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 July 13, 2005, at the Tahoe Regional Planning Agency located at 128 Market Street, Stateline, NV. The agenda for the meeting is attached hereto and made a part of this notice.

July 6, 2005

[Signature]
John Singlaub
Executive Director
AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

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

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

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARINGS

A. Amendment to Plan Area Statements: 100, Truckee Marsh; 126, Pope Beach; 127, Camp Richardson; and 128, Baldwin Beach to add "Transmission and Receiving Facilities" under permissible public service uses, and other matters properly relating thereto (20 minutes)

B. Certification by Resolution of the City of South Lake Tahoe's Local Government Moderate Income Housing Plan (15 minutes)

C. Certification by Resolution of the Placer County's Local Government Moderate Income Housing Plan (15 minutes)

VI. PLANNING MATTERS

A. Notice of Circulation (NOC) and Overview of Shorezone Draft EIS Alternative #6 Supplement; a Density Based Approach (60 minutes)

VII. REPORTS

A. Executive Director
B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT
REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to order at 9:30 am

Members Present: Mr. Cole, Mr. Combs, Mr. Romsos for Ms. Davidson, Mr. Harris, Ms. Jamin, Ms. Kemper, Ms. Krause, Mr. Lawrence, Mr. Lohman, Mr. McIntyre, Ms. Bovat for Ms. Moss, Mr. Plemel, Mr. Porta, Mr. Riley, Mr. Tolhurst

Members Absent: Mr. Jepsen, Mr. Poppoff, Ms. Schmidt

II. APPROVAL OF AGENDA

Mr. Cole moved to approve the agenda. Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

None

IV. APPROVAL OF MINUTES

Ms. Kemper moved to approve the February and April 2005 agenda with changes. Motion carried unanimously.

V. PUBLIC HEARINGS

A. Approval of the South Y Tahoe Valley Preliminary Community Plan

Staff member John Hitchcock presented the preliminary Tahoe Valley Community Plan.

Public Comment:

Lisa O’Daly, representing the City of South Lake Tahoe, stated that she was here to answer any questions on the project and that this has been to the planning commission and the City Council for approval.

Ms. Jamin moved to approve the preliminary Tahoe Valley Community Plan. Motion carried unanimously.
B. Amendments to the TRPA Code, Specifically Section 4.3 (List of Qualified Exempt Activities), Chapter 4, Appendix A. (Projects and Matters to be Approved by Governing Board and Hearings Officer), Section 7.2 (General Standards), and Section 52.2 (Definitions)

Staff member Lyn Barnett presented the TRPA Code amendments relating to the Governing Board and Hearings Officer role.

Public Comment:

John Folk, representing the Tahoe Sierra Board of Realtors, stated that they support a number of items, but some need to be revisited.

Mr. Romsos moved to approve the amendments to the TRPA Code with modifications to clarify Appendix A # 8.
Motion carried unanimously.

C. Amendment of Rules of Procedure, Article VI, to Amend Section 6.10 (b), Acceptance of an Environmental Document Submitted by the Applicant

Staff member Sara Urch presented the Rules of Procedure modification pursuant to an Environmental Document Submittal by applicants.

No Public Comment

Mr. Combs moved to approve the amendment to the Rules of Procedure, Article VI.
Motion carried unanimously.

VI. PLANNING MATTERS

A. Discussion Regarding Expansion of Memoranda of Understanding (MOU) With Local Jurisdictions for Permitting of Residential Projects, Five Units or Greater.

Staff member Peter Eichar presented the potential expansion of MOUs with local jurisdictions.

Public Comment:

Gary Midkiff stated that he supports this, along with the Local Government Committee, as this will move projects forward quicker.

Mr. Riley moved to send this recommendation of expansion of MOUs with the local jurisdictions to the Governing Board.
Motion carried.
Ms. Bovat abstained.

B. Discussion and Direction to Staff Regarding Amending the Sale Price Limitation of Moderate-Income Housing, When Multi-Residential Units are Proposed for Subdivision.
Staff member Jason Ramos presented the potential amendment of the Sales Price Limitation of Moderate-Income Housing.

Public Comment:

Ralph Herman, stated that he has a project pending at TRPA and that should this matter proceed ahead on this 4.19 factor, will qualify his project to be a moderate income project in its entirety which is a concern.

John Falk, representing the Tahoe Sierra Board of Realtors, stated that the concept of raising the limits for moderate housing is reasonable and has strong merit and should be done at the local level.

Paul Freeman, representing the Lake Tahoe Group, South Shore Work Force Housing, stated that they would like this to be put aside until the work force housing group is able to work further with the Local Government Committee.

Gary Midkiff stated this multiplier could prevent buyers from utilizing the shared equity program to purchase a house.

Mr. Combs made a motion that this be continued to a later date and that it go back to Local Government Committee for further deliberation before coming back to the APC for consideration. Mr. Combs withdrew his motion as this is a no action item.

VII. REPORTS

A. Executive Director

John Singlaub, Executive Director, gave the Executive Director’s Report.

B. Legal Counsel

Jordan Kahn, Assistant Agency Counsel gave the legal report.

C. APC Members

Ms. Kemper stated that their Board is meeting next Wednesday night at the City Council chambers and they will be discussing a new sediment source control handbook, Pathway 2007 presentation and on Thursday morning the Board is hearing whether to grant probation for flood plain disturbances at Celler Ranch.

Mr. Lawrence stated that the Nevada Legislature approved Tahoe's EIP bond bill for 16.8 million dollars.

Mr. Riley stated that this meeting gave confirmation that is no free lunch.

Mr. Combs stated that in regards to the Martis Valley court situation, they found there to be some flaws in the community plan and the environmental document and their Board of Supervisors has chosen to file an appeal of that decision.
Ms. Bovat thanked TRPA staff for following up on previous requests for documents and presentations that they had and look forward to working with John Singlaub on their County’s MOU.

VIII. ADJOURNMENT

Chairman Lohman adjourned the meeting at 2:35 p.m.

Respectfully submitted,

Judy Nikkel  
Clerk to the Board

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.
June 29, 2005

MEMORANDUM

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Amendment to Plan Area Statements: 100, Truckee Marsh; 126, Pope Beach; 127, Camp Richardson; and 128, Baldwin Beach to add "Transmission and Receiving Facilities" under permissible public service uses, and other matters properly relating thereto.

Proposed Action: Amend Plan Area Statements 100, Truckee Marsh; 126, Pope Beach; 127, Camp Richardson; and 128, Baldwin Beach to add "Transmission and Receiving Facilities" under permissible public service uses.

Staff Recommendation: Staff recommends the APC conduct the public hearing as noticed and recommend approval of the amendments to the subject Plan Areas as indicated in Exhibits 1, 2 and 3 (attached).

Background: In January of 2005, Pacific Bell Telephone Company dba SBC contacted staff to discuss the "Lake Tahoe Fiber Tie" project, which was designed to establish a fiber loop connecting Sacramento and Lake Tahoe along US Highway 50, State Route 89 and Interstate 80. It is anticipated that the project will be conducted under the MOU between SBC and the TRPA. While researching the various regulatory elements of the project, SBC identified four plan areas that do not have the permissible use of "Transmission and Receiving Facilities" even though telephone facilities have existed within these plan areas for several decades. SBC personnel then approached TRPA staff to resolve this discrepancy.

Discussion: SBC received two letters of complaint, one for the City of South Lake Tahoe and the other from the El Dorado County Sheriff/Coroner's office regarding the loss of communication services and E911 service at Lake Tahoe in June and August of 2004. Both letters can be reviewed within the project file. In order to avoid a repeat of this situation, SBC is designing a fiber reinforcement route along the west side of Lake Tahoe. When completed, this will provide a backup communications system creating a tie between South Lake Tahoe, the US Highway 50 corridor, Sacramento, and the Interstate 80 corridor. The majority of the work can be conducted under the existing MOU.

