

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2023 – 08

AN ORDINANCE AMENDING ORDINANCE 2019-03, AS AMENDED,
TO AMEND TRPA’S GOALS AND POLICIES 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 In April 2019, the TRPA Governing Board adopted Ordinance 2019-03, superseding portions of Ordinance 87-9 by collecting the environmental threshold standards with the Regional Plan Goals and Policies.

- 1.40 Concurrent with this Ordinance, the TRPA Governing Board will approve Ordinance 2023-___, An Ordinance amending the Code of Ordinances for the Phase 2 Housing Amendments.

- 1.45 It is necessary and desirable to amend TRPA Ordinance 2021-03, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Goals & policies pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact in order to accelerate attainment and ensure maintenance of the threshold standards, as amended.

- 1.50 It is necessary and desirable to amend the TRPA Code of Ordinances (“Code”) to effectuate the amendments to the Goals and Policies pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.55 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.

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

Section 2.0 **Amendment of the TRPA Regional Plan Goals and Policies**

2.10 Ordinance 2021-03, as previously amended, is hereby amended as shown in Attachment C.

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 on December 13, 2023 by the following vote:

Ayes: Ms. Bagwell, Ms. Conrad-Saydah, Ms. Diss, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Nays: Mr. Aguilar

Absent: Ms. Faustinos



Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board

ATTACHMENT C – REGIONAL PLAN AMENDMENTS SUMMARY

Regional Plan Amendments

Section	Rationale	Proposed Code Language <u>(New language shown in red Track Changes)</u>																				
LU-2.11	Amend coverage policies to allow higher than 70% coverage in centers with transfer of coverage.	<p>LU-2.10 Allowed Base Land Coverage for all new projects and activities shall be calculated by applying the Bailey Coefficients, as shown below, to the applicable area within the parcel boundary, or as otherwise set forth in A, B, and C, of this policy.</p> <table border="1" data-bbox="758 578 1772 1105"> <thead> <tr> <th data-bbox="758 578 1373 667">LAND CAPABILITY DISTRICT</th> <th data-bbox="1377 578 1772 667">MAXIMUM ALLOWED LAND COVERAGE</th> </tr> </thead> <tbody> <tr> <td data-bbox="758 670 1373 716">1a</td> <td data-bbox="1377 670 1772 716">1 percent</td> </tr> <tr> <td data-bbox="758 719 1373 764">1b</td> <td data-bbox="1377 719 1772 764">1 percent</td> </tr> <tr> <td data-bbox="758 768 1373 813">1c</td> <td data-bbox="1377 768 1772 813">1 percent</td> </tr> <tr> <td data-bbox="758 816 1373 862">2</td> <td data-bbox="1377 816 1772 862">1 percent</td> </tr> <tr> <td data-bbox="758 865 1373 911">3</td> <td data-bbox="1377 865 1772 911">5 percent</td> </tr> <tr> <td data-bbox="758 914 1373 959">4</td> <td data-bbox="1377 914 1772 959">20 percent</td> </tr> <tr> <td data-bbox="758 963 1373 1008">5</td> <td data-bbox="1377 963 1772 1008">25 percent</td> </tr> <tr> <td data-bbox="758 1011 1373 1057">6</td> <td data-bbox="1377 1011 1772 1057">30 percent</td> </tr> <tr> <td data-bbox="758 1060 1373 1105">7</td> <td data-bbox="1377 1060 1772 1105">30 percent</td> </tr> </tbody> </table> <p data-bbox="787 1141 1898 1383"> A. In the case of subdivisions approved by TRPA in conformance with the coefficients coverages assigned to individual lots shall be the allowed base coverage for those lots. A list of such TRPA-approved subdivisions appears in Attachment 2 B. In the case of existing planned unit developments (PUDs) not in conformance with the coefficients, the coefficients shall apply to the entire project area minus public rights-of-way, and the allowed base coverage shall be apportioned to the individual lots or building sites, and common area facilities. A list of such PUDs appears in Attachment 3 </p>	LAND CAPABILITY DISTRICT	MAXIMUM ALLOWED LAND COVERAGE	1a	1 percent	1b	1 percent	1c	1 percent	2	1 percent	3	5 percent	4	20 percent	5	25 percent	6	30 percent	7	30 percent
LAND CAPABILITY DISTRICT	MAXIMUM ALLOWED LAND COVERAGE																					
1a	1 percent																					
