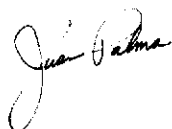


TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

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 September 11, 2002, at the Horizon Casino Resort, U.S. Highway 50, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

August 30, 2002.



Juan Palma
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Horizon Casino Resort
U. S. Highway 50
Stateline, Nevada 89448

September 11, 2002
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS (No Action)

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

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

- IV. DISPOSITION OF MINUTES
- V. PUBLIC HEARINGS

- A. A Resolution to Approve the Tahoe Yellow Cress Conservation Strategy Pg. 1
- B. Addition of a New policy to the Vegetation Sub-Element to the Goals and Policies Pertaining to the Encouragement of Tahoe Yellow Cress Stewardship on Private Lands Pg. 11
- C. Amendment to the TRPA Code of Ordinances Chapter 33 and Goals & Policies Chapter VII Amendments to Allow for Residential, Commercial and TAU's Allocations Through 2006 Pg. 19
- D. Amendment to the TRPA Code of Ordinances Chapter 35 to Allow the Substitution of Bonus Units for Existing Deed Restricted Affordable Housing Units Pg. 63
- E. Amendment to the City of South Lake Tahoe Standard-Guidelines-Signage Relating to Sign Enforcement in the City and Signage in the Stateline Redevelopment Area Pg. 69

VI. Reports

A. Executive Director

1. Report on Governing Board Actions Relative
to APC Recommendations

B. Legal Counsel

C. APC Members

VII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada
www.trpa.org

P.O.Box 1038
Zephyr Cove, Nevada 89448-1038

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

September 3, 2002

To: Advisory Planning Commission

From: TRPA Staff

Subject: August 14, 2002 Advisory Planning Commission Meeting Minutes

The August 14, 2002, Advisory Planning Commission Meeting minutes will be mailed under separate cover.

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada
www.trpa.org

P.O.Box 1038
Zephyr Cove, Nevada 89448-1038

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

September 3, 2002

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: An MOU to Participate in the Tahoe Yellow Cress Conservation Strategy

Proposed Action: The Executive Director proposes to sign a Memorandum of Understanding between other partners for the Conservation Strategy for Tahoe Yellow Cress. (The MOU is found at the back of the enclosed Conservation Strategy.)

Staff Recommendation: Staff recommends the APC conduct the public hearing as noticed and make a recommendation for the Governing Board to authorize the Executive Director to sign the Tahoe Yellow Cress Conservation Strategy MOU.

Background: Tahoe Yellow Cress (TYC) is a TRPA Threshold species identified in the third vegetation threshold. As discussed in the 2001 Threshold Evaluation, this species is not in attainment. The plant is listed as endangered in California, and critically imperiled in Nevada. The US Fish and Wildlife Service is considering listing this species as endangered, but is awaiting the outcome of implementing this conservation strategy. The California State Lands Commission attempted to develop a conservation strategy in 1998, but the effort was not ratified.

TRPA has been leading the effort to develop a conservation management strategy to save this species. Staff presented its approach to develop the strategy to the APC in the spring of 2001. There have been two public comment periods, and four public meetings on the strategy. Notice of the USFS intent to sign the strategy was placed in the Notice of Federal Register.

This strategy was developed in full consensus by the executive committee in charge. The following entities have agreed to sign the MOU:

Tahoe Regional Planning Agency
U.S. Fish & Wildlife Service
U.S. Forest Service
Nevada Division of Forestry
Nevada Division of State Lands
Nevada Division of State Parks
Nevada Natural Heritage Program

California State Lands Commission
California Department of Fish & Game
California Department of Parks & Recreation
California Tahoe Conservancy
Tahoe Lakefront Owners' Association
League to Save Lake Tahoe

Discussion: TRPA has prohibited adverse impacts to TYC from the beginning of the Regional Plan. The strategy is a vehicle for the coordination of conservation efforts and an adaptive management strategy for future management. This strategy increases conservation efforts into adding regulation related to TYC, and does not radically change how a project is permitted. Important to the strategy is the encouragement of private landowners to become stewards of TYC.

Other key elements of the strategy include the most current understanding of the biology of this species, a listing of each agency's policies for TYC, clear conservation goals and objectives, and a monitoring program.

Effect on TRPA Work Program: Should TRPA become a signatory to the Conservation strategy, the level of effort by TRPA staff would be slightly less than the effort required to develop the strategy. The existing level of effort would be required for the review of projects.

Environmental Documentation: Although this action would not require environmental documentation, staff has prepared an Initial Environmental Checklist (IEC). No significant impacts were identified.

Staff will provide a brief presentation at the hearing. Please contact Gerald Dion at 775-588-4547, or via email at jdion@trpa.org, if you have any comments regarding this item.