While the existing telephone poles and transmission lines have been in existence within these plan areas for several decades, "Transmission and Receiving Facilities" is not listed as a permissible use within the subject plan areas. The work can be done without this amendment,
given the long existence of the infrastructure; however, literal interpretation of the regulations regarding non-conforming uses (uses legally in existence prior to the adoption of land use regulations) may raise questions as to whether or not the proposed project constitutes an expansion or intensification "beyond the use existing on the effective date of the Regional Plan" (Code 18.5.B (3)). Therefore, in order to avoid any confusion surrounding non-conformity and allow for SBC to address the need for upgraded communications infrastructure, staff is proposing to add "Transmission and Receiving Facilities" to the subject plan areas, with special policy language directing new or expanded facilities be within existing utility corridors. Refer to Exhibits 1, 2, 3, and 4 for the amended Plan Area Statements.

Staff initiated these amendments not only to assist SBC in providing reliable communication infrastructure for local law enforcement and life safety officials, but also because it appears that the omission of the public service use was an oversight at the time of the Plan Area Statements adoption. SBC is to be commended for their diligent attention to the land use regulations of the Lake Tahoe basin and the conditions of the MOU under which they are empowered to maintain their infrastructure. Refer to Attachment B for a map depicting the location of the subject plan areas.

Effect on TRPA Staff Work Program: The amendment process for these plan areas was much more simple than typical applicant-initiated amendments. The project will be conducted under the MOU with SBC, therefore, minimal Environmental Review Services staff time will be required.

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 amendment will assist local law enforcement and life safety officials via upgrade of the telecommunications infrastructure of the Tahoe basin by SBC. Public health and safety is a goal of the Regional Plan and this amendment will assist in providing the means to the appropriate entities to ensure the public’s health and safety. The amendment will not adversely affect implementation of the regional plan, as all projects resulting from this amendment must conform to the standards of the Plan.

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

   Rationale: The thresholds will not be exceeded by this action as no actual project or construction activities will result. However, all projects resulting from this action shall be required to comply with all development standards which have been established to ensure threshold attainment and maintenance. This action will allow for the upgrade
and maintenance of existing telecommunications facilities, which is not contradictory to the threshold standards.

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:** All projects resulting from this amendment must comply with all pertinent regulations concerning air and water quality standards. This action itself will not cause an exceedence of applicable standards as no construction activities are permitted via this action. All projects resulting from this action shall be required to comply with all development standards, including air and water quality regulations, which have been established to ensure threshold attainment and maintenance.

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:** Amending the applicable plan areas will allow TRPA to assist in meeting local and regional public health and safety needs by ensuring the infrastructure necessary for communication among various agency personnel is maintained and upgraded.

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

   **Rationale:** As amended, the plan areas will not preclude the achievement and maintenance of the Regional Plan. The amendment is consistent with the surrounding plan areas and allows for the upgrade and maintenance of existing telecommunications infrastructure.

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:** PAS 100: The amendment is consistent with the classification of Conservation because it will not degrade its value as a primitive area, there is an existing utility corridor easement, will not install infrastructure to support development in the immediate area, will not preclude passive recreation activities, and will not compromise resource management efforts. There are no special designations for this plan area.

   PAS 126: The amendment is consistent with the classification of Recreation because it will not preclude any recreation facility development efforts, passive or developed recreation activities,
contains an existing utility corridor easement, and will not interfere with the long standing beach recreation use of the area. There are no special designations for this plan area.

PAS 127: The amendment is consistent with the classification of Recreation because it will not preclude any recreation facility development efforts, passive or developed recreation activities, contains an existing utility corridor easement, and will not interfere with the long standing beach recreation use of the area. The special designations for this area are: 1. receiving area for existing development; and 2. preferred affordable housing area. These designations are in place to assist the USFS in meeting their staff housing needs, especially seasonal fire crews. The amendment will not preclude any housing efforts and will allow for greater safety for those that do live in the area by ensuring reliable communication among law enforcement and life safety officials.

PAS 128: The amendment is consistent with the classification of Recreation because it will not preclude any recreation facility development efforts, passive or developed recreation activities, contains an existing utility corridor easement, and will not interfere with the long standing beach recreation use of the area. There are no special designations for this plan area.

2. Finding: If the amendment is to expand an existing urban plan area boundary or to add residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area, it must be found that the amendment will make the plan area statement consistent with an adopted policy or standard of the Regional Plan, and that the amendment will satisfy one or more of the following criteria:

(a) The amendment is to correct an error which occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or

(b) The amendment is to enable TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 32 indicators; or

(c) The amendment is needed to protect public health and safety and there is no reasonable alternative.

Rationale: Amendment of these plan areas is consistent with Goals #1, #2 and #3 of the Public Services element of the Goals and Policies Plan which address the maintenance, upgrade of public service facilities as well as ensuring the public’s health and safety.

(a) Given the existence of the Transmission and Receiving Facilities prior to adoption of the Regional Plan, it is likely the omission of this permissible use was an error; and,

(c) Given the past issues concerning the inability for law enforcement
and life safety officials to communicate and dispatch 911 Emergency response, the amendment is needed to ensure the necessary infrastructure maintenance and upgrades are possible.

Environmental Documentation: Staff has completed the Initial Environmental Checklist for the proposed action. Staff recommends that a Finding of No Significant Effect (FONSE) be made based on the IEC, Chapter 6 and 13 findings in addition to information in this staff summary and project file.

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

Attachments:  
A – Adopting Ordinance
  Exhibit 1, amended PAS 100
  Exhibit 2, amended PAS 126
  Exhibit 3, amended PAS 127
  Exhibit 4, amended PAS 128

B – Map (Targeted Moderate-income Housing Areas)
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2005 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING PLAN AREA STATEMENTS 100, TRUCKEE MARSH; 126, POPE BEACH; 127, CAMP RICHARDSON; AND 128 BALDWIN BEACH, TO ADD TRANSMISSION AND RECEIVING FACILITIES AS A SPECIAL USE TO EACH PLAN AREA STATEMENT, 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 Plan Area Statements 100, 126, 127 and 128 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 Plan Area Statements 100, 126, 127, 128

Subsection 6.10, subparagraph (2) of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibits 1, 2, 3, 4, dated June 29, 2005, which exhibits are appended hereto and incorporated herein.
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 the Plan Area Statements shall be effective 60 days after its adoption pursuant to Subsection 13.7.B.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held July 27, 2005 by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Tim Smith, Chairman
Tahoe Regional Planning Agency
100
TRUCKEE MARSH

PLAN DESIGNATION:

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>CONSERVATION</th>
</tr>
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<tbody>
<tr>
<td>Management Strategy</td>
<td>MAXIMUM REGULATION</td>
</tr>
<tr>
<td>Special Designation</td>
<td>NONE</td>
</tr>
</tbody>
</table>

DESCRIPTION:

Location: This is the stream environment zone adjoining the Upper Truckee River from Lake Tahoe to a point just below the airport and along Trout Creek north of Pioneer Trail. The boundaries of this area are depicted on Agency maps G-17, G-18 and G-19.

Existing Uses: This area has limited use due to poor drainage. Recreational uses include rafting, bird watching, cross country skiing, hiking, fishing, and some sunbathing along the shoreline of Lake Tahoe. Grazing of livestock occurs in the meadow areas. The Tahoe Keys Property Owners' Association holds a long term lease/purchase option on 2.206 acres of land, used as a maintenance and storage facility, south of Venice Drive East.

Existing Environment: This area is classified as SEZ. Marsh and deciduous riparian vegetation dominate the vegetative composition. Excellent habitat exists for a wide variety of different wildlife species. Bald eagles use the area in the fall and winter months. Habitats for Rorippa subumbellata are found on the beach. The shorezone tolerance district is 1.

PLANNING STATEMENT: This area should be managed primarily for its natural values including those management practices which contribute to the quality of fish and wildlife habitats, support dispersed recreation, and maintain the nutrient catchment capacity of the stream environment zone.

