:

Location: The Al Tahoe area is roughly a triangular shape bordered by the Trout Creek/Upper Truckee meadow, the Lake, and Highway 50. It is located approximately midway between the south "Y" and Stateline and can be found on TRPA maps G-17 and G-18.

Existing Uses: The Al Tahoe area has a mix of residential uses including single family dwellings, duplexes, apartment buildings, condominiums, with various commercial uses, including motels. Densities differ according to the uses described above. The area is currently slightly over 80 percent built out. A portion of the area has significant historical architectural value.

Existing Environment: The unit is made up of five percent SEZ lands and 95 percent low hazard lands. The area is currently about 45 percent covered and 35 percent disturbed. The Shorezone Tolerance District is 4.

PLANNING STATEMENT: The area should remain residential with upgrading in those areas identified as substandard.

PLANNING CONSIDERATIONS:

1. This area is a mixed use area with a wide range of densities.
2. This area has many older substandard structures.
3. The shoreline is eroding and public access is poor.
4. A small portion of this area is impacted by the airport transportation corridor.
SIERRA TRACT-COMMERCIAL

PLAN DESIGNATION:

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<thead>
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<td></td>
<td>1. Existing Development</td>
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<tr>
<td></td>
<td>2. Multi-Residential Units</td>
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</tbody>
</table>

DESCRIPTION:

Location: This area is located along Highway 50 between the Truckee River and Trout Creek and is located on TRPA may G-18.

Existing Uses: This area contains a mixture of commercial uses including motels. The area is 90 percent built out.

Existing Environment: The lands are classified ten percent SEZ and 90 percent low hazard. The land coverage is 70 percent plus an additional ten percent disturbed.

PLANNING STATEMENT: This area should continue to provide commercial services for the residents and visitors of the south shore. and provide opportunities for developing mixed-use projects.

PLANNING CONSIDERATIONS:

1. The area experiences periods of traffic congestion.
2. Scenic Roadway Unit 35 is in this area and is targeted for restoration as required by the scenic threshold.
3. Within this area, major development is located in the SEZ.
4. The present community college will be relocated from it present site.
5. Additional fire hydrants and water system improvements are needed in this area.
HIGHLAND WOODS

PLAN DESIGNATION:

Land Use Classification: RESIDENTIAL
Management Strategy: MITIGATION
Special Designation: NONE

TDR RECEIVING AREA FOR:

1. Multi-Residential Units (Special Area #1 Only)

DESCRIPTION:

Location: Highland Woods is the residential area located north of Highway 50 between the Upper Truckee River and Trout Creek and is located on TRPA map G-18.

Existing Uses: The primary use of the area is residential. The primary density is one single family dwelling per lot or parcel. Several apartment buildings, a planned unit development, and several duplexes also exist. These higher density uses are located primarily near the Highway 50 corridor. The area is 70 percent built out.

Existing Environment: The Highland Woods area is comprised of ten percent SEZ lands and 90 percent low hazard lands. The land coverage is 30 percent plus an additional 25 percent disturbed.

PLANNING STATEMENT: The area should remain residential, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

1. This area is impacted by the airport transportation corridor.
2. Additional fire hydrants and water system improvements are needed in this area.

SPECIAL POLICIES:

1. The area adjacent to the Highway 50 corridor should be considered in redevelopment plans for Plan Area 103.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.
Chapter II
LAND USE ELEMENT

This Land Use Element is a supplement to the Land Use Element of the City's General Plan and the TRPA Goals and Policies Plan. Consistent with these Plans this Element sets forth the land use regulations for the Community Plan and provides a Community Plan Area Statement which replaces the existing Plan Area Statements (089B and 091).

A. STATELINE/SKI RUN COMMUNITY PLAN LAND USE REGULATIONS

Community planning is an option in which the local community in partnership with TRPA and local government may prepare their own plans and propose their own standards. Chapter I4 of the TRPA Code sets forth the provisions for community planning. This section indicates which provisions of the TRPA Regional Plan are applicable and which standards are replaced with equal or superior standards.

This is a brief summary of standards applicable to the Stateline/Ski Run Community Plan. In general the standards of the TRPA Code apply except as noted by:

1. The Policies of the six Elements of this plan;
2. The Mitigation Fee Program of Chapter VII;
3. The Citywide Sign Ordinance;
4. The Citywide Parking Ordinance; and
5. The Design Manual.

Pursuant to Subsection I4.5.B of the Code, the following community plan statement replaces the TRPA Plan Area Statements' regulations for this area and the City of South Lake Tahoe Zoning Code. The detailed checklist of applicable standards in Appendix A is provided to assist in the review of projects within the Stateline/Ski Run Community Plan area. The checklist also indicates which regulations are specific to the Community Plan.

B. STATELINE/SKI RUN COMMUNITY PLAN AREA STATEMENT

This Community Plan Area Statement supersedes TRPA Plan Area Statements and the City of South Lake Tahoe Zoning within the Community Plan boundaries.

PLAN DESIGNATION:

- Land Use Classification: TOURIST
- Management Strategy: REDIRECTION
- Special Designation: TDR RECEIVING AREA FOR:
  1. Existing Development
  2. Multi-Residential Bonus Units
  SCENIC RESTORATION AREA
  PREFERRED AFFORDABLE HOUSING LOCATION
  MULTI-RESIDENTIAL INCENTIVE PROGRAM
MEMORANDUM

April 7, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Regional Plan Goals and Policies, Attachment B, Regional Plan Glossary, to Update Certain Definitions

Proposed Action: TRPA staff is proposing to amend the Regional Plan Goals and Policies, Attachment B, Regional Plan Glossary to Update the Definitions consistent with other Regional Plan documents.

Staff Recommendation: Staff recommends the APC conduct the public hearing as noticed and recommend approval of the amendment (see Attachment A, Exhibit 1) to the TRPA Governing Board.

Background: TRPA amends the Regional Plan in an effort to better attain and maintain thresholds. These amendments can take many forms and are relevant to different documents. The typical Regional Plan amendments that the APC is accustomed to reviewing are amendments to the Plan Area Statements or the Code of Ordinances. Ideally, amendment of all documents to maintain congruency between them occurs however, this is not always the case. The order in which the documents were originally adopted can further complicate consistency between documents. In 1980, the TRPA Compact was ratified, but the Goals and Policies were not adopted until 1986; the Code of Ordinances was adopted over one year later. Some basic working definitions were developed in the Goals and Policies, and further refined in the Code, as regulations were developed to implement those goals and policies. The definitions in the Goals and Policies were not updated following Code adoption and, over the years, definitions within the Code have been modified and added. Therefore, this amendment is needed to bring the documents into concurrence.

Discussion: The issue of consistency for common terms found within the Goals and the Code was raised by legal counsel during the review of the proposed Regional Plan amendments relative to the use of residential structures as vacation rentals. Consequently, staff has reviewed the definitions in the Goals and Policies and those in the Code of Ordinances. Since the definitions in the Code reflect the most current policy direction, staff proposes to amend the Regional Plan definitions to create consistency.

With only a few exceptions, the amended definitions found within Exhibit 1 are the same definitions as found in Chapter 2, Definitions, of the Code of Ordinances. Three of the definitions proposed to be amended come from Chapter 18, Permissible Uses, because that is where they are defined within the Code, and one definition is taken from Chapter 93, Traffic and Air Quality Mitigation Program, for the same reason.
Effect on TRPA Staff Work Program: This amendment will have no significant effect upon TRPA staff work programs, beyond preparation of this amendment by Long Range Planning.

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 proposed amendment is anticipated to generate greater consistency within the Regional Plan for policy application. Further, the amendments will relieve any ambiguity between the competing definitions by ensuring they are the same.

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

Rationale: No action from this amendment would lead to exceedance of the environmental thresholds.

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: No projects are anticipated to be facilitated from this amendment, and if they were, the project would still need to meet all applicable air and water quality 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: See findings 1 and 2 above.

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

Rationale: See findings 1 and 2 above.

Environmental Documentation: Staff has prepared the Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 findings and the IEC.

Please contact Peter Eichar at (775) 588-4547, or recreation@trpa.org, if you have any questions regarding this agenda item.
PE/dmc

AGENDA ITEM V.B
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2004 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING THE REGIONAL PLAN GOALS AND POLICIES, ATTACHMENT B, REGIONAL PLAN GLOSSARY TO UPDATE THE DEFINITIONS CONSISTENT WITH OTHER REGIONAL PLAN DOCUMENTS.

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 Regional Plan Goals and Policies 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 Regional Plan Goals and Policies, Attachment B, Regional Plan Glossary

Subsection 6.10, subparagraph (1) of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibit 1, dated April 7, 2004, which attachment is appended hereto and incorporated herein.
Section 3.00  Interpretation and Severability

The provisions of this ordinance and the amendments to the Regional Plan Goals and Policies 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 Regional Plan Goals and Policies shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan Goals and Policies are hereby declared respectively severable.