Enclosure: MOU and Conservation Strategy for Tahoe Yellow Cress (*Rorippa Subumbellata*)

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada
www.trpa.org

P.O.Box 1038
Zephyr Cove, Nevada 89448-1038

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

September 3, 2002

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Addition of a New policy to the Vegetation Sub-Element to the Goals and Policies Pertaining to the Encouragement of Tahoe Yellow Cress Stewardship on Private Lands

Proposed Action: TRPA staff proposes to add a new policy to the Vegetation Subelement of the Goals and Policies' Conservation Element. This new policy is focused on encouraging stewardship for Tahoe Yellow Cress on private lands (see Exhibit 1 for proposed language changes).

Staff Recommendation: Staff recommends the APC conduct the public hearing as noticed and recommend approval to the Governing Board to adopt a new policy to the Goals and Policies; Vegetation Subelement, Goal # 3.

Background: Tahoe Yellow Cress (TYC) is a TRPA sensitive species listed within the third vegetation threshold, *Sensitive Plants*. This species was not considered in attainment in the 2001, 1996, and 1991 Threshold Evaluations. A conservation strategy to coordinate the conservation efforts of multiple agencies has been developed (see staff summary for Agenda Item V.A).

Within the strategy the critical importance of TYC on private lands was acknowledged. The key element of conservation on private lands is fostering stewardship. A stewardship group will be developed in the future to help landowners manage TYC. The proposed policy provides guidance to TRPA to focus on overcoming some of the barriers to private land stewardship.

Discussion: Some of the barriers to private stewardship are addressed in the Conservation Strategy for Tahoe Yellow Cress (August, 2002). The three main barriers discussed are: fear of regulation, lack of awareness of TYC, and the timing of the project review process. The proposed policy directs TRPA to provide education and technical assistance to private landowners, and to work to streamline the project review process within the adaptive management process outline within the Conservation Strategy.

Adoption of this proposed policy will help convey to the private lakeshore owners that TRPA is focused on conserving TYC not only through existing regulation, but also by helping them manage the species and reducing the barriers to stewardship.

Effect on TRPA Work Program: This new policy is not expected to have a significant impact on the TRPA work program. Currently, Project Review staff conducts field inspections for TYC and Compliance staff assures that TYC is not harmed during construction. A small amount of additional staff time may be spent in helping landowners develop stewardship programs. Ensuring private landowner assistance would be the responsibility of Long Range Planning staff.

Findings: Prior to amending the TRPA Goals and Policies, TRPA must make the following findings.

A. Chapter 6 Findings

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code, and other TRPA plans and programs.

Rationale: TRPA has already identified TYC as a sensitive species. Its protection and management are currently found in existing code Section 75.2, identified within Plan Areas historically providing habitat for TYC, within the Goals and Policies, and the threshold sites are mapped on the vegetation threshold map.

The Memorandum of Understanding between the entities party to the Conservation Strategy is designed to help with the cooperative management of this species. Through an adaptive management program TRPA will, with the help of its MOU partners, continually improve the management of TYC. One of these improvements is to focus on encouraging stewardship on private lands.

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

Rationale: The proposed policy is intended to help achieve the third vegetation threshold for Tahoe yellow cress. By encouraging the management of TYC on private lands the total population of TYC could increase and third vegetation threshold could be achieved.

3. Finding: Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: TYC is listed as an endangered species in California and critically imperiled in Nevada. The US Fish and Wildlife Service is considering listing this species as endangered, but is awaiting the outcome of the Conservation Strategy for Tahoe Yellow Cress. However, TRPA's standards are the strictest for

protection for this species. This new policy would help in the attainment of the third vegetation threshold by facilitating management of TYC on private lands.

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

1. The proposed policy, if successful would allow for more populations of Tahoe Yellow Cress.

Staff will begin this item with a brief presentation. Please contact Gerald Dion at 775-588-4547, or via email at jdion@trpa.org, if you have any comments regarding this item.

Attachments: A. Adopting Ordinance with Exhibit 1, Proposed New Policy

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2002 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING THE VEGETATION SUBELEMENT OF THE GOALS AND POLICIES BY ADDING A NEW POLICY RELATED TO PRIVATE LANDS STEWARDSHIP OF TAHOE YELLOW CRESS.

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

Section 1.00

Findings

- 1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Vegetation Subelement of the Goals and Policies in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 This addition has been determined not to have a significant effect on the environment, and is 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 amendment and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendment. At those hearings, oral testimony and documentary evidence were received and considered.
- 1.40 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact,
- 1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00

Amendment of the Vegetation Subelement of the Goals and Policies

Subsection 6.10, subparagraph (28) of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibit 1, September 25, 2002, which attachment is appended hereto and incorporated herein.

Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendment to the Goals and Policies adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the 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 Vegetation Subelement of the goals and policies shall be effective upon 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 September 25, 2002, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Dean Heller, Chairman
Tahoe Regional Planning Agency

(New text is underlined in blue)

CHAPTER IV CONSERVATION ELEMENT

VEGETATION



Vegetation is integral to the many scenic, wildlife, and recreational amenities in the Lake Tahoe Basin. Vegetation also fulfills many functional roles related to water cleansing, soil stabilization, nutrient catchment and release, air purification, and noise control. The focus of vegetation preservation in the Basin is to protect and maintain these and other attributes.