PLANNING CONSIDERATIONS:

1. Commercial and residential uses infringe upon the stream environment zone.
2. Highway crossings over the Upper Truckee River and Trout Creek restrict the natural functioning capacity of the SEZ.
3. Important wildlife habitat adjoins the airport.
4. Parking problems are created by people wishing to raft on the Upper Truckee River.
5. Dogs from nearby residential areas harass wildlife.
6. Fish habitat in the Upper Truckee River and Trout Creek has been degraded by sediment deposition.
7. Many fishes from the lake migrate up the streams to spawn.
8. There are localized problems of bank slumping and erosion.
9. Access to Barton Beach is extremely limited.
10. Cold Creek is diverted to create Lake Christopher.
11. This area is impacted by the airport transportation corridor.
12. Cattle are occasionally released into the meadow areas when the meadows are saturated with water.
13. Approximately 150 acres adjacent to the Tahoe Keys may be transferred to public ownership pursuant to a litigation settlement.
14. The future status of a Caltrans right-of-way through this area is uncertain.
15. The Agency Wildlife Map identifies waterfowl habitat in the area, and the USFS has identified this area as bald eagle habitat.

SPECIAL POLICIES:
1. Stream zones should be restored where Highway 50 crosses the Upper Truckee River and Trout Creek.
2. Stream environment zones should be restored in the vicinity of the crossings of Trout Creek at Highway 50 and at Black Bart Road.
3. Banks along both creeks should be stabilized.
4. Instream habitat should be improved through artificial creation of deep pools and removal of obstructions.
5. The Upper Truckee Marsh should be buffered from other, more intensive land use areas.
6. Final determination by the city on the long term use and maintenance of Lake Christopher should include consideration of SEZ restoration and relocation of Cold Creek to its original channel.
7. Grazing of livestock should be conditional upon the use of acceptable management practices.
8. The diversion structure used to irrigate the Upper Truckee Meadow south of Highway 50 should be eliminated.
9. Wildlife habitat improvement projects, to include waterfowl nesting platforms, should be undertaken for the Upper Truckee Marsh.
10. New roadway alignments through stream environment zones are to be discouraged.
11. No new uses should be approved that would degrade the high scenic quality of Shoreline Unit No. 33 or contribute to the further degradation of Roadway Unit No. 35.
12. Developed facilities adjacent to the view corridors along Highway 50 at the Upper Truckee River and Trout Creek shall be addressed in the South Y Community Plan to improve the scenic quality rating of these areas.
13. The Upper Truckee River should be designated as a catch and release fishery.

14. This is a high priority area for land coverage removal.

15. **Expansion, maintenance and upgrade of Transmission and Receiving Facilities shall be limited to existing infrastructure corridors, unless an environmentally superior route is proposed in conjunction with the removal of the existing utility corridor and infrastructure.**

**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.

**Public Service**

<table>
<thead>
<tr>
<th>Use</th>
<th>Allowed (A)</th>
<th>Special (S)</th>
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<tbody>
<tr>
<td>Transportation routes</td>
<td>S</td>
<td>A</td>
</tr>
<tr>
<td>Pipeline and power transmission</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Transmission and receiving facilities</td>
<td>S</td>
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<tr>
<td>Public utility centers</td>
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**Recreation**

<table>
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<tr>
<th>Use</th>
<th>Allowed (A)</th>
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<tbody>
<tr>
<td>Riding and hiking trails</td>
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<td></td>
</tr>
<tr>
<td>Cross country skiing courses</td>
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**Resource Management**

<table>
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<tr>
<th>Use</th>
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<tbody>
<tr>
<td>Sanitation salvage cut</td>
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</tr>
<tr>
<td>Early successional stage vegetation management</td>
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<td></td>
</tr>
<tr>
<td>Nonstructural fish habitat management</td>
<td>S</td>
<td></td>
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<tr>
<td>Nonstructural wildlife habitat management</td>
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<tr>
<td>Structural fish habitat management</td>
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<td>Structural wildlife habitat management</td>
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<tr>
<td>Farm/ranch accessory structure</td>
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<tr>
<td>Grazing</td>
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<td>Range pasture management</td>
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<tr>
<td>Range improvement</td>
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<tr>
<td>Fire detection and suppression</td>
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<tr>
<td>Fuels treatment</td>
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<tr>
<td>Insect and disease suppression</td>
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<td>Sensitive plant management</td>
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<td>Uncommon plant community management</td>
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<tr>
<td>Erosion control</td>
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<td>Runoff control</td>
<td>S</td>
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<td>Special cuts</td>
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<tr>
<td>SEZ restoration</td>
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</table>

**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 1**

**Primary Uses**

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<tr>
<th>Use</th>
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<td>Safety and navigation facilities</td>
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**Accessory Structures**

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<tr>
<th>Use</th>
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<tbody>
<tr>
<td>Fences</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Shoreline protective structures</td>
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</tbody>
</table>

**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.
USE

MAXIMUM DENSITY

There are no Plan Area maximum allowable densities

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 50 CNEL, except a noise standard of 60 CNEL shall apply to areas within approved flight paths. The maximum community noise equivalent level for the Highway 50 corridor is 65 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 USES 0 PAOT  OVERNIGHT USES 0 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.  

§ Amended 5/22/02
126
POPE BEACH

PLAN DESIGNATION:

Land Use Classification: RECREATION
Management Strategy: REDIRECTION
Special Designation: NONE

DESCRIPTION:

Location: This area follows the shoreline from Tahoe Keys to Jameson Beach and is located on TRPA maps F-17 and F-18.

Existing Uses: The various uses in this area are often quite different and not necessarily compatible. At Pope Beach, opportunities are available for picnicking and sunbathing. Pope Marsh provides critical habitat for several species of waterfowl and shorebirds. A bald eagle has been observed here during the nesting season.

Existing Environment: All but 25 acres of this 493 acre Plan Area are classified as stream environment zone. This section of shorezone is classified as a barrier beach, which implies it is especially vulnerable to disturbance and cannot tolerate any type of intensive use. Much of the SEZ has been modified to accommodate roads, parking lots, houses, and other facilities. Lodgepole pine and marsh vegetation dominate the vegetative composition. The shorezone is rated as tolerance district 1.

PLANNING STATEMENT: This area should continue to provide recreational opportunities for shorezone users, but expansion of existing facilities shall be discouraged and measures taken whenever possible to restore disturbed areas.

PLANNING CONSIDERATIONS:

1. The access road to Pope Beach creates a barrier to water flow between adjacent marsh areas.
2. Tahoe Keys may propose to release a flow of water from Tallac Lagoon into Pope Marsh.
3. Most of the development in this area is inconsistent with the Shorezone Plan and land capability classification system.
4. Unimproved roads, domestic animals, conflicts with public use of shoreline, littoral drift barriers, and flooding are problems associated with residential uses on the barrier beach nearby.
5. The marsh areas behind the barrier beaches provide excellent habitats for a wide variety of different wildlife species.
6. The Agency Wildlife Map identifies bald eagle and waterfowl habitats in this Plan Area.
7. This area is within Scenic Shoreline Units 2 and 3 and within Scenic Resources Evaluation Areas 33 and 34. Highway 89 is a scenic corridor.
**SPECIAL POLICIES:**

1. Access to Pope Beach should emphasize transit, and the size of the parking lot should be reduced over the long term.

2. Conflicts between human use of the beach areas and use of the adjoining wetlands by wildlife should be minimized.

3. Mechanical raking or cleaning of the beaches should be prohibited in areas where suitable habitat for *Rorippa subumbellata* is likely to exist.

4. Careful consideration and impact review should be given to any proposal to pump water from Tallac Lagoon into Pope Marsh.

5. **Expansion, maintenance and upgrade of Transmission and Receiving Facilities shall be limited to existing infrastructure corridors, unless an environmentally superior route is proposed in conjunction with the removal of the existing utility corridor and infrastructure.**

**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**
- Single family dwelling (S).

**Public Service**
- Pipelines and power transmission (S), transportation routes (S), and transit stations and terminals (S) **transmission and receiving facilities (S).**

**Recreation**
- Beach recreation (A), cross country skiing courses (S), day use areas (A), outdoor recreation concessions (A), and riding and hiking trails (A).

**Resource Management**
- Reforestation (A), sanitation salvage cut (A), selection cut (A), special cut (A), thinning (A), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), structural wildlife habitat management (A), farm/ranch accessory structures (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 1

Primary Uses
Beach recreation (A), safety and navigational facilities (A), salvage operations (A), and water oriented outdoor recreation concessions (A).