Section 4.00  Effective Date

The provisions of this ordinance amending the Regional Plan Goals and Policies shall be effective immediately after its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held April 28, 2004 by the following vote:

Ayes:

Nays:

Abstentions:

Absent

David Solaro, Chairman
Tahoe Regional Planning Agency
ATTACHMENT B
REGIONAL PLAN GLOSSARY

For the purpose of this Plan, certain terms or words used herein shall be interpreted as follows: Words in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is mandatory, not permissive, unless the context indicates that a directory meaning is intended.

Accessory Uses: A use, building or other facility customarily a part of any permitted use that is clearly incidental and secondary to the permitted use and which does not change the character or intensity of the permitted use, or affect other properties in the vicinity. Such uses are dependent on the primary use and may not operate independent of the primary use.

Activity: Any action occurring within the Region which may be regulated.

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

Additional Development: Development which did legally not exist at the time of adoption date of the Plan. Relocation and reconstruction of existing development are not additional development.

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

Advisory Planning Commission (APC): The Advisory Planning Commission of TRPA (Compact, Article III(h)).

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

Allocation: An apportionment of additional development within the Region pursuant to the provisions of the Plan. Such an allocation allows an applicant to apply for review and approval of a project subject to the limitations of that allocation.

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


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

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

**Compact:** The Tahoe Regional Planning Compact, as amended and set forth in California Government Code Section 66801, Nevada Revised Statutes Section 277.200, or Public Law 96-551, 94 Stat. 3233, (December 19, 1980).

**Condominium:** Any interest in real property or combination of such interests defined or recognized under applicable state law as a condominium.

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

**Coverage:** See Land Coverage

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

**Development Potential:** Additional development which may be permitted by this Plan.

**Division of Land:** See Subdivision.

**Effective Date of the Regional Plan:** The date upon which TRPA commences implementation of the Regional Plan required by Article V of the Compact. This date shall be set forth by ordinance.

**Exist:** Legally present on the effective date of the TRPA Regional Plan.

**Findings:** The words "findings," "found," or "expressly found" mean a written statement of action upon an application and finding of ultimate fact, separately stated, in support of that application. Such findings consist of the ultimate facts supporting the conclusion that applicable ordinance requirements are met.

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

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

**Flood Plain:** Areas adjoining a water course, lake or other body of water that have been or may be covered by flood waters.

**Governing Board:** The governing board of TRPA (Compact, Article III (a)).

**Household:** Collectively refers to all the individuals residing in a residential unit, whether related or not.

**Land Coverage:** A manmade structure, improvement or covering that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement or covering. Such structures, improvements and coverings include but are not limited to roofs, decks, surfaces that are paved with asphalt, concrete or stone,
roads, streets, sidewalks, driveways, parking lots, tennis courts, patios, and lands so used for such uses as for the parking of cars and heavy and repeated pedestrian traffic that the soil is compacted so as to prevent substantial infiltration. A structure, improvement or covering shall not be considered as land coverage if it permits at least 75 percent of normal precipitation directly to reach the ground or permits growth of indigenous vegetation. Common terms related to land coverage are:

1) Hard Coverage—man-made structures as defined above.
2) Soft Coverage—compacted areas without structures as defined above.

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

1) Hard Coverage—man-made structures as defined above.
2) Soft Coverage—compacted areas without structures as defined above.

Land Disturbance: To disrupt the soil on a temporary or permanent basis, including but not limited to, clearing of vegetation, excavating for underground utilities, grading for a driveway, parking area, building or utility line installation.

Land Disturbance: Disruption of land that includes alteration of soil, vegetation, surface hydrology, or subsurface hydrology on a temporary or permanent basis, through action including but not limited to, grading.

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

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

Linear Public Facility: Public service facilities which are linear in nature such as roads, streets, trails, utilities transmission facilities and other similar right-of-ways. This also includes accessory uses directly relating to facilities such as pump houses, lift stations, sub stations, and access right-of-ways.

Lot: A parcel.
Multi-Family Dwelling: Includes a building or a portion of a building used or designed as a residence for two or more families living independently of each other. Includes: duplexes, triplexes and apartments; attached ownership units such as condominiums.

Multiple Family Dwelling: More than one residential unit located on a parcel. Multiple family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a fourplex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in Chapter 2. One detached secondary residence is included under secondary residence.

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

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

Native Plants: Plants indigenous or occurring naturally in the Lake Tahoe Basin.

Nonconforming Use: Nonconforming situations relating to an activity that constitutes the use made of the property.

Nonconforming Uses: Uses legally commenced prior to the effective date of the Regional Plan, July 1, 1987, which would be prohibited if new, are nonconforming uses and may be continued, subject to the provisions of Section 18.5. Existing development in a special use category for which the findings in subsection 18.1.B have not been or can not be made shall be nonconforming uses.

Off-Road Vehicle Use: The use of any motorized vehicle in areas other than: (1) on paved surfaces; (2) roads, trails or in areas designated by the Agency for use by off-road vehicles; or (3) within the boundaries of construction sites approved by the Agency. The use of snowmobiles and other motorized vehicles intended for use exclusively on snow is not off-road vehicle use, provided such vehicles are operated in areas containing adequate snow cover to avoid contact with the ground and vegetation. The use of motorized vehicles by public agencies and public utility companies to access public utilities is not off road vehicle use. The use of motorized vehicles on existing unpaved roads, to access existing residences, and on existing unpaved parking areas, is not off-road vehicle use.

Off-Road Vehicle Courses: Areas authorized by the Agency for the use of off road vehicles; including, but not limited to, dirt bike, enduro, hill climbing or other off-road motorcycle courses; also, areas authorized by the Agency for competitive events utilizing four wheel drive vehicles. Off road vehicle use does not include the use of vehicles associated with timber harvest activities on approved skid trails or maintenance vehicles.

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

Parcel: A legally created area of land that is shown as a separately bounded area on a recorded parcel map, subdivision map or other recorded document. The parcel ownership or its treatment by the county assessor is not necessarily determinative.
Parcel: An area of land or in the case of a condominium, separate space, whose boundaries have been established by some legal instrument such as a recorded map or recorded deed and which is recognized as a separate legal entity for purposes of transfer of title.

Permitted: Projects which have been reviewed and approved by the Agency.

Project: An activity undertaken by any person, including any public agency, that may substantially affect the land, water, air, space or any other natural resources of the region (Compact, Article II(h)).

Public Right-of-Way: Lands dedicated or offered for dedication by title or easement for the purpose of access by the general public.

Public Service: Uses and facilities pertaining to communication, transportation, utilities, government services and education, including, but not limited to, fire, police protection, cultural, religious, education and hospital facilities, post offices, telephone, telegraph, television, radio, gas, electric, water, sewage, and disposal systems.

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

Public Health and Safety Facilities: Facilities operated by public agencies for protection of the public, including but not limited to, fire stations, other fire prevention and fire-fighting facilities, water and sewage facilities, transportation maintenance/storage facilities, police and sheriff substations and headquarters, including interim incarceration facilities able to accommodate a maximum of 100 prisoners at one time, and emergency facilities.

Recreation: Uses and facilities pertaining to outdoor forms of play, amusement, and relaxation.

Redevelopment: Development by a redevelopment agency pursuant to state and federal redevelopment law.

Region: The area of TRPA jurisdiction as defined by the Compact (Article II(a)).

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

Regional Plan: The long-term general plan for the development of the region (Compact, Article II(d)).

Residential: Uses and facilities pertaining primarily to the occupation of buildings for living, cooking and sleeping.

Residential: Uses, facilities and activities primarily pertaining to the occupation of buildings on a permanent basis for living, cooking, and sleeping.

Residential Unit: One room or groups of two or more rooms containing one or more bedrooms, with not more than one kitchen, designed to be occupied permanently as an independent housekeeping unit by one family or one collective household with facilities.
for living, cooking, sleeping and eating. This definition includes a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex, or a condominium, and as a mobile or modular home.

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

Resource Management: Use and facilities pertaining to agriculture, forestry, animal husbandry, wildlife, fisheries, and other resource management.

Resource Management: Uses, facilities, and activities pertaining to the utilization, management, or conservation of natural resources.

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

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

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

Single-Family House: A detached building containing one single family dwelling unit situated by itself.

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

Subdivision: Any real property, improved or unimproved, or a portion thereof, shown on the latest adopted tax roll of a local government as a unit or as contiguous units, which is divided for the purpose of use, sale, lease or financing, whether immediate or future, into two or more condominiums, or into two or more units of a community apartment, or into two or more units of a stock cooperative, into two or more lots or parcels or other similar divisions.