Strategy direction for preservation of vegetation is guided by the following environmental thresholds:

GOAL #3 CONSERVE THREATENED, ENDANGERED, AND SENSITIVE PLANT SPECIES AND UNCOMMON PLANT COMMUNITIES OF THE LAKE TAHOE BASIN.

A few examples of rare plants and uncommon plant communities can be found in the Lake Tahoe Basin. These resources are a real part of the Basin's natural endowment and need to be protected from indiscriminant loss or destruction. Otherwise, the danger of extinction can become a reality. Direction for preservation is provided by adopted environmental thresholds.

POLICIES

- 1. UNCOMMON PLANT COMMUNITIES SHALL BE IDENTIFIED AND PROTECTED FOR THEIR NATURAL VALUES.**
- 2. THE POPULATION SITES AND CRITICAL HABITAT OF ALL SENSITIVE PLANT SPECIES IN THE LAKE TAHOE BASIN SHALL BE IDENTIFIED AND PRESERVED.**
- 3. THE CONSERVATION STRATEGY FOR TAHOE YELLOW CRESS ON PRIVATE LANDS SHALL FOSTER STEWARDSHIP FOR THIS SPECIES.**

Private lands along with public lands are critical to the conservation of Tahoe yellow cress. TRPA will encourage stewardship by:

- (1) Providing education to landowners;
- (2) Providing technical and planning assistance to landowners with Tahoe yellow cress to develop stewardship plans; and
- (3) Streamlining (through adaptive management) the Tahoe Yellow Cress project review process, while protecting the species and its habitat.

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada
www.trpa.org

P.O.Box 1038
Zephyr Cove, Nevada 89448-1038

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

September 3, 2002

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Addition of a New policy to the Vegetation Sub-Element to the Goals and Policies Pertaining to the Encouragement of Tahoe Yellow Cress Stewardship on Private Lands

Proposed Action: TRPA staff proposes to add a new policy to the Vegetation Subelement of the Goals and Policies' Conservation Element. This new policy is focused on encouraging stewardship for Tahoe Yellow Cress on private lands (see Exhibit 1 for proposed language changes).

Staff Recommendation: Staff recommends the APC conduct the public hearing as noticed and recommend approval to the Governing Board to adopt a new policy to the Goals and Policies; Vegetation Subelement, Goal # 3.

Background: Tahoe Yellow Cress (TYC) is a TRPA sensitive species listed within the third vegetation threshold, *Sensitive Plants*. This species was not considered in attainment in the 2001, 1996, and 1991 Threshold Evaluations. A conservation strategy to coordinate the conservation efforts of multiple agencies has been developed (see staff summary for Agenda Item V.A).

Within the strategy the critical importance of TYC on private lands was acknowledged. The key element of conservation on private lands is fostering stewardship. A stewardship group will be developed in the future to help landowners manage TYC. The proposed policy provides guidance to TRPA to focus on overcoming some of the barriers to private land stewardship.

Discussion: Some of the barriers to private stewardship are addressed in the Conservation Strategy for Tahoe Yellow Cress (August, 2002). The three main barriers discussed are: fear of regulation, lack of awareness of TYC, and the timing of the project review process. The proposed policy directs TRPA to provide education and technical assistance to private landowners, and to work to streamline the project review process within the adaptive management process outline within the Conservation Strategy.

Adoption of this proposed policy will help convey to the private lakeshore owners that TRPA is focused on conserving TYC not only through existing regulation, but also by helping them manage the species and reducing the barriers to stewardship.

Effect on TRPA Work Program: This new policy is not expected to have a significant impact on the TRPA work program. Currently, Project Review staff conducts field inspections for TYC and Compliance staff assures that TYC is not harmed during construction. A small amount of additional staff time may be spent in helping landowners develop stewardship programs. Ensuring private landowner assistance would be the responsibility of Long Range Planning staff.

Findings: Prior to amending the TRPA Goals and Policies, TRPA must make the following findings.

A. Chapter 6 Findings

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code, and other TRPA plans and programs.

Rationale: TRPA has already identified TYC as a sensitive species. Its protection and management are currently found in existing code Section 75.2, identified within Plan Areas historically providing habitat for TYC, within the Goals and Policies, and the threshold sites are mapped on the vegetation threshold map.

The Memorandum of Understanding between the entities party to the Conservation Strategy is designed to help with the cooperative management of this species. Through an adaptive management program TRPA will, with the help of its MOU partners, continually improve the management of TYC. One of these improvements is to focus on encouraging stewardship on private lands.

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

Rationale: The proposed policy is intended to help achieve the third vegetation threshold for Tahoe yellow cress. By encouraging the management of TYC on private lands the total population of TYC could increase and third vegetation threshold could be achieved.

3. Finding: Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: TYC is listed as an endangered species in California and critically imperiled in Nevada. The US Fish and Wildlife Service is considering listing this species as endangered, but is awaiting the outcome of the Conservation Strategy for Tahoe Yellow Cress. However, TRPA's standards are the strictest for

protection for this species. This new policy would help in the attainment of the third vegetation threshold by facilitating management of TYC on private lands.