Accessory Structures
Boat ramps (S), buoys (S), fences (S), floating docks and platforms (A), piers (multiple use only) (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 Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
</tbody>
</table>

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 50 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 USES 0 PAOT  OVERNIGHT USES 0 PAOT

OTHER: One mile of trail.

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.⁶

⁶ Amended 5/22/02
PLAN DESIGNATION:

Land Use Classification: RECREATION
Management Strategy: MITIGATION
Special Designation: RECEIVING AREA FOR:
1. Existing Development

PREFERRED AFFORDABLE HOUSING AREA

DESCRIPTION:

Location: This area is situated along the shorezone between Pope Beach and Taylor Creek and is depicted on TRPA maps E-17, E-18, F-17 and F-18.

Existing Uses: This area contains Jameson Beach and the Camp Richardson Resort, a marina, the USFS Visitor Center, Kiva Beach and picnic sites, a Forest Service work center, a bike trail, and the Tallac historical sites. Forest management practices are mostly tied to those that protect the recreation uses. Houses and piers border the shoreline at Jameson Beach.

Existing Environment: The entire Plan Area is classified as low hazard. Developed facilities are common throughout, but the area still retains much of its natural character. Jeffrey pine, lodgepole pine, and Basin sagebrush are the dominant plant species. The shorezone is rated as tolerance districts 1 and 7.

PLANNING STATEMENT: The Forest Service should continue to maintain the current balance of services and recreational opportunities.

PLANNING CONSIDERATIONS:

1. The resort structures are in various degrees of disrepair.
2. There are various historical values associated with the resort.
3. This area is within Scenic Roadway Unit 2, Shoreline Units 3 and 4, and Scenic Resource Evaluation Areas 32 and 33. Highway 89 is a scenic corridor.
4. The Camp Richardson access road is shared by the Jameson Beach residents and has local congestion, especially near the marina.
5. The Agency Wildlife Map identifies bald eagle and waterfowl habitats in this Plan Area.

SPECIAL POLICIES:

1. Restoration of the historical structures in the area should be encouraged.
2. Future development should be in conformance with a TRPA/USFS-approved master plan.

3. Conflicting use between the marina and the adjoining single family home property owners should be reduced.

4. Long-term improvements to the Jameson Beach properties should be identified and implemented through a TRPA-approved plan developed by the Jameson Beach Property Owners Association.

5. Conflicts between human use of beach areas and wildlife use of wetlands should be minimized.

6. Mechanical raking or cleaning of beaches where suitable Rorippa subumbellata habitats exist should be prohibited.

7. Expansion, maintenance and upgrade of Transmission and Receiving Facilities shall be limited to existing infrastructure corridors, unless an environmentally superior route is proposed in conjunction with the removal of the existing utility corridor and infrastructure.

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.

**Tourist Accommodation**
- Hotel, motel, and other transient dwelling units (S).

**Residential**
- Employee housing (S), single family dwelling (S), and summer homes (S).

**Commercial**
- Eating and drinking places (S), food and beverage retail sales (S), general merchandise stores (S), nursery (S), and amusements and recreation services (S).

**Public Service**
- Cultural facilities (S), local assembly and entertainment (S), local public health and safety facilities (S), pipelines and power transmission (S), transportation routes (S), government offices (S), and transit stations and terminals (S) transmission and receiving facilities (S).

**Recreation**
- Marinas (S), beach recreation (A), recreation vehicle park (S), boat launching facilities (S), cross country skiing courses (S), day use areas (A), group facilities (S), riding and hiking trails (A), undeveloped campgrounds (A), participant sports (S), developed campgrounds (A), outdoor recreation concessions (A), rural sports (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 (A), structural wildlife habitat management (A), 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 1

Primary Uses

Safety and navigation facilities (A), beach recreation (A), boat launching facilities (A), salvage operations (A), water oriented outdoor recreation concessions (A), marinas (S), tour boat operations (S), and water borne transit (S).

Accessory Structures

Buoys (A), piers (S), fences (S), floating docks and platforms (A), shoreline protective structures (S), water intake lines (A), boat ramps (S), and breakwaters or jetties (S).

Tolerance District 7

Primary Uses

Beach recreation (A), boat launching facilities (A), marinas (S), safety and navigational facilities (S), salvage operations (A), tour boat operations (S), 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 (A), shorezone protective structures (S), and water intake lines (A).

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>Single Family Dwellings</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Summer Homes</td>
<td>1 unit per parcel</td>
</tr>
</tbody>
</table>
Employee Housing 15 units per acre

Recreation
Developed Campgrounds 8 sites per acre

Tourist Accommodation
Hotel, Motel, and other Transient Dwelling Units
• with less than 10% of the units with kitchens 20 units per acre

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area 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 USES 0 PAOT OVERNIGHT USES 0 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.⁶

⁶ Amended 5/22/02
128
BALDWIN BEACH

PLAN DESIGNATION:

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

DESCRIPTION:

Location: This area extends north of Highway 89 to Baldwin Beach and from the boundary of Cascade Properties to the Taylor Creek Marsh. The boundaries of this area are shown on TRPA maps E-17 and E-18.

Existing Uses: This area includes the mouths of Taylor and Tallac Creeks, the fish observation chamber, hiking trails, and Baldwin Beach. Wildlife viewing, fishing, picnicking, sunbathing, and cross country skiing are the major recreational activities in the area. Timber harvest and grazing are other uses.

Existing Environment: The land capability of this area is a mixture of stream environment zones and low hazard lands. Most of the land is classified as SEZ. The entire shorezone is classified as barrier beach (high hazard). Essential habitats are managed in the area for bald eagles, waterfowl, and an endangered plant species (Rorippa subumbellata). Vegetation composition is fairly evenly distributed between white fir, lodgepole pine, willow, sagebrush, and marsh vegetation.

PLANNING STATEMENT: This area should continue to provide opportunities for low to moderate resource use when consistent with management objectives for dispersed recreation, wildlife habitat improvement, and protection of essential habitats.

PLANNING CONSIDERATIONS:

1. Winter recreational activities often disturb wintering populations of eagles.

2. Rorippa subumbellata is found adjacent to a high-intensity use area.

3. Developed facilities on Baldwin Beach, such as the parking lot, are inconsistent with uses permitted by the Shorezone Plan and the land capability classification system.

4. This area is within Scenic Roadway Unit 2, Shoreline Unit 4, and Scenic Resource Evaluation Areas 30 and 31.

5. The Agency Wildlife Map identifies bald eagle and waterfowl habitats in this Plan Area, and the USFS has identified an active goshawk nest site in this Plan Area.
SPECIAL POLICIES:

1. The preferred method of access to Baldwin Beach is pedestrian or shuttle bus.

2. The size of the parking facilities should be reduced over the long term and the barrier beach restored accordingly.

3. The eagle use areas in the vicinity of Taylor Creek should be buffered from human activities by strictly controlling access.

4. Management efforts should continue to protect the habitat sites for Rorippa subumbellata.

5. Grazing should be strictly controlled and managed in the area of private ownership.

6. Expansion, maintenance and upgrade of Transmission and Receiving Facilities shall be limited to existing infrastructure corridors, unless an environmentally superior route is proposed in conjunction with the removal of the existing utility corridor and infrastructure.

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.

Public Service

Cultural facilities (A), local public health and safety facilities (S), pipelines and power transmission (S), public utility centers (S), government offices (S), transit stations and terminals (S), and transportation routes (S), transmission and receiving facilities (S).

Recreation

Beach recreation (A), cross country skiing courses (S), day use areas (A), riding and hiking trails (A), and visitor information center (A).

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 (A), fire detection and suppression (A), fuels treatment (S), 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 1**

**Primary Uses**

Safety and navigation devices (A) and beach recreation (A).

**Accessory Structures**

Buoys (A), piers (S), fences (S), boat ramps (S), floating docks and platforms (A), shoreline protective structures (S), and water intake lines (A).