Subdivision: A subdivision is the act or product of dividing, by a legal instrument such as a recorded deed or map, land, airspace, structures, boat slips or other property into two or more entities, and which entities are recognized, under the law of either state, as separate legal entities for purposes of transfer of title. Subdivisions include but are not limited to divisions of real property, improved or unimproved, for the purpose of use, sale, lease or financing, immediate or future, into two or more condominiums, community apartments, stock cooperatives, lots or parcels.

Tahoe Basin: A general term for the Lake Tahoe drainage basin and portions of the Lower Truckee River basin within the Region. Often used in place of the term "Region."

Thresholds: Environmental threshold carrying capacities (Compact, Article II(i)).
Tolerance District: A segment of shoreline which exhibits a unique assemblage of compositional and geometric properties, possessing a distinctive physical capability in terms of present or projected use. Eight shorezone districts are recognized and described in more detail in the 1983 Shorezone Plan for Lake Tahoe.

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

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

TRPA: The Tahoe Regional Planning Agency.

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

Urban Areas: Those areas designated Residential, Tourist, or Commercial/Public Service by the Plan Area Statements.

Urban Area: Urban areas are those areas designated as residential, tourist, or commercial/public service by the plan area statements. [Amended 12/21/94]

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

Vehicle Trip: A one-direction motorized vehicle movement which begins and ends at a trip end.

Vehicle Trip: A vehicle trip is a one directional vehicle movement to or from a project area. The number of vehicle trips assigned to a project shall be the total daily vehicle trips to or from the project at its maximum hours of full operation during the review period. When exact numbers of vehicle trips are not known for a use, they shall be determined from the Trip Table or other competent technical information.
MEMORANDUM

April 6, 2004

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Regional Plan Goals and Policies, Housing Sub-element of the Land Use Element, and Amendment to Code of Ordinances Chapter 2, Definitions, Chapter 33, Allocation of Development, Chapter 35, Bonus Unit Incentive Program, Chapter 41, Permissible Subdivisions, and Chapter 43, Subdivision Standards to Provide Incentives and Programmatic Elements for the Development of Moderate Income Housing and Other Matters Properly Relating Thereto

Proposed Action: The Local Government Committee of the Governing Board proposes to amend the Regional Plan Goals and Policies, Housing Sub-element of the Land Use Element, Code of Ordinances Chapters 2, Definitions, 33, Allocation of Development, 35, Bonus Unit Incentive Program, 41, Permissible Subdivisions and 43, Subdivision Standards in order to address the shortage of moderate-income housing options.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and recommend approval of the proposed amendments to the Governing Board.

Background: To address the shortage of moderate-income housing options available to basin residents, TRPA has been requested by the Local Government Committee of the Governing Board to amend the Regional Plan to make multi-residential bonus units available for moderate-income housing development projects. In working through this request, staff also devised a program to release residential allocations in connection with the bonus units to facilitate residential development. Staff's conclusion is that the necessary findings could be made to exempt moderate-income housing from residential allocations out-right, as is the case for Affordable Housing.

Definitions of Housing Types Based on Income: There are several definitions of housing types based on income level. Affordable housing, as defined by TRPA, is deed restricted housing for households that do not earn more than 80% of the area’s county median income as established annually by the Federal Department of Housing and Urban Development. The corresponding cost burden for renting these units is limited to not more than 30% of the monthly income for those households earning not more than 80% of the median income. Affordable housing projects are exempt from residential allocation requirements, but not development rights, wherein residential bonus units can be used in lieu of development rights.

For moderate income housing the income group is limited to households earning between 81 and 120% of the area’s county median income. Median incomes are adjusted according to household size, i.e., two, three or four person households. Incomes commonly referred
to when discussing these types of housing projects are expressed for a household size of four persons, termed Median Family Income (MFI). The median incomes for 2004 are: Washoe County, $63,200 MFI; Douglas County, $65,100 MFI; Placer and El Dorado County, $64,100 MFI. Lake Tahoe residences report between 2 and 2.5 person per household, according to the 2000 US Census.

Discussion: Prior to explaining the specifics of the Regional Plan amendments, it may be helpful to explain how the process for the development of moderately priced housing using multi-residential bonus units and residential allocations from the roll-over pool would function. Given that all site development standards are met, a parcel properly zoned in a plan area with the proper special designations and sized to accommodate 11 units would possess one development right and match it with 10 multi-residential bonus units. Those units are then matched with 11 residential allocations from the roll-over pool. The project proponent would save money by gaining multi-residential bonus units rather than development rights which can range in price from $1,000 to $6,000 each depending on market conditions at the time and geographical location (north vs. south shore). However, it may take a number of years to acquire 11 allocations depending upon the jurisdiction. For each residential dwelling unit, one development right or bonus unit must be matched with an allocation. The disposition of multi-residential bonus units does not obviate the project proponent from acquiring residential allocations. The only type of residential development that is exempt from allocations is affordable housing, e.g., low and very low-income households.

It is important to recognize that multi-residential bonus units for moderate income housing are not required for single family homes because each single-family lot currently possesses one development right, and would only need to gain an allocation for development, not a residential bonus unit; bonus units and development rights are an equivalent commodity.

Staff has developed program elements to facilitate the development of moderate income housing within the confines of the growth limitations of the Regional Plan. These elements are comprised of the release of residential bonus units from the multi-residential incentive program and residential allocations from the roll-over pool. Maintaining the development of moderate income housing within these precincts ensures consistency with the Regional Plan and, more importantly, consistency with the environmental analyses (EIS) for the adoption of the Goals and Policies and the Code of Ordinances/Plan Areas Statements which evaluated the eventual build-out of the basin.

The pool of roll-over allocations was established as part of the 1996 Threshold Evaluation from the allocations that went unused and were originally issued to the local jurisdictions. The intent of this pool was to provide an incentive for the retirement of sensitive parcels; individuals can acquire and retire sensitive parcels from development, via deed restriction, and gain an allocation from the roll-over pool to construct their home on a higher land capability lot.

Staff is aware of the potential for this proposal to undermine the existing successful programs. Therefore, staff is proposing to limit the application of the proposed program so as to ensure that development commodities are available for participants of the original program. That is, TRPA does not want all of the roll-over pool allocations to be used up, thereby removing the incentive and ability to retire sensitive lots. Additionally, TRPA does not want the community to lose sight of the need to develop housing for low and very-low income households.
income households (affordable housing) by focusing only on moderate income housing. Staff is proposing a maximum of 200 of the multi-residential bonus units be made available to moderate income housing developments and a maximum of 200 allocations from the roll-over pool also be made available. However, the roll-over allocation pool cannot drop below 100 allocations, in order to maintain the availability of allocations for sensitive lot retirement.

Use of the residential bonus units and allocations does have the potential to generate negative impacts on TRPA mitigation projects aimed at improving transit (indirectly air quality) and water quality, SEZ restoration, Scenic restoration, provision of additional public access to recreation opportunities, and the completion of capitol improvement projects within approved Community Plans. The negative impact is the lost potential of receiving 1.6 million dollars (200 bonus units valued at $8,000 each). If these bonus units were to remain in the pool, unless they were all used for affordable housing projects, it is conceivable that at some point in the future, 1.6 million dollars would be available for capitol projects. Aside from affordable housing, private developers can earn bonus units by implementing environmental improvement projects, the total value of which is credited to earn bonus units at a cost of $8,000 per bonus unit. To address this potential impact, staff is proposing to mitigate the lost revenue by ensuring that the multi-residential bonus units used for moderate income housing are developed with the concepts of Transit Oriented Development via the certification of a local jurisdiction Moderate Income Housing Program that contains appropriate implementation strategies to ensure these units are developed in close proximity to commercial and government services, and mass transit opportunities. The rationale is if these units are properly located to take advantage of existing development and transit patterns, the need for transit improvements may not be as dramatic. Further, the allocation pool will remain stocked with at least 100 allocations to ensure the ability to retire sensitive lots. It is also important to recognize that these environmental improvements can and will still occur at some point in the future, however, the projects will not be able to rely on this source for funding, but few if any currently do.

In an effort to further strengthen the connection of moderate income housing consistent with achieving and maintaining the environmental threshold carrying capacities (thresholds), TRPA is requesting that the local jurisdictions develop moderate-income housing programs, which are anticipated to be largely based on existing policies and programs, but with a greater emphasis on monitoring and reporting on the function and adherence to the required deed restrictions relative to moderate income housing. The housing program elements are proposed to be incorporated into Chapter 35 of the Code.

Amended Elements of the Regional Plan: The Goals and Policies pertaining to the development of housing within the basin are not very extensive. To implement the necessary Code changes it is recommended and desirable to provide some direction for future planners to use when interpreting the proposed Code language. To that end, staff has proposed the inclusion of one goal and three corresponding policies to guide the implementation of regulations that will facilitate, as much as any TRPA program can, the development of moderate income housing for permanent residents of the basin. Those changes are shown in Attachment A, Exhibit 1.