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

1. The proposed policy, if successful would allow for more populations of Tahoe Yellow Cress.

Staff will begin this item with a brief presentation. Please contact Gerald Dion at 775-588-4547, or via email at jdion@trpa.org, if you have any comments regarding this item.

Attachments: A. Adopting Ordinance with Exhibit 1, Proposed New Policy

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2002 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING THE VEGETATION SUBELEMENT OF THE GOALS AND POLICIES BY ADDING A NEW POLICY RELATED TO PRIVATE LANDS STEWARDSHIP OF TAHOE YELLOW CRESS.

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

Section 1.00

Findings

- 1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Vegetation Subelement of the Goals and Policies in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 This addition has been determined not to have a significant effect on the environment, and is 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 amendment and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendment. At those hearings, oral testimony and documentary evidence were received and considered.
- 1.40 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact,
- 1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00

Amendment of the Vegetation Subelement of the Goals and Policies

Subsection 6.10, subparagraph (28) of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibit 1, September 25, 2002, which attachment is appended hereto and incorporated herein.

Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendment to the Goals and Policies adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the 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 Vegetation Subelement of the goals and policies shall be effective upon 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 September 25, 2002, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Dean Heller, Chairman
Tahoe Regional Planning Agency

(New text is underlined in blue)

CHAPTER IV CONSERVATION ELEMENT

VEGETATION



Vegetation is integral to the many scenic, wildlife, and recreational amenities in the Lake Tahoe Basin. Vegetation also fulfills many functional roles related to water cleansing, soil stabilization, nutrient catchment and release, air purification, and noise control. The focus of vegetation preservation in the Basin is to protect and maintain these and other attributes.

Strategy direction for preservation of vegetation is guided by the following environmental thresholds:

GOAL #3 CONSERVE THREATENED, ENDANGERED, AND SENSITIVE PLANT SPECIES AND UNCOMMON PLANT COMMUNITIES OF THE LAKE TAHOE BASIN.

A few examples of rare plants and uncommon plant communities can be found in the Lake Tahoe Basin. These resources are a real part of the Basin's natural endowment and need to be protected from indiscriminant loss or destruction. Otherwise, the danger of extinction can become a reality. Direction for preservation is provided by adopted environmental thresholds.

POLICIES

- 1. UNCOMMON PLANT COMMUNITIES SHALL BE IDENTIFIED AND PROTECTED FOR THEIR NATURAL VALUES.**
- 2. THE POPULATION SITES AND CRITICAL HABITAT OF ALL SENSITIVE PLANT SPECIES IN THE LAKE TAHOE BASIN SHALL BE IDENTIFIED AND PRESERVED.**
- 3. THE CONSERVATION STRATEGY FOR TAHOE YELLOW CRESS ON PRIVATE LANDS SHALL FOSTER STEWARDSHIP FOR THIS SPECIES.**

Private lands along with public lands are critical to the conservation of Tahoe yellow cress. TRPA will encourage stewardship by:

- (1) Providing education to landowners;
- (2) Providing technical and planning assistance to landowners with Tahoe yellow cress to develop stewardship plans; and
- (3) Streamlining (through adaptive management) the Tahoe Yellow Cress project review process, while protecting the species and its habitat.

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada
www.trpa.org

P.O.Box 1038
Zephyr Cove, Nevada 89448-1038

Phone: (775) 588-4547
Fax (775) 588-4527
Email: trpa@trpa.org

MEMORANDUM

September 3, 2002

To: TRPA Advisory Planning Division

From: TRPA Staff

Subject: Amendment to the TRPA Code of Ordinances Chapter 33 and Goals & Policies Chapter VII Amendments to Allow for Residential, Commercial and TAU Allocations Through 2006

Proposed Action: Amend Chapter 33 of the Code of Ordinances and Chapter 7 of the Goals and Policies relative to the allocation of additional residential units, commercial floor area (CFA) and tourist accommodation units (TAU).

The proposed amendments to the Code of Ordinances (Code) and Goals and Policies (Goals) to allow for the consideration of additional development are based upon recommendations from the 2001 Threshold Evaluation and are linked to increased efforts for BMP retrofit, EIP implementation and increased transit services, in addition to permit monitoring and compliance. The increase or decrease in efforts relative to these programs would be evaluated based upon performance criteria. The specific Regional Plan elements are as follows:

- Residential Unit, Commercial Floor Area, and Tourist Accommodation Unit Allocations, Code Chapter 33 (see Attachment A, Exhibit 1)
- Goals and Policies, Chapter 7, Implementation Element (see Attachment A, Exhibit 2)

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

Background: In December 2001, TRPA allocated 299 additional Residential allocations (divided among the five jurisdictions) for calendar year 2002. The Regional Plan amendments contemplated by this proposed action are for calendar years 2003 through 2006. The structure of the proposed Code language will establish allocations in the fall of calendar years for the subsequent years' use (Fall of 2002 for 2003 allocations, Fall of 2003 for 2004 allocations, etc.). The establishment of the allocations will be based upon the proposed allocation program elements of Code Chapter 33.