**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>
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<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td></td>
<td>There are no Plan Area maximum allowable densities.</td>
</tr>
</tbody>
</table>

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area is 50 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 USES 0 PAOT**
- **OVERNIGHT USES 0 PAOT**

**OTHER:** Two miles of trail.

**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.§

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§ Amended 5/22/02
June 29, 2005

MEMORANDUM

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Certification of the City of South Lake Tahoe’s Local Government Moderate Income Housing Plan

Proposed Action: Recommend certification of the City’s Moderate Income Housing Plan to the TRPA Governing Board

Staff Recommendation: Staff Recommends the APC review the Plan, offer any suggestions for improvement and recommend certification of the Plan to the TRPA Governing Board

Background: In April of 2004, TRPA staff amended the Regional Plan in an effort to encourage the development of moderate-income housing units for residents of the Basin. The amendments made multi-residential bonus units available to moderate-income housing projects. Additionally, to remain consistent with the growth management provisions of the Regional Plan and ultimate residential build-out of the basin (contemplated within the EIS for the Regional Plan), staff developed a means for these moderate-income projects to receive residential allocations in addition to the annual allotment granted to each local jurisdiction. These allocations are held in a pool, originally intended to support the retirement of sensitive lands (refer to Code subsection 33.2.B (4)). In order to maintain viability of the sensitive land retirement program, allocations for moderate-income projects shall only be available if more than 100 allocations remain in the pool (once below 100, residential allocations shall not be received from this pool for the moderate-income housing program). 200 multi-residential bonus units and 200 residential allocations are available for moderate-income projects.

For projects to take advantage of the multi-residential bonus units and allocations, the local jurisdiction for which the project is located must establish and have certified by the Governing Board of the TRPA a Local Government Moderate Income Housing Program (herein after referred to as the Plan).

Discussion: Pursuant to Code subsection 35.2.G, TRPA may certify a local moderate-income housing program. This Code subsection requires four elements within the Plan: 1. An adopted Housing Element from the local jurisdiction which includes the housing needs and issues facing that jurisdiction; 2. Standards which guide the development of projects consistent with the principals of transit-oriented development; 3. A mechanism for conveying the requirements of
the Plan concerning income limitations and associated rent and/or sale limitations, in addition to occupancy requirements; and 4. A monitoring program which reports to TRPA on an annual basis all program activities. Additional program information may be contained in the Plan, although not required.

It is very important for anyone that might be interested in the moderate-income program to understand that once in the program, the unit is forever in the program. The program is not intended to be an interim measure for obtaining a residential construction permit where the deed restriction can be removed in the future once an allocation and/or development right, or a unit of residential use is obtained. The deed restriction has no end date and there can be no substitution of market commodities to remove the deed restriction. This program is voluntary, meaning no one is being forced to sign deed restrictions.

The City of South Lake Tahoe has developed their proposed plan, in conjunction with TRPA staff and is scheduled to take action at their July 5th City Council meeting. In addition to the APC, the Governing Board will review the Plan at their regularly scheduled meeting on July 27th. If certified via Resolution, (refer to attachment A), the Plan will be effective immediately. Refer to Exhibit 1 for a copy of the City of South Lake Tahoe’s proposed Plan. Review Attachment B for a graphic depiction of those areas eligible and targeted for moderate-income housing.

The conditions, under which multi-residential bonus units can be used, substituted, converted, subdivided, or any other action shall be in accordance with the appropriate sections of the Code of Ordinances. This Plan does not supersede the regulations contained in any portion of the Regional Plan package. If an inconsistency between this Plan and the Regional Plan package arises, the Regional Plan prevails. There is no delegation of authority through this Plan.

Effect on TRPA Staff Work Program: The bulk of the work required for this Plan has been accomplished in getting to this point. There will be an annual monitoring report to review and it is anticipated that no action will be required further than reviewing and filing the report. Some additional projects resulting from this program may be permitted via the local jurisdiction MOUs. These projects, like all MOU projects will be subject to the annual MOU audits. This may increase the level of effort required for the MOU audits. Alternatively, the program may also initiate projects that TRPA will issue permits for. This may increase the workload for TRPA Environmental Review Services staff. There will also be additional workload for local jurisdiction staff to track compliance annually with deed restrictions.

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

Attachments –
A, Certifying Resolution
Exhibit 1, City of South Lake Tahoe’s Local Government Moderate-income Housing Plan
B, Map depicting Targeted Moderate-income Housing Areas
RESOLUTION

TAHOE REGIONAL PLANNING AGENCY

This Resolution was passed on the 27 day of July, 2005, by the Tahoe Regional Planning Agency (hereinafter referred to as the “TRPA”).

WHEREAS, The City of South Lake Tahoe Moderate-income Housing Program Regulations (the Plan) between TRPA and the City of South Lake Tahoe is intended to promote moderate-income residential development; and

WHEREAS, the impetus for this Plan can be traced back to the efforts of the TRPA Local Government Committee; and

WHEREAS, the subject provisions of the TRPA Regional Plan Package provide for residential allocations and multi-residential bonus units for those projects which qualify when a Local Government Moderate-income Housing Plan can be certified to meet the intent of Code subsection 35.2.G; and

WHEREAS, as set forth in the Plan, The City of South Lake Tahoe does hereby agree to provide timely annual monitoring reports consistent with the provisions of the Plan; and

WHEREAS, as set forth in the Plan, Moderate-income residential units shall be occupied by residents of the Tahoe basin on a full-time basis at least 10 months out of the year; and

WHEREAS, as forth in the Plan, Moderate-income residential units shall feature on-site amenities and appropriate proximity to land uses that promote transit oriented design which reduces the dependency of personal automobiles; and

WHEREAS, Agency Staff has recommended certification of the City of South Lake Tahoe Moderate-income Housing Program Regulations; and

WHEREAS, said Plan does not supersede any provision of the Regional Plan Package documents; and

NOW THEREFORE BE IT RESOLVED, by the Governing Board of the Tahoe Regional Planning Agency, in consideration of these premises, the City of South Lake Tahoe Moderate-income Housing Program Regulations is certified.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held July 27, 2005, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

____________________________________
Tim Smith, Chairman
TRPA Governing Board
City of South Lake Tahoe

Moderate-Income Housing Program Regulations

(July 5, 2005)
1.0 Housing Needs and Issues

2.0 Definition of Moderate-Income Housing

3.0 Property Eligibility
   3.1 Unit Characteristics
   3.2 Location
   3.3 Transit-Oriented Development Standards

4.0 Deed Restrictions
   4.1 General
   4.2 Limited Use
   4.3 Occupancy
   4.4 Compliance
   4.5 Term

5.0 Owner-Occupant and Tenant-Occupant Eligibility
   5.1 Definition of Income Limits
   5.2 Determination of Income
   5.3 Income Verification for Owner-Occupant
   5.4 Income Verification for Tenant-Occupant

6.0 Affordable Housing Costs for Moderate-Income Households and Appropriate Unit Size
   6.1 Owner-Occupied Housing Costs
   6.2 Tenant-Occupied Housing Costs
   6.3 Appropriate Unit Size

7.0 Recordation of Deed Restriction

8.0 Fees

9.0 Transfer of Property

10.0 Monitoring

11.0 Non-Discrimination Requirements

1.0 Housing Needs and Issues
As addressed in the adopted 2003 Housing Element Update, only a limited range of housing is available to middle-income families in the City of South Lake Tahoe (“City”), which is causing many local middle class households to choose housing outside of the area. For a significant number of these households, this is a necessity because of skyrocketing housing costs.

While low-income housing is presently being produced through government subsidy, no program exists for the development of moderate-income housing mostly due to limitations in funding sources. However, this type of housing can be developed with Low- and Moderate-Income Housing Funds, and incentive programs, such as the Multiresidential Bonus Unit Incentive Program offered by the Tahoe Regional Planning Agency. Partnerships with nonprofit agencies, such as a community land trust, can also facilitate the creation of moderate-income housing by providing deed-restricted housing that ensures perpetual affordability.

In addition to the above, the Housing Element Update also identified a need for the adoption of a moderate-income housing program, and the construction of 31 new moderate-income units prior to 2008. Development of these units would also facilitate achievement of the City’s “fair share” regional housing allocation.

2.0 Definition of Moderate-Income Housing

Moderate-income housing is residential housing, deed restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120% of the El Dorado County area median income (see Chapter 2 of the Tahoe Regional Planning Agency Code). Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards.