In numerical order, the first Code chapter that needs to be amended to implement the above-described program is Chapter 2, Definitions. Staff has developed a proposed definition for moderate income housing that mimics the definition of affordable housing, and is shown in Exhibit 2. The amendments to Chapter 33, Allocation of Development, are
not extensive additions, but have far reaching implications. These changes are in Exhibit 3, and determine the conditions under which allocations from the roll-over pool can be used in lieu of retiring a sensitive parcel.

Chapter 35, Bonus Unit Incentive Program, has the most extensive proposed changes. They are briefly described here: a maximum of 200 bonus units are to be used for moderate income housing, and the category of moderate income housing is enabled to use residential bonus units, given certain programmatic requirements are met. Lastly, and as previously described, the requirements for a Moderate Income Housing Program, developed and implemented by the local jurisdictions, are spelled out in order for residential bonus units and/or roll-over pool allocations to be used for moderate income housing developments.

The proposed amendments to Chapters 41 and 43 (Exhibits 5 and 6 respectively) are intended to create consistency and clarity in light of the newly proposed moderate income housing definition. Within Chapters 41 and 43 are the provisions for subdividing “low-cost housing” which has the same income limitations (not to exceed 120% of median income) that are defined under the proposed definition of moderate-income housing. Therefore, staff is proposing to change references from low-cost housing to moderate income housing. No other changes are proposed for these two chapters.

Effect on TRPA Staff Work Program: Staff does not anticipate these code amendments to create a significant increase in development applications; the proposed amendments may effect the timing of development (sooner than later) not the extent or overall amount of development. Additional work will be needed in order for the program to be implemented. Long Range Planning Division staff will need to work with the local jurisdictions to develop the required Moderate Income Housing Program, should they choose to enter into the program. A conservative estimate of staff time would be 40 hours per jurisdiction, or 200 hours for the five jurisdictions. This would account for the development of the Plan and bringing the Plan to the APC and Governing Board for approval of a resolution that would certify the Plan.

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 proposed amendments are consistent with the Regional Plan and will achieve and maintain the Thresholds. There is the possibility of reducing the water quality and air quality mitigation funds ($1.6 million) to be generated by these amendments. Therefore, staff developed mitigation within the proposed amendments to address the loss of mitigation funds. The mitigation is in the form of a certified local government housing program that will address air and water quality issues that the mitigation funds were intended to address. The lost revenue
does not mean these projects will not occur, only the funding available for these projects becomes more challenging to procure.

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

Rationale: Given that all development projects arising from these proposed amendments will still be required to meet all other applicable sections of the Code regarding development standards, the proposed amendment will not cause any of the threshold standards 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: Given that all development projects arising from these proposed amendments will still be required to meet all applicable air and water quality standards, it is not anticipated that the applicable air and water quality standards will be exceeded.

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: The proposed amendments are consistent with the Regional Plan and will achieve and maintain the Thresholds. There is the possibility of reducing the water quality and air quality mitigation funds ($1.6 million) to be generated by these amendments. Therefore, staff developed mitigation within the proposed amendments to address the loss of mitigation funds. The mitigation is in the form of a certified local government housing program that will address air and water quality issues that the mitigation funds were intended to address. The lost revenue does not mean these projects will not occur, only the funding available for these projects becomes more challenging to procure.

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

Rationale: The Code, as amended will still enable the achievement and maintenance of threshold standards, as these amendments do not significantly alter any programs or provisions for threshold attainment.

Environmental Documentation: Staff has prepared the Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 findings and the IEC.
Please contact Peter Eichar at (775) 588-4547, or recreation@trpa.org, if you have any questions regarding this agenda item.

Attachments: Attachment A – Implementing Ordinance  
Exhibit 1 – Goals and Policies, Land Use Element, Housing sub-element  
Exhibit 2 – Chapter 2  
Exhibit 3 – Chapter 33  
Exhibit 4 – Chapter 35  
Exhibit 5 – Chapter 41  
Exhibit 6 – Chapter 43
AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING THE GOALS AND POLICIES, HOUSING SUB-ELEMENT OF THE LAND USE ELEMENT, AND AMENDING THE CODE OF ORDINANCES, CHAPTER 2, DEFINITIONS, CHAPTER 33, ALLOCATION OF DEVELOPMENT, CHAPTER 35, BONUS UNIT INCENTIVE PROGRAM, CHAPTER 41, PERMISSIBLE SUBDIVISIONS, AND CHAPTER 43, SUBDIVISION STANDARDS TO PROVIDE INCENTIVES AND PROGRAMMATIC ELEMENTS FOR THE DEVELOPMENT OF MODERATE INCOME HOUSING 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 Regional Plan Goals and Policies Land Use Element and Code of Ordinances Chapters 2, 33, 35, 41, 43 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 Regional Plan Goals and Policies Land Use Element.

Subsection 6.10, subparagraph (1) of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibit 1, April 6, 2004, which attachment is appended hereto and incorporated herein.

Section 3.00 Amendment of the Code of Ordinances, Chapters 2, 33, 35, 41, 43.

Subsection 6.60, of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibits 2, 3, 4, 5, and 6 dated April 6, 2004, which attachment is appended hereto and incorporated herein.

Section 4.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Plan Area Statements 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 Plan Area Statements shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Goals and Policies and Code of Ordinances are hereby declared respectively severable.

Section 5.00 Effective Date

The provisions of this ordinance amending the Goals and Policies shall be effective immediately and 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 April 28, 2004 by the following vote:

Ayes:

Nays:

Abstentions:

Absent

_________________________________________
David Solaro, Chairman
Tahoe Regional Planning Agency
CHAPTER II
LAND USE ELEMENT

Article V(c)(1) of the Tahoe Regional Planning 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 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, social, physical, and economic 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, noise, natural hazards, air quality, water quality, and community design.

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HOUSING

The purpose of this Subelement is to assess the housing needs of the Region and to make provisions for adequate housing. The 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 local plans handling the specifics of implementation.

GOAL #1
TO THE EXTENT POSSIBLE, AFFORDABLE HOUSING WILL BE PROVIDED IN SUITABLE LOCATIONS FOR THE RESIDENTS OF THE REGION.

POLICIES

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.

The 1980 census data indicate that approximately 95% of the region's lower income households were paying more than the recommended costs for rental housing. There is a need to reverse the current trend of higher cost housing and to provide needed affordable housing.
2. **LOCAL GOVERNMENTS WILL BE ENCOURAGED TO ASSUME THEIR "FAIR SHARE" OF THE RESPONSIBILITY TO PROVIDE LOWER AND VERY LOW INCOME HOUSING.**

   Current data indicate the City of South Lake Tahoe and Placer County are assuming more than their share of the responsibility as detailed in the Regional Plan EIS.

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.**

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 #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**

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.**

2. **RESIDENTIAL UNITS DEVELOPED USING MODERATE INCOME HOUSING INCENTIVES (MULTI-RESIDENTIAL INCENTIVE PROGRAM) SHALL BE USED TO PROVIDE HOUSING FOR FULL-TIME RESIDENTS OF THE TAHOE BASIN. SUCH UNITS SHALL NOT BE USED FOR VACATION RENTAL PURPOSES.**

3. **RESIDENTIAL UNITS DEVELOPED USING MODERATE INCOME HOUSING INCENTIVES (MULTI-RESIDENTIAL INCENTIVE PROGRAM) SHALL REMAIN PERMANENTLY WITHIN THE PROGRAM.**
Chapter 2
DEFINITIONS

Chapter Contents

2.0 Purpose
2.1 Applicability
2.2 Definitions

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

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

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

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

Affordable Housing: Residential housing, deed restricted to be used exclusively for lower-income households (income not in excess of 80 percent of the respective county's median income) and for very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the Department of Housing and Urban Development. [Amended 9/25/96] For multi-person dwellings, the affordable housing determination shall be made using each resident's income and not the collective income of the dwelling.


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

Modification: Changes in the form or substance of a structure or activity.
Chapter 33
ALLOCATION OF DEVELOPMENT

Chapter Contents
33.0 Purpose
33.1 Applicability
33.2 Allocation Of Additional Residential Units
33.3 Allocation Of Additional Commercial Floor Area
33.4 Allocation Of Additional Tourist Accommodation Units
33.5 Regulation Of Additional Public Service Facilities
33.6 Regulation Of Additional Recreation Facilities
33.7 Election Of Conversion Of Use
33.7 Other Permits

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33.2 Allocation Of Additional Residential Units: TRPA shall allocate the development of additional residential units as follows:

33.2.A Requirement Of Allocation: No person shall construct a project or commence a use, which creates one or more additional residential units, without first receiving an allocation approved by TRPA. This requirement does not apply to affordable housing units approved after January 1, 1986, but shall apply to conversions of such affordable housing to nonaffordable status. In order to construct the project or commence the use, to which the allocation or the exemption therefrom pertains, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

   (1) Applicable Residential Uses: The following residential uses referred to in Chapter 18 contain residential units: secondary residences; employee housing; mobile home dwellings; multiple family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single family dwellings; and summer homes.