Discussion: During the month of February, TRPA held hearings on the 2001 Threshold Evaluation Report at the APC and Governing Board Meetings. In addition to those workshops, there were two additional public workshops on the Evaluation recommendations on February 20 at the Kings Beach Conference Center and February 28 at the City Council Chambers in South Lake Tahoe. Along with these workshops, TRPA staff sponsored four stakeholder-focused workshops on both North Shore and South Shore. The purpose of these hearings and workshops was to review the documents and

provide input to the TRPA to assist in the preparation of the final documents and Regional Plan amendments. Since discussing this agenda item at the July APC meeting, TRPA has sponsored another round of meetings (five total). The proposal set forth in this summary is a direct result of all of the public input and meetings.

The overall result of these meetings as it relates to the allocation of additional development was agreement that additional development should be linked to:

- Increased efforts in the areas of BMP retrofits
- EIP implementation
- Increased transit services
- Permit monitoring and compliance
- Prior to the release of 2003 allocations, TRPA must take action on a Fertilizer Management Program.

Additionally, the Governing Board adopted the 2001 Threshold Evaluation in July, which, as a policy, provided direction to staff to develop a system that links environmental programs to the allocation of additional development units (residential units, CFA and TAU). Furthermore, the direction was to develop a residential allocation system that ranged from a possible minimum of 78 to a possible maximum of 294 annual residential allocations.

TRPA staff proposes amendments to Code Chapter 33, *Allocation of Development*, and Chapter 7 of the Goals and Policies relative to the allocation of additional development rights. Note that additional discussions and meetings on these proposals between the time of production of this staff summary and the APC meeting may lead to changes that would be presented at the hearing. A brief discussion of the proposed amendments follows:

Residential Unit Allocations, 2003-2006

Staff considers the above bullets, the actual use of allocations, the status of vacant lots (see Attachment B), the existing allocation system, and other factors to develop the proposed system. Starting in 2003 and continuing through 2006 staff is proposing to establish baseline allocations at 150 total residential units divided among the five jurisdictions, with provisions to increase the allocations to a maximum total of 294 per year or reduce to a minimum total of 78 per year, based on local jurisdiction performance in the program areas. The allocation distribution will be established in the fall of 2002 for 2003 and in the fall of 2003 for 2004, and so on until 2006. The Performance Review Committee (PRC), comprised of representatives from the local jurisdictions and TRPA, will rate the performance of the jurisdictions on the proposed program criteria, as has been done previously, and recommend specific allocations to the Governing Board.

The proposed Allocation Performance Table found in Code Chapter 33 is as follows:

Allocation Performance Table

Jurisdiction	Minimum Allocation with Deductions	Deduction Increments (x 4)	Base Allocation	Enhancement Increments (x 8)	Maximum Allocation with Enhancements
Douglas	9	-1	13	1	21
Washoe	13	-3	25	3	49
El Dorado	27	-7	55	7	111
CSLT	11	-3	23	3	47
Placer	18	-4	34	4	66
Total	78		150		294

The proposed performance criteria is based upon the following elements:

1. Permit monitoring and compliance: As has been done for past allocations evaluated by the PRC, each jurisdiction and TRPA shall have residential permit monitoring and compliance audits. An average score of 70% is expected, with many jurisdictions currently scoring near 90%. Jurisdictions receiving scores below 65% shall be incrementally penalized. Jurisdictions scoring above 75% and 90% shall be awarded one and two additional increments, respectively. See subsection 33.2.B (5) (a) of Attachment A, Exhibit 1. The incremental adjustments are jurisdictionally specific as shown in the table above. Refer to Attachment F for the Permit Monitoring and Compliance audit guidelines.
2. EIP Implementation: In an effort to increase the rate of implementation of air and water quality EIP projects, jurisdictions shall be rewarded or penalized for surpassing or failing to meet approved lists of projects and established implementation targets. See subsection 33.2.B(5) (b) and (c) of Attachment A, Exhibit 1. This performance criteria is similar to the existing performance review, however, it has been expanded to include air quality EIP projects. Refer to Attachment G for a sample EIP Implementation evaluation sheet.
3. BMP Retrofit Implementation: In an effort to increase the rate of implementation of BMP retrofit of properties, jurisdictions shall be rewarded or penalized for surpassing or failing approved BMP implementation programs and targets. See subsection 33.2.B (5) (d) and (e) of Attachment A, Exhibit 1. Refer to Attachment H for the Parcel BMP targets.
4. Increase Transit Services: In an effort to increase the level of service for transit operations, jurisdictions shall be rewarded or penalized for surpassing or failing approved Transit Level Of Service (TLOS) targets and increased or decreased funding levels to meet the targets. The TLOS targets are jurisdiction specific although the criteria are common to all. In the development of the Transit Level of Service (TLOS) Matrix, staff reviewed and proposed numerous transit performance indicators and criteria. Staff selected criteria that could be applied across the board and quantified to measure TLOS and performance, because the transit systems operate in different jurisdictions and provide different services. Future allocations will be dependent on the how many of the TLOS criterion increase or decrease and by what percentage. After extensive review of each jurisdictions' transit system performance over the past five years, staff believes the proposed TLOS targets are attainable. With the commitment to increase TLOS, the goal of reducing dependency on the private automobile by providing frequent and dependable transit service within the respective jurisdiction can be realized. An example jurisdiction specific TLOS Criteria Matrix is attached herein as Attachment E. To review the proposed Code language, see subsection 33.2.B (5) (f) and (g) of Attachment A, Exhibit 1.