Currently, no federal standard exists for housing between 80% and 120% of the area median income; therefore, the City will use the standard as defined in the State of California Health and Safety Code.

3.0 Property Eligibility

3.1 Unit Characteristics

Projects involving the new construction of single-family dwellings (residential allocations only) or multiresidential uses are eligible.

3.2 Location

Property will be located within the incorporated limits of the City of South Lake Tahoe.

3.3 Transit-Oriented Development Standards
For projects containing four or more units, development will be located:

(a) Within one-half mile of government services; and
(b) Within one-half mile of commercial and employment centers; and
(c) Within one-half mile of mass transit opportunities and other alternative modes of transportation; and
(d) The minimum density requirement of 8 units per acre will be applicable to multiresidential projects, and one unit per parcel for single-family residential projects.

For projects containing less than 4 units, transit-oriented development standards are not applicable.

4.0 Deed Restrictions

4.1 General

Every property accepted into this program shall have a deed restriction document recorded upon it which enables the City to permanently maintain the property as moderate-income housing.

4.2 Limited Use

Units shall be limited to the approved use and restrict owner-occupied housing costs or rental rates and occupants’ household income to the moderate-income housing limits set forth herein.

4.3 Occupancy

Moderate-income units approved under this program shall be made available to full-time residents only for long-term occupancy or long-term tenancy. All owner-occupant and tenant-occupant units shall be occupied for at least ten (10) months in each 12-month period by owner or tenant. Residential units developed under this program shall not be used for vacation rental purposes.

4.4 Compliance

Units found not to be in compliance with the approved use, household income limits, housing costs, or occupancy requirements as more specifically described in the deed restriction document, or any other covenant running with the land, shall not be occupied until the noncomplying element of the program is rectified.

4.5 Term

Residential units developed under this program shall remain permanently within the program.
5.0 **Owner-Occupant and Tenant-Occupant Eligibility**

5.1 **Definition of Income Limits**

A moderate-income household, according to Section 50093 of the California Health and Safety Code, is defined as an individual or family whose income does not exceed 120% of the area median income, adjusted for family size, as published annually by the State of California Department of Housing and Community Development for El Dorado County which is derived from the United States Department of Housing and Urban Development. The income limits in place at the time of income qualification will apply when determining the eligibility of an owner-occupant or tenant-occupant. The moderate-income limits presently in effect are shown in Exhibit “A” which is attached to this document.

5.2 **Determination of Income**

All income received by persons 18 years of age or older living in a household is used to determine eligibility. All such persons are required to provide documented proof of income. The combined annual gross income of all persons will be used to determine whether or not a household is above or below the published moderate-income limits. Income will be verified by reviewing and documenting verifications of employment sent to employers, or copies of signed tax returns, or copies of wage receipts or subsidy checks, along with documentation of liquid assets or investments that generate income, and bank statements.

5.3 **Income Verification for Owner-Occupant**

Sufficient information will be provided to Housing staff prior to the close of escrow so that staff can screen the documentation to determine if the owner-occupant meets the income limits as described in Section 5.1. All documentation will be kept in the owner-occupant file and held in confidence.

5.4 **Income Verification for Tenant-Occupant**

Sufficient information will be provided to Housing staff for each tenant-occupant at the same time the rental or lease agreement is submitted to the City for approval. Housing staff will screen the documentation to determine if the tenant-occupant meets the income requirements as described in Section 5.1. All documentation will be retained in the tenant file and held in confidence.

6.0 **Affordable Housing Costs for Moderate-Income Households and Appropriate Unit Size**

6.1 **Owner-Occupied Housing Costs**

Pursuant to Section 50052.5 of the California Health and Safety Code, affordable housing costs for a moderate-income household (principal, interest, property taxes, fire insurance premium, ground lease fees, if applicable, etc.) shall not be less than 28% of the gross income of the household, nor exceed the product of 35% times 110% of the area median income adjusted for family size appropriate
for the unit. In addition, for any moderate-income household that has a gross income that exceeds 110% of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable housing costs not exceed 35% of the gross income of the household. Prior to the close of escrow, each owner-occupant will submit to the City sufficient documentation to prove that housing costs fall within these parameters.

6.2 Tenant-Occupied Housing Costs

Section 50053 of the California Health and Safety Code provides that affordable rent for moderate-income households, including a reasonable utility allowance, shall not exceed the product of 30% times 110% of the area median income adjusted for family size appropriate for the unit. The developer will provide a copy of the rental or lease agreement for each tenant-occupant to the City for its approval.

6.3 Appropriate Unit Size

According to Section 50106 of the California Health and Safety Code, “adjusted for family size appropriate to the unit” means the following:

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Household Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>1-Person</td>
</tr>
<tr>
<td>1-Bedroom</td>
<td>2-Person</td>
</tr>
<tr>
<td>2-Bedroom</td>
<td>3-Person</td>
</tr>
<tr>
<td>3-Bedroom</td>
<td>4-Person</td>
</tr>
<tr>
<td>4-Bedroom</td>
<td>5-Person</td>
</tr>
</tbody>
</table>

7.0 Recordation of Deed Restriction

Staff from the City of South Lake Tahoe Housing and Planning Divisions will determine the appropriate timing for recordation of the deed restriction. The recorded deed restriction document must be submitted to the appropriate entity prior to Tahoe Regional Planning Agency permit acknowledgment. All costs associated with the recordation of the deed restriction will be paid by the developer. The City will maintain the original, recorded deed restriction document in its files for monitoring purposes.

8.0 Fees

The City Housing Division will charge a fee for the preparation of all deed restriction documents and income verifications processed under the Moderate-Income Housing Program as set forth in the Master Fee Schedule. The fee is due and payable at the time the deed restriction is signed and prior to recordation in the El Dorado County Recorder’s office. This fee will be based upon the amount of time devoted by staff in the preparation and recordation of the deed restriction document and the processing of each income verification. This fee does not include other development fees imposed by the Community Development Department (i.e., building and/or planning divisions).
9.0 **Transfer of Property**

In accordance with the deed restriction document, each unit must be available for sale or rent only to qualified moderate-income households. In the event of any future transfers, the City must be notified, in writing, when any sales contract is signed. Each and every purchaser of the property must review the deed restrictions with City staff to ensure that the rights and obligations stated therein are fully understood by any subsequent purchaser.

Transfers that do not require any notice to the City under this agreement are transfer to an existing spouse, surviving joint tenant, or a spouse as part of a dissolution proceeding, or in connection with marriage.

10.0 **Monitoring**

In order to ensure full compliance, the City will be responsible for monitoring, documenting and reporting annually to the Tahoe Regional Planning Agency on the enforcement of the provisions of the deed restrictions. The annual report will be submitted to Tahoe Regional Planning Agency staff between January 1 and March 31 of each calendar year and will include information as to the number and location of each unit, number of units distributed, copies of recorded deed restrictions, description of monitoring visits, reports of noncompliance and any remedial actions taken.

11.0 **Non-Discrimination Requirements**

Implementation of the Moderate-Income Housing Program will be consistent with the City’s commitment to nondiscrimination. No person shall be excluded from participation in, denied the benefit of, or be subject to discrimination under any program or activity funded in whole or in part with local funds on the basis of religion or religious affiliation, age, race, color, creed, gender, marital status, familial status (children), physical or mental disability, national origin, or ancestry.
# Exhibit “A”

## State of California 2005 Income Limits for El Dorado County

<table>
<thead>
<tr>
<th>Income Category</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
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<tr>
<td>Extremely Low</td>
<td>13,450</td>
<td>15,400</td>
<td>17,300</td>
<td>19,250</td>
<td>20,750</td>
<td>22,300</td>
<td>23,850</td>
<td>25,400</td>
</tr>
<tr>
<td>Very Low</td>
<td>22,450</td>
<td>25,650</td>
<td>28,850</td>
<td>32,050</td>
<td>34,600</td>
<td>37,200</td>
<td>39,750</td>
<td>42,300</td>
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<tr>
<td>Lower Income</td>
<td>35,900</td>
<td>41,000</td>
<td>46,150</td>
<td>51,300</td>
<td>55,400</td>
<td>59,500</td>
<td>63,600</td>
<td>67,700</td>
</tr>
<tr>
<td>Median Income</td>
<td>44,850</td>
<td>51,300</td>
<td>57,700</td>
<td>64,100</td>
<td>69,250</td>
<td>74,350</td>
<td>79,500</td>
<td>84,600</td>
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<tr>
<td>Moderate Income</td>
<td>53,850</td>
<td>61,500</td>
<td>69,200</td>
<td>76,900</td>
<td>83,050</td>
<td>89,200</td>
<td>95,350</td>
<td>101,500</td>
</tr>
</tbody>
</table>
June 29, 2005

