TAHOE REGIONAL PLANNING AGENCY

ORDINANCE 2023-___

AN ORDINANCE AMENDING AND ORDINANCE 87-9, AS AMENDED, TO AMEND TRPA'S CODE OF ORDINANCES AND OTHER MATTERS RELATED THERETO

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

Section 1.0 Findings

1.10 The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region.

1.15 The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.

1.20 The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

1.25 Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.

1.30 In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances ("Code").

1.35 Concurrent with this Ordinance, the TRPA Governing Board will approve Ordinance 2023-__, An Ordinance to modify the "achievable" deed restriction category definition to require a local employment component, including changes to Sections 52.3.4 and 90.2; and to allow a second driveway for accessory dwelling units, including changes to Section 34.3.3.

1.40 TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.

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

Section 2.0 Amendment of the TRPA Code of Ordinances

2.10 Ordinance 87-9, as previously amended, is hereby amended as shown in Exhibit 1.

Section 3.0 Interpretation and Severability

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

Section 4.0 Effective Date

4.10 This ordinance shall be effective 60 days after adoption.

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

Ayes:

Nays:

Abstain:

Absent:

_____
Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board

Exhibit 1 – "Achievable" Code Amendments and Minor Code Amendments – draft code changes

Item #1 - Clarification of the Achievable Housing Definition and updates to the Deed-Restriction Compliance Program

Code of Ordinances

52.3.4. Affordable, Moderate, and Achievable ~~Income~~ Housing

All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: *Definitions* shall comply with criteria in Section 52.3.4.A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded to and constructed in each income category, number of bonus units awarded to and constructed in single and multi-family housing developments, location of housing developments, and compliance with the program.

A. Residential bonus units may be awarded to single or multi-family housing developments.

B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.

C. A bonus unit may be used for an accessory dwelling unit as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.

D. The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household ~~income~~ to affordable, moderate, or achievable ~~housing~~ limits set forth in Chapter 90: Definitions, depending on the applicable ~~income level~~deed-restriction type for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to 1/10 of the current cost of a residential unit of use annually for failure to submit the compliance report or comply with these requirements.

E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to a~~n income~~ qualified renter if no longer the occupant, or sell the unit only to a~~n income~~ qualified buyer.

F. A renter household which has had an increase in income or change in circumstances such that they no longer meet the qualifying criteria may remain in the home for up to one year, after

which time the household is required to re-locate if qualifying factors have not been re-established.

~~F~~G**.** The project awarded a residential bonus unit shall be within ½ mile of a designated Town Center; within ½ mile of an existing transit stop or a transit stop that will be existing concurrent with the completion of the project; or located in an area where multi-family dwellings are an allowed or special use.

90.2. OTHER TERMS DEFINED

Achievable Housing
Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria:

1. Have a household~~with an~~ income not in~~s~~ excess of 120 percent of the respective county's area median income (AMI) (moderate income households and below); or

2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District. Full-time equivalency may be confirmed by employer; or
n household~~achievable area median income (AMI) percentage, using the following methodology:~~
~~1. Determine the county's median income where the housing development will be located using income limits for a family of three published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.~~

~~2. Determine the county's median single or multi-family housing price, as applicable, where the housing development will be located using median housing prices published annually by the TRPA.~~

~~3. Divide the median single or multi-family housing price, as applicable, (determine in Step 2) by 3.79 (buying power) to determine the annual income needed to afford an achievable housing unit.~~

~~4. Divide the annual income needed (calculated in Step 3) by the median income (determined in Step 1) to determine the achievable AMI percentage.~~

3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years.

The employment requirement may be waived for accessory dwelling units when the unit is occupied by a family member related by birth, marriage or adoption to the owner of the primary dwelling. TRPA may include asset limits for purchasers of deed-restricted homes.

~~**Example:**~~
~~• Median Single Family or Multi-family Home Price (Step 1) / 3.79 = Annual Income Needed~~

~~Annual Income Needed (Step 3) / HUD County AMI (Step 2) = Achievable AMI Percentage~~

~~• El Dorado Median Multi-family home price of $330,000 / 3.79 = $87,071 Annual Income Needed~~

~~87,071 Annual Income Needed / $65,500 HUD El Dorado AMI = 127% maximum AMI per household to be eligible for an achievable residential bonus unit~~

~~This calculation may be periodically adjusted to reflect changes in the affordability gap between median income and median home price within the Lake Tahoe Basin. Maximum AMI per county per household to be eligible for an achievable bonus unit will be available upon request from TRPA.~~ Achievable housing units shall meet the criteria and restrictions in accordance with~~to~~ Chapter 52: *Bonus Unit Incentive Program*.

Achievable deed-restrictions issued before [the date this code amendment goes into effect] may utilize this definition or the definition of "achievable" in effect from December 20, 2018 to [the date this code amendment goes into effect].

Item #2 – Number of Driveways for ADUs

34.3.3. Numbers of Driveways

Projects generating up to 1,300 vehicle miles travelled shall be served by a single driveway with no more than two points of ingress/egress from the public right-of-way or other access road, except as provided for in subparagraph A, below. Additional or transferred development that generates more than 1,300 vehicle miles travelled shall conform to the ingress/egress provisions necessary to mitigate all transportation and air quality impacts under subsection 65.2.4.

A. ~~A.~~ One accessory dwelling unit may be served by a separate driveway when doing so would result in less environmental disturbance than a single driveway (e.g. sensitive land disturbance, land coverage, tree removal, grading, etc.).