It is important to note that this proposed allocation methodology is not the only means of procuring a residential allocation. Other means of acquiring an allocation exist for the property owner through the retirement of a sensitive parcel from the allocation rollover pool. Additionally, affordable housing bonus units, transfer of existing units, and conversion of TAUs are all exempt from allocation requirements.

Commercial Floor Area (CFA) Allocations

150,000 square feet of CFA has been held in reserve until completion of the 2001 Threshold Evaluation. The proposed distribution of the 150,000 square feet is as follows.

Staff proposes to allocate 50,000 square feet of CFA for Community Plan reloads according to the apportionment ranking previously established in Code subparagraph 33.3.D (1)(b). The apportionment based upon ranking is as follows:

Ranking	Allocations
1	20,000
2	15,000
3	8,000
4	5,000
5	2,000

The allocation will be distributed as part of the Performance Review process in 2004. See subsection 33.3.D (1) (c) of Attachment A, Exhibit 1.

Staff proposes to allocate 50,000 square feet of CFA for Special Projects, per Code subparagraph 33.3.D (3) of Attachment A, Exhibit 1. To be eligible for a Special Project allocation, the project must score a minimum of 75 out of a total of 100 points based upon the score received from the Special Projects Evaluation Criteria for commercial projects, (see Attachment C) which, among other elements, must contain mitigation above and beyond project mitigation requirements. The distribution will be done as part of the Performance Review process in the spring of 2003.

Staff proposes to allocate the remaining 50,000 CFA for Special Projects, per Code subparagraph 33.3.D (4) of Attachment A, Exhibit 1. To be eligible for this 50,000 square feet of Special Project CFA, the project must score a minimum of 75 out of a total of 100 points based upon the score received from the Special Projects Evaluation Criteria for commercial projects (Attachment C), in accordance with subsection 33.D (3) and when matched by transfers of existing CFA from sensitive lands that have been restored. The distribution will be done as part of the Performance Review process in the spring of 2003.

Tourist Accommodation Unit (TAU) Allocations

The remaining 100 Tourist Accommodation Units (TAU) previously held in reserve until after the completion of the 2001 Threshold Evaluation shall not be immediately allocated. 78 TAUs remain available from the 1996 Threshold Evaluation allocation in addition to numerous privately banked TAUs. These remaining 78 TAUs are still limited to special projects (in accordance with Code subparagraph 33.3.D (3)) and shall only be permitted when matched by transfers of existing units from sensitive lands that have been restored. Additionally, the project must score a minimum of 75 out of a total of 100 points based upon the score received from the Special Projects Evaluation Criteria for TAUs (see Attachment D) . The remaining 100 TAUs shall be allocated upon the use of the 78 TAUs discussed above. See Code subsection 33.4.A (3) of Attachment A, Exhibit 1.

Effect on TRPA Work Program: The continued allocation of development rights will require the processing of residential, commercial and tourist development permits by the Project Review Division, in addition to the processing of various permits by our MOU partners. Should the allocation of development rights cease, there are other means for

development rights to be gained therefore, Project Review staff would still have permits to process, albeit at a reduced rate.

The proposed allocation methodology will require significant annual time commitments from various divisions of the TRPA. Project Review will incur time requirements to manage the annual PRC process. The EIP division will be required to assist in annual EIP project list development and implementation audits. The BMP team will need to spend annual hours in tracking and reporting on BMP Targets. The Transportation division will also spend annual hours in tracking and reporting on TLOS targets.

Environmental Assessment Relation to Proposed Action: In addition to the Required Findings found below, an Environmental Assessment (EA) has been prepared to further analyze the potential environmental effects of continuing the allocation of the three types of development rights, residential, commercial and tourist units. While this summary and the findings below only address staff's proposed allocation methodology implemented through the amendment of Code Chapter 33, the EA further analyzed two other options (one no action alternative, and two alternative methods for residential allocations) and supports the proposed allocation method contained herein. An important note to make, which is not contained herein, is that various mitigation measures have been identified in the EA to ensure that the Environmental Threshold Carrying Capacities are not harmed by the further allocation of development rights.

Required Findings: the following section provides findings for the proposed Regional Plan amendments, Chapter 33 of the Code and Chapter 7 of the Goals and Policies.

Chapter 6 Findings

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code, and other TRPA plans and programs.