   (2) Definition Of "Additional Residential Unit": Residential unit is defined in Chapter 2. A residential unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1986. The conversion of an existing nonresidential use to a residential use constituting a residential unit is an additional residential unit requiring an allocation under this chapter. The following are not "additional" residential units:

§ Amended 12/18/02
(a) The reconstruction or replacement, on the same parcel, of a residential unit legally existing on or approved before January 1, 1986;

(b) The reconstruction or replacement, on the same parcel, of a residential unit which was allocated and approved pursuant to this Code;

(c) Legally established additions and accessory uses to an existing residential structures, that do not create additional residential dwelling units;

(d) A residential unit constructed on a foundation, the use of which is authorized by Chapter 11.

(e) The relocation of residential units legally existing on January 1, 1986, other than mobile home dwellings, through a transfer approved by TRPA;

(f) The relocation of a legally established mobile home dwelling with existing water, sewer, and electrical services to a mobile home development or to a multi-family dwelling of five units or more, pursuant to a transfer approved by TRPA; or

(g) An existing, legally established mobile home pad with water, sewer and electrical services, whether or not a mobile home is located thereon.

(3) Maximum Number Of Units And Distribution Of Allocations Among Jurisdictions: From January 1, 2002 to December 31, 2006 a maximum of 1,475 additional residential units may be authorized to receive permits for construction. The allocation and distribution of allocations each year shall not exceed the following, except for assignment of allocations from the allocation pool administered by TRPA:§

<table>
<thead>
<tr>
<th>YEAR</th>
<th>2002</th>
<th>2003-06</th>
</tr>
</thead>
<tbody>
<tr>
<td>EL Dorado County</td>
<td>92</td>
<td>111</td>
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<tr>
<td>City of SLT</td>
<td>38</td>
<td>47</td>
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<td>Placer County</td>
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<td>66</td>
</tr>
<tr>
<td>Washoe County</td>
<td>59</td>
<td>49</td>
</tr>
<tr>
<td>Douglas County</td>
<td>22</td>
<td>21</td>
</tr>
<tr>
<td>TOTAL</td>
<td>299</td>
<td>294</td>
</tr>
</tbody>
</table>

(a) A total of 1400 additional multi-residential development rights shall be available for the 20-year life of this Plan as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to

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attain the goals and objectives of this Plan. Multi residential units shall be subject to the foregoing allocation limitations.

(b) Unused allocations from years prior to 1997 shall not be added to a jurisdiction’s successive year’s allocations. Unused allocations from 1997 and beyond shall be assigned to the allocation pool.

(c) Allocations assigned to the City of South Lake Tahoe and the STPUD service area within El Dorado County may be assigned to parcels within either jurisdiction provided the sending jurisdiction approves the reassignment. Such reassignment shall not be considered an allocation transfer.

(d) Allocations shall not be distributed to a local jurisdiction if TRPA determines, based on reliable facts, that the jurisdiction lacks sufficient water or sewer capacity to serve new residential development. If the jurisdiction demonstrates to TRPA's reasonable satisfaction that there is sufficient capacity, the TRPA shall distribute the affected allocations to the jurisdiction.

(e) In the event a lack of water and sewage capacity results in an imbalance of allocations to a jurisdiction, a program to recognize the imbalance shall be developed if capacity becomes available.

(4) Allocation Pool: At the beginning of each year, unused allocations from the previous year shall be assigned to an allocation pool administered by TRPA.§

(a) TRPA may assign allocations to parcels throughout the Region providing the recipient retires a sensitive parcel within the Region.

(b) TRPA may assign up to, but not exceed 200 allocations to parcels throughout the Region provided the local jurisdiction maintains a Certified Local Government Moderate Income Housing Program as described in 35.2.G.

(c) TRPA shall not assign allocations to moderate income housing projects if the cumulative account of allocations within the pool drops below 100 allocations.

33.2.B Distribution And Administration Of Residential Allocations: Residential allocations shall be distributed and administered in accordance with the Goals and Policies, this Code, and the Rules of Procedure.

(1) Distribution of Annual Allocations: Distribution of allocations for 1993 and beyond shall be by a method or system which permits the participation of parcels with scores below the numerical level defining the top rank in the applicable jurisdiction.

(a) TRPA shall reserve ten percent of each jurisdiction's annual allocations for distribution to parcels below the IPES line.
The reserved allocations shall be distributed by a method of random selection by TRPA. A county or city may elect to distribute the reserved allocations, or may be exempt from the set-aside requirement, provided TRPA finds the substitute system or the city/county distribution system, as the case may be, provides an equal or superior opportunity for participation of parcels below the IPES line.

(b) Allocations distributed by TRPA under this subsection may either be transferred or returned to TRPA for reissuance to the jurisdiction of origin. Unclaimed reserved allocations after June 1, shall be given to the appropriate jurisdiction for issuance.§

(c) A complete application for transfer of a reserved allocation shall be filed no later than June 1 of the year it was distributed.

(d) Upon transfer of a reserved allocation, a complete application for an additional residential unit shall be filed no later than December 31, of the year in which it was distributed. Failure to submit a complete application for a transfer by June 1, of the year in which it was distributed, or to file a complete application for a new residential unit by December 31, of the year in which it was distributed, shall result in the forfeiture of the allocation to the jurisdiction of origin.

(2) Distribution of the Allocation Pool: TRPA shall distribute allocations from the allocation pool as follows:

(a) Owners of eligible parcels may apply to TRPA on a first-come, first-serve basis for available allocations in the allocation pool.

(b) Owners of parcels located within jurisdictions that maintain a Certified Local Government Moderate Income Housing Program as described in 35.2.G, may apply to TRPA on a first-come, first-serve basis for available allocations in the allocation pool.

(c) Allocations received under the Certified Local Government Moderate Income Housing Program are not limited to areas designated for the Multi-residential Incentive Program.

(3) Distribution Requirements: Distribution of allocations, within the limits set in Subsection 33.2.A and consistent with subparagraph (1) above, shall be determined by the counties and city. If any county or city chooses not to distribute allocations within its jurisdiction, then TRPA shall distribute the allocations pursuant to an allocation system adopted by TRPA.

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Chapter 35

BONUS UNIT INCENTIVE PROGRAM

35.2 Multi-Residential Incentive Program: Multi-residential bonus units may be approved for use only on parcels located in plan areas or community plans designated as eligible for the Multi-Residential Incentive Program.

35.2.A Assignment Of Bonus Units: Pursuant to Chapter 13, a maximum of 1,400 multi-residential bonus units shall be available to plan areas with the special designation of multi-residential incentive program. §

35.2.B Criteria: All projects receiving multi-residential bonus units pursuant to this chapter shall comply with the following criteria:

(1) The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the plan area statement, applicable community or redevelopment plan, or this Code.

(2) Multi-residential uses shall be designated in the plan area or community plan as an allowed use, or a special use for which the findings required in Section 18.1 have been made. §§

(3) The project shall be located within a plan area or community plan designated as eligible for the Multi-Residential Incentive Program.

(4) The multi-residential bonus units received by the project shall not cumulatively exceed the total number of multi-residential bonus units available in the Regional Plan (1,400). §

(5) Except for affordable housing units as defined in Chapter 2, an allocation shall be required pursuant to Chapter 33 in order to utilize multi-residential bonus units. §

(6) A maximum of 200 out of the 1,400 multi-residential bonus units shall be made available to moderate income housing projects.

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35.2.D Mitigation Measures: Projects proposing the use of multi-residential bonus units shall receive a score only when one or more of the following mitigation measures are proposed as part of the project. Any and 35.2.D(5)(b) combination of the listed measures may be proposed. Only those mitigation measures that would not otherwise be required by the Code shall be considered in determining the score received by a project. This subsection establishes the maximum number of points

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that may be awarded for each mitigation measure. When a mitigation measure satisfies the requirements of two or more of the mitigation measures listed below, points shall be awarded based on the mitigation measure resulting in the highest score. The total point score shall be rounded down to a number which is a multiple of ten.

(1) Participation in a Capital Improvements or EIP project included in the Action Element of TRPA's Regional Transportation Plan - (project cost divided by $8,000) x 10 points. §§

(2) Participation in a Capital Improvements or EIP project included in TRPA's Water Quality Management Plan - (project cost divided by $8,000§) x 10 points.

(3) Provision of stream zone restoration pursuant to TRPA's Stream Environment Zone Restoration Program (excluding restoration required as mitigation for new SEZ disturbance) - (project cost divided by $8,000§) x 20 points.