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		<p>C. After December 31, 1988, for vacant residential parcels evaluated under the Individual Parcel Evaluation System (IPES), the allowable base land coverage shall be a function of a parcel's combined score under the IPES criteria for relative erosion hazard and runoff potential as correlated with the above coefficients and applied to the designated evaluation area. The method of calculation of allowed land coverages shall be detailed in the implementing ordinances consistent with the above policy.</p> <p>LU-2.11 The allowed coverage in policy LU-2.10 may be increased by transfer of land coverage within hydrologically related areas up to the limits as set forth in this policy:</p> <p>Special provisions for additional coverage, such as exceptionally long driveways, pervious coverage, public trails and access for the disabled, may also be allowed, Ordinances shall specifically limit and define these programs.</p> <p>Land coverage may be transferred through programs that are further described in the implementation element. Notwithstanding the limitation stated above, land coverage may be transferred across hydrologically related areas when existing hard or soft coverage is transferred and retired from sensitive land transferred to non-sensitive land further than 300 feet from the high water line of Lake Tahoe, or on the landward side of Highways 28 or 89 in the Tahoe City of Kings Beach Town Centers.</p> <p>The intent of the land coverage transfer programs is to allow greater flexibility in the placement of land coverage. Such programs include the use of land banks, lot consolidation, land coverage restoration programs, programs to encourage concentration of development, and transfer programs based on the calculation of land coverage on non-contiguous parcels. The coverage transfer programs allow for coverage over base coverage to be permitted and still be consistent with the soils threshold and Goal LU-2 of this Subelement.</p> <p>A. Single Family Residential: The maximum land coverage allowed (Base + Transfer) on a parcel through a transfer program shall be as set forth below:</p>
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		<p style="text-align: center;"><u>Parcel Size (Square Feet)</u></p> <p style="text-align: center;">0 - 4,000</p> <p style="text-align: center;">4,001 - 9,000</p> <p style="text-align: center;"><u>Parcel Size (Square Feet)</u></p> <p style="text-align: center;">9,001 - 14,000</p> <p style="text-align: center;">14,001 - 16,000</p> <p style="text-align: center;">16,001 - 20,000</p> <p style="text-align: center;">20,001 - 25,000</p> <p style="text-align: center;">25,001 - 30,000</p> <p style="text-align: center;">30,001 - 40,000</p> <p style="text-align: center;">40,001 - 50,000</p> <p style="text-align: center;">50,001 - 70,000</p> <p style="text-align: center;">70,001 - 90,000</p> <p style="text-align: center;">90,001 - 120,000</p> <p style="text-align: center;">120,001 - 150,000</p> <p style="text-align: center;">150,001 - 200,000</p> <p style="text-align: center;">200,001 - 400,000</p>	<p style="text-align: center;"><u>Land Coverage</u></p> <p style="text-align: center;">Base Land Coverage as Set Forth in <i>Policy LU-2.10</i></p> <p style="text-align: center;">1,800 sq. ft.</p> <p style="text-align: center;"><u>Land Coverage</u></p> <p style="text-align: center;">20 percent</p> <p style="text-align: center;">2,900 sq. ft.</p> <p style="text-align: center;">3,000 sq. ft.</p> <p style="text-align: center;">3,100 sq. ft.</p> <p style="text-align: center;">3,200 sq. ft.</p> <p style="text-align: center;">3,300 sq. ft.</p> <p style="text-align: center;">3,400 sq. ft.</p> <p style="text-align: center;">3,500 sq. ft.</p> <p style="text-align: center;">3,600 sq. ft.</p> <p style="text-align: center;">3,700 sq. ft.</p> <p style="text-align: center;">3,800 sq. ft.</p> <p style="text-align: center;">3,900 sq. ft.</p> <p style="text-align: center;">4,000 sq. ft.</p> <p>For lots in planned unit developments, the maximum coverage allowed (Base + Transfer) shall be up to 100 percent of the proposed building envelope but shall not exceed 2,500 square feet. Lots in subdivisions with TRPA-approved transfer programs may be permitted the coverage specified by that approval.</p> <p>B. <u>Facilities in Centers:</u> Except as provided in Subsections A, F, I, J, and K, <u>and L</u> of this Policy, the maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 70 percent of the land in capability districts 4 - 7, provided such parcel is within a Center of a Conforming Area Plan. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed shall be at a ratio of 1:1 for coverage</p>