Rationale: The amendments to Chapter 33, Allocation of Development, will not adversely affect implementation of the Regional Plan. Staff's proposed amendment is consistent with the Regional Plan and TRPA plans and programs. This amendment furthers the ideals of the EIP by providing incentives to gain additional development allocations by implementing EIP projects at a rate faster than if these incentives were not in place.

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

Rationale: The amendments to Chapter 33, Allocation of Development, will not cause the environmental thresholds to be exceeded. The allocations contemplated for release with this amendment are consistent with the total basin build-out numbers analyzed in the 1987 Regional Plan EIS and further provides incentives aimed at implementing EIP projects at a rate faster than if these incentives were not in place.

3. Finding: Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V (d) of the Compact, the project meets or exceeds such standards.
- Rationale: Any proposal that may come forth due to this provision will be required to meet air and water quality standards as set forth in the TRPA Compact.
4. Finding: The Regional Plan, as amended, achieves and maintains the thresholds.
- Rationale: See findings 1 and 2 above.
5. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.
- Rationale: See findings 1 and 2 above.

Ordinance 87-8 Findings

1. Finding: That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.
- Rationale: See Chapter 6 Findings. The amendment is consistent with the Compact and with attainment or maintenance of the thresholds. The allocations contemplated for release with this amendment are consistent with the total basin build-out numbers analyzed in the 1987 Regional Plan EIS and further provides incentives aimed at implementing EIP projects at a rate faster than if these incentives were not in place.
2. Finding: One or more of the following.
- a) There is demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;
 - b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;
 - c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;
 - d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;
 - e) That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reason:

- 1) The cost of implementation outweighs the environmental gain to be achieved.
 - 2) Implementation will result in unacceptable impacts on public health and safety; or
 - 3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.
- f) That the provision to be amended has shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.

Rationale: Finding d) is the most appropriate. The allocations contemplated for release with this amendment are consistent with the total basin build-out numbers analyzed in the 1987 Regional Plan EIS and further provides incentives aimed at implementing EIP projects at a rate faster than if these incentives were not in place. The past methods of allocation did not do enough to spur the development of environmental infrastructure or research necessary for Threshold attainment, as identified in the EIP.

Environmental Documentation: Staff has completed an Environmental Assessment (EA) and proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 and Ordinance 87-8 findings, the EA and information contained herein.

If you have any questions about this agenda item, please contact Peter Eichar at 775-588-4547 or recreation@trpa.org.

- Attachments:
- A. Adopting Ordinance with Exhibits
 1. Code Chapter 33
 2. Development and Implementation subelement of Chapter 7, Implementation, of the Goals and Policies
 - B. Status of Vacant Lots
 - C. Special Projects Evaluation Criteria – CFA
 - D. Special Projects Evaluation Criteria – TAU
 - E. Example TLOS Criteria Matrix
 - F. Permit Monitoring and Compliance audit guidelines
 - G. Sample EIP project implementation audit guidelines
 - H. BMP Targets

Enclosure: Environmental Assessment: For Amendments to the Code of Ordinances Regarding 2003 – 2006 Residential Allocations and 1997 – 2006 Commercial and Tourist Allocations

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2002 - __

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, TO IMPLEMENT THE 2001 THRESHOLD EVALUATION REPORT; BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; BY AMENDING CHAPTER VII OF THE 1986 GOALS AND POLICIES PLAN; TO AMEND CHAPTER 33 OF THE CODE OF ORDINANCES RELATING TO RESIDENTIAL UNIT ALLOCATIONS, COMMERCIAL FLOOR AREA ALLOCATIONS AND TOURIST ACCOMMODATION UNIT ALLOCATIONS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00

Findings

- 1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Goals and Policies Plan, Chapter 7, and by amending the Code of Ordinance Chapter 33, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.
- 1.40 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact,
- 1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00

Amendment of the Code of Ordinances

2.10

Subsection 6.10, subparagraph (28) of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibit 1, dated September 4, 2002, which attachment is appended hereto and incorporated herein.

Section 3.00

Amendment of Goals and Policies

3.10

Subsection 6.10 of Ordinance 87-9, as amended, does hereby further amend Chapter 7 of the Goals and Policies Plan to add the underlined language and delete the crossed-out language as shown on Exhibit 2, dated September 4, 2002.

Section 4.00

Interpretation and Severability

4.10

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

Section 5.00

Effective Date

5.10

The provisions of this ordinance amending the Goals and Policies, Chapter 7 shall be effective immediately upon adoption. The provisions of this ordinance amending the Code of Ordinances Chapter 33 shall be effective 60 days from date of adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held September 25, 2002, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Dean Heller, Chairman
Tahoe Regional Planning Agency

New language is underlined in blue; language to be deleted is ~~struck out~~ in red.