(4) Retirement, in accordance with Chapter 34, of an undeveloped parcel located in Land Capability Districts 1a, 1b(SEZ), 1c, 2, or 3:
   (a) If the parcel is in Land Capability Districts 1a, 1c, 2, or 3 - 10 points per transferred unit.
   (b) If the parcel is in Land Capability District 1b or in a stream environment zone - 30 points per transferred unit.

(5) Transfer of existing residential unit and retirement of the parcel in accordance with Chapter 34:
   (a) If the parcel is in Land Capability Districts 1a, 1c, 2, or 3 - 10 points per transferred unit.
   (b) If the parcel is in Land Capability District 1b or in a stream environment zone - 40 points per transferred unit.

(6) Provision of public access to recreation areas, lakes, streams, or vista points to which access was previously nonexistent - (project cost divided by $8,000§) x 10 points (maximum 50 points).

(7) Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 20 shall receive one point for each such reduction of 600 square feet onsite.

(8) Participation in projects identified in the TRPA approved Scenic Quality Improvement Restoration Program and/or the EIP - (project cost divided by $8,000§) x 10 points.

35.2.E Affordable and Moderate Income Housing: Housing development projects proposing to use multi-residential bonus units shall not be subject to 35.2.D if the following criteria are met:

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(1) Housing meeting the criteria for affordable or government assisted housing as set forth in policies 1, 3 and 4 of Goal 1 of the Housing Subelement are not subject to 35.2.D. Bonus units for such projects are assigned on the basis of project need.

(2) Housing meeting the definition of moderate income housing as defined in Chapter 2, and the local jurisdiction wherein the project is located maintains a TRPA certified Local Government Moderate Income Housing Program as determined by 35.2.G. Bonus units for such projects are assigned on the basis of project need.

35.2.F Bonus Unit Substitution: Bonus units may be assigned for existing residential units of use in a project area or residential units of use that are the result of TAU conversion pursuant to Subsection 33.7.E on a unit for unit basis, provided that the following conditions are met:

1. The project area shall be brought up to TRPA development standards applicable for modifications on a project area containing existing development and shall meet scenic quality standards if the project is visible from a roadway travel route, shoreline travel route, or designated recreation site or bike path;

2. The local jurisdiction shall inspect and certify that each unit remaining in the project area meets its health and safety requirements for residences;

3. A deed restriction shall be recorded with TRPA and the local jurisdiction ensuring that the units remaining in the project area meet TRPA’s affordable housing definition and will be so maintained; and

4. The existing units of use not used in the project area are only transferable to multiple family dwelling or multi-person dwelling projects. Projects receiving existing development rights in this manner shall not be subdivided at any time.

35.2.G TRPA Certified Local Government Moderate Income Housing Program: TRPA may certify by resolution a local government moderate income housing program upon a finding that the program adequately addresses:

1. Housing needs and issues of the jurisdiction pursuant to state standards within an adopted Housing Element

2. Standards that guide the development of moderate income housing using the principles of transit oriented development, including:

   (a) Appropriate proximity to government services; and

   (b) Appropriate proximity to commercial and employment centers; and

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(c) Appropriate proximity to mass transit opportunities and other alternative modes of transportation; and

(d) Appropriate residential and commercial densities to facilitate transit use.

(3) The housing program shall, through deed restriction or other covenant running with the land, limit the project area to the approved use and restrict both rental rates and occupants' household income to moderate income housing limits. Moderate income units approved under this program shall be made available for long-term occupancy and shall be occupied for at least 10 months in each calendar year. Units found not to be in compliance with use, rental and/or sales rates, household income levels, or occupancy requirements as more specifically described in the deed restriction or other covenant running with the land, shall not be occupied until the non-complying element of the program is rectified.

(4) Each local jurisdiction with a certified Moderate Income Housing Program shall document, monitor, annually report and enforce the provisions of the deed restrictions. It shall be the responsibility of the local jurisdiction to ensure the provisions of the deed restriction are fully complied with.

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Chapter 41
PERMISSIBLE SUBDIVISIONS

41.2 Definitions: The following terms are defined as follows:

41.2.A Community Apartment: A community apartment is an undivided interest in land coupled with the right of exclusive occupancy of a unit.

41.2.B Condominium: A condominium is an interest in real property, or combination of such interests, recognized under applicable state law as a condominium.

41.2.C Condominium Development: Condominium development is the division of real property into, or use of real property for, condominiums, including all structures relating to such division or use.

41.2.D New Development Potential: New development potential is the regional potential for additional residential, commercial, tourist accommodation, public service, recreation and related growth, as limited by the number of existing development rights currently remaining, and the Bailey coefficients for land coverage. The number of existing development rights is the number of development rights created on July 1, 1987 pursuant to Chapter 21, as amended, minus development rights which have been extinguished. New development potential for piers is limited by subparagraph 54.4.A(1) of the Code.

41.2.E Parcel Consolidation: Parcel consolidation is the merging of two or more contiguous parcels into one parcel.

41.2.F Low Cost Housing Moderate Income Housing: For purposes of the subdivision ordinances only (Chapters 40-49, inclusive), low cost housing–moderate income housing are residential units which are sold or rented at prices and rates affordable to households or tenants that earn not more than 120 percent of the applicable county median income. Low cost housing–moderate income housing shall not include units with a rental rate that exceeds 30% of the tenant’s monthly gross income, or sell at rates that exceed 2.5 times the gross annual household income.§

41.2.G Parcel Line Adjustments: A parcel line adjustment is a change in the legal boundary or boundaries of a parcel.

41.2.H Public Entity: A public entity is a public service or quasi-public entity which is responsible for public transportation, linear public facilities, utility services, public health and safety, public education, environmental protection, or public open space.

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Chapter 43
SUBDIVISION STANDARDS

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43.2 Subdivision of Existing Structures: Subdivision of eligible existing structures, as set forth in subsection 41.3.E, may be permitted subject to the following requirements:

43.2.A Permissible Use: Subdivisions of existing structures which result in a change of use shall comply with the requirements of Chapter 18. Subdivision of a structure shall be deemed an intensification of use and shall not be permitted if the new use is prohibited in the applicable plan area statement.

(1) Election of conversion of use pursuant to Section 33.7 shall be made in conjunction with or prior to an application to subdivide an existing structure. If the election is made after a TRPA approval for subdivision, then the election shall void the prior approval if the election modifies the major use classification of the subdivision.

43.2.B Low Cost Housing Moderate Income Housing: Existing residential units which are low cost housing moderate income housing, as defined by 41.2.F, shall not be subdivided unless mitigation is provided on a unit for unit basis for the loss of low cost housing moderate income housing. Mitigation shall be in the form of construction of an equal number of low cost moderate income units, conversion of other structures to low cost housing moderate income housing, restriction of subdivided units to low cost housing moderate income housing units, or a combination of the above.

(1) To determine whether a unit is low cost housing moderate income housing, the applicant shall submit a rental/sale history for each unit for the previous five years. TRPA shall review the history and determine whether the unit has, on the whole, been available as low cost housing moderate income housing. TRPA shall utilize the appropriate state and federal data on median income and rental rates and mortgages for moderate to very low income households in making the determination. If a rental/sale history is unavailable or incomplete, an appraisal of the structure prepared by a qualified appraiser shall be submitted by the applicant.

(2) Restriction of subdivided units to low cost housing moderate income housing shall include recordation of deed restrictions or other covenants running with the land, limiting the rental rates and sale price to those which are affordable to households or tenants that earn not more than 120 percent of the applicable county median.
43.2.M  **Substitution of Local Housing Plans:** If a local jurisdiction adopts and implements a program which addresses the need for low-cost housing moderate income housing within its jurisdiction, then TRPA may, by ordinance, exempt projects within that jurisdiction from the provisions of Subsection 43.2.B.

43.4  **Subdivision of Post-1987 Projects:** Subdivision of projects approved after July 1, 1987 pursuant to the 1987 Regional Plan, as it may be amended, may be permitted subject to the following requirements:

43.4.A  **Existing Urban Areas:** Subdivisions may only be permitted in urban areas existing on December 31, 1994 or as amended pursuant to subsection 13.7.D.

43.4.B  **Permissible Use:** Subdivisions which result in a change in use shall comply with the requirements of Chapter 18. Subdivision shall be deemed an intensification of use and, consistent with Subsection 18.5.B, shall not be permitted if the new use is prohibited in the applicable plan area statement.

43.4.C  **Multi-residential Bonus Units and Allocations:** Multi-residential projects which received development rights ("bonus units") under Section 35.2 after January 1, 1993, or residential allocations under Subsection 33.2.A, or multi-residential allocations under Subsection 33.2.C, shall not be permitted to subdivide or convert the multi-residential units except as follows:

1. Affordable housing projects using multi-residential bonus units may be permitted to subdivide subject to the restrictions in Subsection 43.4.F below. Multi-residential bonus units assigned to affordable housing projects shall be exempt from the limitations in subparagraph (2) below.