MEMORANDUM

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Certification of Placer County’s Local Government Moderate Income Housing Plan

Proposed Action: Recommend Certification of Placer County’s Moderate Income Housing Plan to the TRPA Governing Board

Staff Recommendation: Staff Recommends the APC review the Plan, offer any suggestions for improvement and recommend certification of the Plan to the TRPA Governing Board

Background: In April of 2004, TRPA staff amended the Regional Plan in an effort to encourage the development of moderate-income housing units for residents of the Basin. The amendments made multi-residential bonus units available to moderate-income housing projects. Additionally, to remain consistent with the growth management provisions of the Regional Plan and ultimate residential build-out of the basin (contemplated within the EIS for the Regional Plan), staff developed a means for these moderate-income projects to receive residential allocations in addition to the annual allotment granted to each local jurisdiction. These allocations are held in a pool, originally intended to support the retirement of sensitive lands (refer to Code subsection 33.2.B (4)). In order to maintain viability of the sensitive land retirement program, allocations for moderate-income projects shall only be available if more than 100 allocations remain in the pool (once below 100, residential allocations shall not be received from this pool for the moderate-income housing program). 200 multi-residential bonus units and 200 residential allocations are available for moderate-income projects.

For projects to take advantage of the multi-residential bonus units and allocations, the local jurisdiction for which the project is located must establish and have certified by the Governing Board of the TRPA a Local Government Moderate Income Housing Program (herein after referred to as the Plan).

Discussion: Pursuant to Code subsection 35.2.G, TRPA may certify a local moderate-income housing program. This Code subsection requires four elements within the Plan: 1. An adopted Housing Element from the local jurisdiction which includes the housing needs and issues facing that jurisdiction; 2. Standards which guide the development of projects consistent with the principals of transit-oriented development; 3. A mechanism for conveying the requirements of
the Plan concerning income limitations and associated rent and/or sale limitations, in addition to occupancy requirements; and 4. A monitoring program which reports to TRPA on an annual basis all program activities. Additional program information may be contained in the Plan, although not required.

It is very important for anyone that might be interested in the moderate-income program to understand that once in the program, the unit is forever in the program. The program is not intended to be an interim measure for obtaining a residential construction permit where the deed restriction can be removed in the future once an allocation and/or development right, or a unit of residential use is obtained. The deed restriction has no end date and there can be no substitution of market commodities to remove the deed restriction. This program is voluntary, meaning no one is being forced to sign deed restrictions.

Placer County has developed their proposed plan in conjunction with TRPA Staff. In addition to the APC, the Governing Board will review the Plan at their regularly scheduled meeting on July 27th. If certified via Resolution (refer to attachment A), the Plan will be effective immediately. Refer to Exhibit 1 for a copy of Placer County’s proposed Plan. Review Attachment B for a graphic depiction of those areas eligible and targeted for moderate-income housing.

The conditions, under which multi-residential bonus units can be used, substituted, converted, subdivided, or any other action shall be in accordance with the appropriate sections of the Code of Ordinances. This Plan does not supersede the regulations contained in any portion of the Regional Plan package. If an inconsistency between this Plan and the Regional Plan package arises, the Regional Plan prevails. There is no delegation of authority through this Plan.

Effect on TRPA Staff Work Program: The bulk of the work required for this Plan has been accomplished in getting to this point. There will be an annual monitoring report to review and it is anticipated that no action will be required further than reviewing and filing the report. Some additional projects resulting from this program may be permitted via the local jurisdiction MOUs. These projects, like all MOU projects will be subject to the annual MOU audits. This may increase the level of effort required for the MOU audits. Alternatively, the program may also initiate projects that TRPA will issue permits for. This may increase the workload for TRPA Environmental Review Services staff. There will also be additional workload for local jurisdiction staff to track compliance annually with deed restrictions.

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

Attachments –
A, Certifying Resolution
   Exhibit 1, Placer County’s Local Government Moderate-income Housing Plan
B, Map depicting Targeted Areas for Moderate-income Housing
RESOLUTION

TAHOE REGIONAL PLANNING AGENCY

This Resolution was passed on the 27 day of July, 2005, by the Tahoe Regional Planning Agency (hereinafter referred to as the “TRPA”).

WHEREAS, The Placer County Redevelopment Agency Moderate-income Housing Program Plan (the Plan) between TRPA and Placer County is intended to promote moderate-income residential development; and

WHEREAS, the impetus for this Plan can be traced back to the efforts of the TRPA Local Government Committee; and

WHEREAS, the subject provisions of the TRPA Regional Plan Package provide for residential allocations and multi-residential bonus units for those projects which qualify when a Local Government Moderate-income Housing Plan can be certified to meet the intent of Code subsection 35.2.G; and

WHEREAS, as set forth in the Plan, Placer County does hereby agree to provide timely annual monitoring reports consistent with the provisions of the Plan; and

WHEREAS, as set forth in the Plan, Moderate-income residential units shall be occupied by residents of the Tahoe basin on a full-time basis at least 10 months out of the year; and

WHEREAS, as forth in the Plan, Moderate-income residential units shall feature on-site amenities and appropriate proximity to land uses that promote transit oriented design which reduces the dependency of personal automobiles; and

WHEREAS, Agency Staff has recommended certification of the Placer County Redevelopment Agency Moderate-income Housing Program Plan; and

WHEREAS, said Plan does not supersede any provision of the Regional Plan Package documents; and

NOW THEREFORE BE IT RESOLVED, by the Governing Board of the Tahoe Regional Planning Agency, in consideration of these premises, the Placer County Redevelopment Agency Moderate-income Housing Program Plan is certified.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held July 27, 2005, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

____________________________________
Tim Smith, Chairman
TRPA Governing Board
PLACER COUNTY
REDEVELOPMENT AGENCY

MODERATE-INCOME HOUSING PROGRAM PLAN

For Presentation to the Tahoe Regional Planning Agency Advisory Planning Committee
July 13, 2005
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   2.1 Moderate-Income Housing
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   4.1 Placer County Housing Element
   4.2 Affordable Housing Covenant
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   5.1 Bonus Units
   5.2 Development Allocations

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   6.2 Multi-Family Rental Development Projects
   6.3 Home Ownership Development Projects

7.0 Annual Report
PLACER COUNTY
REDEVELOPMENT AGENCY
MODERATE-INCOME HOUSING PROGRAM PLAN

1.0 INTRODUCTION

The Placer County Board of Supervisors adopted the North Lake Tahoe Redevelopment Area in 1996. Under California Redevelopment Law, 15% of any units developed within a Redevelopment Project Area must be affordable to very low, low and moderate-income households. In 2004 the Tahoe Regional Planning Agency (TRPA) amended its Regional Plan to facilitate the development of new Moderate-Income Housing. This requires the local jurisdiction to submit for certification an adopted Moderate-Income Housing Program Plan to TRPA. Accordingly, what follows describes the policies and programs put in place by the Placer County Redevelopment Agency (Agency) to implement, manage and monitor a Moderate-Income Housing Program Plan.

2.0 DEFINITIONS

2.1 Moderate-Income Housing - Residential housing affordable to households with incomes between 81 and 120 percent of the Median Family Income as determined by the federal Housing and Urban Development (HUD) Department and the State of California, and offered for sale or rental. For 2005, $64,100 for a family of four is median and $76,900 is moderate.

2.2 Resale Restrictions - Recorded covenant that requires that any property purchased under the Agency’s Moderate-Income Housing Plan to maintain affordability, in perpetuity, enforced by the local jurisdiction.