Chapter 33

ALLOCATION OF DEVELOPMENT

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

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

- (1) Applicable Residential Uses: The following residential uses referred to in Chapter 18 contain residential units: secondary residences; employee housing; mobile home dwellings; multiple family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single family dwellings; and summer homes.
- (2) Definition Of "Additional Residential Unit": Residential unit is defined in Chapter 2. A residential unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1986. The conversion of an existing nonresidential use to a residential use constituting a residential unit is an additional residential unit requiring an allocation under this chapter. The following are not "additional" residential units:
 - (a) The reconstruction or replacement, on the same parcel, of a residential unit legally existing on or approved before January 1, 1986;
 - (b) The reconstruction or replacement, on the same parcel, of a residential unit which was allocated and approved pursuant to this Code;
 - (c) Legally established additions and accessory uses to an existing residential structures, that do not create additional residential dwelling units;
 - (d) A residential unit constructed on a foundation, the use of which is authorized by Chapter 11.
 - (e) The relocation of residential units legally existing on January 1, 1986, other than mobile home dwellings, through a transfer approved by TRPA;
 - (f) The relocation of a legally established mobile home dwelling with existing water, sewer, and electrical services to a mobile home development or to a multi-family dwelling of five units or more, pursuant to a transfer approved by TRPA; or

- (g) An existing, legally established mobile home pad with water, sewer and electrical services, whether or not a mobile home is located thereon.
- (3) Maximum Number Of Units And Distribution Of Allocations Among Jurisdictions: From January 1, ~~1997~~ 2002 to December 31, ~~2002~~ 2006, a maximum of 1,475 ~~4,500~~ additional residential units may be authorized to receive permits for construction. The allocation and distribution of allocations each year shall not exceed the following, except for assignment of allocations from the allocation pool administered by TRPA:

BASE MAXIMUM YEARLY ALLOCATIONS		
YEAR	2002	2003-06
EL Dorado County		111
TTSA	14	
STPUD	78	
City of SLT	38	47
Placer County	88	66
Washoe County	59	49
Douglas County	22	21
Initial Allocation Pool TOTAL	299	294

- (a) A total of 1400 additional multi-residential development rights shall be available for the 20-year life of this Plan as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of this Plan. Multi residential units shall be subject to the foregoing allocation limitations.
- (b) Unused allocations from years prior to 1997 shall not be added to a jurisdiction's successive year's allocations. Unused allocations from 1997 and beyond shall be assigned to the allocation pool.
- (c) Allocations assigned to the City of South Lake Tahoe and the STPUD service area within El Dorado County may be assigned to parcels within either jurisdiction provided the sending jurisdiction approves the reassignment. Such reassignment shall not be considered an allocation transfer.
- (d) Allocations shall not be distributed to a local jurisdiction if TRPA determines, based on reliable facts, that the jurisdiction lacks sufficient water or sewer capacity to serve new residential development. If the jurisdiction demonstrates to TRPA's reasonable satisfaction that there is sufficient capacity, the TRPA shall distribute the affected allocations to the jurisdiction.
- (e) In the event a lack of water and sewage capacity results in an imbalance of allocations to a jurisdiction, a program to recognize the imbalance shall be developed if capacity becomes available.

- (4) Allocation Pool: At the beginning of each year, unused allocations ~~from the previous year~~ or allocations deducted from a jurisdiction, shall be assigned to a allocation pool administered by TRPA.
- ~~(a) TRPA shall initially supply the pool with 100 allocations. The initial allocations shall be replaced by unused or deducted allocations as specified above.~~
- (~~b~~ a) TRPA may assign allocations to parcels throughout the Region providing the recipient retires a sensitive parcel within the Region.
- (~~e~~ b) TRPA may assign allocations to jurisdictions that qualify for additional allocations pursuant to the performance review pursuant to subparagraph 33.2.B(5).

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

- (1) Distribution of Annual Allocations: Distribution of allocations for 1993 and beyond shall be by a method or system which permits the participation of parcels with scores below the numerical level defining the top rank in the applicable jurisdiction.
- (a) TRPA shall reserve ten percent of each jurisdiction's annual allocations for distribution to parcels below the IPES line. The reserved allocations shall be distributed by a method of random selection by TRPA. A county or city may elect to distribute the reserved allocations, or may be exempt from the set-aside requirement, provided TRPA finds the substitute system or the city/county distribution system, as the case may be, provides an equal or superior opportunity for participation of parcels below the IPES line.
- (b) Allocations distributed by TRPA under this subsection may either be transferred or returned to TRPA for reissuance to the jurisdiction of origin. Unclaimed reserved allocations after June 1, shall be given to the appropriate jurisdiction for issuance.
- (c) A complete application for transfer of a reserved allocation shall be filed no later than June 1 of the year it was distributed.
- (d) Upon transfer of a reserved allocation, a complete application for an additional residential unit shall be filed no later than December 31, of the year in which it was distributed. Failure to submit a complete application for a transfer by June 1, of the year in which it was distributed, or to file a complete application for a new residential unit by December 31, of the year in which it was distributed, shall result in the forfeiture of the allocation to the jurisdiction of origin.
- (2) Distribution of the Allocation Pool: TRPA shall distribute allocations from the allocation pool as follows: