

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2024-04

AN AMENDMENT TO ORDINANCE NO. 87-9, AS AMENDED, TO AMEND THE TRPA CODE OF ORDINANCES, CHAPTERS 2, 13, 21, 22, 30, 34, 36, 37, 39, AND 90 REGARDING STANDARDS FOR CLIMATE RESILIENCE, DARK SKY PRESERVATION, AFFORDABLE HOUSING REQUIREMENTS FOR CONDOMINIUMS, AND DESIGN STANDARDS FOR MIXED-USE DEVELOPMENT.

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

Section 1.00 Findings

- 1.10 It is desirable to amend TRPA Ordinance 87-9, as previously amended, by amending the TRPA Code of Ordinances to further implement the Regional Plan pursuant to Article VI (a) and other provisions of the Tahoe Planning Compact.
- 1.20 The TRPA Code of Ordinances amendments were the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The TRPA Code of Ordinances amendments have been determined not to have a significant effect on the environment and are therefore exempt from the requirement of an Environmental Impact Statement (EIS) pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC), Regional Plan Committee (RPC), and Governing Board have each conducted a noticed public hearing on the proposed TRPA Code of Ordinances amendments. The APC and RPC have recommended Governing Board adoption of the necessary findings and adopting ordinance. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.40 The Governing Board finds that the TRPA Code of Ordinances amendments adopted hereby will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V (c) of the Compact.
- 1.50 Prior to the adoption of this ordinance, the Governing Board made findings required by Section 4.6 of the TRPA Code of Ordinances, and Article V (g) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 TRPA Code of Ordinances Amendments

Ordinance 87-9, as previously amended, is hereby amended by amending Chapters 2, 13, 21, 22, 30, 34, 36, 37,39, and 90 of the TRPA Code of Ordinances, as set forth in Exhibits A, B, and C to this Ordinance.

Section 3.00 Interpretation and Severability

The provisions of this ordinance amending the TRPA Code of Ordinances adopted hereby shall be liberally construed to affect their purposes. If any section, clause, provision, or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan Package are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this ordinance amending the TRPA Code of Ordinances shall become effective sixty (60) days following adoption of this ordinance.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on June 26, 2024, by the following vote:

Ayes: Mr. Bass, Ms. Aldean, Ms. Conrad-Saydah, Mr. Aguilar, Ms. Faustinos, Ms. Hill, Mr. Rice, Mr. Ferry, Mr. Settelmeyer, Ms. Leumer, Ms. Gustafson

Nays: None

Abstentions: None

Absent: Mr. Hoenigman and Ms. Williamson



Cindy Gustafson, Chair
Tahoe Regional Planning Agency,
Governing Board

Attachment B: Proposed Code Amendment Language

30.4.2.B.5 Affordable, Moderate, and Achievable Housing outside Centers

The maximum land coverage allowed on a parcel for multi-residential developments, mixed-use developments with a residential component as described in subsection 36.13, or accessory dwelling units, provided they are 100 percent deed-restricted affordable, moderate, or achievable and utilize bonus units, shall be limited to 70 percent of the project area that is located within Land Capability Districts 4 through 7, subject to the following standards:

- a. All runoff from the project area must be treated by a stormwater collection and treatment system ~~if a system is available for the project area~~. The stormwater collection and treatment system must meet applicable TRPA requirements; ~~and~~ a county or city, a utility, a community service or improvement district, or similar public entity with a sustainable funding source must assume perpetual responsibility for operation and maintenance; and the system must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located), as required to be included as a component of the TMDL pollutant load reduction measures credited to the entity or entities where the system is located. ~~or~~
- b. To transfer in coverage above the base allowable coverage, the project shall not construct any parking spaces above the parking minimums set by local or state standards, except when required to meet Americans with Disabilities Act requirements or to provide parking for bicycles.
- c. The project is exempt from the density maximums per section 31.4.1.A and subject to the parking standards specified in Section 34.4.1, unless an area plan specifies alternative standards per Section 13.5.3.I.C.1.
- d. The additional coverage for accessory dwelling units is limited to 1,200 square feet or 70 percent of the project area, whichever is less, that is located within Land Capability Districts 4 through 7 or on parcels that are buildable based on their IPES score. Additional land coverage shall be used only for the accessory dwelling unit, and includes decks and walkways associated with the accessory dwelling unit. This coverage shall not be used for parking.

30.4.2.B.6 Stormwater Collection and Treatment Systems for Affordable, Moderate, and Achievable Housing

Multi-residential developments, mixed-use developments with a residential component, as described in subsection 36.13, or accessory dwelling units, provided the units are 100 percent deed-restricted affordable, moderate, and achievable, utilize bonus units and are located in Land Capability Districts 4 through 7 and within an approved area plan, may increase maximum land coverage above 70 percent in centers, subject to the following standards:

- a. All runoff from the project area must be treated by a stormwater collection and treatment system ~~if a system is available for the project area~~. The stormwater collection and treatment system must meet applicable TRPA requirements; ~~and~~ a county or city, a utility, a community service or improvement district, or similar public entity with a sustainable funding source must assume perpetual responsibility for operation and maintenance; and

the system must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located), as required to be included as a component of the TMDL pollutant load reduction measures credited to the entity or entities where the system is located.

- b. To transfer in coverage above 70 percent, the project shall not construct any parking spaces above the parking minimums set by local or state standards, except when required to meet Americans with Disabilities Act requirements or to provide parking for bicycles.
- c. The project is exempt from the density maximums per section 31.4.1.A and the parking minimums per Section 34.4.1, unless an area plan specifies alternative standards per Section 13.5.3.I.C.1.

52.3.1. Assignment of Bonus Units

A maximum of 1,400 residential bonus units may be approved by TRPA pursuant to this section. Residential bonus units may be made available to affordable, moderate, and achievable-income single and multi-family housing projects subject to the criteria in subsection 52.3.4 below. ~~Eight hundred and forty three~~Five-hundred sixty-two (562) (843) of the 1,124, or ~~three quarters~~one half, of the remaining as of December 24, 2018, residential bonus units from the TRPA pool, whichever is less, shall be used for affordable ~~or moderate-income~~ housing units; ~~the remaining~~ 281, or one quarter of the remaining, residential bonus units from the TRPA pool, whichever is less, shall be used for affordable or moderate income housing units; and 281, or one quarter of the remaining residential bonus units from the TRPA pool, whichever is less, may be used for affordable, moderate-income, or achievable housing units.