2.3 Transit Oriented Development - Compact development, located within ¼ mile of a transit stop, corridor or transportation improvement; generally with a mix of residential, employment and shopping opportunities oriented to pedestrians without excluding the auto.
3.0 PURPOSE

This Plan addresses and documents the Agency’s moderate-income housing needs and development in conformance with the Placer County Housing Element (see Appendix). Additionally, this Plan identifies the standards by which moderate-income housing projects will be monitored.

4.0 HOUSING POLICIES FRAMING A MODERATE-INCOME HOUSING PLAN

The Redevelopment Agency housing program is guided by the following policy documents that dictate a comprehensive affordable housing program including the development of moderate-income housing stock:

4.1 Placer County Housing Element. The Placer County Housing Element establishes policies and programs to ensure that the County is doing all it can to encourage the provision of safe, decent housing for its current and future residents.

4.2 Affordable Housing Covenant. The Placer County Redevelopment Inclusionary Ordinance, Section 15.65 of the Placer County Code, is intended to comply with Housing Element policies, California Redevelopment Law (Sec. 33000), and the North Lake Tahoe Five-Year Implementation Strategy. The aforementioned are the basis for requirements for new construction under this plan.

4.3 North Lake Tahoe Five-Year Implementation Strategy. California Redevelopment Law, as amended by Assembly Bill 1290, requires that each adopted redevelopment area be subject to an Implementation Strategy that presents, specific goals and objectives of the Agency for the area; specific projects and major expenditures proposed for the next five years; and an explanation of how all of the aforementioned will assist in the elimination of blight and implement affordable housing requirements. This Implementation Strategy must be updated every five years.
5.0 MODERATE-INCOME HOUSING CONSIDERATIONS

5.1 Assignment of Multi-Residential Bonus Units
Pursuant to Chapter 35 of the TRPA Code of Ordinances multi-residential bonus units may be approved for affordable or moderate-income housing projects within the jurisdiction of the Placer County North Lake Tahoe Redevelopment Area, and certified by the TRPA Governing Board.

5.2 Development Allocations
Moderate-income units, available for rental or sale, shall be eligible for development allocations. Additionally, affordable housing projects are exempt from development allocations.

6.0 MODERATE-INCOME HOUSING PLAN STANDARDS

6.1 General – Transit Oriented Development
Moderate-income housing constructed close to public transportation can add to housing affordability by providing lower-cost and accessible housing, and by reducing household transportation expenditures.

Housing development targeted to moderate-income households will be eligible for considerations when it can be shown to be in conformance with the policy indicated above and meets the following standards:

a. For projects consisting of four or more units, the project will be located within one-half mile of a transit route, transit stop, or park n’ride facility; or,

b. The project will be located within one-half mile of a public transportation corridor containing accommodations for future transit operations.

c. Projects shall be located within one-half mile of commercial and employment centers; or,
d. Projects shall be located within one-half mile of government services.

e. Projects qualifying under this program shall be of the appropriate density as determined through environmental review and in a form to promote transit use.

f. Development of three units or less will be exempt from this requirement.

6.2 Multi-Family Rental Developments

Qualifying Criteria:

a. Assisted rental units must have rents not to exceed the greater of 30% of 120% for moderate-income households, minus tenant paid utilities, adjusted for household size.

b. Units must be occupied by households making less than 120% of median income, adjusted for household size.

c. Under an executed agreement, an investor can only increase rents in accordance with increases in County median income as published annually by HUD and the State of California Housing and Community Development Department (HCD).

Standards:

Multi-family rental projects which have received support from the Agency under this program, shall be required to:

a. Meet the qualifying criteria in perpetuity.

b. The owner/developer shall be responsible for selecting tenants upon initial occupancy and upon on-going vacancies, based on management documents. Such documents may include rental or lease agreements, house rules, and maintenance plans, approved by the Agency.

c. Tenant rent levels and incomes will be monitored and re-certified on an annual basis.

d. An owner-investor can sell to another owner-investor who agrees to rent in accordance with an executed agreement.
e. Occupancy reports and certifications are required to be sent to the Agency by the landlord, with follow-up inspections and verifications of insurance.
f. If in non-compliance the household may face eviction and the owner may be pursued using all reasonable and appropriate legal means available to the Agency.
g. Non-compliance by the landlord/owner-investor is subject to foreclosure.

6.3 Homeownership Development Projects

Qualifying Criteria:

a. Projects must involve new construction or major reconstruction that results in additional residential units, as determined by permitting action of the TRPA.
b. Projects must be located in the North Lake Tahoe basin, and be under the jurisdiction of the Agency.
c. Owner occupied housing will be available at affordable cost to moderate-income households, annual housing costs shall not exceed 35% of 120% of area median income, adjusted for family size appropriate to the unit.

Standards:

a. The conditions and restrictions affecting the real property run with the land and will be binding on all parties having or acquiring any right, title or interest, including agents, heirs, mortgagors, and all successors in interest.
b. The owner must agree that reference to the agreement will be inserted in any subsequent deeds and other legal instruments by which the property is conveyed.
c. Recorded covenants require the owner to notify the Agency prior to putting the property up for sale.
d. The Agency has first right of refusal and the unit must be offered to moderate-income households at a price affordable to moderate-income households.
e. If an owner sells the property, conveys title, or pays off the Agency loan in full before the agreement terms expires, the agreement is still binding.

f. Ineligible transfers or occupancy are subject to foreclosure.

6.4 Occupancy
Moderate-income units approved under this program shall be made available to full-time residents only for long-term occupancy or long-term tenancy. All owner-occupant and tenant-occupant units shall be occupied for at least ten (10) months in each 12-month period by owner or tenant. Residential units developed using this program shall not be used for vacation rental purposes.

7.0 ANNUAL REPORT

Each year the owner-occupant must provide the Agency with:

a. A copy of the Homeowner’s Insurance Certification with the Agency listed as additional loss payee.

b. A signed owner-occupant certification.

An annual report on the performance of the Agency’s Moderate-Income Housing Program, will be submitted to TRPA within 45 days from the end of a calendar year. Said report will indicate the:

a. number of moderate-income units developed by rental or ownership classification;

b. location of the units;

c. size of the household;

d. conforming rent levels;

e. conforming price of any initial sales, resales; and,

f. any non-conformity along with remedies taken.
8.0 APPLICABILITY

If there are any inconsistencies between this Plan and the TRPA Regional Plan package, the Regional Plan prevails. Placer County may adopt and enforce an equal or higher requirement applicable to the same subject or regulation in its territory.
MEMORANDUM

July 6, 2005

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject; Notice of Circulation (NOC) and Overview of Shorezone Draft EIS Alternative #6 Supplement; A Density-Based Approach

Proposed Action: TRPA staff is requesting no action at this time. This memo is just providing notice of the public review and comment period for the Lake Tahoe Shorezone Ordinance Amendments Draft Environmental Impact Statement (DEIS), Alternative #6 Supplement. In addition, staff will provide an overview presentation highlighting the elements that make this Alternative different from those in the original DEIS (July 2004). This presentation is meant to be for educational purposes, and staff does not expect to take public comment at this time.

Background: TRPA is required to conduct a 60-day review and comment period for all Environmental Impact Statements it is responsible for. Because the management strategies of Alternative #6 are not entirely within the scope of analysis in the original DEIS, TRPA is required by Article 7 of the Compact, Article 6 of the Rules and Procedures and Chapter 5 of the TRPA Code of Ordinances to circulate the new alternative as a Supplemental Document to the original DEIS. The supplemental document is also required to be circulated for 60-days.

The public can find the document available for their review at the following venues:

- El Dorado County Library, City of South Lake Tahoe Regional Planning Agency
- Placer County Library, Tahoe City
- Placer County Library, Kings Beach
- Washoe County Library, Incline Village
- Douglas County Library, Zephyr Cove
- TRPA Front Counter
- CD of document available at TRPA front counter

Staff does not anticipate public comment on the document at this time because of the little time that the document has been available since its release on July 5, 2005. However, staff will agendize the Draft Alternative #6 supplement for a public hearing at both the August APC and Governing Board meetings. In addition, staff is working on two public workshops for Monday August 8th (afternoon and evening). TRPA staff is also making themselves available to provide presentations to Home Owner Associations and other groups.