2. For the period ending December 31, 1996, no more than 200 multi-residential bonus units shall be approved for subdivision. Bonus units shall be deemed used and counted against this limitation at the time of subdivision approval. The number of multi-residential bonus units eligible for subdivision after December 31, 1996, if any, shall be reviewed in conjunction with the proposed 1997-2001 residential allocations.

43.4.D  **Low Cost Housing Moderate Income Housing:** Subdivision of low-cost housing moderate income housing projects, as defined in Subsection 41.2.F and subject to the limitation in subparagraph 43.4.C(2) above, may be permitted provided TRPA finds that the resultant use qualifies as low-cost housing moderate income housing and appropriate deed restrictions or other covenants running with the land are recorded to document the restriction of units to low-cost housing moderate income housing.
April 6, 2004

MEMORANDUM

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Notice of Comment Period for the Tahoe City Marina Master Plan Draft Environmental Impact Statement (DEIS) and Draft Environmental Impact Report (DEIR) Sixty (60) Day Public Review And Comment Period

Proposed Action: No formal action is proposed for this item at this time. Staff is requesting comments on the content of the environmental document for the Tahoe City Marina Master Plan DEIS/DEIR.

Staff Recommendation: Staff recommends that a public hearing be held to gather public input and comments on the DEIS/DEIR.

Background: Marinas provide a major means of public access to lake Tahoe. Seeing the Tahoe Basin from the Lake gives the viewer a very different and revealing perspective and appreciation of the area than from any viewpoint on land. A marina that is poorly designed, operated or maintained can detract from the community and be a source of environmental impacts not to mention a safety hazard. The goal of all parties concerned with marina planning and operation is that marinas make a positive contribution to the Lake Tahoe environment and community.

The environmental threshold for recreation as defined in the Recreation Element of the Goals and Policies states that “it shall be the policy of the TRPA Governing Body in the development of the Regional Plan to preserve and enhance the high quality recreational experience. In developing the Regional Plan, the staff and Governing Board shall consider provisions for additional access, where lawful and feasible, to the shorezone and high quality undeveloped areas for low density recreational uses”. In addition, the threshold also states that the “TRPA Governing Board in development of the Regional Plan is to establish and ensure a fair share of the total Basin capacity for outdoor recreation is available to the general public”. Marinas can make an important contribution toward meeting the recreation threshold in ensuring that high quality recreational opportunities are available to the general public.

Section 54.12 of the TRPA Code of Ordinances outlines the development standards for Marinas in the Tahoe Region. Subsection 54.12.A states that applications for new marinas and major expansions of existing marinas shall include an EIS pursuant to Chapter 5 and a master plan pursuant to Chapter 16. At a minimum, the EIS shall assess potential impacts on beach erosion, prime fish habitat, water quality and clarity, and determine the public need for the project.
In 1990 TRPA adopted Marina Master Plan Guidelines. These guidelines state that any marina expansion of more than 10 slips or 10 buoys requires a TRPA-approved master plan. Chapter 16 identifies master plan as a project oriented plan. Adoption of a master plan is an amendment to the Regional Plan which has some very specific procedural requirements. The master plan, once adopted, becomes a supplement to the applicable plan area statement (PAS) or community plan (CP). In this case, the Tahoe City Marina Master Plan will supplement the Tahoe City Community Plan.

Proposed Master Plan and Environmental Process
The Tahoe City Marina contracted with Design Workshop to develop and draft the Master Plan. The Master Plan Improvements are proposed to be developed under a two phase approach.

Phase I (Project Level Analysis)
- 905 linear feet of new marina bulkhead
- 81 additional boat slips (81 PAOTs)
- New parking structure with a net increase of 84 parking spaces
- Relocation of the boat launch facilities
- Relocation and construction of new fuel pumpout and Bilge pumpout facilities
- Boat rack storage to accommodate up to 12 boats
- New harbor master and public service building

Phase II (Programmatic Level Analysis)
- 1000 linear feet of additional marina bulkhead
- 100 new slips, removal of 41 existing buoys (net gain of 60 PAOTS)

The environmental document in which these improvement are analyzed is a Draft Environmental Impact Statement (DEIS)/Draft Environmental Impact Report (DEIR). TRPA is the lead agency for the EIS and Placer County will be the lead agency for the EIR under CEQA.

A five-party contract has been signed between TRPA, the Tahoe City Marina, Placer County, Tahoe City Public Utility District (for the Harbor Master Building/PumpStation) and Placer County Redevelopment (parking structure). The selected environmental document consultant is EDAW. The role of this consultant is to facilitate the environmental process and draft the EIS/EIR. On May 14, 2001 a public scoping meeting was held to gather public input and comments on the scope of issues that should be analyzed in the environmental document. The next step in the environmental documentation process is this Notice of Comment Period (a sixty (60) day circulation for public review and comment) which began on February 27, 2004 and will close on April 26, 2004. The purpose of the sixty (60) day Comment Period is to gather input from both public and private entities regarding the adequacy of disclosure for the issues, concerns, impacts, and mitigations that are addressed in the environmental document.

If you have any questions regarding this agenda item please call Coleen Shade at (775) 588-4547 or email to coleens@trpa.org. If you wish to comment on the environmental document in writing, please send your comments in writing to:
   Coleen Shade, Long Range Planning Division
   Tahoe Regional Planning Agency
   P.O. Box 5310
   Stateline, NV  89448
To: TRPA Advisory Planning Commission  
From: TRPA Staff  
Subject: Proposed Amendment of Plan Area Statement 153, Sugar Pine Point, to Add Preferred Affordable Housing Area and Multi-Residential Incentive Program as Special Designations

Proposed Action: The State of California Department of Parks and Recreation (Sierra District) has proposed an amendment to Plan Area Statement (PAS) 153, Sugar Pine Point, to add Preferred Affordable Housing Area and Multi-Residential Incentive Program as Special Designations. See Exhibit 1 to Attachment A for the proposed language amendments.

Staff Recommendation: Staff recommends the APC hold a public hearing on this item, and recommend to the TRPA Governing Board to adopt the proposed amendment to PAS153.

Background: On May 16, 2003, California State Parks applied with TRPA’s Project Review Division for the construction of two new employee trailer pads and the installation of utilities in an existing employee housing area of Sugar Pine Point State Park. (See Attachment B for a location map.)

After a preliminary review of the application, the Project Review Division responded to California State Parks with a Notice of Incomplete Application dated June 27, 2003. The notice stated that the two proposed employee-housing units require both residential development rights and residential allocations, or existing residential units of use. A third option was also recommended, i.e., to request TRPA to allocate two bonus units for the employee housing units. This was recommended to the applicant, since PAS 153 allows employee housing as a permissible use. This was recommended to the applicant, since PAS 153 allows employee housing as a permissible use, and to accommodate the park’s demand for additional affordable employee housing within the park.

Discussion: California State Parks chose the third option, and is requesting that PAS153 be designated as a receiving area for both the Multi-Residential Incentive Program and as a Preferred Affordable Housing Area. This option requires that the employee housing units be permanently deed restricted as affordable housing units. Deed restricted affordable housing units are not required to obtain residential allocations. However, they do need a development right for each unit constructed or a bonus unit.
Provision (5) of Code Subsection 13.5 C: Plan areas with the preferred affordable housing area designation are preferred locations for affordable housing and are eligible for incentives pursuant to Chapters 33 (e.g., allocation exemption) and 35 (e.g., bonus unit assignment).

Subsection 33.2 A: No person shall construct a project or commence a use, which creates one or more additional residential units, without first receiving an allocation approved by TRPA. This requirement does not apply to affordable housing units approved after January 1, 1986, but shall apply to conversions of such affordable housing to non-affordable status.

Subsection 35.2: Multi-residential bonus units may be approved for use only on parcels located in plan areas or community plans designated as eligible for the Multi-Residential Incentive Program.

As a permissible use, PAS 153 does allow employee housing as a residential special use. However, an amendment to PAS 153 is required to add the Multi-Residential Incentive Program and Preferred Affordable Housing Area as a Special Designation to facilitate development of affordable employee housing. Employee housing is the only permissible residential use within PAS 153.

Environmental Setting: PAS 153 primarily encompasses the eastern third of Sugar Pine Point State Park, and the plan area boundary is predominantly parallel with the State Park boundary. The southwestern end of the plan area boundary extends into U.S. Forest Service land, and includes two privately owned and developed parcels with single-family residential dwellings (see Attachment B). Staff has consulted with the Forest Service, and the Forest Service did not indicate a future interest for employee housing within PAS 153. Further, the Forest Service land within PAS 153 consists of land capability classifications 1A and 3, which are highly restrictive for development.

Effect on TRPA Staff Work Program: The proposed PAS amendment is not anticipated to cause any adverse effects or unintended consequences on standard TRPA staff workload and procedures.