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		<p>transfers from sensitive lands. For transfer of coverage from non-sensitive lands, coverage shall be transferred at a gradually increasing ratio from 1:1 to 2:1, as further specified in the Code of Ordinances.</p> <p>C. Commercial and Mixed Use Facilities in a Community Plan: The maximum coverage (Base + Transfer) allowed on an existing undeveloped parcel through a transfer program, shall be 70 percent of the land in capability districts 4 - 7, provided the parcel is within an approved community plan. For existing developed parcels, the maximum land coverage allowed is 50 percent. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed, shall be at a ratio of 1:1 for coverage transfers from sensitive lands. For coverage transfers from non-sensitive lands, coverage shall be transferred at a gradually increasing ratio from 1:1 to 2:1, as further specified in the Code of Ordinances.</p> <p>D. Tourist Accommodation Facilities, Multi-Residential Facilities of 5 Units or More, Public Service Facilities, and Recreational Facilities in a Community Plan: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 50 percent of the land in capability districts 4 - 7, provided such parcel is within an approved community plan. The coverage transfer ratio to increase coverage from the base coverage to 50 percent shall be at a ratio of 1:1.</p> <p>E. Other Multi-Residential Facilities: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer of coverage programs shall be the amounts set forth in Subsection A, above, <u>except for residential developments made up of deed-restricted affordable, moderate, or achievable housing.</u></p> <p>F. Linear Public Facilities and Public Health and Safety Facilities: Such public facilities defined by ordinance and whose nature requires special consideration, are limited to transferring the minimum coverage needed to achieve their public purpose.</p> <p>G. Public Service Facilities Outside a Community Plan or Center: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 50 percent land coverage provided TRPA determines there is a demonstrated need and requirement to locate such a facility outside a Community Plan or Center, and there is no feasible alternative which would reduce land coverage.</p>
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HS-3.1	New Regional Plan language for deed-	HS-3.1 TRPA shall regularly review its policies and regulations to remove identified barriers preventing the construction of necessary affordable housing in the region. TRPA staff will work

	<p>restricted affordable, moderate, and achievable housing with local option for differing standards when housing need can be achieved</p>	<p>with local jurisdictions to address issues including, but not limited to, workforce, <u>affordable</u> and moderate-income housing, <u>accessory dwelling</u> units and long-term residency in motel units in accordance with the timeline outlined in the implementation element. <u>Due to the challenges of building affordable and workforce housing in the Tahoe Basin, TRPA and/or the local jurisdictions shall set density, height, and parking standards to promote projects that include deed-restricted affordable, moderate, and achievable housing units through the following options:</u></p> <p>A. <u>TRPA shall adopt development standards to promote 100% deed-restricted affordable, moderate and achievable housing that supersede local jurisdiction's standards, including in approved area plans (as set forth in TRPA Code section 13.6.7), and TRPA plan area statements and community plans; or</u></p> <p>B. <u>Local jurisdictions may propose within an area plan, alternative development standards for deed-restricted affordable, moderate or achievable housing that adjust TRPA's standards if the jurisdiction demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction. These alternatives may include, but are not limited to, an approved inclusionary housing ordinance, zoning additional areas for multi-family housing, providing donated land or other public subsidies, or installation of area-wide stormwater systems in preferred affordable and workforce housing locations.</u></p>
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