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 proposed amendment will allow PAS 153 to be eligible for the requested special designations, to facilitate development of needed affordable housing in the basin. Since PAS 153 allows employee housing as a permissible residential use, staff finds the project consistent with PAS 153, and all applicable Goals and Policies and the Code. Therefore, the
2. Finding: That the project will not cause the environmental thresholds to be exceeded.

Rationale: The proposed PAS amendment is not expected to have direct potential to cause the environmental thresholds to be exceeded. PAS 153 allows employee housing as a permissible residential special use. As a special use, additional environmental review is required for potential employee housing related impacts. If there is potential for the environmental thresholds to be exceeded as a result of employee housing related impacts, then these potential impacts will be identified and mitigated through the Project Review Division's permitting and environmental review process. Therefore, the project is not expected to 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: The proposed PAS amendment is not expected to have potential to cause federal, state, and local air and water quality standards to be exceeded. PAS 153 allows employee housing as a permissible residential special use. As a special use, additional environmental review is required for potential employee housing related impacts. The Project Review Division's permitting and environmental review process will require compliance with any applicable federal, state, and local air and water quality standards associated with potential employee housing related impacts.

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: See findings 1 and 2.

B. Chapter 13 Findings:

1. Finding: Prior to adopting any plan area amendment, TRPA must find the amendment is substantially consistent with the plan area designation criteria in Subsection 13.5.B and 13.5.C.
Rationale: Plan Area Designations for PAS 153 include Recreation as a Land Use Classification, Mitigation as the Management Strategy, and no Special Designations.

PAS 153 occurs primarily within Sugar Pine Point State Park, which currently provides limited employee housing within a designated area of the park. The proposed amendment is expected to allow eligibility of affordable housing to better serve the employee housing needs of park staff. As the park currently has existing employee housing to assist with the management of public recreation, staff finds the proposed amendment consistent with the Recreation Land Use classification of PAS 153, in accordance with Subsection 13.5 B.

PAS 153 allows employee housing as a permissible residential special use. To utilize employee housing as a special use through the proposed amendment, additional environmental review is required through Project Review’s permitting process, to ensure full mitigation of any potential employee housing related impacts.

Environmental Documentation: Based on the above analysis and completion of an IEC, no significant environmental impacts were identified that cannot be mitigated to a less than significant level. Therefore, staff recommends that a Finding of No Significant Impact be made for the proposed project.

If there are any questions regarding this agenda item, please contact Jason Ramos at (775) 588-4547.

Attachments: A. Adopting Ordinance, with Exhibit 1, Proposed Language Changes  
B. PAS 153 Location Map
AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING PLAN AREA STATEMENT 153, SUGAR PINE POINT, TO INCLUDE THE MULTI-RESIDENTIAL INCENTIVE PROGRAM AND PREFERRED AFFORDABLE HOUSING AREA AS A SPECIAL DESIGNATION, 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 Plan Area Statement 153, Sugar Pine Point, by amending the Special Designation to include the Multi-Residential Incentive Program and Preferred Affordable Housing Program, in order to utilize the benefits and incentives of these special designations for employee housing.

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 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Chapter 6 of the Code, Chapter 13 of the Code, and Article V(g) of the Compact. The Governing Board further finds that such findings are supported by substantial evidence in the record.

1.50 The Governing Board finds that the amendments adopted hereby 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 Plan Area Statement 153, Sugar Pine Point

2.10 Subsection 6.10, subparagraph (2) of TRPA Ordinance No. 87-9 as amended, is hereby further amended to add Subparagraph ( ) as follow:

6.10 Plan Document

(2) Plan Area Statement for Plan Area 153, Sugar Pine Point, which statements are set forth in the document entitled: Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments to the Plan Area Statement as set forth in:

Added ( ) for PAS 153, Exhibit 1, dated March 26, 2004, which amendments shall be incorporated into the Plan Area Document dated January 7, 1987, referred to in this ordinance.

Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Plan Area Statements 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 Plan Area Statements shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Plan Area Statements are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this ordinance amending Plan Area Statement 153, Sugar Pine Point, of the TRPA Plan Area Statements shall be effective immediately after its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held April 28, 2004, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

David Solaro, Chairman
Tahoe Regional Planning Agency
153
SUGAR PINE POINT

PLAN DESIGNATION:

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>RECREATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management Strategy</td>
<td>MITIGATION</td>
</tr>
<tr>
<td>Special Designation</td>
<td>NONE</td>
</tr>
</tbody>
</table>

DESCRIPTION:

Location: This area follows the shorezone south from Sugar Pine Point to just north of Meeks Bay and is depicted on TRPA maps C-12, D-12, and the Homewood Quadrangle.

Existing Uses: This area is managed for public recreation by the California State Parks Department. There are 175 campsites at the General Creek campground. Besides developed recreational opportunities, this area provides opportunities for dispersed recreation such as hiking and activities related to beach use.

Existing Environment: The land capability and shorezone tolerance of this planning area are low hazard. Important plant species in this area include both large and pole-sized fir and greenleaf manzanita. Of the 617 acres, less than 20 acres have some type of disturbance or hard coverage. Shorezone is tolerance districts 2, 6 and 7.

PLANNING STATEMENT: Overnight camping and recreation day use should continue to be the major emphasis of land use in this area.

PLANNING CONSIDERATIONS:

1. Rodents in this area have a history of plague problems.
2. There are numerous dams (human, natural log jams, and beaver dams) which impede fish movement along General Creek.
3. Several historical structures are located in this area.
4. Scenic Roadway Unit 8, Shoreline Unit II, and Scenic Resource Area 22 are within this Plan Area.

SPECIAL POLICIES:

1. Expanded use of this area for camping and other recreation should be consistent with the maintenance of the high scenic quality ratings of this area.
2. Selective removal of trees in the vicinity of the Erhman Mansion should be permitted to maintain the scenic views from the mansion.
PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area.

Residential

Employee housing (S).

Public Service

Pipelines and power transmission (S), power generating (S), local public health safety facilities (S), public utility centers (S), transit stations and terminals (S), transmission and receiving facilities (S), and transportation routes (S).

Recreation

Cross country skiing courses (S), day use areas (A), beach recreation (A), outdoor recreation concessions (A), riding and hiking trails (S), undeveloped campgrounds (A), developed campgrounds (A), participant sports facilities, rural sports (S), group facilities (S), and snowmobile courses (S).

Resource Management

Reforestation (A), regeneration harvest (A), sanitation salvage cut (A), selection cut (A), special cut (A), thinning (A), timber stand improvement (A), tree farms (S), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (S), structural wildlife habitat management (S), farm/ranch accessory structures (S), grazing (S), range pasture management (S), range improvement (S), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), prescribed fire management (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A), and SEZ restoration (A).

Shorezone: Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel.
Tolerance District 2, 6 and 7

Primary Uses
Beach recreation (A), safety and navigational facilities (A), salvage operations (S), tour boat operations (A), water borne transit (S), and water oriented outdoor recreation concessions (A).

Accessory Structures
Boat ramps (A), breakwaters or jetties (S), buoys (A), fences (S), floating docks and platforms (A), piers (S), shorezone protective structures (S), and water intake lines (S).

MAXIMUM DENSITIES: Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Employee Housing</td>
<td>15 units per acre or state park property</td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
</tr>
<tr>
<td>Developed Campgrounds</td>
<td>8 sites per acre</td>
</tr>
<tr>
<td>Group Facilities</td>
<td>25 persons per acre</td>
</tr>
</tbody>
</table>

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 50 CNEL. The maximum community noise equivalent level for the Highway 89 corridor is 55 CNEL.

ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT WINTER DAY USE 0 PAOT OVERNIGHT USES 280 PAOT

ENVIRONMENTAL IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan and Environmental Improvement Plan (EIP) for this area shall be implemented.\(^\text{§}\)

\(^\text{§}\) Amended 5/22/02
MEMORANDUM

April 6, 2004

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Discussion of Pathway 2007 Business Plan

Proposed Action: The Governing Board endorsed the enclosed draft Business Plan for Pathway 2007 at the March Meeting. This Plan is a guideline for developing the programs and strategies to update the Thresholds and Regional Plan. Staff will present a Power Point summary of the Plan at the meeting and would like to discuss the APC’s role in the Pathway 2007 process.

Background: Staff is enclosing a draft of A Proposed Business Plan for Updating TRPA’s Environmental Threshold Carrying Capacities and Regional Plan by 2007. An Executive Summary of the Business Plan is included in the Plan. This draft Plan provides TRPA with a strategy to update the TRPA Thresholds and Region Plan by 2007. This represents the current thinking of TRPA and will be updated as the need occurs.

We encourage you to contact us for explanations and we may be contacting you. If you have any questions or would like to discuss any of the items please contact John Singlaub, Carl Hasty, or Gabby Barrett at 775-588-4547.